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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 7.11, 7.13, 7.44, 11.904, 11.908, 15.0395, 20.23, 26.021,
4 26.32, 30.071, 35.05, 39.0132, 92.05, 99.012, 106.023,
5 106.0706, 112.324, 120.545, 121.051, 121.091, 121.121,
6 121.4501, 124.01, 125.901, 159.804, 163.06, 163.3182,
7 163.32465, 163.430, 166.271, 171.071, 171.205, 190.005,
8 192.0105, 198.13, 200.001, 202.20, 212.08, 215.555,
9 215.5586, 218.415, 222.25, 250.83, 253.033, 253.034,
10 257.38, 258.001, 258.11, 258.12, 258.39, 258.397,
11 286.0111, 288.0655, 288.1223, 288.1254, 288.8175,
12 288.9015, 288.90151, 288.9551, 288.975, 316.003, 320.0805,
13 322.34, 323.001, 328.07, 337.0261, 338.231, 339.175,
14 343.92, 348.243, 364.02, 367.171, 369.255, 370.142,
15 370.172, 372.09, 373.026, 373.073, 373.1501, 373.1502,
16 373.1961, 373.414, 373.4211, 373.4592, 373.4595, 373.470,
17 373.472, 376.308, 377.42, 381.0273, 381.0404, 381.92,
18 383.412, 390.012, 390.014, 390.018, 393.23, 395.402,
19 400.063, 400.0712, 400.506, 400.995, 403.031, 403.201,
20 403.707, 403.890, 403.8911, 403.973, 408.032, 409.166,
21 409.1677, 409.25661, 413.271, 420.5095, 420.9076, 429.35,
22 429.907, 440.3851, 445.004, 446.43, 468.832, 468.8419,
23 468.842, 477.0135, 481.215, 481.313, 487.048, 489.115,
24 489.127, 489.517, 489.531, 497.172, 497.271, 497.466,
25 500.148, 501.022, 501.976, 553.73, 553.791, 610.104,
26 617.0802, 624.316, 627.0628, 627.06292, 627.311, 627.351,
27 627.3511, 627.4133, 627.701, 627.7261, 627.736, 628.461,
28 628.4615, 633.01, 633.025, 660.417, 736.0802, 741.3165,

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29 744.1076, 812.1725, 817.625, 832.062, 921.0022, 932.701,
 30 940.05, 943.0314, 943.32, 943.35, 947.06, 1001.11,
 31 1001.215, 1001.395, 1002.35, 1002.39, 1002.72, 1003.4156,
 32 1003.428, 1004.43, 1004.4472, 1004.55, 1004.76, 1005.38,
 33 1008.25, 1008.345, 1009.01, 1009.24, 1009.98, 1011.48,
 34 1012.61, 1012.875, and 1013.73, F.S.; and reenacting ss.
 35 215.559 and 338.165, F.S.; pursuant to s. 11.242, F.S.;
 36 deleting provisions that have expired, have become
 37 obsolete, have had their effect, have served their
 38 purpose, or have been impliedly repealed or superseded;
 39 replacing incorrect cross-references and citations;
 40 correcting grammatical, typographical, and like errors;
 41 removing inconsistencies, redundancies, and unnecessary
 42 repetition in the statutes; improving the clarity of the
 43 statutes and facilitating their correct interpretation;
 44 and confirming the restoration of provisions
 45 unintentionally omitted from republication in the acts of
 46 the Legislature during the amendatory process; providing
 47 an effective date.

48

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

50

51 Section 1. Section 7.11, Florida Statutes, is amended to
 52 read:

53 7.11 Collier County.--The boundary lines of Collier County
 54 are as follows: Beginning where the north line to township
 55 forty-eight south extended westerly intersects the western
 56 boundary of the State of Florida in the waters of the Gulf of

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57 Mexico; thence easterly on said township line to the northwest
 58 corner of section four of township forty-eight south of range
 59 twenty-five east; thence south to the northwest corner of
 60 section nine of said township and range; thence east to the
 61 eastern boundary line of range twenty-six east; thence north on
 62 said range line to the northwest corner of township forty-seven
 63 south of range twenty-seven east; thence east on the north line
 64 of township forty-seven south to the east line of range twenty-
 65 seven east; thence north on said range line to the north line of
 66 township forty-six south; thence east on the north line of
 67 township forty-six south to the east line of range thirty east;
 68 thence south on said range line to the north line of township
 69 forty-nine south; thence east on the north line of said township
 70 forty-nine south to the east line of range thirty-four east and
 71 the west boundary of Broward County; thence south on said range
 72 line, concurrent with the west boundary of Broward and Miami-
 73 Dade ~~Dade~~ Counties, to the point of intersection with the south
 74 line of township fifty-three south; thence west on the south
 75 line of said township fifty-three south to where that line
 76 extended intersects the western boundary of the State of Florida
 77 in the waters of the Gulf of Mexico; thence northwesterly and
 78 along the waters of said Gulf of Mexico, including the waters of
 79 said gulf within the jurisdiction of the State of Florida, to
 80 the point of beginning.

81 Reviser's note.--Amended to conform to the redesignation of
 82 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 83 Dade County Code.

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84 Section 2. Section 7.13, Florida Statutes, is amended to
 85 read:

86 7.13 Miami-Dade ~~Dade~~ County.--The boundary lines of Miami-
 87 Dade ~~Dade~~ County are as follows: Beginning at the southwest
 88 corner of township fifty-one south, range thirty-five east;
 89 thence east following the south line of township fifty-one
 90 south, across ranges thirty-five, thirty-six, thirty-seven,
 91 thirty-eight, thirty-nine and forty east, to the southwest
 92 corner of township fifty-one south, range forty-one east; thence
 93 north on the range line dividing ranges forty and forty-one east
 94 to the northwest corner of section thirty-one, township fifty-
 95 one south, range forty-one east; thence east on the north
 96 boundary of said section thirty-one and other sections to the
 97 waters of the Atlantic Ocean; thence easterly to the eastern
 98 boundary of the State of Florida; thence southward along the
 99 coast, including the waters of the Atlantic Ocean and the gulf
 100 stream within the jurisdiction of the State of Florida, to a
 101 point on the reefs of Florida immediately opposite the mouth of
 102 Broad Creek (a stream separating Cayo Lago from Old Rhodes Key);
 103 thence in a direct line through the middle of said stream to a
 104 point east of Mud Point, said point being located on the east
 105 line of the west one half of section seven, township fifty-nine
 106 south, range forty east, at a distance of two thousand three
 107 hundred feet, more or less, south of the northeast corner of the
 108 west one half of said section seven being a point on the
 109 existing Miami-Dade ~~Dade~~ County boundary line as established by
 110 s. 7.13; thence run southerly along the east line of the west
 111 one half of said section seven, township fifty-nine south, range

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112 forty east, to a point two thousand feet, more or less, north of
 113 the south line of said section seven; thence run westerly along
 114 a line parallel to the south line of said section seven, through
 115 the open water midway between two islands lying in the west one
 116 half of said section seven to a point on the west line of
 117 section seven, township fifty-nine south, range forty east;
 118 thence run southerly for a distance of two thousand feet, more
 119 or less, to the southwest corner of said section seven; thence
 120 run southerly along the west line of section eighteen, township
 121 fifty-nine south, range forty east, to the southwest corner of
 122 said section eighteen; thence run in a southwesterly direction
 123 along a straight line to the southwest corner of section twenty-
 124 four, township fifty-nine south, range thirty-nine east; thence
 125 run southerly along the east line of section twenty-six,
 126 township fifty-nine south, range thirty-nine east, to the
 127 southeast corner of said section twenty-six; thence run
 128 southerly along the east line of section thirty-five, township
 129 fifty-nine south, range thirty-nine east, to a point of
 130 intersection with a line drawn parallel with the north line of
 131 said section thirty-five and through the open water midway
 132 between Main and Short Key; thence run westerly along a line
 133 parallel to the north line of said section thirty-five, through
 134 the open water midway between Main and Short Key to a point on
 135 the west line of section thirty-five and a point on the east
 136 line of section thirty-four, township fifty-nine south, range
 137 thirty-nine east; thence run southwesterly in a straight line to
 138 the southwest corner of the southeast quarter of said section
 139 thirty-four and the northeast corner of the northwest quarter of

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140 section three, township sixty south, range thirty-nine east;
 141 thence run southerly along the east line of the northwest
 142 quarter of said section three to the southeast corner of the
 143 northwest quarter of said section three; thence run westerly
 144 along the south line of the northwest quarter of said section
 145 three to the southwest corner of the northwest quarter of said
 146 section three; thence run westerly to a point on the northerly
 147 bank of Manatee Creek at the easterly mouth of said Manatee
 148 Creek; thence run westerly meandering the northerly bank of
 149 Manatee Creek to the intersection thereof with the west right-
 150 of-way line of United States Highway No. 1, said right-of-way
 151 line being the east boundary of the Everglades National Park and
 152 said north bank of Manatee Creek being the southerly line of the
 153 mainland of the State of Florida and the existing boundary line
 154 between Miami-Dade ~~Dade~~ County and Monroe County; thence along
 155 the mainland to the range line between ranges thirty-four and
 156 thirty-five east, thence due north on said range line to place
 157 of beginning. However, the boundary lines of Miami-Dade ~~Dade~~
 158 County shall not include the following: Begin at the northwest
 159 corner of section thirty-five, township fifty-one south, range
 160 forty-two east, Miami-Dade ~~Dade~~ County, Florida; thence,
 161 southerly following the west line of section thirty-five,
 162 township fifty-one south, range forty-two east to the
 163 intersection with a line which is two hundred and thirty feet
 164 south of and parallel to the north line of section thirty-five,
 165 township fifty-one south, range forty-two east; thence, easterly
 166 following the line which is two hundred and thirty feet south of
 167 and parallel to the north line of section thirty-five, township

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168 fifty-one south, range forty-two east, to the intersection with
 169 the west boundary line of the Town of Golden Beach; thence,
 170 northerly following the west boundary line of the Town of Golden
 171 Beach to the intersection with the north line of section thirty-
 172 five, township fifty-one south, range forty-two east; thence,
 173 westerly following the north line of section thirty-five,
 174 township fifty-one south, range forty-two east to the point of
 175 beginning.

176 Reviser's note.--Amended to conform to the redesignation of
 177 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 178 Dade County Code.

179 Section 3. Section 7.44, Florida Statutes, is amended to
 180 read:

181 7.44 Monroe County.--So much of the State of Florida as is
 182 situated south of the County of Collier and west or south of the
 183 County of Miami-Dade ~~Dade~~, constitutes the County of Monroe.

184 Reviser's note.--Amended to conform to the redesignation of
 185 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 186 Dade County Code.

187 Section 4. Section 11.904, Florida Statutes, is amended to
 188 read:

189 11.904 Staff.--The Senate and the House of Representatives
 190 may each employ staff to work for the joint committee on matters
 191 related to joint committee activities. The Office of Program
 192 Policy Analysis and Government Accountability shall provide
 193 primary research services as directed by the committee and the
 194 joint committee and assist the committee in conducting the

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195 reviews under s. 11.907 ~~11.910~~. Upon request, the Auditor
 196 General shall assist the committees and the joint committee.

197 Reviser's note.--Amended to improve clarity and facilitate
 198 correct interpretation. Section 11.907 references the
 199 legislative reviews, and s. 11.910 references information
 200 for the reviews.

201 Section 5. Subsection (4) of section 11.908, Florida
 202 Statutes, is amended to read:

203 11.908 Committee duties.--No later than March 1 of the
 204 year in which a state agency or its advisory committees are
 205 scheduled to be reviewed, the committee shall and the joint
 206 committee may:

207 (4) Present to the President of the Senate and the Speaker
 208 of the House of Representatives a report on the agencies and
 209 advisory committees scheduled to be reviewed that year by the
 210 Legislature. In the report, the committee shall include its
 211 specific findings and recommendations regarding the information
 212 considered pursuant to s. 11.910, make recommendations as
 213 described in s. 11.911, and propose legislation as it considers
 214 necessary. In the joint committee report, the joint committee
 215 shall include its specific findings and recommendations
 216 regarding the information considered pursuant to s. 11.910 ~~11.90~~
 217 and make recommendations as described in s. 11.911.

218 Reviser's note.--Amended to confirm substitution by the
 219 editors of a reference to s. 11.910 for a reference to s.
 220 11.90 to conform to context. Section 11.90 relates to the
 221 Legislative Budget Commission; s. 11.910 relates to

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222 information relevant in determining whether a public need
 223 exists for continuation of a state agency.

224 Section 6. Section 15.0395, Florida Statutes, is amended
 225 to read:

226 15.0395 Official festival.--The festival "Calle Ocho-Open
 227 House 8," a Florida historical festival presented annually by
 228 the Kiwanis Club of Little Havana and the Hispanic citizens of
 229 Miami-Dade ~~Dade~~ County, is hereby recognized as a festival of
 230 Florida.

231 Reviser's note.--Amended to conform to the redesignation of
 232 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 233 Dade County Code.

234 Section 7. Paragraph (a) of subsection (4) of section
 235 20.23, Florida Statutes, is amended to read:

236 20.23 Department of Transportation.--There is created a
 237 Department of Transportation which shall be a decentralized
 238 agency.

239 (4) (a) The operations of the department shall be organized
 240 into seven districts, each headed by a district secretary and a
 241 turnpike enterprise, headed by an executive director. The
 242 district secretaries and the turnpike executive director shall
 243 be registered professional engineers in accordance with the
 244 provisions of chapter 471 or, in lieu of professional engineer
 245 registration, a district secretary or turnpike executive
 246 director may hold an advanced degree in an appropriate related
 247 discipline, such as a Master of Business Administration. The
 248 headquarters of the districts shall be located in Polk,
 249 Columbia, Washington, Broward, Volusia, Miami-Dade ~~Dade~~, and

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250 Hillsborough Counties. The headquarters of the turnpike
 251 enterprise shall be located in Orange County. In order to
 252 provide for efficient operations and to expedite the
 253 decisionmaking process, the department shall provide for maximum
 254 decentralization to the districts.

255 Reviser's note.--Amended to conform to the redesignation of
 256 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 257 Dade County Code.

258 Section 8. Subsection (11) of section 26.021, Florida
 259 Statutes, is amended to read:

260 26.021 Judicial circuits; judges.--

261 (11) The eleventh circuit is composed of Miami-Dade ~~Dade~~
 262 County.

263
 264 The judicial nominating commission of each circuit, in
 265 submitting nominations for any vacancy in a judgeship, and the
 266 Governor, in filling any vacancy for a judgeship, shall consider
 267 whether the existing judges within the circuit, together with
 268 potential nominees or appointees, reflect the geographic
 269 distribution of the population within the circuit, the
 270 geographic distribution of the caseload within the circuit, the
 271 racial and ethnic diversity of the population within the
 272 circuit, and the geographic distribution of the racial and
 273 ethnic minority population within the circuit.

274 Reviser's note.--Amended to conform to the redesignation of
 275 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 276 Dade County Code.

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277 Section 9. Section 26.32, Florida Statutes, is amended to
 278 read:

279 26.32 Eleventh Judicial Circuit.--

280

281 SPRING TERM.

282

283 Miami-Dade ~~Dade~~ County, second Tuesday in May.

284

285 FALL TERM.

286

287 Miami-Dade ~~Dade~~ County, second Tuesday in November.

288 Reviser's note.--Amended to conform to the redesignation of
 289 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 290 Dade County Code.

291 Section 10. Paragraph (b) of subsection (1) of section
 292 30.071, Florida Statutes, is amended to read:

293 30.071 Applicability and scope of act.--

294 (1) This act applies to all deputy sheriffs, with the
 295 following exceptions:

296 (b) Deputy sheriffs in a county that, by special act of
 297 the Legislature, local charter, ordinance, or otherwise, has
 298 established a civil or career service system which grants
 299 collective bargaining rights for deputy sheriffs, including, but
 300 not limited to, deputy sheriffs in the following counties:
 301 Broward, Miami-Dade ~~Dade~~, Duval, Escambia, and Volusia.

302 Reviser's note.--Amended to conform to the redesignation of
 303 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 304 Dade County Code.

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305 Section 11. Subsection (1) of section 35.05, Florida
 306 Statutes, is amended to read:

307 35.05 Headquarters.--

308 (1) The headquarters of the First Appellate District shall
 309 be in the Second Judicial Circuit, Tallahassee, Leon County; of
 310 the Second Appellate District in the Tenth Judicial Circuit,
 311 Lakeland, Polk County; of the Third Appellate District in the
 312 Eleventh Judicial Circuit, Miami-Dade ~~Dade~~ County; of the Fourth
 313 Appellate District in the Fifteenth Judicial Circuit, Palm Beach
 314 County; and the Fifth Appellate District in the Seventh Judicial
 315 Circuit, Daytona Beach, Volusia County.

316 Reviser's note.--Amended to conform to the redesignation of
 317 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 318 Dade County Code.

319 Section 12. Paragraph (a) of subsection (4) of section
 320 39.0132, Florida Statutes, is amended to read:

321 39.0132 Oaths, records, and confidential information.--

322 (4)(a)1. All information obtained pursuant to this part in
 323 the discharge of official duty by any judge, employee of the
 324 court, authorized agent of the department, correctional
 325 probation officer, or law enforcement agent is confidential and
 326 exempt from s. 119.07(1) and may not be disclosed to anyone
 327 other than the authorized personnel of the court, the department
 328 and its designees, correctional probation officers, law
 329 enforcement agents, guardian ad litem, and others entitled under
 330 this chapter to receive that information, except upon order of
 331 the court.

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332 2. Any information related to the best interests of a
 333 child, as determined by a guardian ad litem, which is held by a
 334 guardian ad litem, including but not limited to medical, mental
 335 health, substance abuse, child care, education, law enforcement,
 336 court, social services, and financial records; and any other
 337 information maintained by a guardian ad litem which is
 338 identified as confidential information under this chapter; is
 339 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 340 of the State Constitution. Such confidential and exempt
 341 information may not be disclosed to anyone other than the
 342 authorized personnel of the court, the department and its
 343 designees, correctional probation officers, law enforcement
 344 agents, guardians ad litem, and others entitled under this
 345 chapter to receive that information, except upon order of the
 346 court. This subparagraph is subject to the Open Government
 347 Sunset Review Act ~~of 1995~~ in accordance with s. 119.15, and
 348 shall stand repealed on October 2, 2010, unless reviewed and
 349 saved from repeal through reenactment by the Legislature.

350 Reviser's note.--Amended to conform to the renaming of the
 351 "Open Government Sunset Review Act of 1995" as the "Open
 352 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 353 of Florida.

354 Section 13. Section 92.05, Florida Statutes, is amended to
 355 read:

356 92.05 Final judgments and decrees of courts of
 357 record.--All final judgments and decrees heretofore or hereafter
 358 rendered and entered in courts of record of this state, and
 359 certified copies thereof, shall be admissible as prima facie

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360 evidence in the several courts of this state of the entry and
 361 validity of such judgments and decrees. For the purposes of this
 362 section, a court of record shall be taken and construed to mean
 363 any court other than a municipal court or the Metropolitan Court
 364 of Miami-Dade ~~Dade~~ County.

365 Reviser's note.--Amended to conform to the redesignation of
 366 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 367 Dade County Code.

368 Section 14. Subsection (7) of section 99.012, Florida
 369 Statutes, is amended to read:

370 99.012 Restrictions on individuals qualifying for public
 371 office.--

372 (7) Nothing contained in subsection (3) ~~subsections (3)~~
 373 ~~and (4)~~ relates to persons holding any federal office.

374 Reviser's note.--Amended to conform to the repeal of the
 375 referenced s. 99.012(4) by s. 14, ch. 2007-30, Laws of
 376 Florida.

377 Section 15. Subsection (2) of section 106.023, Florida
 378 Statutes, is amended to read:

379 106.023 Statement of candidate.--

380 (2) The execution and filing of the statement of candidate
 381 does not in and of itself create a presumption that any
 382 violation of this chapter or chapter 104 is a willful violation
 383 ~~as defined in s. 106.37.~~

384 Reviser's note.--Amended to conform to the repeal of s.
 385 106.37 by s. 51, ch. 2007-30, Laws of Florida.

386 Section 16. Section 106.0706, Florida Statutes, is amended
 387 to read:

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388 106.0706 Electronic filing of campaign finance reports;
 389 confidentiality of information and draft reports.--All user
 390 identifications and passwords held by the Department of State
 391 pursuant to s. 106.0705 are confidential and exempt from s.
 392 119.07(1) and s. 24(a), Art. I of the State Constitution. All
 393 records, reports, and files stored in the electronic filing
 394 system pursuant to s. 106.0705 are exempt from s. 119.07(1) and
 395 s. 24(a), Art. I of the State Constitution until such time as
 396 the report has been submitted as a filed report. This section is
 397 subject to the Open Government Sunset Review Act ~~of 1995~~ in
 398 accordance with s. 119.15 and shall stand repealed on October 2,
 399 2009, unless reviewed and saved from repeal through reenactment
 400 by the Legislature.

401 Reviser's note.--Amended to conform to the renaming of the
 402 "Open Government Sunset Review Act of 1995" as the "Open
 403 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 404 of Florida.

405 Section 17. Paragraph (b) of subsection (2) of section
 406 112.324, Florida Statutes, is amended to read:

407 112.324 Procedures on complaints of violations; public
 408 records and meeting exemptions.--

409 (2)

410 (b) Paragraph (a) is subject to the Open Government Sunset
 411 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 412 repealed on October 2, 2010, unless reviewed and saved from
 413 repeal through reenactment by the Legislature.

414 Reviser's note.--Amended to conform to the renaming of the
 415 "Open Government Sunset Review Act of 1995" as the "Open

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416 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
417 of Florida.

418 Section 18. Subsection (9) of section 120.545, Florida
419 Statutes, is amended to read:

420 120.545 Committee review of agency rules.--

421 (9) If the committee objects to a proposed or existing
422 rule and the agency refuses to modify, amend, withdraw, or
423 repeal the rule, the committee shall file with the Department of
424 State a notice of the objection, detailing with particularity
425 its objection to the rule. The Department of State shall publish
426 this notice in the Florida Administrative Weekly and shall
427 publish, as a history note to the rule in the Florida
428 Administrative Code, a reference to the committee's objection
429 and to the issue of the Florida Administrative Weekly in which
430 the full text thereof appears.

431 Reviser's note.--Amended to confirm the insertion of the
432 words "Florida Administrative" by the editors to reference
433 the complete name of the publication.

434 Section 19. Paragraph (c) of subsection (2) of section
435 121.051, Florida Statutes, is amended to read:

436 121.051 Participation in the system.--

437 (2) OPTIONAL PARTICIPATION.--

438 (c) Employees of public community colleges or charter
439 technical career centers sponsored by public community colleges,
440 as designated in s. 1000.21(3), who are members of the Regular
441 Class of the Florida Retirement System and who comply with the
442 criteria set forth in this paragraph and in s. 1012.875 may
443 elect, in lieu of participating in the Florida Retirement

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444 System, to withdraw from the Florida Retirement System
 445 altogether and participate in an optional retirement program
 446 provided by the employing agency under s. 1012.875, to be known
 447 as the State Community College System Optional Retirement
 448 Program. Pursuant thereto:

449 1. Through June 30, 2001, the cost to the employer for
 450 such annuity shall equal the normal cost portion of the employer
 451 retirement contribution which would be required if the employee
 452 were a member of the Regular Class defined benefit program, plus
 453 the portion of the contribution rate required by s. 112.364(8)
 454 that would otherwise be assigned to the Retiree Health Insurance
 455 Subsidy Trust Fund. Effective July 1, 2001, each employer shall
 456 contribute on behalf of each participant in the optional program
 457 an amount equal to 10.43 percent of the participant's gross
 458 monthly compensation. The employer shall deduct an amount to
 459 provide for the administration of the optional retirement
 460 program. The employer providing the optional program shall
 461 contribute an additional amount to the Florida Retirement System
 462 Trust Fund equal to the unfunded actuarial accrued liability
 463 portion of the Regular Class contribution rate.

464 2. The decision to participate in such an optional
 465 retirement program shall be irrevocable for as long as the
 466 employee holds a position eligible for participation, except as
 467 provided in subparagraph 3. Any service creditable under the
 468 Florida Retirement System shall be retained after the member
 469 withdraws from the Florida Retirement System; however,
 470 additional service credit in the Florida Retirement System shall
 471 not be earned while a member of the optional retirement program.

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472 3. An employee who has elected to participate in the
 473 optional retirement program shall have one opportunity, at the
 474 employee's discretion, to choose to transfer from the optional
 475 retirement program to the defined benefit program of the Florida
 476 Retirement System or to the Public Employee Optional Retirement
 477 Program, subject to the terms of the applicable optional
 478 retirement program contracts.

479 a. If the employee chooses to move to the Public Employee
 480 Optional Retirement Program, any contributions, interest, and
 481 earnings creditable to the employee under the State Community
 482 College System Optional Retirement Program shall be retained by
 483 the employee in the State Community College System Optional
 484 Retirement Program, and the applicable provisions of s.
 485 121.4501(4) shall govern the election.

486 b. If the employee chooses to move to the defined benefit
 487 program of the Florida Retirement System, the employee shall
 488 receive service credit equal to his or her years of service
 489 under the State Community College System Optional Retirement
 490 Program.

491 (I) The cost for such credit shall be an amount
 492 representing the present value of that employee's accumulated
 493 benefit obligation for the affected period of service. The cost
 494 shall be calculated as if the benefit commencement occurs on the
 495 first date the employee would become eligible for unreduced
 496 benefits, using the discount rate and other relevant actuarial
 497 assumptions that were used to value the Florida Retirement
 498 System defined benefit plan liabilities in the most recent
 499 actuarial valuation. The calculation shall include any service

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500 already maintained under the defined benefit plan in addition to
 501 the years under the State Community College System Optional
 502 Retirement Program. The present value of any service already
 503 maintained under the defined benefit plan shall be applied as a
 504 credit to total cost resulting from the calculation. The
 505 division shall ensure that the transfer sum is prepared using a
 506 formula and methodology certified by an enrolled actuary.

507 (II) The employee must transfer from his or her State
 508 Community College System Optional Retirement Program account and
 509 from other employee moneys as necessary, a sum representing the
 510 present value of that employee's accumulated benefit obligation
 511 immediately following the time of such movement, determined
 512 assuming that attained service equals the sum of service in the
 513 defined benefit program and service in the State Community
 514 College System Optional Retirement Program.

515 4. Participation in the optional retirement program shall
 516 be limited to those employees who satisfy the following
 517 eligibility criteria:

518 a. The employee must be otherwise eligible for membership
 519 or renewed membership in the Regular Class of the Florida
 520 Retirement System, as provided in s. 121.021(11) and (12) or s.
 521 121.122.

522 b. The employee must be employed in a full-time position
 523 classified in the Accounting Manual for Florida's Public
 524 Community Colleges as:

525 (I) Instructional; or

526 (II) Executive Management, Instructional Management, or
 527 Institutional Management, if a community college determines that

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528 recruiting to fill a vacancy in the position is to be conducted
 529 in the national or regional market, and:

530 (A) The duties and responsibilities of the position
 531 include either the formulation, interpretation, or
 532 implementation of policies; or

533 (B) The duties and responsibilities of the position
 534 include the performance of functions that are unique or
 535 specialized within higher education and that frequently involve
 536 the support of the mission of the community college.

537 c. The employee must be employed in a position not
 538 included in the Senior Management Service Class of the Florida
 539 Retirement System, as described in s. 121.055.

540 5. Participants in the program are subject to the same
 541 reemployment limitations, renewed membership provisions, and
 542 forfeiture provisions as are applicable to regular members of
 543 the Florida Retirement System under ss. 121.091(9), 121.122, and
 544 121.091(5), respectively.

545 6. Eligible community college employees shall be
 546 compulsory members of the Florida Retirement System until,
 547 pursuant to the procedures set forth in s. 1012.875, a written
 548 election to withdraw from the Florida Retirement System and to
 549 participate in the State Community College System Optional
 550 Retirement Program is filed with the program administrator and
 551 received by the division.

552 a. Any community college employee whose program
 553 eligibility results from initial employment shall be enrolled in
 554 the State Community College System Optional Retirement Program
 555 retroactive to the first day of eligible employment. The

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556 employer retirement contributions paid through the month of the
 557 employee plan change shall be transferred to the community
 558 college for the employee's optional program account, and,
 559 effective the first day of the next month, the employer shall
 560 pay the applicable contributions based upon subparagraph 1.

561 b. Any community college employee whose program
 562 eligibility results from a change in status due to the
 563 subsequent designation of the employee's position as one of
 564 those specified in subparagraph 4. or due to the employee's
 565 appointment, promotion, transfer, or reclassification to a
 566 position specified in subparagraph 4. shall be enrolled in the
 567 program upon the first day of the first full calendar month that
 568 such change in status becomes effective. The employer retirement
 569 contributions paid from the effective date through the month of
 570 the employee plan change shall be transferred to the community
 571 college for the employee's optional program account, and,
 572 effective the first day of the next month, the employer shall
 573 pay the applicable contributions based upon subparagraph 1.

574 7. Effective July 1, 2003, through December 31, 2008, any
 575 participant of the State Community College System Optional
 576 Retirement Program who has service credit in the defined benefit
 577 plan of the Florida Retirement System for the period between his
 578 or her first eligibility to transfer from the defined benefit
 579 plan to the optional retirement program and the actual date of
 580 transfer may, during his or her employment, elect to transfer to
 581 the optional retirement program a sum representing the present
 582 value of the accumulated benefit obligation under the defined
 583 benefit retirement program for such period of service credit.

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584 Upon such transfer, all such service credit previously earned
 585 under the defined benefit program of the Florida Retirement
 586 System during this period shall be nullified for purposes of
 587 entitlement to a future benefit under the defined benefit
 588 program of the Florida Retirement System.

589 Reviser's note.--Amended to conform to the complete title
 590 of the State Community College System Optional Retirement
 591 Program as referenced in s. 1012.875.

592 Section 20. Paragraph (c) of subsection (1) of section
 593 121.091, Florida Statutes, is amended to read:

594 121.091 Benefits payable under the system.--Benefits may
 595 not be paid under this section unless the member has terminated
 596 employment as provided in s. 121.021(39)(a) or begun
 597 participation in the Deferred Retirement Option Program as
 598 provided in subsection (13), and a proper application has been
 599 filed in the manner prescribed by the department. The department
 600 may cancel an application for retirement benefits when the
 601 member or beneficiary fails to timely provide the information
 602 and documents required by this chapter and the department's
 603 rules. The department shall adopt rules establishing procedures
 604 for application for retirement benefits and for the cancellation
 605 of such application when the required information or documents
 606 are not received.

607 (1) NORMAL RETIREMENT BENEFIT.--Upon attaining his or her
 608 normal retirement date, the member, upon application to the
 609 administrator, shall receive a monthly benefit which shall begin
 610 to accrue on the first day of the month of retirement and be
 611 payable on the last day of that month and each month thereafter

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612 during his or her lifetime. The normal retirement benefit,
 613 including any past or additional retirement credit, may not
 614 exceed 100 percent of the average final compensation. The amount
 615 of monthly benefit shall be calculated as the product of A and
 616 B, subject to the adjustment of C, if applicable, as set forth
 617 below:

618 (c) C is the normal retirement benefit credit brought
 619 forward as of November 30, 1970, by a former member of an
 620 existing system. Such normal retirement benefit credit shall be
 621 determined as the product of X and Y when X is the percentage of
 622 average final compensation which the member would have been
 623 eligible to receive if the member had attained his or her normal
 624 retirement date as of November 30, 1970, all in accordance with
 625 the existing system under which the member is covered on
 626 November 30, 1970, and Y is average final compensation as
 627 defined in s. 121.021(24) ~~121.021(25)~~. However, any member of an
 628 existing retirement system who is eligible to retire and who
 629 does retire, become disabled, or die prior to April 15, 1971,
 630 may have his or her retirement benefits calculated on the basis
 631 of the best 5 of the last 10 years of service.

632 Reviser's note.--Amended to correct an erroneous reference
 633 and conform to context. "Average final compensation" is
 634 defined in s. 121.021(24).

635 Section 21. Subsection (2) of section 121.121, Florida
 636 Statutes, is amended to read:

637 121.121 Authorized leaves of absence.--

638 (2) A member who is required to resign his or her office
 639 as a subordinate officer, deputy sheriff, or police officer

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640 because he or she is a candidate for a public office which is
 641 currently held by his or her superior officer who is also a
 642 candidate for reelection to the same office, in accordance with
 643 s. 99.012(4) ~~99.012(5)~~, shall, upon return to covered
 644 employment, be eligible to purchase retirement credit for the
 645 period between his or her date of resignation and the beginning
 646 of the term of office for which he or she was a candidate as a
 647 leave of absence without pay, as provided in subsection (1).

648 Reviser's note.--Amended to conform to the redesignation of
 649 s. 99.012(5) as s. 99.012(4) by s. 14, ch. 2007-30, Laws of
 650 Florida.

651 Section 22. Paragraph (f) of subsection (2) and paragraph
 652 (a) of subsection (4) of section 121.4501, Florida Statutes, are
 653 amended to read:

654 121.4501 Public Employee Optional Retirement Program.--

655 (2) DEFINITIONS.--As used in this part, the term:

656 (f) "Eligible employee" means an officer or employee, as
 657 defined in s. 121.021(11), who:

658 1. Is a member of, or is eligible for membership in, the
 659 Florida Retirement System, including any renewed member of the
 660 Florida Retirement System; or

661 2. Participates in, or is eligible to participate in, the
 662 Senior Management Service Optional Annuity Program as
 663 established under s. 121.055(6), the State Community College
 664 System Optional Retirement Program as established under s.
 665 121.051(2)(c), or the State University System Optional
 666 Retirement Program established under s. 121.35.

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668 The term does not include any member participating in the
 669 Deferred Retirement Option Program established under s.
 670 121.091(13) or a mandatory participant of the State University
 671 System Optional Retirement Program established under s. 121.35.

672 (4) PARTICIPATION; ENROLLMENT.--

673 (a)1. With respect to an eligible employee who is employed
 674 in a regularly established position on June 1, 2002, by a state
 675 employer:

676 a. Any such employee may elect to participate in the
 677 Public Employee Optional Retirement Program in lieu of retaining
 678 his or her membership in the defined benefit program of the
 679 Florida Retirement System. The election must be made in writing
 680 or by electronic means and must be filed with the third-party
 681 administrator by August 31, 2002, or, in the case of an active
 682 employee who is on a leave of absence on April 1, 2002, by the
 683 last business day of the 5th month following the month the leave
 684 of absence concludes. This election is irrevocable, except as
 685 provided in paragraph (e). Upon making such election, the
 686 employee shall be enrolled as a participant of the Public
 687 Employee Optional Retirement Program, the employee's membership
 688 in the Florida Retirement System shall be governed by the
 689 provisions of this part, and the employee's membership in the
 690 defined benefit program of the Florida Retirement System shall
 691 terminate. The employee's enrollment in the Public Employee
 692 Optional Retirement Program shall be effective the first day of
 693 the month for which a full month's employer contribution is made
 694 to the optional program.

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695 b. Any such employee who fails to elect to participate in
 696 the Public Employee Optional Retirement Program within the
 697 prescribed time period is deemed to have elected to retain
 698 membership in the defined benefit program of the Florida
 699 Retirement System, and the employee's option to elect to
 700 participate in the optional program is forfeited.

701 2. With respect to employees who become eligible to
 702 participate in the Public Employee Optional Retirement Program
 703 by reason of employment in a regularly established position with
 704 a state employer commencing after April 1, 2002:

705 a. Any such employee shall, by default, be enrolled in the
 706 defined benefit retirement program of the Florida Retirement
 707 System at the commencement of employment, and may, by the last
 708 business day of the 5th month following the employee's month of
 709 hire, elect to participate in the Public Employee Optional
 710 Retirement Program. The employee's election must be made in
 711 writing or by electronic means and must be filed with the third-
 712 party administrator. The election to participate in the optional
 713 program is irrevocable, except as provided in paragraph (e).

714 b. If the employee files such election within the
 715 prescribed time period, enrollment in the optional program shall
 716 be effective on the first day of employment. The employer
 717 retirement contributions paid through the month of the employee
 718 plan change shall be transferred to the optional program, and,
 719 effective the first day of the next month, the employer shall
 720 pay the applicable contributions based on the employee
 721 membership class in the optional program.

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722 c. Any such employee who fails to elect to participate in
 723 the Public Employee Optional Retirement Program within the
 724 prescribed time period is deemed to have elected to retain
 725 membership in the defined benefit program of the Florida
 726 Retirement System, and the employee's option to elect to
 727 participate in the optional program is forfeited.

728 3. With respect to employees who become eligible to
 729 participate in the Public Employee Optional Retirement Program
 730 pursuant to s. 121.051(2)(c)3. or s. 121.35(3)(i), any such
 731 employee may elect to participate in the Public Employee
 732 Optional Retirement Program in lieu of retaining his or her
 733 participation in the State Community College System Optional
 734 Retirement Program or the State University System Optional
 735 Retirement Program. The election must be made in writing or by
 736 electronic means and must be filed with the third-party
 737 administrator. This election is irrevocable, except as provided
 738 in paragraph (e). Upon making such election, the employee shall
 739 be enrolled as a participant of the Public Employee Optional
 740 Retirement Program, the employee's membership in the Florida
 741 Retirement System shall be governed by the provisions of this
 742 part, and the employee's participation in the State Community
 743 College System Optional Retirement Program or the State
 744 University System Optional Retirement Program shall terminate.
 745 The employee's enrollment in the Public Employee Optional
 746 Retirement Program shall be effective the first day of the month
 747 for which a full month's employer contribution is made to the
 748 optional program.

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749 4. For purposes of this paragraph, "state employer" means
 750 any agency, board, branch, commission, community college,
 751 department, institution, institution of higher education, or
 752 water management district of the state, which participates in
 753 the Florida Retirement System for the benefit of certain
 754 employees.

755 Reviser's note.--Amended to conform to the complete title
 756 of the State Community College System Optional Retirement
 757 Program as referenced in s. 1012.875.

758 Section 23. Subsection (5) of section 124.01, Florida
 759 Statutes, is amended to read:

760 124.01 Division of counties into districts; county
 761 commissioners.--

762 (5) This section shall not apply to Miami-Dade ~~Dade~~
 763 County.

764 Reviser's note.--Amended to conform to the redesignation of
 765 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 766 Dade County Code.

767 Section 24. Paragraph (b) of subsection (11) of section
 768 125.901, Florida Statutes, is amended to read:

769 125.901 Children's services; independent special district;
 770 council; powers, duties, and functions.--

771 (11)

772 (b) This subsection is subject to the Open Government
 773 Sunset Review Act ~~of 1995~~ in accordance with s. 119.15, and
 774 shall stand repealed on October 2, 2009, unless reviewed and
 775 saved from repeal through reenactment by the Legislature.

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776 Reviser's note.--Amended to conform to the renaming of the
 777 "Open Government Sunset Review Act of 1995" as the "Open
 778 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 779 of Florida.

780 Section 25. Paragraph (b) of subsection (2) of section
 781 159.804, Florida Statutes, is amended to read:

782 159.804 Allocation of state volume limitation.--The
 783 division shall annually determine the amount of private activity
 784 bonds permitted to be issued in this state under the Code and
 785 shall make such information available upon request to any person
 786 or agency. The total amount of private activity bonds authorized
 787 to be issued in this state pursuant to the Code shall be
 788 initially allocated as follows on January 1 of each year:

789 (2)

790 (b) The following regions are established for the purposes
 791 of this allocation:

792 1. Region 1 consisting of Bay, Escambia, Holmes, Okaloosa,
 793 Santa Rosa, Walton, and Washington Counties.

794 2. Region 2 consisting of Calhoun, Franklin, Gadsden,
 795 Gulf, Jackson, Jefferson, Leon, Liberty, and Wakulla Counties.

796 3. Region 3 consisting of Alachua, Bradford, Columbia,
 797 Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee,
 798 Taylor, and Union Counties.

799 4. Region 4 consisting of Baker, Clay, Flagler, Nassau,
 800 Putnam, and St. Johns Counties.

801 5. Region 5 consisting of Citrus, Hernando, Levy, Marion,
 802 Pasco, and Sumter Counties.

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803 6. Region 6 consisting of Lake, Osceola, and Seminole
804 Counties.

805 7. Region 7 consisting of DeSoto, Hardee, Highlands,
806 Manatee, Okeechobee, and Polk Counties.

807 8. Region 8 consisting of Charlotte, Collier, Glades,
808 Hendry, Lee, Monroe, and Sarasota Counties.

809 9. Region 9 consisting of Indian River, Martin, and St.
810 Lucie Counties.

811 10. Region 10 consisting of Broward County.

812 11. Region 11 consisting of Miami-Dade ~~Dade~~ County.

813 12. Region 12 consisting of Duval County.

814 13. Region 13 consisting of Hillsborough County.

815 14. Region 14 consisting of Orange County.

816 15. Region 15 consisting of Palm Beach County.

817 16. Region 16 consisting of Pinellas County.

818 17. Region 17 consisting of Brevard and Volusia Counties.

819 Reviser's note.--Amended to conform to the redesignation of
820 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
821 Dade County Code.

822 Section 26. Paragraph (a) of subsection (2) and paragraph
823 (e) of subsection (3) of section 163.06, Florida Statutes, are
824 amended to read:

825 163.06 Miami River Commission.--

826 (2) The Miami River Commission shall consist of:

827 (a) A policy committee comprised of the Governor, the
828 chair of the Miami-Dade County ~~Dade~~ delegation, the chair of the
829 governing board of the South Florida Water Management District,
830 the Miami-Dade County State Attorney, the Mayor of Miami, the

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831 Mayor of Miami-Dade County, a commissioner of the City of Miami
 832 Commission, a commissioner of the Miami-Dade County Commission,
 833 the chair of the Miami River Marine Group, the chair of the
 834 Marine Council, the Executive Director of the Downtown
 835 Development Authority, and the chair of the Greater Miami
 836 Chamber of Commerce; two neighborhood representatives, selected
 837 from the Spring Garden Neighborhood Association, the Grove Park
 838 Neighborhood Association, and the Miami River Neighborhood
 839 Enhancement Corporation, one neighborhood representative to be
 840 appointed by the city commission and one neighborhood
 841 representative to be appointed by the county commission, each
 842 selected from a list of three names submitted by each such
 843 organization; one representative from an environmental or civic
 844 association, appointed by the Governor; and three members-at-
 845 large, who shall be persons who have a demonstrated history of
 846 involvement on the Miami River through business, residence, or
 847 volunteer activity, one appointed by the Governor, one appointed
 848 by the city commission, and one appointed by the county
 849 commission. All members shall be voting members. The committee
 850 shall also include a member of the United States Congressional
 851 delegation and the Captain of the Port of Miami as a
 852 representative of the United States Coast Guard, as nonvoting,
 853 ex officio members. The policy committee may meet monthly, but
 854 shall meet at least quarterly.

855 (3) The policy committee shall have the following powers
 856 and duties:

857 (e) Publicize a semiannual report describing
 858 accomplishments of the commission and each member agency, as

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859 well as the status of each pending task. The committee shall
 860 distribute the report to the city and county commissions and
 861 mayors, the Governor, chair of the Miami-Dade ~~Dade~~ County
 862 delegation, stakeholders, and the local media.

863 Reviser's note.--Amended to conform to the redesignation of
 864 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 865 Dade County Code.

866 Section 27. Paragraph (d) of subsection (3) of section
 867 163.3182, Florida Statutes, is amended to read:

868 163.3182 Transportation concurrency backlogs.--

869 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG

870 AUTHORITY.--Each transportation concurrency backlog authority
 871 has the powers necessary or convenient to carry out the purposes
 872 of this section, including the following powers in addition to
 873 others granted in this section:

874 (d) To borrow money; to apply for and accept advances,
 875 loans, grants, contributions, and any other forms of financial
 876 assistance from the Federal Government or the state, county, or
 877 any other public body or from any sources, public or private,
 878 for the purposes of this part; to give such security as may be
 879 required; to enter into and carry out contracts or agreements;
 880 and to include in any contracts for financial assistance with
 881 the Federal Government for or with respect to a transportation
 882 concurrency backlog project and related activities such
 883 conditions imposed pursuant to federal laws as the
 884 transportation concurrency backlog authority considers
 885 reasonable and appropriate and which are not inconsistent with
 886 the purposes of this section.

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887 Reviser's note.--Amended to confirm the insertion of the
888 word "to" by the editors.

889 Section 28. Paragraph (a) of subsection (6) of section
890 163.32465, Florida Statutes, is amended to read:

891 163.32465 State review of local comprehensive plans in
892 urban areas.--

893 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
894 PROGRAM.--

895 (a) Any "affected person" as defined in s. 163.3184(1)(a)
896 may file a petition with the Division of Administrative Hearings
897 pursuant to ss. 120.569 and 120.57, with a copy served on the
898 affected local government, to request a formal hearing to
899 challenge whether the amendments are "in compliance" as defined
900 in s. 163.3184(1)(b). This petition must be filed with the
901 Division within 30 days after the local government adopts the
902 amendment. The state land planning agency may intervene in a
903 proceeding instituted by an affected person.

904 Reviser's note.--Amended to confirm the insertion of the
905 word "agency" by the editors.

906 Section 29. Section 163.430, Florida Statutes, is amended
907 to read:

908 163.430 Powers supplemental to existing community
909 redevelopment powers.--The powers conferred upon counties or
910 municipalities by this part shall be supplemental to any
911 community redevelopment powers now being exercised by any county
912 or municipality in accordance with the provisions of any
913 population act, special act, or under the provisions of the home

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914 rule charter for Miami-Dade ~~Dade~~ County, or under the provision
 915 of the charter of the consolidated City of Jacksonville.

916 Reviser's note.--Amended to conform to the redesignation of
 917 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 918 Dade County Code.

919 Section 30. Subsection (1) and paragraph (a) of subsection
 920 (2) of section 166.271, Florida Statutes, are amended to read:

921 166.271 Surcharge on municipal facility parking fees.--

922 (1) The governing authority of any municipality with a
 923 resident population of 200,000 or more, more than 20 percent of
 924 the real property of which is exempt from ad valorem taxes, and
 925 which is located in a county with a population of more than
 926 500,000 may impose and collect, subject to referendum approval
 927 by voters in the municipality, a discretionary per vehicle
 928 surcharge of up to 15 percent of the amount charged for the
 929 sale, lease, or rental of space at parking facilities within the
 930 municipality which are open for use to the general public and
 931 which are not airports, seaports, county administration
 932 buildings, or other projects as defined under ss. 125.011 and
 933 125.015, provided that this surcharge shall not take effect
 934 while any surcharge imposed pursuant to former s. 218.503(6)(a),
 935 is in effect.

936 (2) A municipal governing authority that imposes the
 937 surcharge authorized by this subsection may use the proceeds of
 938 such surcharge for the following purposes only:

939 (a) No less than 60 percent and no more than 80 percent of
 940 surcharge proceeds shall be used to reduce the municipality's ad
 941 valorem tax millage or to reduce or eliminate non-ad valorem

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942 assessments, unless the municipality has previously used the
 943 proceeds from the surcharge levied under former s. 218.503(6)(b)
 944 to reduce the municipality's ad valorem tax millage or to reduce
 945 non-ad valorem assessments.

946 Reviser's note.--Amended to conform to the repeal of s.
 947 218.503(6) by s. 6, ch. 2007-6, Laws of Florida.

948 Section 31. Section 171.071, Florida Statutes, is amended
 949 to read:

950 171.071 Effect in Miami-Dade ~~Dade~~ County.--Municipalities
 951 within the boundaries of Miami-Dade ~~Dade~~ County shall adopt
 952 annexation or contraction ordinances pursuant to methods
 953 established by the home rule charter established pursuant to s.
 954 6(e), Art. VIII of the State Constitution.

955 Reviser's note.--Amended to conform to the redesignation of
 956 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 957 Dade County Code.

958 Section 32. Subsection (2) of section 171.205, Florida
 959 Statutes, is amended to read:

960 171.205 Consent requirements for annexation of land under
 961 this part.--Notwithstanding part I, an interlocal service
 962 boundary agreement may provide a process for annexation
 963 consistent with this section or with part I.

964 (2) If the area to be annexed includes a privately owned
 965 solid waste disposal facility as defined in s. 403.703(33)
 966 ~~403.703(11)~~ which receives municipal solid waste collected
 967 within the jurisdiction of multiple local governments, the
 968 annexing municipality must set forth in its plan the effects
 969 that the annexation of the solid waste disposal facility will

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970 have on the other local governments. The plan must also indicate
 971 that the owner of the affected solid waste disposal facility has
 972 been contacted in writing concerning the annexation, that an
 973 agreement between the annexing municipality and the solid waste
 974 disposal facility to govern the operations of the solid waste
 975 disposal facility if the annexation occurs has been approved,
 976 and that the owner of the solid waste disposal facility does not
 977 object to the proposed annexation.

978 Reviser's note.--Amended to conform to the redesignation of
 979 s. 403.703(11) as s. 403.703(33) by s. 6, ch. 2007-184,
 980 Laws of Florida.

981 Section 33. Paragraph (e) of subsection (2) of section
 982 190.005, Florida Statutes, is amended to read:

983 190.005 Establishment of district.--

984 (2) The exclusive and uniform method for the establishment
 985 of a community development district of less than 1,000 acres in
 986 size shall be pursuant to an ordinance adopted by the county
 987 commission of the county having jurisdiction over the majority
 988 of land in the area in which the district is to be located
 989 granting a petition for the establishment of a community
 990 development district as follows:

991 (e) If all of the land in the area for the proposed
 992 district is within the territorial jurisdiction of a municipal
 993 corporation, then the petition requesting establishment of a
 994 community development district under this act shall be filed by
 995 the petitioner with that particular municipal corporation. In
 996 such event, the duties of the county, hereinabove described, in
 997 action upon the petition shall be the duties of the municipal

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998 corporation. If any of the land area of a proposed district is
 999 within the land area of a municipality, the county commission
 1000 may not create the district without municipal approval. If all
 1001 of the land in the area for the proposed district, even if less
 1002 than 1,000 acres, is within the territorial jurisdiction of two
 1003 or more municipalities, the petition shall be filed with the
 1004 Florida Land and Water Adjudicatory Commission and proceed in
 1005 accordance with subsection (1).

1006 Reviser's note.--Amended to confirm the insertion of the
 1007 word "than" by the editors.

1008 Section 34. Paragraph (c) of subsection (2) of section
 1009 192.0105, Florida Statutes, is amended to read:

1010 192.0105 Taxpayer rights.--There is created a Florida
 1011 Taxpayer's Bill of Rights for property taxes and assessments to
 1012 guarantee that the rights, privacy, and property of the
 1013 taxpayers of this state are adequately safeguarded and protected
 1014 during tax levy, assessment, collection, and enforcement
 1015 processes administered under the revenue laws of this state. The
 1016 Taxpayer's Bill of Rights compiles, in one document, brief but
 1017 comprehensive statements that summarize the rights and
 1018 obligations of the property appraisers, tax collectors, clerks
 1019 of the court, local governing boards, the Department of Revenue,
 1020 and taxpayers. Additional rights afforded to payors of taxes and
 1021 assessments imposed under the revenue laws of this state are
 1022 provided in s. 213.015. The rights afforded taxpayers to assure
 1023 that their privacy and property are safeguarded and protected
 1024 during tax levy, assessment, and collection are available only
 1025 insofar as they are implemented in other parts of the Florida

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1026 Statutes or rules of the Department of Revenue. The rights so
 1027 guaranteed to state taxpayers in the Florida Statutes and the
 1028 departmental rules include:

1029 (2) THE RIGHT TO DUE PROCESS.--

1030 (c) The right to file a petition for exemption or
 1031 agricultural classification with the value adjustment board when
 1032 an application deadline is missed, upon demonstration of
 1033 particular extenuating circumstances for filing late (see ss.
 1034 193.461(3)(a) and 196.011(1), (7), (8), and (9)(d) ~~196.011(1),~~
 1035 ~~(7), (8), and (9)(e)~~).

1036 Reviser's note.--Amended to confirm the substitution by the
 1037 editors of a reference to conform to the redesignation of
 1038 s. 196.011(9)(c) as s. 196.011(9)(d) by s. 2, ch. 2007-36,
 1039 Laws of Florida.

1040 Section 35. Subsection (4) of section 198.13, Florida
 1041 Statutes, is amended to read:

1042 198.13 Tax return to be made in certain cases; certificate
 1043 of nonliability.--

1044 (4) Notwithstanding any other provisions of this section
 1045 and applicable to the estate of a decedent who dies after
 1046 December 31, 2004, if, upon the death of the decedent, a state
 1047 death tax credit or a generation-skipping transfer credit is not
 1048 allowable pursuant to the Internal Revenue Code of 1986, as
 1049 amended:

1050 (a) The personal representative of the estate is not
 1051 required to file a return under subsection (1) in connection
 1052 with the estate.

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1053 (b) The person who would otherwise be required to file a
 1054 return reporting a generation-skipping transfer under subsection
 1055 (3) is not required to file such a return in connection with the
 1056 estate.

1057
 1058 The provisions of this subsection do not apply to estates of
 1059 decedents ~~deseendants~~ dying after December 31, 2010.

1060 Reviser's note.--Amended to correct terminology and conform
 1061 to context.

1062 Section 36. Paragraphs (l) and (m) of subsection (8) of
 1063 section 200.001, Florida Statutes, are amended to read:

1064 200.001 Millages; definitions and general provisions.--

1065 (8)

1066 (l) "Maximum total county ad valorem taxes levied" means
 1067 the total taxes levied by a county, municipal service taxing
 1068 units of that county, and special districts dependent to that
 1069 county at their individual maximum millages, calculated pursuant
 1070 to s. 200.065(5)(a) for fiscal years 2009-2010 and thereafter
 1071 and, pursuant to s. 200.185 for fiscal years 2007-2008 and 2008-
 1072 2009, ~~and pursuant to s. 200.186 for fiscal year 2008 2009 if~~
 1073 ~~SJR 4B or HJR 3B is approved by a vote of the electors.~~

1074 (m) "Maximum total municipal ad valorem taxes levied"
 1075 means the total taxes levied by a municipality and special
 1076 districts dependent to that municipality at their individual
 1077 maximum millages, calculated pursuant to s. 200.065(5)(b) for
 1078 fiscal years 2009-2010 and thereafter and, by s. 200.185 for
 1079 fiscal years 2007-2008 and 2008-2009, ~~and pursuant to s. 200.186~~

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1080 ~~for fiscal year 2008-2009 if SJR 4B or HJR 3B is approved by a~~
 1081 ~~vote of the electors.~~

1082 Reviser's note.--Amended to conform to the fact that Senate
 1083 Joint Resolution 4B, Special Session B, 2007, did not
 1084 appear on the ballot for consideration by the electorate
 1085 due to legal action concerning the ballot language for the
 1086 proposed amendment. The House companion, House Joint
 1087 Resolution 3B, did not pass.

1088 Section 37. Subsection (3) of section 202.20, Florida
 1089 Statutes, is amended to read:

1090 202.20 Local communications services tax conversion
 1091 rates.--

1092 (3) For any county or school board that levies a
 1093 discretionary surtax under s. 212.055, the rate of such tax on
 1094 communications services as authorized by s. 202.19(5) shall be
 1095 as follows:

1096

County	.5%	1%	1.5%
	Discretionary surtax conversion rates	Discretionary surtax conversion rates	Discretionary surtax conversion rates
1097 Alachua	0.3%	0.6%	0.8%
1098 Baker	0.3%	0.5%	0.8%
1099 Bay	0.3%	0.5%	0.8%

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		Redraft - A		YEAR
1100	Bradford	0.3%	0.6%	0.8%	
1101	Brevard	0.3%	0.6%	0.9%	
1102	Broward	0.3%	0.5%	0.8%	
1103	Calhoun	0.3%	0.5%	0.8%	
1104	Charlotte	0.3%	0.6%	0.9%	
1105	Citrus	0.3%	0.6%	0.9%	
1106	Clay	0.3%	0.6%	0.8%	
1107	Collier	0.4%	0.7%	1.0%	
1108	Columbia	0.3%	0.6%	0.9%	
1109	Dade	0.3%	0.5%	0.8%	
1110	Desoto	0.3%	0.6%	0.8%	
1111	Dixie	0.3%	0.5%	0.8%	
1112	Duval	0.3%	0.6%	0.8%	
1113	Escambia	0.3%	0.6%	0.9%	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		Redraft - A		YEAR
1114	Flagler	0.4%	0.7%	1.0%	
1115	Franklin	0.3%	0.6%	0.9%	
1116	Gadsden	0.3%	0.5%	0.8%	
1117	Gilchrist	0.3%	0.5%	0.7%	
1118	Glades	0.3%	0.6%	0.8%	
1119	Gulf	0.3%	0.5%	0.8%	
1120	Hamilton	0.3%	0.6%	0.8%	
1121	Hardee	0.3%	0.5%	0.8%	
1122	Hendry	0.3%	0.6%	0.9%	
1123	Hernando	0.3%	0.6%	0.9%	
1124	Highlands	0.3%	0.6%	0.9%	
1125	Hillsborough	0.3%	0.6%	0.8%	
1126	Holmes	0.3%	0.6%	0.8%	
1127	Indian River	0.3%	0.6%	0.9%	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		Redraft - A		YEAR
1128	Jackson	0.3%	0.5%	0.7%	
1129	Jefferson	0.3%	0.5%	0.8%	
1130	Lafayette	0.3%	0.5%	0.7%	
1131	Lake	0.3%	0.6%	0.9%	
1132	Lee	0.3%	0.6%	0.9%	
1133	Leon	0.3%	0.6%	0.8%	
1134	Levy	0.3%	0.5%	0.8%	
1135	Liberty	0.3%	0.6%	0.8%	
1136	Madison	0.3%	0.5%	0.8%	
1137	Manatee	0.3%	0.6%	0.8%	
1138	Marion	0.3%	0.5%	0.8%	
1139	Martin	0.3%	0.6%	0.8%	
1140	<u>Miami-Dade</u>	<u>0.3%</u>	<u>0.5%</u>	<u>0.8%</u>	
1141	Monroe	0.3%	0.6%	0.9%	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		Redraft - A		YEAR
1142	Nassau	0.3%	0.6%	0.8%	
1143	Okaloosa	0.3%	0.6%	0.8%	
1144	Okeechobee	0.3%	0.6%	0.9%	
1145	Orange	0.3%	0.5%	0.8%	
1146	Osceola	0.3%	0.5%	0.8%	
1147	Palm Beach	0.3%	0.6%	0.8%	
1148	Pasco	0.3%	0.6%	0.9%	
1149	Pinellas	0.3%	0.6%	0.9%	
1150	Polk	0.3%	0.6%	0.8%	
1151	Putnam	0.3%	0.6%	0.8%	
1152	St. Johns	0.3%	0.6%	0.8%	
1153	St. Lucie	0.3%	0.6%	0.8%	
1154	Santa Rosa	0.3%	0.6%	0.9%	
1155	Sarasota	0.3%	0.6%	0.9%	

	BILL		Redraft - A		YEAR
1156	Seminole	0.3%	0.6%	0.8%	
1157	Sumter	0.3%	0.5%	0.8%	
1158	Suwannee	0.3%	0.6%	0.8%	
1159	Taylor	0.3%	0.6%	0.9%	
1160	Union	0.3%	0.5%	0.8%	
1161	Volusia	0.3%	0.6%	0.8%	
1162	Wakulla	0.3%	0.6%	0.9%	
1163	Walton	0.3%	0.6%	0.9%	
1164	Washington	0.3%	0.5%	0.8%	
1165					
1166	The discretionary surtax conversion rate with respect to				
1167	communications services reflected on bills dated on or after				
1168	October 1, 2001, shall take effect without any further action by				
1169	a county or school board that has levied a surtax on or before				
1170	October 1, 2001. For a county or school board that levies a				
1171	surtax subsequent to October 1, 2001, the discretionary surtax				
1172	conversion rate with respect to communications services shall				
1173	take effect upon the effective date of the surtax as provided in				
1174	s. 212.054. The discretionary sales surtax rate on				

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1175 | communications services for a county or school board levying a
 1176 | combined rate which is not listed in the table provided by this
 1177 | subsection shall be calculated by averaging or adding the
 1178 | appropriate rates from the table and rounding up to the nearest
 1179 | tenth of a percent.

1180 | Reviser's note.--Amended to conform to the redesignation of
 1181 | Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 1182 | Dade County Code.

1183 | Section 38. Paragraph (ccc) of subsection (7) of section
 1184 | 212.08, Florida Statutes, is amended to read:

1185 | 212.08 Sales, rental, use, consumption, distribution, and
 1186 | storage tax; specified exemptions.--The sale at retail, the
 1187 | rental, the use, the consumption, the distribution, and the
 1188 | storage to be used or consumed in this state of the following
 1189 | are hereby specifically exempt from the tax imposed by this
 1190 | chapter.

1191 | (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 1192 | entity by this chapter do not inure to any transaction that is
 1193 | otherwise taxable under this chapter when payment is made by a
 1194 | representative or employee of the entity by any means,
 1195 | including, but not limited to, cash, check, or credit card, even
 1196 | when that representative or employee is subsequently reimbursed
 1197 | by the entity. In addition, exemptions provided to any entity by
 1198 | this subsection do not inure to any transaction that is
 1199 | otherwise taxable under this chapter unless the entity has
 1200 | obtained a sales tax exemption certificate from the department
 1201 | or the entity obtains or provides other documentation as
 1202 | required by the department. Eligible purchases or leases made

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1203 | with such a certificate must be in strict compliance with this
 1204 | subsection and departmental rules, and any person who makes an
 1205 | exempt purchase with a certificate that is not in strict
 1206 | compliance with this subsection and the rules is liable for and
 1207 | shall pay the tax. The department may adopt rules to administer
 1208 | this subsection.

1209 | (ccc) Equipment, machinery, and other materials for
 1210 | renewable energy technologies.--

1211 | 1. As used in this paragraph, the term:

1212 | a. "Biodiesel" means the mono-alkyl esters of long-chain
 1213 | fatty acids derived from plant or animal matter for use as a
 1214 | source of energy and meeting the specifications for biodiesel
 1215 | and biodiesel blends with petroleum products as adopted by the
 1216 | Department of Agriculture and Consumer Services. Biodiesel may
 1217 | refer to biodiesel blends designated BXX, where XX represents
 1218 | the volume percentage of biodiesel fuel in the blend.

1219 | b. "Ethanol" means nominally anhydrous denatured alcohol
 1220 | produced by the fermentation of plant sugars meeting the
 1221 | specifications for fuel ethanol and fuel ethanol blends with
 1222 | petroleum products as adopted by the Department of Agriculture
 1223 | and Consumer Services. Ethanol may refer to fuel ethanol blends
 1224 | designated EXX, where XX represents the volume percentage of
 1225 | fuel ethanol in the blend.

1226 | c. "Hydrogen fuel cells" means equipment using hydrogen or
 1227 | a hydrogen-rich fuel in an electrochemical process to generate
 1228 | energy, electricity, or the transfer of heat.

1229 | 2. The sale or use of the following in the state is exempt
 1230 | from the tax imposed by this chapter:

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1231 a. Hydrogen-powered vehicles, materials incorporated into
 1232 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 1233 a limit of \$2 million in tax each state fiscal year for all
 1234 taxpayers.

1235 b. Commercial stationary hydrogen fuel cells, up to a
 1236 limit of \$1 million in tax each state fiscal year for all
 1237 taxpayers.

1238 c. Materials used in the distribution of biodiesel (B10-
 1239 B100) and ethanol (E10-E100), including fueling infrastructure,
 1240 transportation, and storage, up to a limit of \$1 million in tax
 1241 each state fiscal year for all taxpayers. Gasoline fueling
 1242 station pump retrofits for ethanol (E10-E100) distribution
 1243 qualify for the exemption provided in this sub-subparagraph.

1244 3. The Department of Environmental Protection shall
 1245 provide to the department a list of items eligible for the
 1246 exemption provided in this paragraph.

1247 4.a. The exemption provided in this paragraph shall be
 1248 available to a purchaser only through a refund of previously
 1249 paid taxes.

1250 b. To be eligible to receive the exemption provided in
 1251 this paragraph, a purchaser shall file an application with the
 1252 Department of Environmental Protection. The application shall be
 1253 developed by the Department of Environmental Protection, in
 1254 consultation with the department, and shall require:

1255 (I) The name and address of the person claiming the
 1256 refund.

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1257 (II) A specific description of the purchase for which a
 1258 refund is sought, including, when applicable, a serial number or
 1259 other permanent identification number.

1260 (III) The sales invoice or other proof of purchase showing
 1261 the amount of sales tax paid, the date of purchase, and the name
 1262 and address of the sales tax dealer from whom the property was
 1263 purchased.

1264 (IV) A sworn statement that the information provided is
 1265 accurate and that the requirements of this paragraph have been
 1266 met.

1267 c. Within 30 days after receipt of an application, the
 1268 Department of Environmental Protection shall review the
 1269 application and shall notify the applicant of any deficiencies.
 1270 Upon receipt of a completed application, the Department of
 1271 Environmental Protection shall evaluate the application for
 1272 exemption and issue a written certification that the applicant
 1273 is eligible for a refund or issue a written denial of such
 1274 certification within 60 days after receipt of the application.
 1275 The Department of Environmental Protection shall provide the
 1276 department with a copy of each certification issued upon
 1277 approval of an application.

1278 d. Each certified applicant shall be responsible for
 1279 forwarding a certified copy of the application and copies of all
 1280 required documentation to the department within 6 months after
 1281 certification by the Department of Environmental Protection.

1282 e. The provisions of former s. 212.095 do not apply to any
 1283 refund application made pursuant to this paragraph. A refund

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1284 approved pursuant to this paragraph shall be made within 30 days
 1285 after formal approval by the department.

1286 f. The department may adopt all rules pursuant to ss.
 1287 120.536(1) and 120.54 to administer this paragraph, including
 1288 rules establishing forms and procedures for claiming this
 1289 exemption.

1290 g. The Department of Environmental Protection shall be
 1291 responsible for ensuring that the total amounts of the
 1292 exemptions authorized do not exceed the limits as specified in
 1293 subparagraph 2.

1294 5. The Department of Environmental Protection shall
 1295 determine and publish on a regular basis the amount of sales tax
 1296 funds remaining in each fiscal year.

1297 6. This paragraph expires July 1, 2010.

1298 Reviser's note.--Amended to conform to the repeal of s.
 1299 212.095 by s. 24, ch. 2007-106, Laws of Florida.

1300 Section 39. Paragraphs (c) and (e) of subsection (17) of
 1301 section 215.555, Florida Statutes, are amended to read:

1302 215.555 Florida Hurricane Catastrophe Fund.--

1303 (17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.--

1304 (c) Optional coverage.--For the contract year commencing
 1305 June 1, 2007, and ending May 31, 2008, the contract year
 1306 commencing ~~commencing~~ June 1, 2008, and ending May 31, 2009, and
 1307 the contract year commencing June 1, 2009, and ending May 31,
 1308 2010, the board shall offer, for each of such years, the
 1309 optional coverage as provided in this subsection.

1310 (e) TICL options addendum.--

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1311 1. The TICL options addendum shall provide for
 1312 reimbursement of TICL insurers for covered events occurring
 1313 between June 1, 2007, and May 31, 2008, and between June 1,
 1314 2008, and May 31, 2009, or between June 1, 2009, and May 31,
 1315 2010, in exchange for the TICL reimbursement premium paid into
 1316 the fund under paragraph (f) ~~paragraph (e)~~. Any insurer writing
 1317 covered policies has the option of selecting an increased limit
 1318 of coverage under the TICL options addendum and shall select
 1319 such coverage at the time that it executes the FHCF
 1320 reimbursement contract.

1321 2. The TICL addendum shall contain a promise by the board
 1322 to reimburse the TICL insurer for 45 percent, 75 percent, or 90
 1323 percent of its losses from each covered event in excess of the
 1324 insurer's retention, plus 5 percent of the reimbursed losses to
 1325 cover loss adjustment expenses. The percentage shall be the same
 1326 as the coverage level selected by the insurer under paragraph
 1327 (4) (b).

1328 3. The TICL addendum shall provide that reimbursement
 1329 amounts shall not be reduced by reinsurance paid or payable to
 1330 the insurer from other sources.

1331 4. The priorities, schedule, and method of reimbursements
 1332 under the TICL addendum shall be the same as provided under
 1333 subsection (4).

1334 Reviser's note.--Paragraph (17) (c) is amended to confirm
 1335 the editorial substitution of the word "commencing" for the
 1336 word "commending" to conform to context. Paragraph (17) (c)
 1337 is also amended to confirm the editorial insertion of the
 1338 word "and" preceding the word "the" to improve clarity and

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1339 facilitate correct interpretation. Paragraph (17)(e) is
 1340 amended to confirm the editorial insertion of the word
 1341 "and" preceding the word "May" to improve clarity and
 1342 facilitate correct interpretation. Paragraph (17)(e) is
 1343 also amended to confirm the editorial substitution of a
 1344 reference to paragraph (f) for a reference to paragraph
 1345 (e); paragraph (17)(f) provides for reimbursement premiums
 1346 to be paid into the fund.

1347 Section 40. Subsection (8) of section 215.5586, Florida
 1348 Statutes, is amended to read:

1349 215.5586 My Safe Florida Home Program.--There is
 1350 established within the Department of Financial Services the My
 1351 Safe Florida Home Program. The department shall provide fiscal
 1352 accountability, contract management, and strategic leadership
 1353 for the program, consistent with this section. This section does
 1354 not create an entitlement for property owners or obligate the
 1355 state in any way to fund the inspection or retrofitting of
 1356 residential property in this state. Implementation of this
 1357 program is subject to annual legislative appropriations. It is
 1358 the intent of the Legislature that the My Safe Florida Home
 1359 Program provide inspections for at least 400,000 site-built,
 1360 single-family, residential properties and provide grants to at
 1361 least 35,000 applicants before June 30, 2009. The program shall
 1362 develop and implement a comprehensive and coordinated approach
 1363 for hurricane damage mitigation that shall include the
 1364 following:

1365 (8) NO-INTEREST LOANS.--The department may develop a no-
 1366 interest loan program by December 31, 2007, to encourage the

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1367 private sector to provide loans to owners of site-built, single-
 1368 family, residential property to pay for mitigation measures
 1369 listed in subsection (2). A loan eligible for interest payments
 1370 pursuant to this subsection may be for a term of up to 3 years
 1371 and cover up to \$5,000 in mitigation measures. The department
 1372 shall pay the creditor the market rate of interest using funds
 1373 appropriated for the My Safe Florida Home Program. In no case
 1374 shall the department pay more than the interest rate set by s.
 1375 687.03. To be eligible for a loan, a loan applicant must first
 1376 obtain a home inspection and report that specifies what
 1377 improvements are needed to reduce the property's vulnerability
 1378 to windstorm damage pursuant to this section and meet loan
 1379 underwriting requirements set by the lender. The department may
 1380 set aside up to \$10 million from funds appropriated for the My
 1381 Safe Florida Home Program to implement this subsection. The
 1382 department shall adopt rules pursuant to ss. 120.536(1)
 1383 ~~120.36(1)~~ and 120.54 to implement this subsection which may
 1384 include eligibility criteria.

1385 Reviser's note.--Amended to confirm the editorial
 1386 substitution of a reference to s. 120.536(1) for a
 1387 reference to s. 120.36(1) to correct an apparent error.
 1388 Section 120.36 does not exist; s. 120.536(1) provides for
 1389 an agency's rulemaking authority to adopt rules.

1390 Section 41. Paragraph (a) of subsection (2) and subsection
 1391 (7) of section 215.559, Florida Statutes, are reenacted to read:
 1392 215.559 Hurricane Loss Mitigation Program.--

1393 (2) (a) Seven million dollars in funds provided in
 1394 subsection (1) shall be used for programs to improve the wind

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1395 resistance of residences and mobile homes, including loans,
 1396 subsidies, grants, demonstration projects, and direct
 1397 assistance; educating persons concerning the Florida Building
 1398 Code cooperative programs with local governments and the Federal
 1399 Government; and other efforts to prevent or reduce losses or
 1400 reduce the cost of rebuilding after a disaster.

1401 (7) On January 1st of each year, the Department of
 1402 Community Affairs shall provide a full report and accounting of
 1403 activities under this section and an evaluation of such
 1404 activities to the Speaker of the House of Representatives, the
 1405 President of the Senate, and the Majority and Minority Leaders
 1406 of the House of Representatives and the Senate. Upon completion
 1407 of the report, the Department of Community Affairs shall deliver
 1408 the report to the Office of Insurance Regulation. The Office of
 1409 Insurance Regulation shall review the report and shall make such
 1410 recommendations available to the insurance industry as the
 1411 Office of Insurance Regulation deems appropriate. These
 1412 recommendations may be used by insurers for potential discounts
 1413 or rebates pursuant to s. 627.0629. The Office of Insurance
 1414 Regulation shall make the recommendations within 1 year after
 1415 receiving the report.

1416 Reviser's note.--Paragraph (2)(a) and subsection (7) are
 1417 reenacted to conform to the validity of the amendments to
 1418 those provisions by s. 1, ch. 2005-147, Laws of Florida.
 1419 The Governor vetoed the specific appropriation in s. 1, ch.
 1420 2005-147, Laws of Florida. The Governor's veto message
 1421 states that he is withholding "approval of section 1," but

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1422 the message goes on to set out the vetoed language, which
 1423 is only the amendment to subsection (5).

1424 Section 42. Paragraph (a) of subsection (16) and paragraph
 1425 (a) of subsection (17) of section 218.415, Florida Statutes, are
 1426 amended to read:

1427 218.415 Local government investment policies.--Investment
 1428 activity by a unit of local government must be consistent with a
 1429 written investment plan adopted by the governing body, or in the
 1430 absence of the existence of a governing body, the respective
 1431 principal officer of the unit of local government and maintained
 1432 by the unit of local government or, in the alternative, such
 1433 activity must be conducted in accordance with subsection (17).
 1434 Any such unit of local government shall have an investment
 1435 policy for any public funds in excess of the amounts needed to
 1436 meet current expenses as provided in subsections (1)-(16), or
 1437 shall meet the alternative investment guidelines contained in
 1438 subsection (17). Such policies shall be structured to place the
 1439 highest priority on the safety of principal and liquidity of
 1440 funds. The optimization of investment returns shall be secondary
 1441 to the requirements for safety and liquidity. Each unit of local
 1442 government shall adopt policies that are commensurate with the
 1443 nature and size of the public funds within its custody.

1444 (16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT
 1445 POLICIES.--Those units of local government electing to adopt a
 1446 written investment policy as provided in subsections (1)-(15)
 1447 may by resolution invest and reinvest any surplus public funds
 1448 in their control or possession in:

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1449 (a) The Local Government Surplus Funds Trust Fund or any
 1450 intergovernmental investment pool authorized pursuant to the
 1451 Florida Interlocal Cooperation Act of 1969, as provided in s.
 1452 163.01.

1453 (17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT
 1454 POLICY.--Those units of local government electing not to adopt a
 1455 written investment policy in accordance with investment policies
 1456 developed as provided in subsections (1)-(15) may invest or
 1457 reinvest any surplus public funds in their control or possession
 1458 in:

1459 (a) The Local Government Surplus Funds Trust Fund, or any
 1460 intergovernmental investment pool authorized pursuant to the
 1461 Florida Interlocal Cooperation Act of 1969, as provided in s.
 1462 163.01.

1463
 1464 The securities listed in paragraphs (c) and (d) shall be
 1465 invested to provide sufficient liquidity to pay obligations as
 1466 they come due.

1467 Reviser's note.--Amended to conform to the name of the
 1468 Florida Interlocal Cooperation Act of 1969 as referenced in
 1469 s. 163.01.

1470 Section 43. Subsection (4) of section 222.25, Florida
 1471 Statutes, is amended to read:

1472 222.25 Other individual property of natural persons exempt
 1473 from legal process.--The following property is exempt from
 1474 attachment, garnishment, or other legal process:

1475 (4) A debtor's interest in personal property, not to
 1476 exceed \$4,000, if the debtor does not claim or receive the

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1477 benefits of a homestead exemption under s. 4, Art. X of the
 1478 State Florida Constitution. This exemption does not apply to a
 1479 debt owed for child support or spousal support.

1480 Reviser's note.--Amended to confirm the editorial
 1481 substitution of the word "State" for the word "Florida" for
 1482 contextual consistency.

1483 Section 44. Section 250.83, Florida Statutes, is amended
 1484 to read:

1485 250.83 Construction of part.--In the event that any other
 1486 provision of law conflicts with SCRA ~~SSCRA~~, USERRA, or the
 1487 provisions of this chapter, the provisions of SCRA ~~SSCRA~~,
 1488 USERRA, or the provisions of this chapter, whichever is
 1489 applicable, shall control. Nothing in this part shall construe
 1490 rights or responsibilities not provided under the SCRA ~~SSCRA~~,
 1491 USERRA, or this chapter.

1492 Reviser's note.--Amended to conform to the redesignation of
 1493 the federal act in Title 50 United States Code.

1494 Section 45. Subsections (3) and (4) of section 253.033,
 1495 Florida Statutes, are amended to read:

1496 253.033 Inter-American Center property; transfer to board;
 1497 continued use for government purposes.--

1498 (3)(a) Except as provided in this subsection, in no event
 1499 shall any of the lands known as "the Graves tract," including,
 1500 without limitation, the land previously transferred to the City
 1501 of Miami and Miami-Dade ~~Dade~~ County by the Inter-American Center
 1502 Authority and the lands transferred pursuant to this act, be
 1503 used for other than public purposes. However, the portion of
 1504 "the Graves tract" owned by the City of North Miami on the

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1505 | effective date of this act or subsequently acquired by the city
 1506 | shall not be subject to such public purpose use restriction and
 1507 | may be used for any purpose in accordance with local building
 1508 | and zoning regulations.

1509 | (b)1. Notwithstanding any provision of paragraph (a) or
 1510 | any other law to the contrary, the Board of Trustees of the
 1511 | Internal Improvement Trust Fund shall convey and transfer to the
 1512 | City of North Miami as soon as feasible that portion of "the
 1513 | Graves tract" described in this paragraph as set forth with
 1514 | particularity in s. 1, chapter 85-201, Laws of Florida, along
 1515 | with that certain additional portion of "the Graves tract"
 1516 | described as follows: Commencing at the center of Section 21,
 1517 | Township 52S., Range 42E., Miami-Dade ~~Dade~~ County, Florida, run
 1518 | South 87°-38'-50" West, 180.0 feet to the point of beginning of
 1519 | a parcel of land described as follows: run South 87°-38'-50"
 1520 | West 804.17 feet to the east right-of-way line of State Road #5,
 1521 | thence run South 15°-20'-05" West for a distance of 206.85 feet,
 1522 | thence run North 87°-45'-31" East for a distance of 751.20 feet,
 1523 | thence run North 27°-50'-00" East for a distance of 229.47 feet
 1524 | to the point of beginning, such parcel containing 3.89 acres
 1525 | more or less, except for that certain portion thereof which the
 1526 | Department of Transportation has reserved for right-of-way for
 1527 | transportation facilities.

1528 | 2. Upon the recordation in the Official Records of Miami-
 1529 | Dade ~~Dade~~ County, Florida, by the Department of Transportation
 1530 | of a right-of-way map for State Road #5, which reserves a
 1531 | portion of the lands described in subparagraph 1., which said
 1532 | portion reserved is within, but smaller than, the portion

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1533 reserved from the conveyance required by subparagraph 1. as
 1534 accomplished by instrument recorded in page 30 of Official
 1535 Record Book 14405 of the Official Records of Miami-Dade ~~Dade~~
 1536 County, Florida, as Deed No. 28289, pursuant to chapter 89-246,
 1537 Laws of Florida, the Board of Trustees of the Internal
 1538 Improvement Trust Fund shall convey and transfer to the City of
 1539 North Miami as soon as feasible that additional portion of "the
 1540 Graves tract" which consists of: Parcel No. 1, 'Interama Tract'
 1541 Right-of-Way Reservation for State Road #5, together with Parcel
 1542 No. 2, 'Interama Tract' Right-of-Way Reservation for State Road
 1543 #5 as described in that certain instrument of conveyance
 1544 referred to in this subparagraph as Deed No. 28289, less and
 1545 except that certain portion of said Parcels No. 1 and No. 2
 1546 which is, after the effective date of this act, reserved for
 1547 right-of-way for transportation facilities in a right-of-way map
 1548 or like instrument hereafter filed and recorded by the
 1549 Department of Transportation in the official records, so that
 1550 the City of North Miami obtains title to those additional lands
 1551 which are not necessary to be reserved for right-of-way for
 1552 transportation facilities.

1553 3. The City of North Miami shall not be required to pay
 1554 any monetary consideration for the conveyances of land specified
 1555 in this paragraph, since these conveyances are in mitigation of
 1556 the loss sustained by the city upon dissolution of the Inter-
 1557 American Center Authority pursuant to s. 1 of chapter 75-131,
 1558 Laws of Florida.

1559 (4) The Board of Trustees of the Internal Improvement
 1560 Trust Fund may lease to Miami-Dade ~~Dade~~ County approximately 300

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1561 acres of land, and approximately 90 acres of abutting lagoon and
 1562 waterways, designated as the Primary Development Area, and may
 1563 also transfer to Miami-Dade ~~Dade~~ County all or any part of the
 1564 plans, drawings, maps, etc., of the Inter-American Center
 1565 Authority existing at the date of transfer, provided Miami-Dade
 1566 ~~Dade~~ County:

1567 (a) Assumes responsibilities of the following agreements:

1568 1. That certain agreement entered into on June 12, 1972,
 1569 between the City of Miami and Inter-American Center Authority
 1570 whereby the authority agreed to repurchase, with revenues
 1571 derived from the net operating revenue of the project developed
 1572 on the leased lands after expenses and debt service
 1573 requirements, the approximately 93 acres of lands previously
 1574 deeded to the City of Miami as security for repayment of the
 1575 \$8,500,000 owed by the authority to the City of Miami. Title to
 1576 the land repurchased pursuant to the provisions of this
 1577 subsection shall be conveyed to the State of Florida.

1578 2. Those certain rights granted to the City of North Miami
 1579 pursuant to the provisions of former s. 554.29(1)(a) and former
 1580 s. 554.30 obligating the authority to issue a revenue bond to
 1581 the City of North Miami, containing provisions to be determined
 1582 by Miami-Dade ~~Dade~~ County, to be repaid from all ad valorem
 1583 taxes, occupational license fees, franchise taxes, utility
 1584 taxes, and cigarette taxes which would have accrued to the
 1585 authority or the City of North Miami by nature of property owned
 1586 by the authority having been in the City of North Miami and from
 1587 the excess revenue after operating expenses, development cost

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1588 and debt service requirements, of the project developed on the
 1589 leased lands.

1590 (b) Develops a plan for the use of the land that meets the
 1591 approval of the Board of Trustees of the Internal Improvement
 1592 Trust Fund or that meets the following purposes heretofore
 1593 authorized:

1594 1. To provide a permanent international center which will
 1595 serve as a meeting ground for the governments and industries of
 1596 the Western Hemisphere and of other areas of the world.

1597 2. To facilitate broad and continuous exchanges of ideas,
 1598 persons, and products through cultural, educational, and other
 1599 exchanges.

1600 3. By appropriate means, to promote mutual understanding
 1601 between the peoples of the Western Hemisphere and to strengthen
 1602 the ties which unite the United States with other nations of the
 1603 free world.

1604
 1605 Any property leased under this subsection shall not be leased
 1606 for less than fair market value.

1607 Reviser's note.--Amended to conform to the redesignation of
 1608 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 1609 Dade County Code.

1610 Section 46. Paragraph (g) of subsection (6) of section
 1611 253.034, Florida Statutes, is amended to read:

1612 253.034 State-owned lands; uses.--

1613 (6) The Board of Trustees of the Internal Improvement
 1614 Trust Fund shall determine which lands, the title to which is
 1615 vested in the board, may be surplused. For conservation lands,

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1616 the board shall make a determination that the lands are no
 1617 longer needed for conservation purposes and may dispose of them
 1618 by an affirmative vote of at least three members. In the case of
 1619 a land exchange involving the disposition of conservation lands,
 1620 the board must determine by an affirmative vote of at least
 1621 three members that the exchange will result in a net positive
 1622 conservation benefit. For all other lands, the board shall make
 1623 a determination that the lands are no longer needed and may
 1624 dispose of them by an affirmative vote of at least three
 1625 members.

1626 (g) The sale price of lands determined to be surplus
 1627 pursuant to this subsection shall be determined by the division
 1628 and shall take into consideration an appraisal of the property,
 1629 or, when the estimated value of the land is less than \$100,000,
 1630 a comparable sales analysis or a broker's opinion of value, and
 1631 the price paid by the state to originally acquire the lands.

1632 1.a. A written valuation of land determined to be surplus
 1633 pursuant to this subsection, and related documents used to form
 1634 the valuation or which pertain to the valuation, are
 1635 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1636 of the State Constitution until 2 weeks before the contract or
 1637 agreement regarding the purchase, exchange, or disposal of the
 1638 surplus land is first considered for approval by the board.
 1639 Notwithstanding the exemption provided under this subparagraph,
 1640 the division may disclose appraisals, valuations, or valuation
 1641 information regarding surplus land during negotiations for the
 1642 sale or exchange of the land, during the marketing effort or
 1643 bidding process associated with the sale, disposal, or exchange

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1644 of the land to facilitate closure of such effort or process,
 1645 when the passage of time has made the conclusions of value
 1646 invalid, or when negotiations or marketing efforts concerning
 1647 the land are concluded.

1648 b. This subparagraph is subject to the Open Government
 1649 Sunset Review Act ~~of 1995~~ in accordance with s. 119.15, and
 1650 shall stand repealed on October 2, 2009, unless reviewed and
 1651 saved from repeal through reenactment by the Legislature.

1652 2. A unit of government that acquires title to lands
 1653 hereunder for less than appraised value may not sell or transfer
 1654 title to all or any portion of the lands to any private owner
 1655 for a period of 10 years. Any unit of government seeking to
 1656 transfer or sell lands pursuant to this paragraph shall first
 1657 allow the board of trustees to reacquire such lands for the
 1658 price at which the board sold such lands.

1659 Reviser's note.--Amended to conform to the renaming of the
 1660 "Open Government Sunset Review Act of 1995" as the "Open
 1661 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 1662 of Florida.

1663 Section 47. Subsection (2) of section 257.38, Florida
 1664 Statutes, is amended to read:

1665 257.38 Manuscripts or other archival material held by
 1666 local government; public records exemption.--

1667 (2) Subsection (1) is subject to the Open Government
 1668 Sunset Review Act ~~of 1995~~ in accordance with s. 119.15 and shall
 1669 stand repealed on October 2, 2009, unless reviewed and saved
 1670 from repeal through reenactment by the Legislature.

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1671 Reviser's note.--Amended to conform to the renaming of the
 1672 "Open Government Sunset Review Act of 1995" as the "Open
 1673 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 1674 of Florida.

1675 Section 48. Subsection (5) of section 258.001, Florida
 1676 Statutes, is amended to read:

1677 258.001 Park regions.--For the purpose of administering
 1678 this chapter, regulating the public parks, monuments and
 1679 memorials of this state, the state is divided into five park
 1680 regions which are defined as:

1681 (5) FIFTH REGION.--The Counties of Lee, Hendry, Palm
 1682 Beach, Collier, Broward, Miami-Dade ~~Dade~~, and Monroe shall
 1683 constitute the Fifth Park Region.

1684 Reviser's note.--Amended to conform to the redesignation of
 1685 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 1686 Dade County Code.

1687 Section 49. Section 258.11, Florida Statutes, is amended
 1688 to read:

1689 258.11 Land ceded for Royal Palm State Park;
 1690 proviso.--Section fifteen, and the north half of section twenty-
 1691 two of township fifty-eight south, range thirty-seven east,
 1692 situated in Miami-Dade ~~Dade~~ County, is ceded to the Florida
 1693 Federation of Women's Clubs and designated as the "Royal Palm
 1694 State Park," to be cared for, protected, and to remain in the
 1695 full possession and enjoyment, with all the possessory rights
 1696 and privileges thereunto, belonging to the Florida Federation of
 1697 Women's Clubs, for the purpose of a state park, for the benefit
 1698 and use of all the people of Florida, perpetually; provided,

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1699 | that the Florida Federation of Women's Clubs shall procure a
 1700 | deed to 960 acres of land in Miami-Dade ~~Dade~~ County, in the
 1701 | vicinity of said state park, suitable for agricultural purposes,
 1702 | conveying to said Florida Federation of Women's Clubs fee simple
 1703 | title thereto, said land to be used as an endowment for the
 1704 | perpetual use and benefit of the said park, its protection,
 1705 | improvement and the beautifying thereof, including the
 1706 | construction of roads and other improvements, either in kind or
 1707 | by the use of the rents and profits accruing therefrom, or the
 1708 | proceeds of sale thereof or any part of said endowment tract.

1709 | Reviser's note.--Amended to conform to the redesignation of
 1710 | Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 1711 | Dade County Code.

1712 | Section 50. Section 258.12, Florida Statutes, is amended
 1713 | to read:

1714 | 258.12 Additional lands ceded for Royal Palm State
 1715 | Park.--For the use and benefit of all the people of the state,
 1716 | the state cedes to the Florida Federation of Women's Clubs the
 1717 | south half of section ten, southwest quarter of section eleven,
 1718 | west half of section fourteen, west half of section twenty-
 1719 | three, south half of section twenty-two, northwest quarter of
 1720 | section twenty-seven, north half of section twenty-eight, and
 1721 | northeast quarter of section twenty-nine, township fifty-eight
 1722 | south, range thirty-seven east, situated in Miami-Dade ~~Dade~~
 1723 | County, as additional acreage to "Royal Palm State Park," to be
 1724 | cared for and remain in the full possession and enjoyment of
 1725 | said Florida Federation of Women's Clubs, with all the
 1726 | possessory rights and privileges to the same belonging or in

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1727 | anyway appertaining; provided, that said land is granted to the
 1728 | said Florida Federation of Women's Clubs upon the express
 1729 | condition that said land and every part thereof shall be used as
 1730 | a state park for the use and benefit of all the people of
 1731 | Florida, and for no other purpose; and in the event said grantee
 1732 | shall permit or suffer the use of said land for any other
 1733 | purpose, or shall discontinue the use thereof for such purpose,
 1734 | such misuse or discontinuance shall operate as a defeasance and
 1735 | said land and every part thereof shall revert to the state.

1736 | Reviser's note.--Amended to conform to the redesignation of
 1737 | Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 1738 | Dade County Code.

1739 | Section 51. Section 258.39, Florida Statutes, is amended
 1740 | to read:

1741 | 258.39 Boundaries of preserves.--The submerged lands
 1742 | included within the boundaries of Nassau, Duval, St. Johns,
 1743 | Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,
 1744 | Pinellas, Martin, Palm Beach, Miami-Dade ~~Dade~~, Monroe, Collier,
 1745 | Lee, Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,
 1746 | Hernando, and Escambia Counties, as hereinafter described, with
 1747 | the exception of privately held submerged lands lying landward
 1748 | of established bulkheads and of privately held submerged lands
 1749 | within Monroe County where the establishment of bulkhead lines
 1750 | is not required, are hereby declared to be aquatic preserves.

1751 | Such aquatic preserve areas include:

1752 | (1) The Fort Clinch State Park Aquatic Preserve, as
 1753 | described in the Official Records of Nassau County in Book 108,
 1754 | pages 343-346, and in Book 111, page 409.

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1755 (2) Nassau River-St. Johns River Marshes Aquatic Preserve,
 1756 as described in the Official Records of Duval County in Volume
 1757 3183, pages 547-552, and in the Official Records of Nassau
 1758 County in Book 108, pages 232-237.

1759 (3) Pellicer Creek Aquatic Preserve, as described in the
 1760 Official Records of St. Johns County in Book 181, pages 363-366,
 1761 and in the Official Records of Flagler County in Book 33, pages
 1762 131-134.

1763 (4) Tomoka Marsh Aquatic Preserve, as described in the
 1764 Official Records of Flagler County in Book 33, pages 135-138,
 1765 and in the Official Records of Volusia County in Book 1244,
 1766 pages 615-618.

1767 (5) Mosquito Lagoon Aquatic Preserve, as described in the
 1768 Official Records of Volusia County in Book 1244, pages 619-623,
 1769 and in the Official Records of Brevard County in Book 1143,
 1770 pages 190-194.

1771 (6) Banana River Aquatic Preserve, as described in the
 1772 Official Records of Brevard County in Book 1143, pages 195-198,
 1773 and the sovereignty submerged lands lying within the following
 1774 described boundaries: BEGIN at the intersection of the westerly
 1775 ordinary high water line of Newfound Harbor with the North line
 1776 of Section 12, Township 25 South, Range 36 East, Brevard County:
 1777 Thence proceed northeasterly crossing Newfound Harbor to the
 1778 intersection of the South line of Section 31, Township 24 South,
 1779 Range 37 East, with the easterly ordinary high water line of
 1780 said Newfound Harbor; thence proceed northerly along the
 1781 easterly ordinary high water line of Newfound Harbor to its
 1782 intersection with the easterly ordinary high water line of Sykes

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1783 Creek; thence proceed northerly along the easterly ordinary high
 1784 water line of said creek to its intersection with the southerly
 1785 right-of-way of Hall Road; thence proceed westerly along said
 1786 right-of-way to the westerly ordinary high water line of Sykes
 1787 Creek; thence southerly along said ordinary high water line to
 1788 its intersection with the ordinary high water line of Newfound
 1789 Harbor; thence proceed southerly along the westerly ordinary
 1790 high water line of Newfound Harbor to the POINT OF BEGINNING.

1791 (7) (a) Indian River-Malabar to Vero Beach Aquatic
 1792 Preserve, as described in the Official Records of Brevard County
 1793 in Book 1143, pages 199-202, and in the Official Records of
 1794 Indian River County in Book 368, pages 5-8 and the sovereignty
 1795 submerged lands lying within the following described boundaries,
 1796 excluding those lands contained within the corporate boundary of
 1797 the City of Vero Beach as of the effective date of this act:
 1798 Commence at the intersection of the north line of Section 31,
 1799 Township 28 South, Range 38 East, and the westerly mean high
 1800 water line of Indian River for a point of beginning; thence from
 1801 the said point of beginning proceed northerly, westerly, and
 1802 easterly along the mean high water line of Indian River and its
 1803 navigable tributaries to an intersection with the north line of
 1804 Section 24, Township 28 South, Range 37 East; thence proceed
 1805 easterly, to a point on the easterly mean high water line of
 1806 Indian River at its intersection with the north line of Section
 1807 20, Township 28 South, Range 38 East; thence proceed southerly,
 1808 along the easterly mean high water line of Indian River to the
 1809 most westerly tip of Blue Fish Point in said Section 20, thence
 1810 proceed southwesterly to the intersection of the westerly mean

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1811 high water line of Indian River with the north line of Section
 1812 31, Township 28 South, Range 38 East and the point of beginning:
 1813 And also commence at the intersection of the northern Vero Beach
 1814 city limits line in Section 25, Township 32 South, Range 39
 1815 East, and the westerly mean high water line of Indian River for
 1816 the point of beginning: Thence from the said point of beginning
 1817 proceed northerly, along the westerly mean high water line of
 1818 Indian River and its navigable tributaries to an intersection
 1819 with the south line of Section 14, Township 30 South, Range 38
 1820 East; thence proceed easterly, along the easterly projection of
 1821 the south line of said Section 14, to an intersection with the
 1822 easterly right-of-way line of the Intracoastal Waterway; thence
 1823 proceed southerly, along the easterly right-of-way line of the
 1824 Intracoastal Waterway, to an intersection with the northerly
 1825 line of the Pelican Island National Wildlife Refuge; thence
 1826 proceed easterly, along the northerly line of the Pelican Island
 1827 National Wildlife Refuge, to an intersection with the easterly
 1828 mean high water line of Indian River; thence proceed southerly
 1829 along the easterly mean high water line of Indian River and its
 1830 tributaries, to an intersection with the northern Vero Beach
 1831 city limits line in Section 30, Township 32 South, Range 40
 1832 East; thence proceed westerly and southerly, along the northern
 1833 Vero Beach city limits line to an intersection with the easterly
 1834 mean high water line of Indian River and the point of beginning.

1835 (b) For purposes of the Indian River-Malabar to Vero Beach
 1836 Aquatic Preserve, a lease of sovereign submerged lands for a
 1837 noncommercial dock may be deemed to be in the public interest
 1838 when the noncommercial dock constitutes a reasonable exercise of

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1839 riparian rights and is consistent with the preservation of the
 1840 exceptional biological, aesthetic, or scientific values which
 1841 the aquatic preserve was created to protect.

1842 (8) Indian River-Vero Beach to Fort Pierce Aquatic
 1843 Preserve, as described in the Official Records of Indian River
 1844 County in Book 368, pages 9-12, and in the Official Records of
 1845 St. Lucie County in Book 187, pages 1083-1086. More
 1846 specifically, within that description, the southern corporate
 1847 line of Vero Beach refers to the southerly corporate boundary
 1848 line of Vero Beach as it existed on June 3, 1970, which is also
 1849 a westerly projection of the south boundary of "Indian Bay"
 1850 subdivision as recorded in Plat Book 3, page 43, Docket No.
 1851 59267, Public Records of Indian River County, and State Road A1A
 1852 refers to State Road A1A, North Beach Causeway, located north of
 1853 Fort Pierce Inlet.

1854 (9) Jensen Beach to Jupiter Inlet Aquatic Preserve, as
 1855 described in the Official Records of St. Lucie County in Book
 1856 218, pages 2865-2869. More specifically, within that
 1857 description, the southerly corporate line of the City of Fort
 1858 Pierce refers to the southerly corporate boundary line of the
 1859 City of Fort Pierce as it existed in 1969; and the western
 1860 boundary of the preserve as it crosses the St. Lucie River is
 1861 more specifically described as a line which connects the
 1862 intersection point of the westerly mean high-water line of the
 1863 Indian River and the northerly mean high-water line of the St.
 1864 Lucie River to the intersection point of the intersection of the
 1865 westerly mean high-water line of the Intracoastal Waterway and
 1866 the southerly mean high-water line of the St. Lucie River, lands

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1867 within this preserve are more particularly described as lying
 1868 and being in Sections 12, 13, 26, 35, and 36, Township 35 South,
 1869 Range 40 East, and Sections 18, 19, 29, 30, and 32, Township 35
 1870 South, Range 41 East, and Sections 1 and 12, Township 36 South,
 1871 Range 40 East, and Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 22,
 1872 27, 29, 32, and 34, Township 36 South, Range 41 East, and
 1873 Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 22, 23, 24, 26, 35, and
 1874 36, Township 37 South, Range 41 East, and Sections 19, 30, 31,
 1875 and 32, Township 37 South, Range 42 East, and Sections 1 and 12,
 1876 Township 38 South, Range 41 East, and Sections 5, 6, 8, 16, 17,
 1877 19, 20, 21, 28, 29, 32, and 33, Township 38 South, Range 42
 1878 East, including the eastern portion of the Hanson Grant, east of
 1879 Rocky Point Cove, and west of St. Lucie Inlet State Park, and
 1880 portions of the Gomez Grant lying adjacent to Peck Lake and
 1881 South Jupiter Narrows, and Sections 25, 26, 35, and 36, Township
 1882 39 South, Range 42 East, and Sections 1, 12, and 13, Township 40
 1883 South, Range 42 East, and Sections 7, 18, 19, 30, 31, and 32,
 1884 Township 40 South, Range 43 East.

1885 (10) Loxahatchee River-Lake Worth Creek Aquatic Preserve,
 1886 as described in the Official Records of Martin County in Book
 1887 320, pages 193-196, and in the Official Records of Palm Beach
 1888 County in Volume 1860, pages 806-809, and the sovereignty
 1889 submerged lands lying within the following described boundaries:
 1890 Begin at the intersection of the easterly mean high water line
 1891 of the North Fork of the Loxahatchee River with the northerly
 1892 mean high water line of the Loxahatchee River, being in Section
 1893 36, Township 40 South, Range 43 East, Palm Beach County: Thence
 1894 proceed easterly along the northerly mean high water line of the

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1895 | Loxahatchee River to the westerly right-of-way of U.S. Highway
 1896 | 1; thence proceed southerly along said right-of-way to the
 1897 | southerly mean high water line of said river; thence proceed
 1898 | easterly along the southerly mean high water line of said river
 1899 | to its intersection with the easterly mean high water line of
 1900 | the Lake Worth Creek; thence proceed northwesterly crossing the
 1901 | Loxahatchee River to the point of beginning: And also: Commence
 1902 | at the southwest corner of Section 16, Township 40 South, Range
 1903 | 42 East Martin County; thence proceed north along the west line
 1904 | of Section 16 to the mean high water line of the Loxahatchee
 1905 | River being the point of beginning: Thence proceed southerly
 1906 | along the easterly mean high water line of said river and its
 1907 | tributaries to a point of nonnavigability; thence proceed
 1908 | westerly to the westerly mean high water line of said river;
 1909 | thence proceed northerly along the westerly mean high water line
 1910 | of said river and its tributaries to its intersection with the
 1911 | westerly line of Section 16, Township 40 South, Range 42 East;
 1912 | thence proceed southerly along the said westerly section line to
 1913 | the point of beginning: And also begin where the southerly mean
 1914 | high water line of the Southwest Fork of the Loxahatchee River
 1915 | intersects the westerly line of Section 35, Township 40 South,
 1916 | Range 42 East: Thence proceed southwesterly along the southerly
 1917 | mean high water line of the Southwest Fork to the northeasterly
 1918 | face of structure #46; thence proceed northwesterly along the
 1919 | face of said structure to the northerly mean high water line of
 1920 | the Southwest Fork; thence proceed northeasterly along said mean
 1921 | high water line to its intersection with the westerly line of
 1922 | Section 35, Township 40 South, Range 42 East; thence proceed

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1923 southerly along westerly line of said section to the point of
 1924 beginning.

1925 (11) Biscayne Bay-Cape Florida to Monroe County Line
 1926 Aquatic Preserve, as described in the Official Records of Miami-
 1927 Dade ~~Dade~~ County in Book 7055, pages 852-856, less, however,
 1928 those lands and waters as described in s. 258.397.

1929 (12) North Fork, St. Lucie Aquatic Preserve, as described
 1930 in the Official Records of Martin County in Book 337, pages
 1931 2159-2162, and in the Official Records of St. Lucie County in
 1932 Book 201, pages 1676-1679.

1933 (13) Yellow River Marsh Aquatic Preserve, as described in
 1934 the Official Records of Santa Rosa County in Book 206, pages
 1935 568-571.

1936 (14) Fort Pickens State Park Aquatic Preserve, as
 1937 described in the Official Records of Santa Rosa County in Book
 1938 220, pages 60-63, and in the Official Records of Escambia County
 1939 in Book 518, pages 659-662.

1940 (15) Rocky Bayou State Park Aquatic Preserve, as described
 1941 in the Official Records of Okaloosa County in Book 593, pages
 1942 742-745.

1943 (16) St. Andrews State Park Aquatic Preserve, as described
 1944 in the Official Records of Bay County in Book 379, pages 547-
 1945 550.

1946 (17) St. Joseph Bay Aquatic Preserve, as described in the
 1947 Official Records of Gulf County in Book 46, pages 73-76.

1948 (18) Apalachicola Bay Aquatic Preserve, as described in
 1949 the Official Records of Gulf County in Book 46, pages 77-81, and

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1950 in the Official Records of Franklin County in Volume 98, pages
 1951 102-106.

1952 (19) Alligator Harbor Aquatic Preserve, as described in
 1953 the Official Records of Franklin County in Volume 98, pages 82-
 1954 85.

1955 (20) St. Martins Marsh Aquatic Preserve, as described in
 1956 the Official Records of Citrus County in Book 276, pages 238-
 1957 241.

1958 (21) Matlacha Pass Aquatic Preserve, as described in the
 1959 Official Records of Lee County in Book 800, pages 725-728.

1960 (22) Pine Island Sound Aquatic Preserve, as described in
 1961 the Official Records of Lee County in Book 648, pages 732-736.

1962 (23) Cape Romano-Ten Thousand Islands Aquatic Preserve, as
 1963 described in the Official Records of Collier County in Book 381,
 1964 pages 298-301.

1965 (24) Lignumvitae Key Aquatic Preserve, as described in the
 1966 Official Records of Monroe County in Book 502, pages 139-142.

1967 (25) Coupon Bight Aquatic Preserve, as described in the
 1968 Official Records of Monroe County in Book 502, pages 143-146.

1969 (26) Lake Jackson Aquatic Preserve, as established by
 1970 chapter 73-534, Laws of Florida, and defined as authorized by
 1971 law.

1972 (27) Pinellas County Aquatic Preserve, as established by
 1973 chapter 72-663, Laws of Florida; Boca Ciega Aquatic Preserve, as
 1974 established by s. 258.396; and the Biscayne Bay Aquatic
 1975 Preserve, as established by s. 258.397. If any provision of this
 1976 act is in conflict with an aquatic preserve established by s.
 1977 258.396, chapter 72-663, Laws of Florida, or s. 258.397, the

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1978 stronger provision for the maintenance of the aquatic preserve
 1979 shall prevail.

1980 (28) Estero Bay Aquatic Preserve, the boundaries of which
 1981 are generally: All of those sovereignty submerged lands located
 1982 bayward of the mean high-water line being in Sections 13, 14,
 1983 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 35, and 36, Township
 1984 46 South, Range 24 East; and in Sections 19, 20, 28, 29, and 34,
 1985 Township 46 South, Range 24 East, lying north and east of
 1986 Matanzas Pass Channel; and in Sections 19, 30, and 31, Township
 1987 46 South, Range 25 East; and in Sections 6, 7, 17, 18, 19, 20,
 1988 29, 30, 31, and 32, Township 47 South, Range 25 East; and in
 1989 Sections 1, 2, 3, 11, 12, 13, 14, 24, and 25, Township 47 South,
 1990 Range 24 East, in Lee County, Florida. Any and all submerged
 1991 lands conveyed by the Trustees of the Internal Improvement Trust
 1992 Fund prior to October 12, 1966, and any and all uplands now in
 1993 private ownership are specifically exempted from this preserve.

1994 (29) Cape Haze Aquatic Preserve, the boundaries of which
 1995 are generally: That part of Gasparilla Sound, Catfish Creek,
 1996 Whiddon Creek, "The Cutoff," Turtle Bay, and Charlotte Harbor
 1997 lying within the following described limits: Northerly limits:
 1998 Commence at the northwest corner of Section 18, Township 42
 1999 South, Range 21 East, thence south along the west line of said
 2000 Section 18 to its intersection with the Government Meander Line
 2001 of 1843-1844, and the point of beginning, thence southeasterly
 2002 along said meander line to the northwesterly shoreline of
 2003 Catfish Creek, thence northeasterly along said shoreline to the
 2004 north line of said Section 18, thence east along said north line
 2005 to the easterly shoreline of Catfish Creek, thence southeasterly

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2006 along said shoreline to the east line of said Section 18, thence
 2007 south along said east line, crossing an arm of said Catfish
 2008 Creek to the southerly shoreline of said creek, thence westerly
 2009 along said southerly shoreline and southerly along the easterly
 2010 shoreline of Catfish Creek to said Government Meander Line,
 2011 thence easterly and southeasterly along said meander line to the
 2012 northerly shoreline of Gasparilla Sound in Section 21, Township
 2013 42 South, Range 21 East, thence easterly along said northerly
 2014 shoreline and northeasterly along the westerly shoreline of
 2015 Whiddon Creek to the east west quarter line in Section 16,
 2016 Township 42 South, Range 21 East, thence east along said quarter
 2017 line and the quarter Section line of Section 15, Township 42
 2018 South, Range 21 East to the easterly shoreline of Whiddon Creek,
 2019 thence southerly along said shoreline to the northerly shoreline
 2020 of "The Cutoff," thence easterly along said shoreline to the
 2021 westerly shoreline of Turtle Bay, thence northeasterly along
 2022 said shoreline to its intersection with said Government Meander
 2023 Line in Section 23, Township 42 South, Range 21 East, thence
 2024 northeasterly along said meander line to the east line of
 2025 Section 12, Township 42 South, Range 21 East, thence north along
 2026 the east line of said Section 12, and the east line of Section
 2027 1, Township 42 South, Range 21 East to the northwest corner of
 2028 Section 6, Township 42 South, Range 22 East, thence east along
 2029 the north line and extension thereof of said Section 6 to a
 2030 point 2,640 feet east of the westerly shoreline of Charlotte
 2031 Harbor and the end of the northerly limits. Easterly limits:
 2032 Commence at the northwest corner of Section 6, Township 42
 2033 South, Range 22 East, thence east along the north line of said

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2034 Section 6 and extension thereof to a point 2,640 feet east of
 2035 the westerly shoreline of Charlotte Harbor and the point of
 2036 beginning, thence southerly along a line 2,640 feet easterly of
 2037 and parallel with the westerly shoreline of Charlotte Harbor and
 2038 along a southerly extension of said line to the line dividing
 2039 Charlotte and Lee Counties and the end of the easterly limits.
 2040 Southerly limits: Begin at the point of ending of the easterly
 2041 limits, above described, said point being in the line dividing
 2042 Charlotte and Lee Counties, thence southwesterly along a
 2043 straight line to the most southerly point of Devil Fish Key,
 2044 thence continue along said line to the easterly right-of-way of
 2045 the Intracoastal Waterway and the end of the southerly limits.
 2046 Westerly limits: Begin at the point of ending of the southerly
 2047 limits as described above, thence northerly along the easterly
 2048 right-of-way line of the Intracoastal Waterway to its
 2049 intersection with a southerly extension of the west line of
 2050 Section 18, Township 42 South, Range 21 East, thence north along
 2051 said line to point of beginning.

2052 (30) Wekiva River Aquatic Preserve, the boundaries of
 2053 which are generally: All the state-owned sovereignty lands lying
 2054 waterward of the ordinary high-water mark of the Wekiva River
 2055 and the Little Wekiva River and their tributaries lying and
 2056 being in Lake, Seminole, and Orange counties and more
 2057 particularly described as follows:

2058 (a) In Sections 15, 16, 17, 20, 21, 22, 27, 28, 29, and
 2059 30, Township 20 South, Range 29 East. These sections are also
 2060 depicted on the Forest City Quadrangle (U.S.G.S. 7.5 minute
 2061 series-topographic) 1959 (70PR); and

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2062 (b) In Sections 3, 4, 8, 9, and 10, Township 20 South,
 2063 Range 29 East and in Sections 21, 28, and 33, Township 19 South,
 2064 Range 29 East lying north of the right-of-way for the Atlantic
 2065 Coast Line Railroad and that part of Section 33, Township 19
 2066 South, Range 29 East lying between the Lake and Orange County
 2067 lines and the right-of-way of the Atlantic Coast Line Railroad.
 2068 These sections are also depicted on the Sanford SW Quadrangle
 2069 (U.S.G.S. 7.5 minute series-topographic) 1965 (70-1); and

2070 (c) All state-owned sovereignty lands, public lands, and
 2071 lands whether public or private below the ordinary high-water
 2072 mark of the Wekiva River and the Little Wekiva and their
 2073 tributaries within the Peter Miranda Grant in Lake County lying
 2074 below the 10 foot m.s.l. contour line nearest the meander line
 2075 of the Wekiva River and all state-owned sovereignty lands,
 2076 public lands, and lands whether public or private below the
 2077 ordinary high-water mark of the Wekiva River and the Little
 2078 Wekiva and their tributaries within the Moses E. Levy Grant in
 2079 Lake County below the 10 foot m.s.l. contour line nearest the
 2080 meander lines of the Wekiva River and Black Water Creek as
 2081 depicted on the PINE LAKES 1962 (70-1), ORANGE CITY 1964 (70PR),
 2082 SANFORD 1965 (70-1), and SANFORD S.W. 1965 (70-1) QUADRANGLES
 2083 (U.S.G.S. 7.5 minute topographic); and

2084 (d) All state-owned sovereignty lands, public lands, and
 2085 lands whether public or private below the ordinary high-water
 2086 mark of the Wekiva River and the Little Wekiva River and their
 2087 tributaries lying below the 10 foot m.s.l. contour line nearest
 2088 the meander line of the Wekiva and St. Johns Rivers as shown on
 2089 the ORANGE CITY 1964 (70PR), SANFORD 1965 (70-1), and SANFORD

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2090 S.W. 1965 (70-1) QUADRANGLES (U.S.G.S. 7.5 minute topographic)
 2091 within the following described property: Beginning at a point on
 2092 the south boundary of the Moses E. Levy Grant, Township 19
 2093 South, Range 29 East, at its intersection with the meander line
 2094 of the Wekiva River; thence south 60 1/2 degrees east along said
 2095 boundary line 4,915.68 feet; thence north 29 1/2 degrees east
 2096 15,516.5 feet to the meander line of the St. Johns River; thence
 2097 northerly along the meander line of the St. Johns River to the
 2098 mouth of the Wekiva River; thence southerly along the meander
 2099 line of the Wekiva River to the beginning; and

2100 (e) All state-owned sovereignty lands, public lands, and
 2101 lands whether public or private below the ordinary high-water
 2102 mark of the Wekiva River and the Little Wekiva River and their
 2103 tributaries within the Peter Miranda Grant lying east of the
 2104 Wekiva River, less the following:

2105 1. State Road 46 and all land lying south of said State
 2106 Road No. 46.

2107 2. Beginning 15.56 chains West of the Southeast corner of
 2108 the SW 1/4 of the NE 1/4 of Section 21, Township 19 South, Range
 2109 29 East, run east 600 feet; thence north 960 feet; thence west
 2110 340 feet to the Wekiva River; thence southwesterly along said
 2111 Wekiva River to point of beginning.

2112 3. That part of the east 1/4 of the SW 1/4 of Section 22,
 2113 Township 19 South, Range 29 East, lying within the Peter Miranda
 2114 Grant east of the Wekiva River.

2115 (f) All the sovereignty submerged lands lying within the
 2116 following described boundaries: Begin at the intersection of
 2117 State Road 44 and the westerly ordinary high water line of the

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2118 St. Johns River, Section 22, Township 17 South, Range 29 East,
 2119 Lake County: Thence proceed southerly along the westerly
 2120 ordinary high water line of said river and its tributaries to
 2121 the intersection of the northerly right-of-way of State Road
 2122 400; thence proceed northeasterly along said right-of-way to the
 2123 easterly ordinary high water line of the St. Johns River; thence
 2124 proceed northerly along said ordinary high water line of the St.
 2125 Johns River and its tributaries to its intersection with the
 2126 easterly ordinary high water line of Lake Beresford; thence
 2127 proceed northerly along the ordinary high water line of said
 2128 lake to its intersection with the westerly line of Section 24,
 2129 Township 17 South, Range 29 East; thence proceed northerly to
 2130 the southerly right-of-way of West New York Avenue; thence
 2131 proceed westerly along the southerly right-of-way of said avenue
 2132 to its intersection with the southerly right-of-way line of
 2133 State Road 44; thence proceed southwesterly along said right-of-
 2134 way to the point of beginning.

2135 (31) Rookery Bay Aquatic Preserve, the boundaries of which
 2136 are generally: All of the state-owned sovereignty lands lying
 2137 waterward of the mean high-water line in Rookery Bay and in
 2138 Henderson Creek and the tributaries thereto in Collier County,
 2139 Florida. Said lands are more particularly described as lying and
 2140 being in Sections 27, 34, 35, and 36, Township 50 South, Range
 2141 25 East; in Section 31, Township 50 South, Range 26 East; in
 2142 Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, and 25, Township
 2143 51 South, Range 25 East; and in Sections 5, 6, 7, 8, 9, 10, 15,
 2144 16, 17, 18, 19, 20, 30, and 31, Township 51 South, Range 26
 2145 East, Collier County, Florida, and all the sovereignty submerged

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2146 lands lying within the following described boundaries: Begin at
 2147 the southwest corner of Section 30, Township 52 South, Range 27
 2148 East, Collier County: Thence proceed easterly along the
 2149 southerly line of said Section 30 to the southwest corner of
 2150 Section 29, Township 52 South, Range 27 East; proceed thence
 2151 northerly along the westerly lines of Sections 29, 20 and 17 to
 2152 the northwest corner of said Section 17; thence proceed westerly
 2153 along the northerly line of Section 18 to the southeast corner
 2154 of Section 12, Township 52 South, Range 26 East; thence proceed
 2155 northerly along the easterly lines of Sections 12, 1, 36 and 25
 2156 to the northeast corner of said Section 25, Township 51 South,
 2157 Range 26 East; thence proceed westerly along the northerly lines
 2158 of Sections 25 and 26 to the northwest corner of said Section
 2159 26; thence proceed northerly to northeast corner of said Section
 2160 22; thence proceed westerly along the northerly lines of
 2161 Sections 22 and 21 to the northwest corner of said Section 21;
 2162 thence proceed southerly to the southwest corner of said Section
 2163 21; thence proceed westerly along the northerly line of Section
 2164 29 to the northwest corner thereof; thence proceed southerly
 2165 along the westerly lines of Sections 29 and 32 to the southwest
 2166 corner of said Section 32; thence proceed westerly to the
 2167 northwest corner of Section 6, Township 52 South, Range 26 East;
 2168 thence proceed southerly along a projection of Range line 25
 2169 East to its intersection with a line which runs westerly from
 2170 the southwest corner of Cape Romano - Ten Thousand Islands
 2171 Aquatic Preserve; thence proceed easterly to the southwest
 2172 corner of Cape Romano - Ten Thousand Islands Aquatic Preserve;
 2173 thence proceed northerly to the point of beginning. Less and

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2174 | except: Begin at the southeast corner of Section 21, Township 52
 2175 | South, Range 26 East; thence proceed northerly along the
 2176 | easterly lines of Sections 21 and 16 to the northeast corner of
 2177 | said Section 16, thence proceed northerly to the thread of John
 2178 | Stevens Creek; thence proceed northwesterly along the thread of
 2179 | said creek to its intersection with the thread of Marco River;
 2180 | thence proceed northwesterly and westerly along the thread of
 2181 | said river to its intersection with the thread of Big Marco
 2182 | Pass; thence proceed southwesterly along the thread of Big Marco
 2183 | Pass to its intersection with Range line 25 East; thence proceed
 2184 | southerly along Range line 25 East to a point which is west from
 2185 | the point of beginning: Thence proceed easterly to the point of
 2186 | beginning.

2187 | (32) Rainbow Springs Aquatic Preserve, the boundaries of
 2188 | which are generally: Commencing at the intersection of Blue Run
 2189 | with the Withlacoochee River in Section 35, Township 16 South,
 2190 | Range 18 East; thence run southeasterly and easterly along said
 2191 | Blue Run to the east boundary of said Section 35; thence
 2192 | continue easterly and northerly along said Blue Run through
 2193 | Section 36, Township 16 South, Range 18 East, to the north
 2194 | boundary of said Section 36; thence continue northerly and
 2195 | northeasterly along said Blue Run in Section 25, Township 16
 2196 | South, Range 18 East, to the north boundary of the city limits
 2197 | of Dunnellon, Florida; thence from the north boundary of the
 2198 | city limits of Dunnellon, Florida, in Section 25, Township 16
 2199 | South, Range 18 East; thence run easterly along said Blue Run to
 2200 | its intersection with the east boundary line of said Section 25;
 2201 | thence continue easterly along said Rainbow River (Blue Run)

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2202 into Section 30, Township 16 South, Range 19 East, thence
 2203 northerly along said Rainbow River (Blue Run) through Sections
 2204 30 and 19, Township 16 South, Range 19 East, to a point on the
 2205 north boundary of the northwest 1/4 of Section 18; thence
 2206 continue to run northwesterly to the head of Rainbow Springs in
 2207 Section 12, Township 16 South, Range 18 East.

2208
 2209 Any and all submerged lands theretofore conveyed by the Trustees
 2210 of the Internal Improvement Trust Fund and any and all uplands
 2211 now in private ownership are specifically exempted from this
 2212 dedication.

2213 Reviser's note.--Amended to conform to the redesignation of
 2214 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 2215 Dade County Code.

2216 Section 52. Subsection (1), paragraph (a) of subsection
 2217 (2), paragraph (e) of subsection (3), and subsections (6) and
 2218 (7) of section 258.397, Florida Statutes, are amended to read:

2219 258.397 Biscayne Bay Aquatic Preserve.--

2220 (1) DESIGNATION.--Biscayne Bay in Miami-Dade ~~Dade~~ and
 2221 Monroe Counties, as hereinafter described to include Card Sound,
 2222 is designated and established as an aquatic preserve under the
 2223 provisions of this section. It is the intent of the Legislature
 2224 that Biscayne Bay be preserved in an essentially natural
 2225 condition so that its biological and aesthetic values may endure
 2226 for the enjoyment of future generations.

2227 (2) BOUNDARIES.--

2228 (a) For the purposes of this section, Biscayne Bay,
 2229 sometimes referred to in this section as "the preserve," shall

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2230 be comprised of the body of water in Miami-Dade ~~Dade~~ and Monroe
 2231 Counties known as Biscayne Bay whose boundaries are generally
 2232 defined as follows:

2233 Begin at the southwest intersection of the right-of-way of
 2234 State Road 826 and the mean high-water line of Biscayne Bay
 2235 (Township 52 South, Range 42 East, Miami-Dade ~~Dade~~ County);
 2236 thence southerly along the westerly mean high-water line of
 2237 Biscayne Bay to its intersection with the right-of-way of State
 2238 Road 905A (Township 59 South, Range 40 East, Monroe County);
 2239 thence easterly along such right-of-way to the easterly mean
 2240 high-water line of Biscayne Bay; thence northerly along the
 2241 easterly mean high-water line of Biscayne Bay following the
 2242 westerly shores of the most easterly islands and Keys with
 2243 connecting lines drawn between the closest points of adjacent
 2244 islands to the southeasterly intersection of the right-of-way of
 2245 State Road 826 and the mean high-water line of Biscayne Bay;
 2246 thence westerly to the point of beginning. Said boundary extends
 2247 across the mouths of all artificial waterways, but includes all
 2248 natural waterways tidally connected to Biscayne Bay. Excluded
 2249 from the preserve are those submerged lands conveyed to the
 2250 United States for the establishment of the Biscayne National
 2251 Monument as defined by Pub. L. No. 90-606 of the United States.

2252 (3) AUTHORITY OF TRUSTEES.--The Board of Trustees of the
 2253 Internal Improvement Trust Fund is authorized and directed to
 2254 maintain the aquatic preserve hereby created pursuant and
 2255 subject to the following provisions:

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2256 (e) Notwithstanding other provisions of this section, the
 2257 board of trustees may, respecting lands lying within Biscayne
 2258 Bay:

- 2259 1. Enter into agreements for and establish lines
 2260 delineating sovereignty and privately owned lands.
- 2261 2. Enter into agreements for the exchange of, and
 2262 exchange, sovereignty lands for privately owned lands.
- 2263 3. Accept gifts of land within or contiguous to the
 2264 preserve.
- 2265 4. Negotiate for, and enter into agreements with owners of
 2266 lands contiguous to sovereignty lands for, any public and
 2267 private use of any of such lands.
- 2268 5. Take any and all actions convenient for, or necessary
 2269 to, the accomplishment of any and all of the acts and matters
 2270 authorized by this paragraph.
- 2271 6. Conduct restoration and enhancement efforts in Biscayne
 2272 Bay and its tributaries.
- 2273 7. Stabilize eroding shorelines of Biscayne Bay and its
 2274 tributaries that are contributing to turbidity by planting
 2275 natural vegetation to the greatest extent feasible and by the
 2276 placement of riprap, as determined by Miami-Dade ~~Dade~~ County in
 2277 conjunction with the Department of Environmental Protection.
- 2278 8. Request the South Florida Water Management District to
 2279 enter into a memorandum of understanding with the Department of
 2280 Environmental Protection, the Biscayne National Park Service,
 2281 the Miami-Dade ~~Metro-Dade~~ County Department of Environmental
 2282 Resources Management and, at their option, the Corps of
 2283 Engineers to include enhanced marine productivity in Biscayne

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2284 Bay as an objective when operating the Central and Southern
 2285 Florida Flood Control projects consistently with the goals of
 2286 the water management district, including flood protection, water
 2287 supply, and environmental protection.

2288 (6) DISCHARGE OF WASTES PROHIBITED.--No wastes or
 2289 effluents which substantially inhibit the accomplishment of the
 2290 purposes of this section shall be discharged into the preserve.
 2291 In order to ensure that these objectives are met, the following
 2292 shall be required:

2293 (a) The Department of Environmental Protection, in
 2294 cooperation with the South Florida Water Management District and
 2295 Miami-Dade ~~Dade~~ County, shall investigate stormwater management
 2296 practices within the watershed and shall develop a corrective
 2297 plan for management and treatment of stormwater. The plan shall
 2298 provide for retrofitting of stormwater outfalls causing the
 2299 greatest environmental damage to the bay.

2300 (b) The Department of Environmental Protection, in
 2301 cooperation with Miami-Dade ~~Dade~~ County, shall develop a program
 2302 to regulate the use of pumpout facilities in the Biscayne Bay
 2303 area and along the Miami River.

2304 (c) The Department of Environmental Protection, in
 2305 cooperation with Miami-Dade ~~Dade~~ County, shall develop a program
 2306 to eliminate, to the greatest extent possible, the discharge of
 2307 oil and other pollutants from ships and to remove derelict
 2308 vessels from the Miami River and the Biscayne Bay area.

2309 (7) ENFORCEMENT.--The provisions of this section may be
 2310 enforced in accordance with the provisions of s. 403.412. In
 2311 addition, the Department of Legal Affairs is authorized to bring

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2312 an action for civil penalties of \$5,000 per day against any
 2313 person, natural or corporate, who violates the provisions of
 2314 this section or any rule or regulation issued hereunder.

2315 Enforcement of applicable state regulations shall be
 2316 supplemented by the Miami-Dade ~~Metro-Dade~~ County Department of
 2317 Environmental Resources Management through the creation of a
 2318 full-time enforcement presence along the Miami River.

2319 Reviser's note.--Amended to conform to the redesignation of
 2320 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 2321 Dade County Code and the current name of the Miami-Dade
 2322 County Department of Environmental Resources Management.

2323 Section 53. Section 286.0111, Florida Statutes, is amended
 2324 to read:

2325 286.0111 Legislative review of certain exemptions from
 2326 requirements for public meetings and recordkeeping by
 2327 governmental entities.--The provisions of s. 119.15, the Open
 2328 Government Sunset Review Act ~~of 1995~~, apply to the provisions of
 2329 law which provide exemptions to s. 286.011, as provided in s.
 2330 119.15.

2331 Reviser's note.--Amended to conform to the renaming of the
 2332 "Open Government Sunset Review Act of 1995" as the "Open
 2333 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 2334 of Florida.

2335 Section 54. Paragraph (e) of subsection (2) of section
 2336 288.0655, Florida Statutes, is amended to read:

2337 288.0655 Rural Infrastructure Fund.--
 2338 (2)

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2339 (e) To enable local governments to access the resources
 2340 available pursuant to s. 403.973(18) ~~403.973(19)~~, the office may
 2341 award grants for surveys, feasibility studies, and other
 2342 activities related to the identification and preclearance review
 2343 of land which is suitable for preclearance review. Authorized
 2344 grants under this paragraph shall not exceed \$75,000 each,
 2345 except in the case of a project in a rural area of critical
 2346 economic concern, in which case the grant shall not exceed
 2347 \$300,000. Any funds awarded under this paragraph must be matched
 2348 at a level of 50 percent with local funds, except that any funds
 2349 awarded for a project in a rural area of critical economic
 2350 concern must be matched at a level of 33 percent with local
 2351 funds. In evaluating applications under this paragraph, the
 2352 office shall consider the extent to which the application seeks
 2353 to minimize administrative and consultant expenses.

2354 Reviser's note.--Amended to conform to the repeal of s.
 2355 403.973(4) by s. 23, ch. 2007-105, Laws of Florida.

2356 Section 55. Paragraph (b) of subsection (2) of section
 2357 288.1223, Florida Statutes, is amended to read:

2358 288.1223 Florida Commission on Tourism; creation; purpose;
 2359 membership.--

2360 (2)

2361 (b) When making the 17 general tourism-industry-related
 2362 appointments to the commission, the Governor shall appoint
 2363 persons who are residents of the state, recognized tourism
 2364 leaders, including, but not limited to, representatives of
 2365 tourist development councils, convention and visitor bureaus,
 2366 and associations, and chairs of the board, presidents, chief

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2367 executive officers, chief operating officers, or persons of
 2368 comparable executive level or influence of leading or otherwise
 2369 important tourism industries. Consideration shall be given to
 2370 appointing members who represent those tourist-related lodging,
 2371 retail, attraction, and transportation industries which
 2372 contribute significantly to the promotion of Florida as a
 2373 tourist destination from their private budgets and publicly
 2374 through their voluntary tourism promotion investment
 2375 contributions. Minority persons, as defined in s. 288.703, shall
 2376 be included in the appointments to the commission and to any
 2377 advisory committee appointed by the commission, so that the
 2378 commission and advisory committees are broadly representative of
 2379 the population of Florida. In addition, members shall be
 2380 appointed in such a manner as to equitably represent all
 2381 geographic areas of the state, with no fewer than two and no
 2382 more than four members from any of the following regions:

2383 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
 2384 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
 2385 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2386 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
 2387 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
 2388 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
 2389 Taylor, and Union Counties.

2390 3. Region 3, composed of Brevard, Indian River, Lake,
 2391 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
 2392 Volusia Counties.

2393 4. Region 4, composed of Citrus, Hernando, Hillsborough,
 2394 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

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2395 | 5. Region 5, composed of Charlotte, Collier, DeSoto,
2396 | Glades, Hardee, Hendry, Highlands, and Lee Counties.

2397 | 6. Region 6, composed of Broward, ~~Dade~~, Martin, Miami-
2398 | Dade, Monroe, and Palm Beach Counties.

2399 |
2400 | No more than one member may be an employee of any one company,
2401 | organization, council, or bureau.

2402 | Reviser's note.--Amended to conform to the redesignation of
2403 | Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
2404 | Dade County Code.

2405 | Section 56. Paragraph (e) of subsection (1) and paragraph
2406 | (d) of subsection (4) of section 288.1254, Florida Statutes, are
2407 | amended to read:

2408 | 288.1254 Entertainment industry financial incentive
2409 | program.--

2410 | (1) DEFINITIONS.--As used in this section, the term:

2411 | (e) "Production" means a theatrical or direct-to-video
2412 | motion picture; a made-for-television motion picture; a
2413 | commercial; a music video; an industrial or educational film; an
2414 | infomercial; a documentary film; a television pilot program; a
2415 | presentation for a television pilot program; a television
2416 | series, including, but not limited to, a drama, a reality show,
2417 | a comedy, a soap opera, a telenovela, a game show, or a
2418 | miniseries production; or a digital media project by the
2419 | entertainment industry. One season of a television series is
2420 | considered one production. The term excludes a weather or market
2421 | program; a sporting event; a sports show; a gala; a production
2422 | that solicits funds; a home shopping program; a political

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2423 program; a political documentary; political advertising; a
 2424 gambling-related project or production; a concert production; a
 2425 pornographic production; or a local, regional, or Internet-
 2426 distributed-only news show, current-events show, pornographic
 2427 production, or current-affairs show. A production may be
 2428 produced on or by film, tape, or otherwise by means of a motion
 2429 picture camera; electronic camera or device; tape device;
 2430 computer; any combination of the foregoing; or any other means,
 2431 method, or device now used or later adopted.

2432 (4) PRIORITY FOR INCENTIVE FUNDING; WITHDRAWAL OF
 2433 ELIGIBILITY; QUEUES.--

2434 (d) Digital media projects queue.--Ten percent of
 2435 incentive funding appropriated in any state fiscal year shall be
 2436 dedicated to the digital media projects queue. A production
 2437 certified under this queue is eligible for a reimbursement equal
 2438 to 10 percent of ~~if~~ its actual qualified expenditures. A
 2439 qualified production that is a digital media project that
 2440 demonstrates a minimum of \$300,000 in total qualified
 2441 expenditures is eligible for a maximum of \$1 million in
 2442 incentive funding. As used in this paragraph, the term
 2443 "qualified expenditures" means the wages or salaries paid to a
 2444 resident of this state for working on a single qualified digital
 2445 media project, up to a maximum of \$200,000 in wages or salaries
 2446 paid per resident. A qualified production company producing
 2447 digital media projects may not qualify for more than three
 2448 projects in any 1 fiscal year. Projects that extend beyond a
 2449 fiscal year must reapply each fiscal year in order to be
 2450 eligible for incentive funding for that year.

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2451 Reviser's note.--Paragraph (1) (e) is amended to confirm the
 2452 editorial insertion of the word "or" after the word "show"
 2453 to improve clarity and facilitate correct interpretation.
 2454 Paragraph (4) (d) is amended to confirm the editorial
 2455 substitution of the word "of" for the word "if" to correct
 2456 a typographical error.

2457 Section 57. Paragraphs (a) and (g) of subsection (5) of
 2458 section 288.8175, Florida Statutes, are amended to read:

2459 288.8175 Linkage institutes between postsecondary
 2460 institutions in this state and foreign countries.--

2461 (5) The institutes are:

2462 (a) Florida-Brazil Institute (University of Florida and
 2463 Miami Dade ~~Miami Dade Community~~ College).

2464 (g) Florida-France Institute (New College of the
 2465 University of South Florida, Miami Dade ~~Miami Dade Community~~
 2466 College, and Florida State University).

2467 Reviser's note.--Amended to conform to the correct name of
 2468 Miami Dade College.

2469 Section 58. Subsection (7) of section 288.9015, Florida
 2470 Statutes, is repealed.

2471 Reviser's note.--The referenced subsection, which relates
 2472 to Enterprise Florida, Inc., working with the Department of
 2473 Education and Workforce Florida, Inc., in designating
 2474 districts to participate in the CHOICE project under
 2475 repealed s. 1003.494, has served its purpose.

2476 Section 59. Subsection (6) of section 288.90151, Florida
 2477 Statutes, is amended to read:

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2478 288.90151 Return on investment from activities of
 2479 Enterprise Florida, Inc.--
 2480 (6) Enterprise Florida, Inc., shall fully comply with the
 2481 performance measures, standards, and sanctions in its contracts
 2482 with the Office of Tourism, Trade, and Economic Development
 2483 under s. 14.2015(2)(h) and (7) ~~14.2015(2)(i) and (7)~~. The Office
 2484 of Tourism, Trade, and Economic Development shall ensure, to the
 2485 maximum extent possible, that the contract performance measures
 2486 are consistent with performance measures that the office is
 2487 required to develop and track under performance-based program
 2488 budgeting.
 2489 Reviser's note.--Amended to confirm the editorial
 2490 substitution of a reference to s. 14.2015(2)(h) and (7) for
 2491 a reference to s. 14.2015(2)(i) and (7). Material
 2492 concerning contracts between Enterprise Florida, Inc., and
 2493 the Office of Tourism, Trade, and Economic Development is
 2494 covered in s. 14.2015(2)(h) and (7).
 2495 Section 60. Subsection (8) of section 288.9551, Florida
 2496 Statutes, is amended to read:
 2497 288.9551 Exemptions from public records and meetings
 2498 requirements; Scripps Florida Funding Corporation, The Scripps
 2499 Research Institute or grantee, and the Office of Tourism, Trade,
 2500 and Economic Development.--
 2501 (8) This section is subject to the Open Government Sunset
 2502 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 2503 repealed on October 2, 2009, unless reviewed and saved from
 2504 repeal through reenactment by the Legislature.

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2505 Reviser's note.--Amended to conform to the renaming of the
 2506 "Open Government Sunset Review Act of 1995" as the "Open
 2507 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 2508 of Florida.

2509 Section 61. Subsection (5) and paragraph (d) of subsection
 2510 (12) of section 288.975, Florida Statutes, are amended to read:
 2511 288.975 Military base reuse plans.--

2512 (5) At the discretion of the host local government, the
 2513 provisions of this act may be complied with through the adoption
 2514 of the military base reuse plan as a separate component of the
 2515 local government comprehensive plan or through simultaneous
 2516 amendments to all pertinent portions of the local government
 2517 comprehensive plan. Once adopted and approved in accordance with
 2518 this section, the military base reuse plan shall be considered
 2519 to be part of the host local government's comprehensive plan and
 2520 shall be thereafter implemented, amended, and reviewed in
 2521 accordance with the provisions of part II of chapter 163. Local
 2522 government comprehensive plan amendments necessary to initially
 2523 adopt the military base reuse plan shall be exempt from the
 2524 limitation on the frequency of plan amendments contained in s.
 2525 163.3187(1) ~~163.3187(2)~~.

2526 (12) Following receipt of a petition, the petitioning
 2527 party or parties and the host local government shall seek
 2528 resolution of the issues in dispute. The issues in dispute shall
 2529 be resolved as follows:

2530 (d) Within 45 days after receiving the report from the
 2531 state land planning agency, the Administration Commission shall
 2532 take action to resolve the issues in dispute. In deciding upon a

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2533 | proper resolution, the Administration Commission shall consider
 2534 | the nature of the issues in dispute, any requests for a formal
 2535 | administrative hearing pursuant to chapter 120, the compliance
 2536 | of the parties with this section, the extent of the conflict
 2537 | between the parties, the comparative hardships and the public
 2538 | interest involved. If the Administration Commission incorporates
 2539 | in its final order a term or condition that requires any local
 2540 | government to amend its local government comprehensive plan, the
 2541 | local government shall amend its plan within 60 days after the
 2542 | issuance of the order. Such amendment or amendments shall be
 2543 | exempt from the limitation of the frequency of plan amendments
 2544 | contained in s. 163.3187(1) ~~163.3187(2)~~, and a public hearing on
 2545 | such amendment or amendments pursuant to s. 163.3184(15)(b)1.
 2546 | shall not be required. The final order of the Administration
 2547 | Commission is subject to appeal pursuant to s. 120.68. If the
 2548 | order of the Administration Commission is appealed, the time for
 2549 | the local government to amend its plan shall be tolled during
 2550 | the pendency of any local, state, or federal administrative or
 2551 | judicial proceeding relating to the military base reuse plan.

2552 | Reviser's note.--Amended to substitute a reference to s.
 2553 | 163.3187(1), which relates to frequency of plan amendments,
 2554 | for a reference to s. 163.3187(2), which relates to
 2555 | amendments to preserve the internal consistency of the
 2556 | plan.

2557 | Section 62. Subsection (69) of section 316.003, Florida
 2558 | Statutes, is amended to read:

2559 | 316.003 Definitions.--The following words and phrases,
 2560 | when used in this chapter, shall have the meanings respectively

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2561 ascribed to them in this section, except where the context
 2562 otherwise requires:

2563 (69) HAZARDOUS MATERIAL.--Any substance or material which
 2564 has been determined by the secretary of the United States
 2565 Department of Transportation to be capable of imposing an
 2566 unreasonable risk to health, safety, and property. This term
 2567 includes hazardous waste as defined in s. 403.703(13)
 2568 ~~403.703(21)~~.

2569 Reviser's note.--Amended to conform to the relocation of
 2570 the referenced definition by the substantial rewording of
 2571 s. 403.703 by s. 6, ch. 2007-184, Laws of Florida.

2572 Section 63. Paragraph (a) of subsection (8) of section
 2573 320.0805, Florida Statutes, is amended to read:

2574 320.0805 Personalized prestige license plates.--

2575 (8)(a) Personalized prestige license plates shall consist
 2576 of three ~~four~~ types of plates as follows:

2577 1. A plate imprinted with numerals only. Such plates shall
 2578 consist of numerals from 1 to 999, inclusive.

2579 2. A plate imprinted with capital letters only. Such
 2580 plates shall consist of capital letters "A" through "Z" and
 2581 shall be limited to a total of seven of the same or different
 2582 capital letters. A hyphen may be added in addition to the seven
 2583 letters.

2584 3. A plate imprinted with both capital letters and
 2585 numerals. Such plates shall consist of no more than a total of
 2586 seven characters, including both numerals and capital letters,
 2587 in any combination, except that a hyphen may be added in
 2588 addition to the seven characters if desired or needed. However,

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2589 | on those plates issued to, and bearing the names of,
 2590 | organizations, the letters and numerals shall be of such size,
 2591 | if necessary, as to accommodate a maximum of 18 digits for
 2592 | automobiles, trucks, and recreational vehicles and 7 digits for
 2593 | motorcycles. Plates consisting of the four capital letters
 2594 | "PRES" preceded or followed by a hyphen and numerals of 1 to 999
 2595 | shall be reserved for issuance only to applicants who qualify as
 2596 | members of the press and who are associated with, or are
 2597 | employees of, the reporting media.

2598 | Reviser's note.--Amended to conform to the deletion of
 2599 | subparagraph (8)(a)4. by s. 20, ch. 96-413, Laws of
 2600 | Florida.

2601 | Section 64. Paragraph (a) of subsection (9) of section
 2602 | 322.34, Florida Statutes, is amended to read:

2603 | 322.34 Driving while license suspended, revoked, canceled,
 2604 | or disqualified.--

2605 | (9)(a) A motor vehicle that is driven by a person under
 2606 | the influence of alcohol or drugs in violation of s. 316.193 is
 2607 | subject to seizure and forfeiture under ss. 932.701-932.706
 2608 | ~~932.701-932.707~~ and is subject to liens for recovering, towing,
 2609 | or storing vehicles under s. 713.78 if, at the time of the
 2610 | offense, the person's driver's license is suspended, revoked, or
 2611 | canceled as a result of a prior conviction for driving under the
 2612 | influence.

2613 | Reviser's note.--Amended to conform to the repeal of s.
 2614 | 932.707 by s. 21, ch. 2006-176, Laws of Florida.

2615 | Section 65. Paragraph (a) of subsection (4) of section
 2616 | 323.001, Florida Statutes, is amended to read:

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2617 | 323.001 Wrecker operator storage facilities; vehicle
 2618 | holds.--
 2619 | (4) The requirements for a written hold apply when the
 2620 | following conditions are present:
 2621 | (a) The officer has probable cause to believe the vehicle
 2622 | should be seized and forfeited under the Florida Contraband
 2623 | Forfeiture Act, ss. 932.701-932.706 ~~932.701-932.707~~;
 2624 | Reviser's note.--Amended to conform to the repeal of s.
 2625 | 932.707 by s. 21, ch. 2006-176, Laws of Florida.
 2626 | Section 66. Paragraph (b) of subsection (3) of section
 2627 | 328.07, Florida Statutes, is amended to read:
 2628 | 328.07 Hull identification number required.--
 2629 | (3)
 2630 | (b) If any of the hull identification numbers required by
 2631 | the United States Coast Guard for a vessel manufactured after
 2632 | October 31, 1972, do not exist or have been altered, removed,
 2633 | destroyed, covered, or defaced or the real identity of the
 2634 | vessel cannot be determined, the vessel may be seized as
 2635 | contraband property by a law enforcement agency or the division,
 2636 | and shall be subject to forfeiture pursuant to ss. 932.701-
 2637 | 932.706 ~~932.701-932.707~~. Such vessel may not be sold or operated
 2638 | on the waters of the state unless the division receives a
 2639 | request from a law enforcement agency providing adequate
 2640 | documentation or is directed by written order of a court of
 2641 | competent jurisdiction to issue to the vessel a replacement hull
 2642 | identification number which shall thereafter be used for
 2643 | identification purposes. No vessel shall be forfeited under the
 2644 | Florida Contraband Forfeiture Act when the owner unknowingly,

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2645 | inadvertently, or neglectfully altered, removed, destroyed,
 2646 | covered, or defaced the vessel hull identification number.
 2647 | Reviser's note.--Amended to conform to the repeal of s.
 2648 | 932.707 by s. 21, ch. 2006-176, Laws of Florida.
 2649 | Section 67. Subsection (4) of section 337.0261, Florida
 2650 | Statutes, is amended to read:
 2651 | 337.0261 Construction aggregate materials.--
 2652 | (4) EXPEDITED PERMITTING.--Due to the state's critical
 2653 | infrastructure needs and the potential shortfall in available
 2654 | construction aggregate materials, limerock environmental
 2655 | resource permitting and reclamation applications filed after
 2656 | March 1, 2007, are eligible for the expedited permitting
 2657 | processes contained in s. 403.973. Challenges to state agency
 2658 | action in the expedited permitting process for establishment of
 2659 | a limerock mine in this state under s. 403.973 are subject to
 2660 | the same requirements as challenges brought under s.
 2661 | 403.973(14)(a) ~~403.973(15)(a)~~, except that, notwithstanding s.
 2662 | 120.574, summary proceedings must be conducted within 30 days
 2663 | after a party files the motion for summary hearing, regardless
 2664 | of whether the parties agree to the summary proceeding.
 2665 | Reviser's note.--Amended to conform to the repeal of s.
 2666 | 403.973(4) by s. 23, ch. 2007-105, Laws of Florida.
 2667 | Section 68. Section 338.165, Florida Statutes, is
 2668 | reenacted to read:
 2669 | 338.165 Continuation of tolls.--
 2670 | (1) The department, any transportation or expressway
 2671 | authority or, in the absence of an authority, a county or
 2672 | counties may continue to collect the toll on a revenue-producing

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2673 project after the discharge of any bond indebtedness related to
 2674 such project and may increase such toll. All tolls so collected
 2675 shall first be used to pay the annual cost of the operation,
 2676 maintenance, and improvement of the toll project.

2677 (2) If the revenue-producing project is on the State
 2678 Highway System, any remaining toll revenue shall be used for the
 2679 construction, maintenance, or improvement of any road on the
 2680 State Highway System within the county or counties in which the
 2681 revenue-producing project is located, except as provided in s.
 2682 348.0004.

2683 (3) Notwithstanding any other provision of law, the
 2684 department, including the turnpike enterprise, shall index toll
 2685 rates on existing toll facilities to the annual Consumer Price
 2686 Index or similar inflation indicators. Toll rate adjustments for
 2687 inflation under this subsection may be made no more frequently
 2688 than once a year and must be made no less frequently than once
 2689 every 5 years as necessary to accommodate cash toll rate
 2690 schedules. Toll rates may be increased beyond these limits as
 2691 directed by bond documents, covenants, or governing body
 2692 authorization or pursuant to department administrative rule.

2693 (4) Notwithstanding any other law to the contrary,
 2694 pursuant to s. 11, Art. VII of the State Constitution, and
 2695 subject to the requirements of subsection (2), the Department of
 2696 Transportation may request the Division of Bond Finance to issue
 2697 bonds secured by toll revenues collected on the Alligator Alley,
 2698 the Sunshine Skyway Bridge, the Beeline-East Expressway, the
 2699 Navarre Bridge, and the Pinellas Bayway to fund transportation
 2700 projects located within the county or counties in which the

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2701 project is located and contained in the adopted work program of
 2702 the department.

2703 (5) If the revenue-producing project is on the county road
 2704 system, any remaining toll revenue shall be used for the
 2705 construction, maintenance, or improvement of any other state or
 2706 county road within the county or counties in which the revenue-
 2707 producing project is located, except as provided in s. 348.0004.

2708 (6) Selection of projects on the State Highway System for
 2709 construction, maintenance, or improvement with toll revenues
 2710 shall be, with the concurrence of the department, consistent
 2711 with the Florida Transportation Plan.

2712 (7) Notwithstanding the provisions of subsection (1), and
 2713 not including high occupancy toll lanes or express lanes, no
 2714 tolls may be charged for use of an interstate highway where
 2715 tolls were not charged as of July 1, 1997.

2716 (8) With the exception of subsection (3), this section
 2717 does not apply to the turnpike system as defined under the
 2718 Florida Turnpike Enterprise Law.

2719 Reviser's note.--Section 51, ch. 2007-196, Laws of Florida,
 2720 amended s. 338.165 without publishing existing subsection

2721 (6) and amended existing subsection (7) with coding
 2722 indicating the material is newly numbered by that law as
 2723 subsection (7) and with uncoded language at the beginning
 2724 of the subsection reading "[w]ith the exception of
 2725 subsection (3)." To conform to renumbering of subsections
 2726 by s. 51, ch. 2007-196, and absent affirmative evidence of
 2727 legislative intent to repeal existing subsection (6),
 2728 redesignated as subsection (7) to conform to the addition

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2729 of a new subsection (3) by s. 51, ch. 2007-196, the section
 2730 is reenacted.

2731 Section 69. Subsection (4) of section 338.231, Florida
 2732 Statutes, is amended to read:

2733 338.231 Turnpike tolls, fixing; pledge of tolls and other
 2734 revenues.--The department shall at all times fix, adjust,
 2735 charge, and collect such tolls for the use of the turnpike
 2736 system as are required in order to provide a fund sufficient
 2737 with other revenues of the turnpike system to pay the cost of
 2738 maintaining, improving, repairing, and operating such turnpike
 2739 system; to pay the principal of and interest on all bonds issued
 2740 to finance or refinance any portion of the turnpike system as
 2741 the same become due and payable; and to create reserves for all
 2742 such purposes.

2743 (4) For the period July 1, 1998, through June 30, 2017,
 2744 the department shall, to the maximum extent feasible, program
 2745 sufficient funds in the tentative work program such that the
 2746 percentage of turnpike toll and bond financed commitments in
 2747 Miami-Dade ~~Dade~~ County, Broward County, and Palm Beach County as
 2748 compared to total turnpike toll and bond financed commitments
 2749 shall be at least 90 percent of the share of net toll
 2750 collections attributable to users of the turnpike system in
 2751 Miami-Dade ~~Dade~~ County, Broward County, and Palm Beach County as
 2752 compared to total net toll collections attributable to users of
 2753 the turnpike system. The requirements of this subsection do not
 2754 apply when the application of such requirements would violate
 2755 any covenant established in a resolution or trust indenture
 2756 relating to the issuance of turnpike bonds.

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2757 Reviser's note.--Amended to conform to the redesignation of
 2758 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 2759 Dade County Code.

2760 Section 70. Paragraph (a) of subsection (3) of section
 2761 339.175, Florida Statutes, is amended to read:

2762 339.175 Metropolitan planning organization.--

2763 (3) VOTING MEMBERSHIP.--

2764 (a) The voting membership of an M.P.O. shall consist of
 2765 not fewer than 5 or more than 19 apportioned members, the exact
 2766 number to be determined on an equitable geographic-population
 2767 ratio basis by the Governor, based on an agreement among the
 2768 affected units of general-purpose local government as required
 2769 by federal rules and regulations. The Governor, in accordance
 2770 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 2771 represent municipalities to alternate with representatives from
 2772 other municipalities within the metropolitan planning area that
 2773 do not have members on the M.P.O. County commission members
 2774 shall compose not less than one-third of the M.P.O. membership,
 2775 except for an M.P.O. with more than 15 members located in a
 2776 county with a 5-member county commission or an M.P.O. with 19
 2777 members located in a county with no more than 6 county
 2778 commissioners, in which case county commission members may
 2779 compose less than one-third percent of the M.P.O. membership,
 2780 but all county commissioners must be members. All voting members
 2781 shall be elected officials of general-purpose local governments,
 2782 except that an M.P.O. may include, as part of its apportioned
 2783 voting members, a member of a statutorily authorized planning
 2784 board, an official of an agency that operates or administers a

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2785 major mode of transportation, or an official of Space Florida
 2786 ~~the Florida Space Authority~~. As used in this section, the term
 2787 "elected officials of a general-purpose local government" shall
 2788 exclude constitutional officers, including sheriffs, tax
 2789 collectors, supervisors of elections, property appraisers,
 2790 clerks of the court, and similar types of officials. County
 2791 commissioners shall compose not less than 20 percent of the
 2792 M.P.O. membership if an official of an agency that operates or
 2793 administers a major mode of transportation has been appointed to
 2794 an M.P.O.

2795 Reviser's note.--Amended to conform to the amendment to s.
 2796 331.302 by s. 3, ch. 2006-60, Laws of Florida, which
 2797 replaced the Florida Space Authority with Space Florida.

2798 Section 71. Paragraph (a) of subsection (11) of section
 2799 343.92, Florida Statutes, is amended to read:

2800 343.92 Tampa Bay Area Regional Transportation Authority.--

2801 (11) (a) The authority shall establish a Transit Management
 2802 Committee comprised of the executive directors or general
 2803 managers, or their designees, of each of the existing transit
 2804 providers and ~~Tampa~~ bay area commuter services.

2805 Reviser's note.--Amended to confirm the editorial deletion
 2806 of the word "Tampa" preceding the word "bay" to conform to
 2807 context.

2808 Section 72. Paragraph (1) of subsection (2) of section
 2809 348.243, Florida Statutes, is repealed.

2810 Reviser's note.--The cited paragraph, which relates to an
 2811 agreement to sell, transfer, and dispose of all property of

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2812 the Sawgrass Expressway to the Department of Transportation
 2813 as part of the Turnpike System, has served its purpose.

2814 Section 73. Subsection (14) of section 364.02, Florida
 2815 Statutes, is amended to read:

2816 364.02 Definitions.--As used in this chapter:

2817 (14) "Telecommunications company" includes every
 2818 corporation, partnership, and person and their lessees,
 2819 trustees, or receivers appointed by any court whatsoever, and
 2820 every political subdivision in the state, offering two-way
 2821 telecommunications service to the public for hire within this
 2822 state by the use of a telecommunications facility. The term
 2823 "telecommunications company" does not include:

2824 (a) An entity which provides a telecommunications facility
 2825 exclusively to a certificated telecommunications company;

2826 (b) An entity which provides a telecommunications facility
 2827 exclusively to a company which is excluded from the definition
 2828 of a telecommunications company under this subsection;

2829 (c) A commercial mobile radio service provider;

2830 (d) A facsimile transmission service;

2831 (e) A private computer data network company not offering
 2832 service to the public for hire;

2833 (f) A cable television company providing cable service as
 2834 defined in 47 U.S.C. s. 522; or

2835 (g) An intrastate interexchange telecommunications
 2836 company.

2837
 2838 However, each commercial mobile radio service provider and each
 2839 intrastate interexchange telecommunications company shall

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2840 continue to be liable for any taxes imposed under chapters 202,
 2841 203, and 212 and any fees assessed under s. 364.025. Each
 2842 intrastate interexchange telecommunications company shall
 2843 continue to be subject to ss. 364.04, 364.10(3)(a) and (d),
 2844 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604, shall
 2845 provide the commission with the current information as the
 2846 commission deems necessary to contact and communicate with the
 2847 company, shall continue to pay intrastate switched network
 2848 access rates or other intercarrier compensation to the local
 2849 exchange telecommunications company or the competitive local
 2850 exchange telecommunications company for the origination and
 2851 termination of interexchange telecommunications service, and
 2852 shall reduce its intrastate long distance toll rates in
 2853 accordance with former s. 364.163(2).

2854 Reviser's note.--Amended to conform to the repeal of s.
 2855 364.163(2) by s. 12, ch. 2007-29, Laws of Florida.

2856 Section 74. Subsection (3) of section 367.171, Florida
 2857 Statutes, is amended to read:

2858 367.171 Effectiveness of this chapter.--

2859 (3) In consideration of the variance of powers, duties,
 2860 responsibilities, population, and size of municipalities of the
 2861 several counties and in consideration of the fact that every
 2862 county varies from every other county and thereby affects the
 2863 functions, duties, and responsibilities required of its county
 2864 officers and the scope of responsibilities which each county
 2865 may, at this time, undertake, the Counties of Alachua, Baker,
 2866 Bradford, Calhoun, Charlotte, Collier, ~~Dade~~, Dixie, Escambia,
 2867 Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry,

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2868 | Hernando, Hillsborough, Holmes, Indian River, Jefferson,
 2869 | Lafayette, Leon, Liberty, Madison, Manatee, Miami-Dade,
 2870 | Okaloosa, Okeechobee, Polk, St. Lucie, Santa Rosa, Sarasota,
 2871 | Suwannee, Taylor, Union, Wakulla, and Walton are excluded from
 2872 | the provisions of this chapter until such time as the board of
 2873 | county commissioners of any such county, acting pursuant to the
 2874 | provisions of subsection (1), makes this chapter applicable to
 2875 | such county or until the Legislature, by appropriate act,
 2876 | removes one or more of such counties from this exclusion.

2877 | Reviser's note.--Amended to conform to the redesignation of
 2878 | Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 2879 | Dade County Code.

2880 | Section 75. Subsection (2) of section 369.255, Florida
 2881 | Statutes, is amended to read:

2882 | 369.255 Green utility ordinances for funding greenspace
 2883 | management and exotic plant control.--

2884 | (2) In addition to any other funding mechanisms legally
 2885 | available to counties and municipalities to control invasive,
 2886 | nonindigenous aquatic or upland plants and manage urban forest
 2887 | resources, a county or municipality may create one or more green
 2888 | utilities or adopt fees sufficient to plan, restore, and manage
 2889 | urban forest resources, greenways, forest preserves, wetlands,
 2890 | and other aquatic zones and create a stewardship grant program
 2891 | for private natural areas. Counties or municipalities may
 2892 | create, alone or in cooperation with other counties or
 2893 | municipalities pursuant to the Florida Interlocal Cooperation
 2894 | Act of 1969, s. 163.01, one or more greenspace management
 2895 | districts to fund the planning, management, operation, and

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2896 administration of a greenspace management program. The fees
 2897 shall be collected on a voluntary basis as set forth by the
 2898 county or municipality and calculated to generate sufficient
 2899 funds to plan, manage, operate, and administer a greenspace
 2900 management program. Private natural areas assessed according to
 2901 s. 193.501 would qualify for stewardship grants.

2902 Reviser's note.--Amended to conform to the name of the
 2903 Florida Interlocal Cooperation Act of 1969 as referenced in
 2904 s. 163.01.

2905 Section 76. Paragraph (a) of subsection (4) of section
 2906 370.142, Florida Statutes, is amended to read:

2907 370.142 Spiny lobster trap certificate program.--

2908 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
 2909 BOARD.--There is hereby established the Trap Certificate
 2910 Technical Advisory and Appeals Board. Such board shall consider
 2911 and advise the commission on disputes and other problems arising
 2912 from the implementation of the spiny lobster trap certificate
 2913 program. The board may also provide information to the
 2914 commission on the operation of the trap certificate program.

2915 (a) The board shall consist of the executive director of
 2916 the commission or designee and nine other members appointed by
 2917 the executive director, according to the following criteria:

2918 1. All appointed members shall be certificateholders, but
 2919 two shall be holders of fewer than 100 certificates, two shall
 2920 be holders of at least 100 but no more than 750 certificates,
 2921 three shall be holders of more than 750 but not more than 2,000
 2922 certificates, and two shall be holders of more than 2,000
 2923 certificates.

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2924 2. At least one member each shall come from Broward,
 2925 Miami-Dade ~~Dade~~, and Palm Beach Counties; and five members shall
 2926 come from the various regions of the Florida Keys.

2927 3. At least one appointed member shall be a person of
 2928 Hispanic origin capable of speaking English and Spanish.

2929 Reviser's note.--Amended to conform to the redesignation of
 2930 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 2931 Dade County Code.

2932 Section 77. Paragraph (a) of subsection (2) of section
 2933 370.172, Florida Statutes, is amended to read:

2934 370.172 Spearfishing; definition; limitations; penalty.--

2935 (2) (a) Spearfishing is prohibited within the boundaries of
 2936 the John Pennekamp Coral Reef State Park, the waters of Collier
 2937 County, and the area in Monroe County known as Upper Keys, which
 2938 includes all salt waters under the jurisdiction of the Fish and
 2939 Wildlife Conservation Commission beginning at the county line
 2940 between Miami-Dade ~~Dade~~ and Monroe Counties and running south,
 2941 including all of the keys down to and including Long Key.

2942 Reviser's note.--Amended to conform to the redesignation of
 2943 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 2944 Dade County Code.

2945 Section 78. Section 372.09, Florida Statutes, is amended
 2946 to read:

2947 372.09 State Game Trust Fund.--The funds resulting from
 2948 the operation of the commission and from the administration of
 2949 the laws and regulations pertaining to birds, game, fur-bearing
 2950 animals, freshwater fish, reptiles, and amphibians, together
 2951 with any other funds specifically provided for such purposes

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2952 shall constitute the State Game Trust Fund and shall be used by
 2953 the commission as it shall deem fit in carrying out the
 2954 provisions hereof and for no other purposes, except that annual
 2955 use fees deposited into the trust fund from the sale of the
 2956 Largemouth Bass license plate may be expended for the purposes
 2957 provided under s. 320.08058(17) ~~320.08058(18)~~. The commission
 2958 may not obligate itself beyond the current resources of the
 2959 State Game Trust Fund unless specifically so authorized by the
 2960 Legislature.

2961 Reviser's note.--Amended to conform to the repeal of s.
 2962 320.08058(15) by s. 2, ch. 2007-103, Laws of Florida, and
 2963 the subsequent redesignation of subsections.

2964 Section 79. Paragraph (b) of subsection (8) of section
 2965 373.026, Florida Statutes, is amended to read:

2966 373.026 General powers and duties of the department.--The
 2967 department, or its successor agency, shall be responsible for
 2968 the administration of this chapter at the state level. However,
 2969 it is the policy of the state that, to the greatest extent
 2970 possible, the department may enter into interagency or
 2971 interlocal agreements with any other state agency, any water
 2972 management district, or any local government conducting programs
 2973 related to or materially affecting the water resources of the
 2974 state. All such agreements shall be subject to the provisions of
 2975 s. 373.046. In addition to its other powers and duties, the
 2976 department shall, to the greatest extent possible:

2977 (8)

2978 (b) To ensure to the greatest extent possible that project
 2979 components will go forward as planned, the department shall

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2980 collaborate with the South Florida Water Management District in
 2981 implementing the comprehensive plan as defined in s.
 2982 373.470(2)(b) ~~373.470(2)(a)~~, the Lake Okeechobee Watershed
 2983 Protection Plan as defined in s. 373.4595(2), and the River
 2984 Watershed Protection Plans as defined in s. 373.4595(2). Before
 2985 any project component is submitted to Congress for authorization
 2986 or receives an appropriation of state funds, the department must
 2987 approve, or approve with amendments, each project component
 2988 within 60 days following formal submittal of the project
 2989 component to the department. Prior to the release of state funds
 2990 for the implementation of the comprehensive plan, department
 2991 approval shall be based upon a determination of the South
 2992 Florida Water Management District's compliance with s.
 2993 373.1501(5). Once a project component is approved, the South
 2994 Florida Water Management District shall provide to the Joint
 2995 Legislative Committee on Everglades Oversight a schedule for
 2996 implementing the project component, the estimated total cost of
 2997 the project component, any existing federal or nonfederal
 2998 credits, the estimated remaining federal and nonfederal share of
 2999 costs, and an estimate of the amount of state funds that will be
 3000 needed to implement the project component. All requests for an
 3001 appropriation of state funds needed to implement the project
 3002 component shall be submitted to the department, and such
 3003 requests shall be included in the department's annual request to
 3004 the Governor. Prior to the release of state funds for the
 3005 implementation of the Lake Okeechobee Watershed Protection Plan
 3006 or the River Watershed Protection Plans, on an annual basis, the
 3007 South Florida Water Management District shall prepare an annual

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3008 work plan as part of the consolidated annual report required in
 3009 s. 373.036(7). Upon a determination by the secretary of the
 3010 annual work plan's consistency with the goals and objectives of
 3011 s. 373.4595, the secretary may approve the release of state
 3012 funds. Any modifications to the annual work plan shall be
 3013 submitted to the secretary for review and approval.

3014 Reviser's note.--Amended to conform to the redesignation of
 3015 s. 373.470(2)(a) as s. 373.470(2)(b) by s. 4, ch. 2007-253,
 3016 Laws of Florida.

3017 Section 80. Paragraph (d) of subsection (2) of section
 3018 373.073, Florida Statutes, is amended to read:

3019 373.073 Governing board.--

3020 (2) Membership on governing boards shall be selected from
 3021 candidates who have significant experience in one or more of the
 3022 following areas, including, but not limited to: agriculture, the
 3023 development industry, local government, government-owned or
 3024 privately owned water utilities, law, civil engineering,
 3025 environmental science, hydrology, accounting, or financial
 3026 businesses. Notwithstanding the provisions of any other general
 3027 or special law to the contrary, vacancies in the governing
 3028 boards of the water management districts shall be filled
 3029 according to the following residency requirements, representing
 3030 areas designated by the United States Water Resources Council in
 3031 United States Geological Survey, River Basin and Hydrological
 3032 Unit Map of Florida--1975, Map Series No. 72:

3033 (d) South Florida Water Management District:

- 3034 1. Two members shall reside in Miami-Dade ~~Dade~~ County.
- 3035 2. One member shall reside in Broward County.

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3036 3. One member shall reside in Palm Beach County.

3037 4. One member shall reside in Collier County, Lee County,

3038 Hendry County, or Charlotte County.

3039 5. One member shall reside in Glades County, Okeechobee

3040 County, Highlands County, Polk County, Orange County, or Osceola

3041 County.

3042 6. Two members, appointed at large, shall reside in an

3043 area consisting of St. Lucie, Martin, Palm Beach, Broward,

3044 Miami-Dade ~~Dade~~, and Monroe Counties.

3045 7. One member, appointed at large, shall reside in an area

3046 consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola,

3047 Okeechobee, Polk, Highlands, and Orange Counties.

3048 8. No county shall have more than three members on the

3049 governing board.

3050 Reviser's note.--Amended to conform to the redesignation of

3051 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-

3052 Dade County Code.

3053 Section 81. Paragraph (a) of subsection (1) of section

3054 373.1501, Florida Statutes, is amended to read:

3055 373.1501 South Florida Water Management District as local

3056 sponsor.--

3057 (1) As used in this section and s. 373.026(8), the term:

3058 (a) "C-111 Project" means the project identified in the

3059 Central and Southern Florida Flood Control Project, Real Estate

3060 Design Memorandum, Canal 111, South Miami-Dade ~~Dade~~ County,

3061 Florida.

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3062 Reviser's note.--Amended to conform to the redesignation of
 3063 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3064 Dade County Code.

3065 Section 82. Paragraph (a) of subsection (2) of section
 3066 373.1502, Florida Statutes, is amended to read:

3067 373.1502 Regulation of comprehensive plan project
 3068 components.--

3069 (2) FINDINGS; INTENT.--

3070 (a) The Legislature finds that implementation of the
 3071 comprehensive plan, as defined in s. 373.470(2)(b)
 3072 ~~373.470(2)(a)~~, is in the public interest and is necessary for
 3073 restoring, preserving, and protecting the South Florida
 3074 ecosystem, providing for the protection of water quality in and
 3075 the reduction of the loss of fresh water from the Everglades,
 3076 and providing such features as are necessary to meet the other
 3077 water-related needs of the region, including flood control, the
 3078 enhancement of water supplies, and other objectives served by
 3079 the project.

3080 Reviser's note.--Amended to conform to the redesignation of
 3081 s. 373.470(2)(a) as s. 373.470(2)(b) by s. 4, ch. 2007-253,
 3082 Laws of Florida.

3083 Section 83. Paragraph (b) of subsection (3) of section
 3084 373.1961, Florida Statutes, is amended to read:

3085 373.1961 Water production; general powers and duties;
 3086 identification of needs; funding criteria; economic incentives;
 3087 reuse funding.--

3088 (3) FUNDING.--

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3089 (b) Beginning in fiscal year 2005-2006, the state shall
 3090 annually provide a portion of those revenues deposited into the
 3091 Water Protection and Sustainability Program Trust Fund for the
 3092 purpose of providing funding assistance for the development of
 3093 alternative water supplies pursuant to the Water Protection and
 3094 Sustainability Program. At the beginning of each fiscal year,
 3095 beginning with fiscal year 2005-2006, such revenues shall be
 3096 distributed by the department into the alternative water supply
 3097 trust fund accounts created by each district for the purpose of
 3098 alternative water supply development under the following funding
 3099 formula:

3100 1. Thirty percent to the South Florida Water Management
 3101 District;

3102 2. Twenty-five percent to the Southwest Florida Water
 3103 Management District;

3104 3. Twenty-five percent to the St. Johns River Water
 3105 Management District;

3106 4. Ten percent to the Suwannee River Water Management
 3107 District; and

3108 5. Ten percent to the Northwest Florida Water Management
 3109 District.

3110 Reviser's note.--Amended to conform to the name of the
 3111 trust fund at s. 403.891, which creates the fund.

3112 Section 84. Subsection (16) of section 373.414, Florida
 3113 Statutes, is amended to read:

3114 373.414 Additional criteria for activities in surface
 3115 waters and wetlands.--

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3116 (16) Until October 1, 2000, regulation under rules adopted
 3117 pursuant to this part of any sand, limerock, or limestone mining
 3118 activity which is located in Township 52 South, Range 39 East,
 3119 sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26,
 3120 27, 34, 35, and 36; in Township 52 South, Range 40 East,
 3121 sections 6, 7, 8, 18, and 19; in Township 53 South, Range 39
 3122 East, sections 1, 2, 13, 21, 22, 23, 24, 25, 26, 33, 34, 35, and
 3123 36; and in Township 54 South, Range 38 East, sections 24, and
 3124 25, and 36, shall not include the rules adopted pursuant to
 3125 subsection (9). In addition, until October 1, 2000, such
 3126 activities shall continue to be regulated under the rules
 3127 adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the
 3128 Florida Statutes 1983, as amended, as such rules existed prior
 3129 to the effective date of the rules adopted pursuant to
 3130 subsection (9) and such dredge and fill jurisdiction shall be
 3131 that which existed prior to January 24, 1984. In addition, any
 3132 such sand, limerock, or limestone mining activity shall be
 3133 approved by Miami-Dade ~~Dade~~ County and the United States Army
 3134 Corps of Engineers. This section shall only apply to mining
 3135 activities which are continuous and carried out on land
 3136 contiguous to mining operations that were in existence on or
 3137 before October 1, 1984.

3138 Reviser's note.--Amended to conform to the redesignation of
 3139 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3140 Dade County Code.

3141 Section 85. Subsections (16) and (19) of section 373.4211,
 3142 Florida Statutes, are amended to read:

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3143 373.4211 Ratification of chapter 17-340, Florida
 3144 Administrative Code, on the delineation of the landward extent
 3145 of wetlands and surface waters.--Pursuant to s. 373.421, the
 3146 Legislature ratifies chapter 17-340, Florida Administrative
 3147 Code, approved on January 13, 1994, by the Environmental
 3148 Regulation Commission, with the following changes:

3149 (16) Rule 17-340.450(2) is amended by adding, after the
 3150 species list, the following language:

3151 "Within Monroe County and the Key Largo portion of Miami-
 3152 Dade ~~Dade~~ County only, the following species shall be listed as
 3153 Facultative Wet: Alternanthera maritima, Morinda royoc, and
 3154 Strumpfia maritima."

3155 (19) Rule 17-340.450(3) is amended by adding, after the
 3156 species list, the following language:

3157 "Within Monroe County and the Key Largo portion of Miami-
 3158 Dade ~~Dade~~ County only, the following species shall be listed as
 3159 facultative: Alternanthera paronychioides, Byrsonima lucida,
 3160 Ernodea littoralis, Guapira discolor, Marnilkara bahamensis,
 3161 Pisonis rotundata, Pithecellobium keyensis, Pithecellobium
 3162 unquis-cati, Randia aculeata, Reynosia septentrionalis, and
 3163 Thrinax radiata."

3164 Reviser's note.--Amended to conform to the redesignation of
 3165 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3166 Dade County Code.

3167 Section 86. Paragraph (f) of subsection (1) and paragraph
 3168 (b) of subsection (4) of section 373.4592, Florida Statutes, are
 3169 amended to read:

3170 373.4592 Everglades improvement and management.--

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3171 (1) FINDINGS AND INTENT.--
 3172 (f) The Legislature finds that improved water supply and
 3173 hydroperiod management are crucial elements to overall
 3174 revitalization of the Everglades ecosystem, including Florida
 3175 Bay. It is the intent of the Legislature to expedite plans and
 3176 programs for improving water quantity reaching the Everglades,
 3177 correcting long-standing hydroperiod problems, increasing the
 3178 total quantity of water flowing through the system, providing
 3179 water supply for the Everglades National Park, urban and
 3180 agricultural areas, and Florida Bay, and replacing water
 3181 previously available from the coastal ridge in areas of southern
 3182 Miami-Dade ~~Dade~~ County. Whenever possible, wasteful discharges
 3183 of fresh water to tide shall be reduced, and the water shall be
 3184 stored for delivery at more optimum times. Additionally, reuse
 3185 and conservation measures shall be implemented consistent with
 3186 law. The Legislature further recognizes that additional water
 3187 storage may be an appropriate use of Lake Okeechobee.
 3188 (4) EVERGLADES PROGRAM.--
 3189 (b) Everglades water supply and hydroperiod improvement
 3190 and restoration.--
 3191 1. A comprehensive program to revitalize the Everglades
 3192 shall include programs and projects to improve the water
 3193 quantity reaching the Everglades Protection Area at optimum
 3194 times and improve hydroperiod deficiencies in the Everglades
 3195 ecosystem. To the greatest extent possible, wasteful discharges
 3196 of fresh water to tide shall be reduced, and water conservation
 3197 practices and reuse measures shall be implemented by water
 3198 users, consistent with law. Water supply management must include

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3199 | improvement of water quantity reaching the Everglades,
 3200 | correction of long-standing hydroperiod problems, and an
 3201 | increase in the total quantity of water flowing through the
 3202 | system. Water supply management must provide water supply for
 3203 | the Everglades National Park, the urban and agricultural areas,
 3204 | and the Florida Bay and must replace water previously available
 3205 | from the coastal ridge areas of southern Miami-Dade ~~Dade~~ County.
 3206 | The Everglades Construction Project redirects some water
 3207 | currently lost to tide. It is an important first step in
 3208 | completing hydroperiod improvement.

3209 | 2. The district shall operate the Everglades Construction
 3210 | Project as specified in the February 15, 1994, conceptual design
 3211 | document, to provide additional inflows to the Everglades
 3212 | Protection Area. The increased flow from the project shall be
 3213 | directed to the Everglades Protection Area as needed to achieve
 3214 | an average annual increase of 28 percent compared to the
 3215 | baseline years of 1979 to 1988. Consistent with the design of
 3216 | the Everglades Construction Project and without demonstratively
 3217 | reducing water quality benefits, the regulatory releases will be
 3218 | timed and distributed to the Everglades Protection Area to
 3219 | maximize environmental benefits.

3220 | 3. The district shall operate the Everglades Construction
 3221 | Project in accordance with the February 15, 1994, conceptual
 3222 | design document to maximize the water quantity benefits and
 3223 | improve the hydroperiod of the Everglades Protection Area. All
 3224 | reductions of flow to the Everglades Protection Area from BMP
 3225 | implementation will be replaced. The district shall develop a
 3226 | model to be used for quantifying the amount of water to be

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3227 replaced. The timing and distribution of this replaced water
 3228 will be directed to the Everglades Protection Area to maximize
 3229 the natural balance of the Everglades Protection Area.

3230 4. The Legislature recognizes the complexity of the
 3231 Everglades watershed, as well as legal mandates under Florida
 3232 and federal law. As local sponsor of the Central and Southern
 3233 Florida Flood Control Project, the district must coordinate its
 3234 water supply and hydroperiod programs with the Federal
 3235 Government. Federal planning, research, operating guidelines,
 3236 and restrictions for the Central and Southern Florida Flood
 3237 Control Project now under review by federal agencies will
 3238 provide important components of the district's Everglades
 3239 Program. The department and district shall use their best
 3240 efforts to seek the amendment of the authorized purposes of the
 3241 project to include water quality protection, hydroperiod
 3242 restoration, and environmental enhancement as authorized
 3243 purposes of the Central and Southern Florida Flood Control
 3244 Project, in addition to the existing purposes of water supply,
 3245 flood protection, and allied purposes. Further, the department
 3246 and the district shall use their best efforts to request that
 3247 the Federal Government include in the evaluation of the
 3248 regulation schedule for Lake Okeechobee a review of the
 3249 regulatory releases, so as to facilitate releases of water into
 3250 the Everglades Protection Area which further improve hydroperiod
 3251 restoration.

3252 5. The district, through cooperation with the federal and
 3253 state agencies, shall develop other programs and methods to

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3254 increase the water flow and improve the hydroperiod of the
 3255 Everglades Protection Area.

3256 6. Nothing in this section is intended to provide an
 3257 allocation or reservation of water or to modify the provisions
 3258 of part II. All decisions regarding allocations and reservations
 3259 of water shall be governed by applicable law.

3260 7. The district shall proceed to expeditiously implement
 3261 the minimum flows and levels for the Everglades Protection Area
 3262 as required by s. 373.042 and shall expeditiously complete the
 3263 Lower East Coast Water Supply Plan.

3264 Reviser's note.--Amended to conform to the redesignation of
 3265 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3266 Dade County Code.

3267 Section 87. Paragraph (c) of subsection (3) of section
 3268 373.4595, Florida Statutes, is amended to read:

3269 373.4595 Northern Everglades and Estuaries Protection
 3270 Program.--

3271 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.--A
 3272 protection program for Lake Okeechobee that achieves phosphorus
 3273 load reductions for Lake Okeechobee shall be immediately
 3274 implemented as specified in this subsection. The program shall
 3275 address the reduction of phosphorus loading to the lake from
 3276 both internal and external sources. Phosphorus load reductions
 3277 shall be achieved through a phased program of implementation.
 3278 Initial implementation actions shall be technology-based, based
 3279 upon a consideration of both the availability of appropriate
 3280 technology and the cost of such technology, and shall include
 3281 phosphorus reduction measures at both the source and the

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3282 regional level. The initial phase of phosphorus load reductions
 3283 shall be based upon the district's Technical Publication 81-2
 3284 and the district's WOD program, with subsequent phases of
 3285 phosphorus load reductions based upon the total maximum daily
 3286 loads established in accordance with s. 403.067. In the
 3287 development and administration of the Lake Okeechobee Watershed
 3288 Protection Program, the coordinating agencies shall maximize
 3289 opportunities provided by federal cost-sharing programs and
 3290 opportunities for partnerships with the private sector.

3291 (c) Lake Okeechobee Watershed Phosphorus Control
 3292 Program.--The Lake Okeechobee Watershed Phosphorus Control
 3293 Program is designed to be a multifaceted approach to reducing
 3294 phosphorus loads by improving the management of phosphorus
 3295 sources within the Lake Okeechobee watershed through
 3296 implementation of regulations and best management practices,
 3297 development and implementation of improved best management
 3298 practices, improvement and restoration of the hydrologic
 3299 function of natural and managed systems, and utilization of
 3300 alternative technologies for nutrient reduction. The
 3301 coordinating agencies shall facilitate the application of
 3302 federal programs that offer opportunities for water quality
 3303 treatment, including preservation, restoration, or creation of
 3304 wetlands on agricultural lands.

3305 1. Agricultural nonpoint source best management practices,
 3306 developed in accordance with s. 403.067 and designed to achieve
 3307 the objectives of the Lake Okeechobee Watershed Protection
 3308 Program, shall be implemented on an expedited basis. The
 3309 coordinating agencies shall develop an interagency agreement

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3310 | pursuant to ss. 373.046 and 373.406(5) that assures the
 3311 | development of best management practices that complement
 3312 | existing regulatory programs and specifies how those best
 3313 | management practices are implemented and verified. The
 3314 | interagency agreement shall address measures to be taken by the
 3315 | coordinating agencies during any best management practice
 3316 | reevaluation performed pursuant to sub-subparagraph d. The
 3317 | department shall use best professional judgment in making the
 3318 | initial determination of best management practice effectiveness.

3319 | a. As provided in s. 403.067(7)(c), the Department of
 3320 | Agriculture and Consumer Services, in consultation with the
 3321 | department, the district, and affected parties, shall initiate
 3322 | rule development for interim measures, best management
 3323 | practices, conservation plans, nutrient management plans, or
 3324 | other measures necessary for Lake Okeechobee watershed total
 3325 | maximum daily load reduction. The rule shall include thresholds
 3326 | for requiring conservation and nutrient management plans and
 3327 | criteria for the contents of such plans. Development of
 3328 | agricultural nonpoint source best management practices shall
 3329 | initially focus on those priority basins listed in subparagraph
 3330 | (b)1. The Department of Agriculture and Consumer Services, in
 3331 | consultation with the department, the district, and affected
 3332 | parties, shall conduct an ongoing program for improvement of
 3333 | existing and development of new interim measures or best
 3334 | management practices for the purpose of adoption of such
 3335 | practices by rule. The Department of Agriculture and Consumer
 3336 | Services shall work with the University of Florida's Institute
 3337 | of Food and Agriculture Sciences to review and, where

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3338 appropriate, develop revised nutrient application rates for all
 3339 agricultural soil amendments in the watershed.

3340 b. Where agricultural nonpoint source best management
 3341 practices or interim measures have been adopted by rule of the
 3342 Department of Agriculture and Consumer Services, the owner or
 3343 operator of an agricultural nonpoint source addressed by such
 3344 rule shall either implement interim measures or best management
 3345 practices or demonstrate compliance with the district's WOD
 3346 program by conducting monitoring prescribed by the department or
 3347 the district. Owners or operators of agricultural nonpoint
 3348 sources who implement interim measures or best management
 3349 practices adopted by rule of the Department of Agriculture and
 3350 Consumer Services shall be subject to the provisions of s.
 3351 403.067(7). The Department of Agriculture and Consumer Services,
 3352 in cooperation with the department and the district, shall
 3353 provide technical and financial assistance for implementation of
 3354 agricultural best management practices, subject to the
 3355 availability of funds.

3356 c. The district or department shall conduct monitoring at
 3357 representative sites to verify the effectiveness of agricultural
 3358 nonpoint source best management practices.

3359 d. Where water quality problems are detected for
 3360 agricultural nonpoint sources despite the appropriate
 3361 implementation of adopted best management practices, the
 3362 Department of Agriculture and Consumer Services, in consultation
 3363 with the other coordinating agencies and affected parties, shall
 3364 institute a reevaluation of the best management practices and

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3365 | make appropriate changes to the rule adopting best management
 3366 | practices.

3367 | 2. Nonagricultural nonpoint source best management
 3368 | practices, developed in accordance with s. 403.067 and designed
 3369 | to achieve the objectives of the Lake Okeechobee Watershed
 3370 | Protection Program, shall be implemented on an expedited basis.
 3371 | The department and the district shall develop an interagency
 3372 | agreement pursuant to ss. 373.046 and 373.406(5) that assures
 3373 | the development of best management practices that complement
 3374 | existing regulatory programs and specifies how those best
 3375 | management practices are implemented and verified. The
 3376 | interagency agreement shall address measures to be taken by the
 3377 | department and the district during any best management practice
 3378 | reevaluation performed pursuant to sub-subparagraph d.

3379 | a. The department and the district are directed to work
 3380 | with the University of Florida's Institute of Food and
 3381 | Agricultural Sciences to develop appropriate nutrient
 3382 | application rates for all nonagricultural soil amendments in the
 3383 | watershed. As provided in s. 403.067(7)(c), the department, in
 3384 | consultation with the district and affected parties, shall
 3385 | develop interim measures, best management practices, or other
 3386 | measures necessary for Lake Okeechobee watershed total maximum
 3387 | daily load reduction. Development of nonagricultural nonpoint
 3388 | source best management practices shall initially focus on those
 3389 | priority basins listed in subparagraph (b)1. The department, the
 3390 | district, and affected parties shall conduct an ongoing program
 3391 | for improvement of existing and development of new interim
 3392 | measures or best management practices. The district shall adopt

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3393 | technology-based standards under the district's WOD program for
 3394 | nonagricultural nonpoint sources of phosphorus. Nothing in this
 3395 | sub-subparagraph shall affect the authority of the department or
 3396 | the district to adopt basin-specific criteria under this part to
 3397 | prevent harm to the water resources of the district.

3398 | b. Where nonagricultural nonpoint source best management
 3399 | practices or interim measures have been developed by the
 3400 | department and adopted by the district, the owner or operator of
 3401 | a nonagricultural nonpoint source shall implement interim
 3402 | measures or best management practices and be subject to the
 3403 | provisions of s. 403.067(7). The department and district shall
 3404 | provide technical and financial assistance for implementation of
 3405 | nonagricultural nonpoint source best management practices,
 3406 | subject to the availability of funds.

3407 | c. The district or the department shall conduct monitoring
 3408 | at representative sites to verify the effectiveness of
 3409 | nonagricultural nonpoint source best management practices.

3410 | d. Where water quality problems are detected for
 3411 | nonagricultural nonpoint sources despite the appropriate
 3412 | implementation of adopted best management practices, the
 3413 | department and the district shall institute a reevaluation of
 3414 | the best management practices.

3415 | 3. The provisions of subparagraphs 1. and 2. shall not
 3416 | preclude the department or the district from requiring
 3417 | compliance with water quality standards or with current best
 3418 | management practices requirements set forth in any applicable
 3419 | regulatory program authorized by law for the purpose of
 3420 | protecting water quality. Additionally, subparagraphs 1. and 2.

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3421 are applicable only to the extent that they do not conflict with
 3422 any rules promulgated by the department that are necessary to
 3423 maintain a federally delegated or approved program.

3424 4. Projects that reduce the phosphorus load originating
 3425 from domestic wastewater systems within the Lake Okeechobee
 3426 watershed shall be given funding priority in the department's
 3427 revolving loan program under s. 403.1835. The department shall
 3428 coordinate and provide assistance to those local governments
 3429 seeking financial assistance for such priority projects.

3430 5. Projects that make use of private lands, or lands held
 3431 in trust for Indian tribes, to reduce nutrient loadings or
 3432 concentrations within a basin by one or more of the following
 3433 methods: restoring the natural hydrology of the basin, restoring
 3434 wildlife habitat or impacted wetlands, reducing peak flows after
 3435 storm events, increasing aquifer recharge, or protecting range
 3436 and timberland from conversion to development, are eligible for
 3437 grants available under this section from the coordinating
 3438 agencies. For projects of otherwise equal priority, special
 3439 funding priority will be given to those projects that make best
 3440 use of the methods outlined above that involve public-private
 3441 partnerships or that obtain federal match money. Preference
 3442 ranking above the special funding priority will be given to
 3443 projects located in a rural area of critical economic concern
 3444 designated by the Governor. Grant applications may be submitted
 3445 by any person or tribal entity, and eligible projects may
 3446 include, but are not limited to, the purchase of conservation
 3447 and flowage easements, hydrologic restoration of wetlands,
 3448 creating treatment wetlands, development of a management plan

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3449 | for natural resources, and financial support to implement a
 3450 | management plan.

3451 | 6.a. The department shall require all entities disposing
 3452 | of domestic wastewater residuals within the Lake Okeechobee
 3453 | watershed and the remaining areas of Okeechobee, Glades, and
 3454 | Hendry Counties to develop and submit to the department an
 3455 | agricultural use plan that limits applications based upon
 3456 | phosphorus loading. By July 1, 2005, phosphorus concentrations
 3457 | originating from these application sites shall not exceed the
 3458 | limits established in the district's WOD program. After December
 3459 | 31, 2007, the department may not authorize the disposal of
 3460 | domestic wastewater residuals within the Lake Okeechobee
 3461 | watershed unless the applicant can affirmatively demonstrate
 3462 | that the phosphorus in the residuals will not add to phosphorus
 3463 | loadings in Lake Okeechobee or its tributaries. This
 3464 | demonstration shall be based on achieving a net balance between
 3465 | phosphorus imports relative to exports on the permitted
 3466 | application site. Exports shall include only phosphorus removed
 3467 | from the Lake Okeechobee watershed through products generated on
 3468 | the permitted application site. This prohibition does not apply
 3469 | to Class AA residuals that are marketed and distributed as
 3470 | fertilizer products in accordance with department rule.

3471 | b. Private and government-owned utilities within Monroe,
 3472 | Miami-Dade ~~Dade~~, Broward, Palm Beach, Martin, St. Lucie, Indian
 3473 | River, Okeechobee, Highlands, Hendry, and Glades Counties that
 3474 | dispose of wastewater residual sludge from utility operations
 3475 | and septic removal by land spreading in the Lake Okeechobee
 3476 | watershed may use a line item on local sewer rates to cover

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3477 wastewater residual treatment and disposal if such disposal and
 3478 treatment is done by approved alternative treatment methodology
 3479 at a facility located within the areas designated by the
 3480 Governor as rural areas of critical economic concern pursuant to
 3481 s. 288.0656. This additional line item is an environmental
 3482 protection disposal fee above the present sewer rate and shall
 3483 not be considered a part of the present sewer rate to customers,
 3484 notwithstanding provisions to the contrary in chapter 367. The
 3485 fee shall be established by the county commission or its
 3486 designated assignee in the county in which the alternative
 3487 method treatment facility is located. The fee shall be
 3488 calculated to be no higher than that necessary to recover the
 3489 facility's prudent cost of providing the service. Upon request
 3490 by an affected county commission, the Florida Public Service
 3491 Commission will provide assistance in establishing the fee.
 3492 Further, for utilities and utility authorities that use the
 3493 additional line item environmental protection disposal fee, such
 3494 fee shall not be considered a rate increase under the rules of
 3495 the Public Service Commission and shall be exempt from such
 3496 rules. Utilities using the provisions of this section may
 3497 immediately include in their sewer invoicing the new
 3498 environmental protection disposal fee. Proceeds from this
 3499 environmental protection disposal fee shall be used for
 3500 treatment and disposal of wastewater residuals, including any
 3501 treatment technology that helps reduce the volume of residuals
 3502 that require final disposal, but such proceeds shall not be used
 3503 for transportation or shipment costs for disposal or any costs

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3504 relating to the land application of residuals in the Lake
 3505 Okeechobee watershed.

3506 c. No less frequently than once every 3 years, the Florida
 3507 Public Service Commission or the county commission through the
 3508 services of an independent auditor shall perform a financial
 3509 audit of all facilities receiving compensation from an
 3510 environmental protection disposal fee. The Florida Public
 3511 Service Commission or the county commission through the services
 3512 of an independent auditor shall also perform an audit of the
 3513 methodology used in establishing the environmental protection
 3514 disposal fee. The Florida Public Service Commission or the
 3515 county commission shall, within 120 days after completion of an
 3516 audit, file the audit report with the President of the Senate
 3517 and the Speaker of the House of Representatives and shall
 3518 provide copies to the county commissions of the counties set
 3519 forth in sub-subparagraph b. The books and records of any
 3520 facilities receiving compensation from an environmental
 3521 protection disposal fee shall be open to the Florida Public
 3522 Service Commission and the Auditor General for review upon
 3523 request.

3524 7. The Department of Health shall require all entities
 3525 disposing of septage within the Lake Okeechobee watershed to
 3526 develop and submit to that agency an agricultural use plan that
 3527 limits applications based upon phosphorus loading. By July 1,
 3528 2005, phosphorus concentrations originating from these
 3529 application sites shall not exceed the limits established in the
 3530 district's WOD program.

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3531 8. The Department of Agriculture and Consumer Services
 3532 shall initiate rulemaking requiring entities within the Lake
 3533 Okeechobee watershed which land-apply animal manure to develop
 3534 resource management system level conservation plans, according
 3535 to United States Department of Agriculture criteria, which limit
 3536 such application. Such rules may include criteria and thresholds
 3537 for the requirement to develop a conservation or nutrient
 3538 management plan, requirements for plan approval, and
 3539 recordkeeping requirements.

3540 9. The district, the department, or the Department of
 3541 Agriculture and Consumer Services, as appropriate, shall
 3542 implement those alternative nutrient reduction technologies
 3543 determined to be feasible pursuant to subparagraph (d)6.

3544 Reviser's note.--Amended to conform to the redesignation of
 3545 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3546 Dade County Code.

3547 Section 88. Paragraph (e) of subsection (2) of section
 3548 373.470, Florida Statutes, is amended to read:

3549 373.470 Everglades restoration.--

3550 (2) DEFINITIONS.--As used in this section, the term:

3551 (e) "Lake Okeechobee Watershed Protection Plan" means the
 3552 plan developed pursuant to ss. 373.4595(3)(a) ~~375.4595~~ and
 3553 373.451-373.459.

3554 Reviser's note.--Amended to conform to the fact that s.
 3555 375.4595 does not exist. Section 373.4595(3)(a) provides
 3556 for the Lake Okeechobee Watershed Protection Plan.

3557 Section 89. Subsection (1) of section 373.472, Florida
 3558 Statutes, is amended to read:

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3559 | 373.472 Save Our Everglades Trust Fund.--
 3560 | (1) There is created within the Department of
 3561 | Environmental Protection the Save Our Everglades Trust Fund.
 3562 | Funds in the trust fund shall be expended to implement the
 3563 | comprehensive plan defined in s. 373.470(2)(b) ~~373.470(2)(a)~~,
 3564 | the Lake Okeechobee Watershed Protection Plan defined in s.
 3565 | 373.4595(2), the Caloosahatchee River Watershed Protection Plan
 3566 | defined in s. 373.4595(2), and the St. Lucie River Watershed
 3567 | Protection Plan defined in s. 373.4595(2), and to pay debt
 3568 | service for Everglades restoration bonds issued pursuant to s.
 3569 | 215.619. The trust fund shall serve as the repository for state,
 3570 | local, and federal project contributions in accordance with s.
 3571 | 373.470(4).

3572 | Reviser's note.--Amended to conform to the redesignation of
 3573 | s. 373.470(2)(a) as s. 373.470(2)(b) by s. 4, ch. 2007-253,
 3574 | Laws of Florida.

3575 | Section 90. Paragraph (c) of subsection (3) of section
 3576 | 376.308, Florida Statutes, is amended to read:

3577 | 376.308 Liabilities and defenses of facilities.--

3578 | (3) For purposes of this section, the following additional
 3579 | defenses shall apply to sites contaminated with petroleum or
 3580 | petroleum products:

3581 | (c) The defendant is a lender which held a security
 3582 | interest in the site and has foreclosed or otherwise acted to
 3583 | acquire title primarily to protect its security interest, and
 3584 | seeks to sell, transfer, or otherwise divest the assets for
 3585 | subsequent sale at the earliest possible time, taking all
 3586 | relevant facts and circumstances into account, and has not

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3587 | undertaken management activities beyond those necessary to
 3588 | protect its financial interest, to effectuate compliance with
 3589 | environmental statutes and rules, or to prevent or abate a
 3590 | discharge; however, if the facility is not eligible for cleanup
 3591 | pursuant to s. 376.305(6) ~~376.305(7)~~, s. 376.3071, or s.
 3592 | 376.3072, any funds expended by the department for cleanup of
 3593 | the property shall constitute a lien on the property against any
 3594 | subsequent sale after the amount of the former security interest
 3595 | (including the cost of collection, management, and sale) is
 3596 | satisfied.

3597 | Reviser's note.--Amended to conform to the redesignation of
 3598 | s. 376.305(7) as s. 376.305(6) by s. 4, ch. 96-277, Laws of
 3599 | Florida.

3600 | Section 91. Subsection (1) of section 377.42, Florida
 3601 | Statutes, is amended to read:

3602 | 377.42 Big Cypress Swamp Advisory Committee.--

3603 | (1) For purposes of this section, the Big Cypress
 3604 | watershed is defined as the area in Collier County and the
 3605 | adjoining portions of Hendry, Broward, Miami-Dade ~~Dade~~, and
 3606 | Monroe Counties which is designated as the Big Cypress Swamp in
 3607 | U.S. Geological Survey Open-File Report No. 70003.

3608 | Reviser's note.--Amended to conform to the redesignation of
 3609 | Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3610 | Dade County Code.

3611 | Section 92. Paragraph (c) of subsection (1), paragraph (c)
 3612 | of subsection (2), and paragraph (c) of subsection (3) of
 3613 | section 381.0273, Florida Statutes, are amended to read:

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3614 381.0273 Public records exemption for patient safety
 3615 data.--

3616 (1) Information that identifies a patient and that is
 3617 contained in patient safety data, as defined in s. 766.1016, or
 3618 in other records held by the Florida Patient Safety Corporation
 3619 and its subsidiaries, advisory committees, or contractors
 3620 pursuant to s. 381.0271 is confidential and exempt from s.
 3621 119.07(1) and s. 24(a), Art. I of the State Constitution.
 3622 Personal identifying information made confidential and exempt
 3623 from disclosure by this subsection may be disclosed only:

3624 (c) To a health research entity if the entity seeks the
 3625 records or data pursuant to a research protocol approved by the
 3626 corporation, maintains the records or data in accordance with
 3627 the approved protocol, and enters into a purchase and data-use
 3628 agreement with the corporation, the fee provisions of which are
 3629 consistent with s. 119.07(4) ~~119.07(1)(a)~~. The corporation may
 3630 deny a request for records or data that identify the patient if
 3631 the protocol provides for intrusive follow-back contacts, has
 3632 not been approved by a human studies institutional review board,
 3633 does not plan for the destruction of confidential records after
 3634 the research is concluded, or does not have scientific merit.
 3635 The agreement must prohibit the release of any information that
 3636 would permit the identification of any patient, must limit the
 3637 use of records or data in conformance with the approved research
 3638 protocol, and must prohibit any other use of the records or
 3639 data. Copies of records or data issued pursuant to this
 3640 paragraph remain the property of the corporation.

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3641 (2) Information that identifies the person or entity that
 3642 reports patient safety data, as defined in s. 766.1016, to the
 3643 corporation and that is contained in patient safety data or in
 3644 other records held by the Florida Patient Safety Corporation and
 3645 its subsidiaries, advisory committees, or contractors pursuant
 3646 to s. 381.0271 is confidential and exempt from s. 119.07(1) and
 3647 s. 24(a), Art. I of the State Constitution. Information that
 3648 identifies a person or entity reporting patient safety data made
 3649 confidential and exempt from disclosure by this subsection may
 3650 be disclosed only:

3651 (c) To a health research entity if the entity seeks the
 3652 records or data pursuant to a research protocol approved by the
 3653 corporation, maintains the records or data in accordance with
 3654 the approved protocol, and enters into a purchase and data-use
 3655 agreement with the corporation, the fee provisions of which are
 3656 consistent with s. 119.07(4) ~~119.07(1)(a)~~. The corporation may
 3657 deny a request for records or data that identify the person or
 3658 entity reporting patient safety data if the protocol provides
 3659 for intrusive follow-back contacts, has not been approved by a
 3660 human studies institutional review board, does not plan for the
 3661 destruction of confidential records after the research is
 3662 concluded, or does not have scientific merit. The agreement must
 3663 prohibit the release of any information that would permit the
 3664 identification of persons or entities that report patient safety
 3665 data, must limit the use of records or data in conformance with
 3666 the approved research protocol, and must prohibit any other use
 3667 of the records or data. Copies of records or data issued

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3668 | pursuant to this paragraph remain the property of the
 3669 | corporation.

3670 | (3) Information that identifies a health care practitioner
 3671 | or health care facility which is held by the Florida Patient
 3672 | Safety Corporation and its subsidiaries, advisory committees, or
 3673 | contractors pursuant to s. 381.0271, is confidential and exempt
 3674 | from s. 119.07(1) and s. 24(a), Art. I of the State
 3675 | Constitution. Information that identifies a health care
 3676 | practitioner or health care facility and that is contained in
 3677 | patient safety data made confidential and exempt from disclosure
 3678 | by this subsection may be disclosed only:

3679 | (c) To a health research entity if the entity seeks the
 3680 | records or data pursuant to a research protocol approved by the
 3681 | corporation, maintains the records or data in accordance with
 3682 | the approved protocol, and enters into a purchase and data-use
 3683 | agreement with the corporation, the fee provisions of which are
 3684 | consistent with s. 119.07(4) ~~119.07(1)(a)~~. The corporation may
 3685 | deny a request for records or data that identify the person or
 3686 | entity reporting patient safety data if the protocol provides
 3687 | for intrusive follow-back contacts, has not been approved by a
 3688 | human studies institutional review board, does not plan for the
 3689 | destruction of confidential records after the research is
 3690 | concluded, or does not have scientific merit. The agreement must
 3691 | prohibit the release of any information that would permit the
 3692 | identification of persons or entities that report patient safety
 3693 | data, must limit the use of records or data in conformance with
 3694 | the approved research protocol, and must prohibit any other use

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3695 of the records or data. Copies of records or data issued under
 3696 this paragraph remain the property of the corporation.

3697 Reviser's note.--Amended to conform to the redesignation of
 3698 material regarding fees for copies of public records in s.
 3699 119.07(1) (a) as s. 119.07(4) by s. 7, ch. 2004-335, Laws of
 3700 Florida.

3701 Section 93. Paragraph (a) of subsection (1) of section
 3702 381.0404, Florida Statutes, is amended to read:

3703 381.0404 Center for Health Technologies.--

3704 (1) (a) There is hereby established the Center for Health
 3705 Technologies, to be located at and administered by a statutory
 3706 teaching hospital located in Miami-Dade ~~Dade~~ County and
 3707 hereafter referred to as the administrator.

3708 Reviser's note.--Amended to conform to the redesignation of
 3709 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3710 Dade County Code.

3711 Section 94. Paragraph (c) of subsection (2) of section
 3712 381.92, Florida Statutes, is amended to read:

3713 381.92 Florida Cancer Council.--

3714 (2)

3715 (c) The members of the council shall consist of:

3716 1. The chair of the Florida Dialogue on Cancer, who shall
 3717 serve as the chair of the council;

3718 2. The State Surgeon General or his or her designee;

3719 3. The chief executive officer of the H. Lee Moffitt
 3720 Cancer Center or his or her designee;

3721 4. The director of the University of Florida Shands Cancer
 3722 Center or his or her designee;

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- 3723 5. The chief executive officer of the University of Miami
 3724 Sylvester Comprehensive Cancer Center or his or her designee;
 3725 6. The chief executive officer of the Mayo Clinic,
 3726 Jacksonville, or his or her designee;
 3727 7. The chief executive officer of the American Cancer
 3728 Society, Florida Division, Inc., or his or her designee;
 3729 8. The president of the American Cancer Society, Florida
 3730 Division, Inc., Board of Directors or his or her designee;
 3731 9. The president of the Florida Society of Clinical
 3732 Oncology or his or her designee;
 3733 10. The president of the American College of Surgeons,
 3734 Florida Chapter, or his or her designee;
 3735 11. The chief executive officer of Enterprise Florida,
 3736 Inc., or his or her designee;
 3737 12. Five representatives from cancer programs approved by
 3738 the American College of Surgeons. Three shall be appointed by
 3739 the Governor, one shall be appointed by the Speaker of the House
 3740 of Representatives, and one shall be appointed by the President
 3741 of the Senate;
 3742 13. One member of the House of Representatives, to be
 3743 appointed by the Speaker of the House of Representatives; and
 3744 14. One member of the Senate, to be appointed by the
 3745 President of the Senate.
 3746 Reviser's note.--Amended to improve clarity and correct
 3747 sentence construction.
 3748 Section 95. Subsection (5) of section 383.412, Florida
 3749 Statutes, is amended to read:
 3750 383.412 Public records and public meetings exemptions.--

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3751 (5) This section is subject to the Open Government Sunset
 3752 Review Act ~~of 1995~~ in accordance with s. 119.15, and shall stand
 3753 repealed on October 2, 2010, unless reviewed and saved from
 3754 repeal through reenactment by the Legislature.

3755 Reviser's note.--Amended to conform to the renaming of the
 3756 "Open Government Sunset Review Act of 1995" as the "Open
 3757 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 3758 of Florida.

3759 Section 96. Subsection (1) of section 390.012, Florida
 3760 Statutes, is amended to read:

3761 390.012 Powers of agency; rules; disposal of fetal
 3762 remains.--

3763 (1) The agency may develop and enforce rules pursuant to
 3764 ss. 390.011-390.018 ~~390.001-390.018~~ and part II of chapter 408
 3765 for the health, care, and treatment of persons in abortion
 3766 clinics and for the safe operation of such clinics.

3767 (a) The rules shall be reasonably related to the
 3768 preservation of maternal health of the clients.

3769 (b) The rules shall be in accordance with s. 797.03 and
 3770 may not impose an unconstitutional burden on a woman's freedom
 3771 to decide whether to terminate her pregnancy.

3772 (c) The rules shall provide for:

3773 1. The performance of pregnancy termination procedures
 3774 only by a licensed physician.

3775 2. The making, protection, and preservation of patient
 3776 records, which shall be treated as medical records under chapter
 3777 458.

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3778 Reviser's note.--Amended to correct an erroneous reference
 3779 added by s. 15, ch. 2007-230, Laws of Florida. Section
 3780 390.001 was redesignated as s. 390.0111 by s. 2, ch. 97-
 3781 151, Laws of Florida. Section 390.011 provides definitions
 3782 for the range of sections in the cross-reference.
 3783 Section 97. Subsection (3) of section 390.014, Florida
 3784 Statutes, is amended to read:
 3785 390.014 Licenses; fees.--
 3786 (3) In accordance with s. 408.805, an applicant or
 3787 licensee shall pay a fee for each license application submitted
 3788 under this chapter part and part II of chapter 408. The amount
 3789 of the fee shall be established by rule and may not be less than
 3790 \$70 or more than \$500.
 3791 Reviser's note.--Amended to correct an erroneous reference;
 3792 chapter 390 is not divided into parts.
 3793 Section 98. Section 390.018, Florida Statutes, is amended
 3794 to read:
 3795 390.018 Administrative fine.--In addition to the
 3796 requirements of part II of chapter 408, the agency may impose a
 3797 fine upon the clinic in an amount not to exceed \$1,000 for each
 3798 violation of any provision of this chapter part, part II of
 3799 chapter 408, or applicable rules.
 3800 Reviser's note.--Amended to correct an erroneous reference;
 3801 chapter 390 is not divided into parts.
 3802 Section 99. Section 393.23, Florida Statutes, is amended
 3803 to read:
 3804 393.23 Developmental disabilities institutions; trust
 3805 accounts.--All receipts from the operation of canteens, vending

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3806 machines, hobby shops, sheltered workshops, activity centers,
 3807 farming projects, and other like activities operated in a
 3808 developmental disabilities institution, and moneys donated to
 3809 the institution, must be deposited in a trust account in any
 3810 bank, credit union, or savings and loan association authorized
 3811 by the State Treasury as a qualified depository ~~depositer~~ to do
 3812 business in this state, if the moneys are available on demand.

3813 (1) Moneys in the trust account must be expended for the
 3814 benefit, education, and welfare of clients. However, if
 3815 specified, moneys that are donated to the institution must be
 3816 expended in accordance with the intentions of the donor. Trust
 3817 account money may not be used for the benefit of employees of
 3818 the agency or to pay the wages of such employees. The welfare of
 3819 the clients includes the expenditure of funds for the purchase
 3820 of items for resale at canteens or vending machines, and for the
 3821 establishment of, maintenance of, and operation of canteens,
 3822 hobby shops, recreational or entertainment facilities, sheltered
 3823 workshops, activity centers, farming projects, or other like
 3824 facilities or programs established at the institutions for the
 3825 benefit of clients.

3826 (2) The institution may invest, in the manner authorized
 3827 by law for fiduciaries, any money in a trust account which is
 3828 not necessary for immediate use. The interest earned and other
 3829 increments derived from the investments of the money must be
 3830 deposited into the trust account for the benefit of clients.

3831 (3) The accounting system of an institution must account
 3832 separately for revenues and expenses for each activity. The
 3833 institution shall reconcile the trust account to the

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3834 institution's accounting system and check registers and to the
 3835 accounting system of the Chief Financial Officer.

3836 (4) All sales taxes collected by the institution as a
 3837 result of sales shall be deposited into the trust account and
 3838 remitted to the Department of Revenue.

3839 (5) Funds shall be expended in accordance with
 3840 requirements and guidelines established by the Chief Financial
 3841 Officer.

3842 Reviser's note.--Amended to confirm the editorial
 3843 substitution of the word "depository" for the word
 3844 "depositor" to correct an apparent error and facilitate
 3845 correct interpretation.

3846 Section 100. Paragraph (a) of subsection (4) of section
 3847 395.402, Florida Statutes, is amended to read:

3848 395.402 Trauma service areas; number and location of
 3849 trauma centers.--

3850 (4) Annually thereafter, the department shall review the
 3851 assignment of the 67 counties to trauma service areas, in
 3852 addition to the requirements of paragraphs (2)(b)-(g) and
 3853 subsection (3). County assignments are made for the purpose of
 3854 developing a system of trauma centers. Revisions made by the
 3855 department shall take into consideration the recommendations
 3856 made as part of the regional trauma system plans approved by the
 3857 department and the recommendations made as part of the state
 3858 trauma system plan. In cases where a trauma service area is
 3859 located within the boundaries of more than one trauma region,
 3860 the trauma service area's needs, response capability, and system
 3861 requirements shall be considered by each trauma region served by

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3862 that trauma service area in its regional system plan. Until the
 3863 department completes the February 2005 assessment, the
 3864 assignment of counties shall remain as established in this
 3865 section.

3866 (a) The following trauma service areas are hereby
 3867 established:

3868 1. Trauma service area 1 shall consist of Escambia,
 3869 Okaloosa, Santa Rosa, and Walton Counties.

3870 2. Trauma service area 2 shall consist of Bay, Gulf,
 3871 Holmes, and Washington Counties.

3872 3. Trauma service area 3 shall consist of Calhoun,
 3873 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
 3874 Taylor, and Wakulla Counties.

3875 4. Trauma service area 4 shall consist of Alachua,
 3876 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy,
 3877 Putnam, Suwannee, and Union Counties.

3878 5. Trauma service area 5 shall consist of Baker, Clay,
 3879 Duval, Nassau, and St. Johns Counties.

3880 6. Trauma service area 6 shall consist of Citrus,
 3881 Hernando, and Marion Counties.

3882 7. Trauma service area 7 shall consist of Flagler and
 3883 Volusia Counties.

3884 8. Trauma service area 8 shall consist of Lake, Orange,
 3885 Osceola, Seminole, and Sumter Counties.

3886 9. Trauma service area 9 shall consist of Pasco and
 3887 Pinellas Counties.

3888 10. Trauma service area 10 shall consist of Hillsborough
 3889 County.

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3890 11. Trauma service area 11 shall consist of Hardee,
 3891 Highlands, and Polk Counties.

3892 12. Trauma service area 12 shall consist of Brevard and
 3893 Indian River Counties.

3894 13. Trauma service area 13 shall consist of DeSoto,
 3895 Manatee, and Sarasota Counties.

3896 14. Trauma service area 14 shall consist of Martin,
 3897 Okeechobee, and St. Lucie Counties.

3898 15. Trauma service area 15 shall consist of Charlotte,
 3899 Glades, Hendry, and Lee Counties.

3900 16. Trauma service area 16 shall consist of Palm Beach
 3901 County.

3902 17. Trauma service area 17 shall consist of Collier
 3903 County.

3904 18. Trauma service area 18 shall consist of Broward
 3905 County.

3906 19. Trauma service area 19 shall consist of Miami-Dade
 3907 ~~Dade~~ and Monroe Counties.

3908 Reviser's note.--Amended to conform to the redesignation of
 3909 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 3910 Dade County Code.

3911 Section 101. Subsection (1) of section 400.063, Florida
 3912 Statutes, is amended to read:

3913 400.063 Resident Protection Trust Fund.--

3914 (1) A Resident Protection Trust Fund shall be established
 3915 for the purpose of collecting and disbursing funds generated
 3916 from the license fees and administrative fines as provided for
 3917 in ss. 393.0673(3) ~~393.0673(2)~~, 400.062(3), 400.121(2), and

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3918 400.23(8). Such funds shall be for the sole purpose of paying
 3919 for the appropriate alternate placement, care, and treatment of
 3920 residents who are removed from a facility licensed under this
 3921 part or a facility specified in s. 393.0678(1) in which the
 3922 agency determines that existing conditions or practices
 3923 constitute an immediate danger to the health, safety, or
 3924 security of the residents. If the agency determines that it is
 3925 in the best interest of the health, safety, or security of the
 3926 residents to provide for an orderly removal of the residents
 3927 from the facility, the agency may utilize such funds to maintain
 3928 and care for the residents in the facility pending removal and
 3929 alternative placement. The maintenance and care of the residents
 3930 shall be under the direction and control of a receiver appointed
 3931 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may
 3932 be expended in an emergency upon a filing of a petition for a
 3933 receiver, upon the declaration of a state of local emergency
 3934 pursuant to s. 252.38(3)(a)5., or upon a duly authorized local
 3935 order of evacuation of a facility by emergency personnel to
 3936 protect the health and safety of the residents.

3937 Reviser's note.--Amended to conform to the redesignation of
 3938 s. 393.0673(2) as s. 393.0673(3) by s. 20, ch. 2006-227,
 3939 Laws of Florida.

3940 Section 102. Subsection (1) of section 400.0712, Florida
 3941 Statutes, is amended to read:

3942 400.0712 Application for inactive license.--

3943 (1) As specified in s. 408.831(4) ~~408.321(4)~~ and this
 3944 section, the agency may issue an inactive license to a nursing
 3945 home facility for all or a portion of its beds. Any request by a

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3946 licensee that a nursing home or portion of a nursing home become
 3947 inactive must be submitted to the agency in the approved format.
 3948 The facility may not initiate any suspension of services, notify
 3949 residents, or initiate inactivity before receiving approval from
 3950 the agency; and a licensee that violates this provision may not
 3951 be issued an inactive license.

3952 Reviser's note.--Amended to confirm the editorial
 3953 substitution of a reference to s. 408.831(4) for a
 3954 reference to nonexistent s. 408.321(4); s. 408.831(4)
 3955 relates to issuance of inactive licenses.

3956 Section 103. Subsections (3) and (12) of section 400.506,
 3957 Florida Statutes, are amended to read:

3958 400.506 Licensure of nurse registries; requirements;
 3959 penalties.--

3960 (3) In accordance with s. 408.805, an applicant or
 3961 licensee shall pay a fee for each license application submitted
 3962 under ss. 400.506-400.518 ~~400.508-400.518~~, part II of chapter
 3963 408, and applicable rules. The amount of the fee shall be
 3964 established by rule and may not exceed \$2,000 per biennium.

3965 (12) Each nurse registry shall prepare and maintain a
 3966 comprehensive emergency management plan that is consistent with
 3967 the criteria in this subsection and with the local special needs
 3968 plan. The plan shall be updated annually. The plan shall include
 3969 the means by which the nurse registry will continue to provide
 3970 the same type and quantity of services to its patients who
 3971 evacuate to special needs shelters which were being provided to
 3972 those patients prior to evacuation. The plan shall specify how
 3973 the nurse registry shall facilitate the provision of continuous

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3974 care by persons referred for contract to persons who are
 3975 registered pursuant to s. 252.355 during an emergency that
 3976 interrupts the provision of care or services in private
 3977 residences. Nurse registries may establish links to local
 3978 emergency operations centers to determine a mechanism by which
 3979 to approach specific areas within a disaster area in order for a
 3980 provider to reach its clients. Nurse registries shall
 3981 demonstrate a good faith effort to comply with the requirements
 3982 of this subsection by documenting attempts of staff to follow
 3983 procedures outlined in the nurse registry's comprehensive
 3984 emergency management plan which support a finding that the
 3985 provision of continuing care has been attempted for patients
 3986 identified as needing care by the nurse registry and registered
 3987 under s. 252.355 in the event of an emergency under this
 3988 subsection ~~(1)~~.

3989 (a) All persons referred for contract who care for persons
 3990 registered pursuant to s. 252.355 must include in the patient
 3991 record a description of how care will be continued during a
 3992 disaster or emergency that interrupts the provision of care in
 3993 the patient's home. It shall be the responsibility of the person
 3994 referred for contract to ensure that continuous care is
 3995 provided.

3996 (b) Each nurse registry shall maintain a current
 3997 prioritized list of patients in private residences who are
 3998 registered pursuant to s. 252.355 and are under the care of
 3999 persons referred for contract and who need continued services
 4000 during an emergency. This list shall indicate, for each patient,
 4001 if the client is to be transported to a special needs shelter

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4002 and if the patient is receiving skilled nursing services. Nurse
 4003 registries shall make this list available to county health
 4004 departments and to local emergency management agencies upon
 4005 request.

4006 (c) Each person referred for contract who is caring for a
 4007 patient who is registered pursuant to s. 252.355 shall provide a
 4008 list of the patient's medication and equipment needs to the
 4009 nurse registry. Each person referred for contract shall make
 4010 this information available to county health departments and to
 4011 local emergency management agencies upon request.

4012 (d) Each person referred for contract shall not be
 4013 required to continue to provide care to patients in emergency
 4014 situations that are beyond the person's control and that make it
 4015 impossible to provide services, such as when roads are
 4016 impassable or when patients do not go to the location specified
 4017 in their patient records.

4018 (e) The comprehensive emergency management plan required
 4019 by this subsection is subject to review and approval by the
 4020 county health department. During its review, the county health
 4021 department shall contact state and local health and medical
 4022 stakeholders when necessary. The county health department shall
 4023 complete its review to ensure that the plan complies with the
 4024 criteria in the Agency for Health Care Administration rules
 4025 within 90 days after receipt of the plan and shall either
 4026 approve the plan or advise the nurse registry of necessary
 4027 revisions. If a nurse registry fails to submit a plan or fails
 4028 to submit requested information or revisions to the county
 4029 health department within 30 days after written notification from

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4030 the county health department, the county health department shall
 4031 notify the Agency for Health Care Administration. The agency
 4032 shall notify the nurse registry that its failure constitutes a
 4033 deficiency, subject to a fine of \$5,000 per occurrence. If the
 4034 plan is not submitted, information is not provided, or revisions
 4035 are not made as requested, the agency may impose the fine.

4036 (f) The Agency for Health Care Administration shall adopt
 4037 rules establishing minimum criteria for the comprehensive
 4038 emergency management plan and plan updates required by this
 4039 subsection, with the concurrence of the Department of Health and
 4040 in consultation with the Department of Community Affairs.

4041 Reviser's note.--Subsection (3) is amended to correct an
 4042 erroneous reference. Section 400.508 does not exist; ss.
 4043 400.506-400.518 relate to licensing requirements, and the
 4044 range appears elsewhere in the section as amended by s. 80,
 4045 ch. 2007-230, Laws of Florida. Subsection (12) is amended
 4046 to correct an erroneous reference. Subsection (1) does not
 4047 reference emergencies; subsection (12) provides for a
 4048 comprehensive emergency management plan.

4049 Section 104. Subsection (5) of section 400.995, Florida
 4050 Statutes, is amended to read:

4051 400.995 Agency administrative penalties.--

4052 (5) Any clinic whose owner fails to apply for a change-of-
 4053 ownership license ~~in accordance with s. 400.992~~ and operates the
 4054 clinic under the new ownership is subject to a fine of \$5,000.

4055 Reviser's note.--Amended to conform to the repeal of s.
 4056 400.992 by s. 125, ch. 2007-230, Laws of Florida.

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4057 Section 105. Paragraph (a) of subsection (13) of section
 4058 403.031, Florida Statutes, is amended to read:

4059 403.031 Definitions.--In construing this chapter, or rules
 4060 and regulations adopted pursuant hereto, the following words,
 4061 phrases, or terms, unless the context otherwise indicates, have
 4062 the following meanings:

4063 (13) "Waters" include, but are not limited to, rivers,
 4064 lakes, streams, springs, impoundments, wetlands, and all other
 4065 waters or bodies of water, including fresh, brackish, saline,
 4066 tidal, surface, or underground waters. Waters owned entirely by
 4067 one person other than the state are included only in regard to
 4068 possible discharge on other property or water. Underground
 4069 waters include, but are not limited to, all underground waters
 4070 passing through pores of rock or soils or flowing through in
 4071 channels, whether manmade or natural. Solely for purposes of s.
 4072 403.0885, waters of the state also include navigable waters or
 4073 waters of the contiguous zone as used in s. 502 of the Clean
 4074 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in
 4075 existence on January 1, 1993, except for those navigable waters
 4076 seaward of the boundaries of the state set forth in s. 1, Art.
 4077 II of the State Constitution. Solely for purposes of this
 4078 chapter, waters of the state also include the area bounded by
 4079 the following:

4080 (a) Commence at the intersection of State Road (SRD) 5
 4081 (U.S. 1) and the county line dividing Miami-Dade ~~Dade~~ and Monroe
 4082 Counties, said point also being the mean high-water line of
 4083 Florida Bay, located in section 4, township 60 south, range 39
 4084 east of the Tallahassee Meridian for the point of beginning.

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4085 From said point of beginning, thence run northwesterly along
 4086 said SRD 5 to an intersection with the north line of section 18,
 4087 township 58 south, range 39 east; thence run westerly to a point
 4088 marking the southeast corner of section 12, township 58 south,
 4089 range 37 east, said point also lying on the east boundary of the
 4090 Everglades National Park; thence run north along the east
 4091 boundary of the aforementioned Everglades National Park to a
 4092 point marking the northeast corner of section 1, township 58
 4093 south, range 37 east; thence run west along said park to a point
 4094 marking the northwest corner of said section 1; thence run
 4095 northerly along said park to a point marking the northwest
 4096 corner of section 24, township 57 south, range 37 east; thence
 4097 run westerly along the south lines of sections 14, 15, and 16 to
 4098 the southwest corner of section 16; thence leaving the
 4099 Everglades National Park boundary run northerly along the west
 4100 line of section 16 to the northwest corner of section 16; thence
 4101 east along the northerly line of section 16 to a point at the
 4102 intersection of the east one-half and west one-half of section
 4103 9; thence northerly along the line separating the east one-half
 4104 and the west one-half of sections 9, 4, 33, and 28; thence run
 4105 easterly along the north line of section 28 to the northeast
 4106 corner of section 28; thence run northerly along the west line
 4107 of section 22 to the northwest corner of section 22; thence
 4108 easterly along the north line of section 22 to a point at the
 4109 intersection of the east one-half and west one-half of section
 4110 15; thence run northerly along said line to the point of
 4111 intersection with the north line of section 15; thence easterly
 4112 along the north line of section 15 to the northeast corner of

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4113 section 15; thence run northerly along the west lines of
 4114 sections 11 and 2 to the northwest corner of section 2; thence
 4115 run easterly along the north lines of sections 2 and 1 to the
 4116 northeast corner of section 1, township 56 south, range 37 east;
 4117 thence run north along the east line of section 36, township 55
 4118 south, range 37 east to the northeast corner of section 36;
 4119 thence run west along the north line of section 36 to the
 4120 northwest corner of section 36; thence run north along the west
 4121 line of section 25 to the northwest corner of section 25; thence
 4122 run west along the north line of section 26 to the northwest
 4123 corner of section 26; thence run north along the west line of
 4124 section 23 to the northwest corner of section 23; thence run
 4125 easterly along the north line of section 23 to the northeast
 4126 corner of section 23; thence run north along the west line of
 4127 section 13 to the northwest corner of section 13; thence run
 4128 east along the north line of section 13 to a point of
 4129 intersection with the west line of the southeast one-quarter of
 4130 section 12; thence run north along the west line of the
 4131 southeast one-quarter of section 12 to the northwest corner of
 4132 the southeast one-quarter of section 12; thence run east along
 4133 the north line of the southeast one-quarter of section 12 to the
 4134 point of intersection with the east line of section 12; thence
 4135 run east along the south line of the northwest one-quarter of
 4136 section 7 to the southeast corner of the northwest one-quarter
 4137 of section 7; thence run north along the east line of the
 4138 northwest one-quarter of section 7 to the point of intersection
 4139 with the north line of section 7; thence run northerly along the
 4140 west line of the southeast one-quarter of section 6 to the

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4141 northwest corner of the southeast one-quarter of section 6;
 4142 thence run east along the north lines of the southeast one-
 4143 quarter of section 6 and the southwest one-quarter of section 5
 4144 to the northeast corner of the southwest one-quarter of section
 4145 5; thence run northerly along the east line of the northwest
 4146 one-quarter of section 5 to the point of intersection with the
 4147 north line of section 5; thence run northerly along the line
 4148 dividing the east one-half and the west one-half of Lot 5 to a
 4149 point intersecting the north line of Lot 5; thence run east
 4150 along the north line of Lot 5 to the northeast corner of Lot 5,
 4151 township 54 1/2 south, range 38 east; thence run north along the
 4152 west line of section 33, township 54 south, range 38 east to a
 4153 point intersecting the northwest corner of the southwest one-
 4154 quarter of section 33; thence run easterly along the north line
 4155 of the southwest one-quarter of section 33 to the northeast
 4156 corner of the southwest one-quarter of section 33; thence run
 4157 north along the west line of the northeast one-quarter of
 4158 section 33 to a point intersecting the north line of section 33;
 4159 thence run easterly along the north line of section 33 to the
 4160 northeast corner of section 33; thence run northerly along the
 4161 west line of section 27 to a point intersecting the northwest
 4162 corner of the southwest one-quarter of section 27; thence run
 4163 easterly to the northeast corner of the southwest one-quarter of
 4164 section 27; thence run northerly along the west line of the
 4165 northeast one-quarter of section 27 to a point intersecting the
 4166 north line of section 27; thence run west along the north line
 4167 of section 27 to the northwest corner of section 27; thence run
 4168 north along the west lines of sections 22 and 15 to the

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4169 northwest corner of section 15; thence run easterly along the
 4170 north lines of sections 15 and 14 to the point of intersection
 4171 with the L-31N Levee, said intersection located near the
 4172 southeast corner of section 11, township 54 south, range 38
 4173 east; thence run northerly along Levee L-31N crossing SRD 90
 4174 (U.S. 41 Tamiami Trail) to an intersection common to Levees L-
 4175 31N, L-29, and L-30, said intersection located near the
 4176 southeast corner of section 2, township 54 south, range 38 east;
 4177 thence run northeasterly, northerly, and northeasterly along
 4178 Levee L-30 to a point of intersection with the Miami-
 4179 Dade/Broward ~~Dade/Broward~~ Levee, said intersection located near
 4180 the northeast corner of section 17, township 52 south, range 39
 4181 east; thence run due east to a point of intersection with SRD 27
 4182 (Krome Ave.); thence run northeasterly along SRD 27 to an
 4183 intersection with SRD 25 (U.S. 27), said intersection located in
 4184 section 3, township 52 south, range 39 east; thence run
 4185 northerly along said SRD 25, entering into Broward County, to an
 4186 intersection with SRD 84 at Andytown; thence run southeasterly
 4187 along the aforementioned SRD 84 to an intersection with the
 4188 southwesterly prolongation of Levee L-35A, said intersection
 4189 being located in the northeast one-quarter of section 5,
 4190 township 50 south, range 40 east; thence run northeasterly along
 4191 Levee L-35A to an intersection of Levee L-36, said intersection
 4192 located near the southeast corner of section 12, township 49
 4193 south, range 40 east; thence run northerly along Levee L-36,
 4194 entering into Palm Beach County, to an intersection common to
 4195 said Levees L-36, L-39, and L-40, said intersection located near
 4196 the west quarter corner of section 19, township 47 south, range

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4197 | 41 east; thence run northeasterly, easterly, and northerly along
 4198 | Levee L-40, said Levee L-40 being the easterly boundary of the
 4199 | Loxahatchee National Wildlife Refuge, to an intersection with
 4200 | SRD 80 (U.S. 441), said intersection located near the southeast
 4201 | corner of section 32, township 43 south, range 40 east; thence
 4202 | run westerly along the aforementioned SRD 80 to a point marking
 4203 | the intersection of said road and the northeasterly prolongation
 4204 | of Levee L-7, said Levee L-7 being the westerly boundary of the
 4205 | Loxahatchee National Wildlife Refuge; thence run southwesterly
 4206 | and southerly along said Levee L-7 to an intersection common to
 4207 | Levees L-7, L-15 (Hillsborough Canal), and L-6; thence run
 4208 | southwesterly along Levee L-6 to an intersection common to Levee
 4209 | L-6, SRD 25 (U.S. 27), and Levee L-5, said intersection being
 4210 | located near the northwest corner of section 27, township 47
 4211 | south, range 38 east; thence run westerly along the
 4212 | aforementioned Levee L-5 to a point intersecting the east line
 4213 | of range 36 east; thence run northerly along said range line to
 4214 | a point marking the northeast corner of section 1, township 47
 4215 | south, range 36 east; thence run westerly along the north line
 4216 | of township 47 south, to an intersection with Levee L-23/24
 4217 | (Miami Canal); thence run northwesterly along the Miami Canal
 4218 | Levee to a point intersecting the north line of section 22,
 4219 | township 46 south, range 35 east; thence run westerly to a point
 4220 | marking the northwest corner of section 21, township 46 south,
 4221 | range 35 east; thence run southerly to the southwest corner of
 4222 | said section 21; thence run westerly to a point marking the
 4223 | northwest corner of section 30, township 46 south, range 35
 4224 | east, said point also being on the line dividing Palm Beach and

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4225 Hendry Counties; from said point, thence run southerly along
 4226 said county line to a point marking the intersection of Broward,
 4227 Hendry, and Collier Counties, said point also being the
 4228 northeast corner of section 1, township 49 south, range 34 east;
 4229 thence run westerly along the line dividing Hendry and Collier
 4230 Counties and continuing along the prolongation thereof to a
 4231 point marking the southwest corner of section 36, township 48
 4232 south, range 29 east; thence run southerly to a point marking
 4233 the southwest corner of section 12, township 49 south, range 29
 4234 east; thence run westerly to a point marking the southwest
 4235 corner of section 10, township 49 south, range 29 east; thence
 4236 run southerly to a point marking the southwest corner of section
 4237 15, township 49 south, range 29 east; thence run westerly to a
 4238 point marking the northwest corner of section 24, township 49
 4239 south, range 28 east, said point lying on the west boundary of
 4240 the Big Cypress Area of Critical State Concern as described in
 4241 rule 28-25.001, Florida Administrative Code; thence run
 4242 southerly along said boundary crossing SRD 84 (Alligator Alley)
 4243 to a point marking the southwest corner of section 24, township
 4244 50 south, range 28 east; thence leaving the aforementioned west
 4245 boundary of the Big Cypress Area of Critical State Concern run
 4246 easterly to a point marking the northeast corner of section 25,
 4247 township 50 south, range 28 east; thence run southerly along the
 4248 east line of range 28 east to a point lying approximately 0.15
 4249 miles south of the northeast corner of section 1, township 52
 4250 south, range 28 east; thence run southwesterly 2.4 miles more or
 4251 less to an intersection with SRD 90 (U.S. 41 Tamiami Trail),
 4252 said intersection lying 1.1 miles more or less west of the east

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4253 line of range 28 east; thence run northwesterly and westerly
 4254 along SRD 90 to an intersection with the west line of section
 4255 10, township 52 south, range 28 east; thence leaving SRD 90 run
 4256 southerly to a point marking the southwest corner of section 15,
 4257 township 52 south, range 28 east; thence run westerly crossing
 4258 the Faka Union Canal 0.6 miles more or less to a point; thence
 4259 run southerly and parallel to the Faka Union Canal to a point
 4260 located on the mean high-water line of Faka Union Bay; thence
 4261 run southeasterly along the mean high-water line of the various
 4262 bays, rivers, inlets, and streams to the point of beginning.

4263 Reviser's note.--Amended to conform to the redesignation of
 4264 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 4265 Dade County Code.

4266 Section 106. Subsection (2) of section 403.201, Florida
 4267 Statutes, is amended to read:

4268 403.201 Variances.--

4269 (2) No variance shall be granted from any provision or
 4270 requirement concerning discharges of waste into waters of the
 4271 state or hazardous waste management which would result in the
 4272 provision or requirement being less stringent than a comparable
 4273 federal provision or requirement, except as provided in s.

4274 403.70715 ~~403.7221~~.

4275 Reviser's note.--Amended to conform to the redesignation of
 4276 s. 403.7221 as s. 403.70715 by s. 20, ch. 2007-184, Laws of
 4277 Florida.

4278 Section 107. Paragraph (a) of subsection (6) of section
 4279 403.707, Florida Statutes, is amended to read:

4280 403.707 Permits.--

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4281 (6) The department may issue a construction permit
 4282 pursuant to this part only to a solid waste management facility
 4283 that provides the conditions necessary to control the safe
 4284 movement of wastes or waste constituents into surface or ground
 4285 waters or the atmosphere and that will be operated, maintained,
 4286 and closed by qualified and properly trained personnel. Such
 4287 facility must if necessary:

4288 (a) Use natural or artificial barriers that ~~which~~ are
 4289 capable of controlling lateral or vertical movement of wastes or
 4290 waste constituents into surface or ground waters.

4291
 4292 Open fires, air-curtain incinerators, or trench burning may not
 4293 be used as a means of disposal at a solid waste management
 4294 facility, unless permitted by the department under s. 403.087.

4295 Reviser's note.--Amended to confirm the editorial deletion
 4296 of the word "which" following the word "that" to correct a
 4297 drafting error that occurred in the amendment to the
 4298 section by s. 12, ch. 2007-184, Laws of Florida.

4299 Section 108. Subsections (1), (2), and (3) of section
 4300 403.890, Florida Statutes, as amended by section 2 of chapter
 4301 2007-335, Laws of Florida, are amended to read:

4302 403.890 Water Protection and Sustainability Program;
 4303 intent; goals; purposes.--

4304 (1) Effective July 1, 2006, revenues transferred from the
 4305 Department of Revenue pursuant to s. 201.15(1)(d)2. shall be
 4306 deposited into the Water Protection and Sustainability Program
 4307 Trust Fund in the Department of Environmental Protection. These
 4308 revenues and any other additional revenues deposited into or

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4309 | appropriated to the Water Protection and Sustainability Program
 4310 | Trust Fund shall be distributed by the Department of
 4311 | Environmental Protection in the following manner:
 4312 | (a) Sixty percent to the Department of Environmental
 4313 | Protection for the implementation of an alternative water supply
 4314 | program as provided in s. 373.1961.
 4315 | (b) Twenty percent for the implementation of best
 4316 | management practices and capital project expenditures necessary
 4317 | for the implementation of the goals of the total maximum daily
 4318 | load program established in s. 403.067. Of these funds, 85
 4319 | percent shall be transferred to the credit of the Department of
 4320 | Environmental Protection Water Quality Assurance Trust Fund to
 4321 | address water quality impacts associated with nonagricultural
 4322 | nonpoint sources. Fifteen percent of these funds shall be
 4323 | transferred to the Department of Agriculture and Consumer
 4324 | Services General Inspection Trust Fund to address water quality
 4325 | impacts associated with agricultural nonpoint sources. These
 4326 | funds shall be used for research, development, demonstration,
 4327 | and implementation of the total maximum daily load program under
 4328 | s. 403.067, suitable best management practices or other measures
 4329 | used to achieve water quality standards in surface waters and
 4330 | water segments identified pursuant to s. 303(d) of the Clean
 4331 | Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 4332 | Implementation of best management practices and other measures
 4333 | may include cost-share grants, technical assistance,
 4334 | implementation tracking, and conservation leases or other
 4335 | agreements for water quality improvement. The Department of
 4336 | Environmental Protection and the Department of Agriculture and

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4337 Consumer Services may adopt rules governing the distribution of
 4338 funds for implementation of capital projects, best management
 4339 practices, and other measures. These funds shall not be used to
 4340 abrogate the financial responsibility of those point and
 4341 nonpoint sources that have contributed to the degradation of
 4342 water or land areas. Increased priority shall be given by the
 4343 department and the water management district governing boards to
 4344 those projects that have secured a cost-sharing agreement
 4345 allocating responsibility for the cleanup of point and nonpoint
 4346 sources.

4347 (c) Ten percent shall be disbursed for the purposes of
 4348 funding projects pursuant to ss. 373.451-373.459 or surface
 4349 water restoration activities in water-management-district-
 4350 designated priority water bodies. The Secretary of Environmental
 4351 Protection shall ensure that each water management district
 4352 receives the following percentage of funds annually:

- 4353 1. Thirty-five percent to the South Florida Water
 4354 Management District;
- 4355 2. Twenty-five percent to the Southwest Florida Water
 4356 Management District;
- 4357 3. Twenty-five percent to the St. Johns River Water
 4358 Management District;
- 4359 4. Seven and one-half percent to the Suwannee River Water
 4360 Management District; and
- 4361 5. Seven and one-half percent to the Northwest Florida
 4362 Water Management District.

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4363 (d) Ten percent to the Department of Environmental
 4364 Protection for the Disadvantaged Small Community Wastewater
 4365 Grant Program as provided in s. 403.1838.

4366 (2) Applicable beginning in the 2007-2008 fiscal year,
 4367 revenues transferred from the Department of Revenue pursuant to
 4368 s. 201.15(1)(d)2. shall be deposited into the Water Protection
 4369 and Sustainability Program Trust Fund in the Department of
 4370 Environmental Protection. These revenues and any other
 4371 additional revenues deposited into or appropriated to the Water
 4372 Protection and Sustainability Program Trust Fund shall be
 4373 distributed by the Department of Environmental Protection in the
 4374 following manner:

4375 (a) Sixty-five percent to the Department of Environmental
 4376 Protection for the implementation of an alternative water supply
 4377 program as provided in s. 373.1961.

4378 (b) Twenty-two and five-tenths percent for the
 4379 implementation of best management practices and capital project
 4380 expenditures necessary for the implementation of the goals of
 4381 the total maximum daily load program established in s. 403.067.
 4382 Of these funds, 83.33 percent shall be transferred to the credit
 4383 of the Department of Environmental Protection Water Quality
 4384 Assurance Trust Fund to address water quality impacts associated
 4385 with nonagricultural nonpoint sources. Sixteen and sixty-seven
 4386 hundredths percent of these funds shall be transferred to the
 4387 Department of Agriculture and Consumer Services General
 4388 Inspection Trust Fund to address water quality impacts
 4389 associated with agricultural nonpoint sources. These funds shall
 4390 be used for research, development, demonstration, and

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4391 implementation of the total maximum daily load program under s.
 4392 403.067, suitable best management practices or other measures
 4393 used to achieve water quality standards in surface waters and
 4394 water segments identified pursuant to s. 303(d) of the Clean
 4395 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 4396 Implementation of best management practices and other measures
 4397 may include cost-share grants, technical assistance,
 4398 implementation tracking, and conservation leases or other
 4399 agreements for water quality improvement. The Department of
 4400 Environmental Protection and the Department of Agriculture and
 4401 Consumer Services may adopt rules governing the distribution of
 4402 funds for implementation of capital projects, best management
 4403 practices, and other measures. These funds shall not be used to
 4404 abrogate the financial responsibility of those point and
 4405 nonpoint sources that have contributed to the degradation of
 4406 water or land areas. Increased priority shall be given by the
 4407 department and the water management district governing boards to
 4408 those projects that have secured a cost-sharing agreement
 4409 allocating responsibility for the cleanup of point and nonpoint
 4410 sources.

4411 (c) Twelve and five-tenths percent to the Department of
 4412 Environmental Protection for the Disadvantaged Small Community
 4413 Wastewater Grant Program as provided in s. 403.1838.

4414 (d) On June 30, 2009, and every 24 months thereafter, the
 4415 Department of Environmental Protection shall request the return
 4416 of all unencumbered funds distributed pursuant to this section.
 4417 These funds shall be deposited into the Water Protection and

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4418 Sustainability Program Trust Fund and redistributed pursuant to
 4419 the provisions of this section.

4420 (3) For fiscal year 2005-2006, funds deposited or
 4421 appropriated into the Water Protection and Sustainability
 4422 Program Trust Fund shall be distributed as follows:

4423 (a) One hundred million dollars to the Department of
 4424 Environmental Protection for the implementation of an
 4425 alternative water supply program as provided in s. 373.1961.

4426 (b) Funds remaining after the distribution provided for in
 4427 subsection (1) shall be distributed as follows:

4428 1. Fifty percent for the implementation of best management
 4429 practices and capital project expenditures necessary for the
 4430 implementation of the goals of the total maximum daily load
 4431 program established in s. 403.067. Of these funds, 85 percent
 4432 shall be transferred to the credit of the Department of
 4433 Environmental Protection Water Quality Assurance Trust Fund to
 4434 address water quality impacts associated with nonagricultural
 4435 nonpoint sources. Fifteen percent of these funds shall be
 4436 transferred to the Department of Agriculture and Consumer
 4437 Services General Inspection Trust Fund to address water quality
 4438 impacts associated with agricultural nonpoint sources. These
 4439 funds shall be used for research, development, demonstration,
 4440 and implementation of suitable best management practices or
 4441 other measures used to achieve water quality standards in
 4442 surface waters and water segments identified pursuant to s.
 4443 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.
 4444 1251 et seq. Implementation of best management practices and
 4445 other measures may include cost-share grants, technical

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4446 assistance, implementation tracking, and conservation leases or
 4447 other agreements for water quality improvement. The Department
 4448 of Environmental Protection and the Department of Agriculture
 4449 and Consumer Services may adopt rules governing the distribution
 4450 of funds for implementation of best management practices. These
 4451 funds shall not be used to abrogate the financial responsibility
 4452 of those point and nonpoint sources that have contributed to the
 4453 degradation of water or land areas. Increased priority shall be
 4454 given by the department and the water management district
 4455 governing boards to those projects that have secured a cost-
 4456 sharing agreement allocating responsibility for the cleanup of
 4457 point and nonpoint sources.

4458 2. Twenty-five percent for the purposes of funding
 4459 projects pursuant to ss. 373.451-373.459 or surface water
 4460 restoration activities in water-management-district-designated
 4461 priority water bodies. The Secretary of Environmental Protection
 4462 shall ensure that each water management district receives the
 4463 following percentage of funds annually:

4464 a. Thirty-five percent to the South Florida Water
 4465 Management District;

4466 b. Twenty-five percent to the Southwest Florida Water
 4467 Management District;

4468 c. Twenty-five percent to the St. Johns River Water
 4469 Management District;

4470 d. Seven and one-half percent to the Suwannee River Water
 4471 Management District; and

4472 e. Seven and one-half percent to the Northwest Florida
 4473 Water Management District.

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4474 3. Twenty-five percent to the Department of Environmental
 4475 Protection for the Disadvantaged Small Community Wastewater
 4476 Grant Program as provided in s. 403.1838.

4477
 4478 Prior to the end of the 2008 Regular Session, the Legislature
 4479 must review the distribution of funds under the Water Protection
 4480 and Sustainability Program to determine if revisions to the
 4481 funding formula are required. At the discretion of the President
 4482 of the Senate and the Speaker of the House of Representatives,
 4483 the appropriate substantive committees of the Legislature may
 4484 conduct an interim project to review the Water Protection and
 4485 Sustainability Program and the funding formula and make written
 4486 recommendations to the Legislature proposing necessary changes,
 4487 if any.

4488 Reviser's note.--Amended to confirm the insertion of the
 4489 word "Program" by the editors to conform to the name of the
 4490 trust fund at s. 403.891, which creates the fund.

4491 Section 109. Section 403.8911, Florida Statutes, is
 4492 amended to read:

4493 403.8911 Annual appropriation from the Water Protection
 4494 and Sustainability Program Trust Fund.--

4495 (1) Funds paid into the Water Protection and
 4496 Sustainability Program Trust Fund pursuant to s. 201.15(1)(d)
 4497 are hereby annually appropriated for expenditure for the
 4498 purposes for which the Water Protection and Sustainability
 4499 Program Trust Fund is established.

4500 (2) If the Water Protection and Sustainability Program
 4501 Trust Fund is not created, such funds are hereby annually

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4502 appropriated for expenditure from the Ecosystem Management and
 4503 Restoration Trust Fund solely for the purposes established in s.
 4504 403.890.

4505 Reviser's note.--Amended to conform to the name of the
 4506 trust fund at s. 403.891, which creates the fund.

4507 Section 110. Subsections (6), (7), and (12) and paragraph
 4508 (b) of subsection (13) of section 403.973, Florida Statutes, are
 4509 amended to read:

4510 403.973 Expedited permitting; comprehensive plan
 4511 amendments.--

4512 (6) The local government shall hold a duly noticed public
 4513 hearing to execute a memorandum of agreement for each qualified
 4514 project. Notwithstanding any other provision of law, and at the
 4515 option of the local government, the workshop provided for in
 4516 subsection (5) ~~(6)~~ may be conducted on the same date as the
 4517 public hearing held under this subsection. The memorandum of
 4518 agreement that a local government signs shall include a
 4519 provision identifying necessary local government procedures and
 4520 time limits that will be modified to allow for the local
 4521 government decision on the project within 90 days. The
 4522 memorandum of agreement applies to projects, on a case-by-case
 4523 basis, that qualify for special review and approval as specified
 4524 in this section. The memorandum of agreement must make it clear
 4525 that this expedited permitting and review process does not
 4526 modify, qualify, or otherwise alter existing local government
 4527 nonprocedural standards for permit applications, unless
 4528 expressly authorized by law.

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4529 (7) At the option of the participating local government,
 4530 appeals of its final approval for a project may be pursuant to
 4531 the summary hearing provisions of s. 120.574, pursuant to
 4532 subsection (14) ~~(15)~~, or pursuant to other appellate processes
 4533 available to the local government. The local government's
 4534 decision to enter into a summary hearing must be made as
 4535 provided in s. 120.574 or in the memorandum of agreement.

4536 (12) The applicant, the regional permit action team, and
 4537 participating local governments may agree to incorporate into a
 4538 single document the permits, licenses, and approvals that are
 4539 obtained through the expedited permit process. This consolidated
 4540 permit is subject to the summary hearing provisions set forth in
 4541 subsection (14) ~~(15)~~.

4542 (13) Notwithstanding any other provisions of law:

4543 (b) Projects qualified under this section are not subject
 4544 to interstate highway level-of-service standards adopted by the
 4545 Department of Transportation for concurrency purposes. The
 4546 memorandum of agreement specified in subsection (5) ~~(6)~~ must
 4547 include a process by which the applicant will be assessed a fair
 4548 share of the cost of mitigating the project's significant
 4549 traffic impacts, as defined in chapter 380 and related rules.
 4550 The agreement must also specify whether the significant traffic
 4551 impacts on the interstate system will be mitigated through the
 4552 implementation of a project or payment of funds to the
 4553 Department of Transportation. Where funds are paid, the
 4554 Department of Transportation must include in the 5-year work
 4555 program transportation projects or project phases, in an amount

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4556 equal to the funds received, to mitigate the traffic impacts
 4557 associated with the proposed project.

4558 Reviser's note.--Amended to conform to the repeal of former
 4559 subsection (4) by s. 23, ch. 2007-105, Laws Of Florida.

4560 Section 111. Subsection (5) of section 408.032, Florida
 4561 Statutes, is amended to read:

4562 408.032 Definitions relating to Health Facility and
 4563 Services Development Act.--As used in ss. 408.031-408.045, the
 4564 term:

4565 (5) "District" means a health service planning district
 4566 composed of the following counties:

4567 District 1.--Escambia, Santa Rosa, Okaloosa, and Walton
 4568 Counties.

4569 District 2.--Holmes, Washington, Bay, Jackson, Franklin,
 4570 Gulf, Gadsden, Liberty, Calhoun, Leon, Wakulla, Jefferson,
 4571 Madison, and Taylor Counties.

4572 District 3.--Hamilton, Suwannee, Lafayette, Dixie,
 4573 Columbia, Gilchrist, Levy, Union, Bradford, Putnam, Alachua,
 4574 Marion, Citrus, Hernando, Sumter, and Lake Counties.

4575 District 4.--Baker, Nassau, Duval, Clay, St. Johns,
 4576 Flagler, and Volusia Counties.

4577 District 5.--Pasco and Pinellas Counties.

4578 District 6.--Hillsborough, Manatee, Polk, Hardee, and
 4579 Highlands Counties.

4580 District 7.--Seminole, Orange, Osceola, and Brevard
 4581 Counties.

4582 District 8.--Sarasota, DeSoto, Charlotte, Lee, Glades,
 4583 Hendry, and Collier Counties.

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4584 District 9.--Indian River, Okeechobee, St. Lucie, Martin,
 4585 and Palm Beach Counties.
 4586 District 10.--Broward County.
 4587 District 11.--Miami-Dade ~~Dade~~ and Monroe Counties.
 4588 Reviser's note.--Amended to conform to the redesignation of
 4589 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 4590 Dade County Code.
 4591 Section 112. Paragraph (b) of subsection (2) of section
 4592 409.166, Florida Statutes, is amended to read:
 4593 409.166 Children within the child welfare system; adoption
 4594 assistance program.--
 4595 (2) DEFINITIONS.--As used in this section, the term:
 4596 (b) "Adoption assistance" means financial assistance and
 4597 services provided to a child and his or her adoptive family.
 4598 Such assistance may include a maintenance subsidy, medical
 4599 assistance, Medicaid assistance, and reimbursement of
 4600 nonrecurring expenses associated with the legal adoption. The
 4601 term also includes a tuition exemption at a postsecondary career
 4602 program, community college, or state university, and a state
 4603 employee adoption benefit under s. 409.1663 ~~110.152~~.
 4604 Reviser's note.--Amended to conform to the repeal of s.
 4605 110.152 by s. 3, ch. 2007-119, Laws of Florida, and the
 4606 enactment of similar provisions in s. 409.1663 by s. 1, ch.
 4607 2007-119.
 4608 Section 113. Subsection (2) of section 409.1677, Florida
 4609 Statutes, is amended to read:
 4610 409.1677 Model comprehensive residential services
 4611 programs.--

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4612 (2) The department shall establish a model comprehensive
 4613 residential services program in ~~Dade~~ and Manatee and Miami-Dade
 4614 Counties through a contract with the designated lead agency
 4615 established in accordance with s. 409.1671 or with a private
 4616 entity capable of providing residential group care and home-
 4617 based care and experienced in the delivery of a range of
 4618 services to foster children, if no lead agency exists. These
 4619 model programs are to serve that portion of eligible children
 4620 within each county which is specified in the contract, based on
 4621 funds appropriated, to include a full array of services for a
 4622 fixed price. The private entity or lead agency is responsible
 4623 for all programmatic functions necessary to carry out the intent
 4624 of this section.

4625 Reviser's note.--Amended to conform to the redesignation of
 4626 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 4627 Dade County Code.

4628 Section 114. Subsection (2) of section 409.25661, Florida
 4629 Statutes, is amended to read:

4630 409.25661 Public records exemption for insurance claim
 4631 data exchange information.--

4632 (2) This section is subject to the Open Government Sunset
 4633 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 4634 repealed on October 2, 2009, unless reviewed and saved from
 4635 repeal through reenactment by the Legislature.

4636 Reviser's note.--Amended to conform to the renaming of the
 4637 "Open Government Sunset Review Act of 1995" as the "Open
 4638 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 4639 of Florida.

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4640 Section 115. Subsection (4) of section 413.271, Florida
 4641 Statutes, is repealed.

4642 Reviser's note.--Repealed to delete obsolete provisions.
 4643 The cited subsection provided that the Florida Coordinating
 4644 Council for the Deaf and Hard of Hearing provide reports
 4645 and recommendations by January 1, 2005, and January 1,
 4646 2006.

4647 Section 116. Paragraph (d) of subsection (12) of section
 4648 420.5095, Florida Statutes, is amended to read:

4649 420.5095 Community Workforce Housing Innovation Pilot
 4650 Program.--

4651 (12) All eligible applications shall:

4652 (d) Have grants, donations of land, or contributions from
 4653 the public-private partnership or other sources collectively
 4654 totaling at least 10 percent of the total development cost or \$2
 4655 million, whichever is less. Such grants, donations of land, or
 4656 contributions must be evidenced by a letter of commitment, ~~an~~
 4657 agreement, contract, deed, memorandum of understanding, or other
 4658 written instrument at the time of application. Grants, donations
 4659 of land, or contributions in excess of 10 percent of the
 4660 development cost shall increase the application score.

4661 Reviser's note.--Amended to confirm the editorial deletion
 4662 of the word "an" following the word "commitment" to correct
 4663 sentence construction.

4664 Section 117. Subsection (2) of section 420.9076, Florida
 4665 Statutes, is amended to read:

4666 420.9076 Adoption of affordable housing incentive
 4667 strategies; committees.--

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4668 (2) The governing board of a county or municipality shall
 4669 appoint the members of the affordable housing advisory committee
 4670 by resolution. Pursuant to the terms of any interlocal
 4671 agreement, a county and municipality may create and jointly
 4672 appoint an advisory committee to prepare a joint plan. The
 4673 ordinance adopted pursuant to s. 420.9072 which creates the
 4674 advisory committee or the resolution appointing the advisory
 4675 committee members must provide for 11 committee members and
 4676 their terms. The committee must include:

4677 (a) One citizen who is actively engaged in the residential
 4678 home building industry in connection with affordable housing.

4679 (b) One citizen who is actively engaged in the banking or
 4680 mortgage banking industry in connection with affordable housing.

4681 (c) One citizen who is a representative of those areas of
 4682 labor actively engaged in home building in connection with
 4683 affordable housing.

4684 (d) One citizen who is actively engaged as an advocate for
 4685 low-income persons in connection with affordable housing.

4686 (e) One citizen who is actively engaged as a for-profit
 4687 provider of affordable housing.

4688 (f) One citizen who is actively engaged as a not-for-
 4689 profit provider of affordable housing.

4690 (g) One citizen who is actively engaged as a real estate
 4691 professional in connection with affordable housing.

4692 (h) One citizen who actively serves on the local planning
 4693 agency pursuant to s. 163.3174.

4694 (i) One citizen who resides within the jurisdiction of the
 4695 local governing body making the appointments.

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4696 (j) One citizen who represents employers within the
 4697 jurisdiction.
 4698 (k) One citizen who represents essential services
 4699 personnel, as defined in the local housing assistance plan.
 4700
 4701 If a county or eligible municipality whether due to its small
 4702 size, the presence of a conflict of interest by prospective
 4703 appointees, or other reasonable factor, is unable to appoint a
 4704 citizen actively engaged in these activities in connection with
 4705 affordable housing, a citizen engaged in the activity without
 4706 regard to affordable housing may be appointed. Local governments
 4707 that receive the minimum allocation under the State Housing
 4708 Initiatives Partnership Program may elect to appoint an
 4709 affordable housing advisory committee with fewer than 11
 4710 representatives if they are unable to find representatives who
 4711 ~~that~~ meet the criteria of paragraphs (a)-(k).
 4712 Reviser's note.--Amended to confirm the editorial
 4713 substitution of the word "who" for the word "that" to
 4714 improve clarity and facilitate correct interpretation.
 4715 Section 118. Subsection (2) of section 429.35, Florida
 4716 Statutes, is amended to read:
 4717 429.35 Maintenance of records; reports.--
 4718 (2) Within 60 days after the date of the biennial
 4719 inspection visit required under s. 408.811 or within 30 days
 4720 after the date of any interim visit, the agency shall forward
 4721 the results of the inspection to the local ombudsman council in
 4722 whose planning and service area, as defined in part II † of
 4723 chapter 400, the facility is located; to at least one public

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4724 library or, in the absence of a public library, the county seat
 4725 in the county in which the inspected assisted living facility is
 4726 located; and, when appropriate, to the district Adult Services
 4727 and Mental Health Program Offices.

4728 Reviser's note.--Amended to correct an erroneous reference.
 4729 "Planning and service area" is defined in part II of
 4730 chapter 400.

4731 Section 119. Subsection (1) of section 429.907, Florida
 4732 Statutes, is amended to read:

4733 429.907 License requirement; fee; exemption; display.--

4734 (1) The requirements of part II of chapter 408 apply to
 4735 the provision of services that require licensure pursuant to
 4736 this part and part II of chapter 408 and to entities licensed by
 4737 or applying for such licensure from the Agency for Health Care
 4738 Administration pursuant to this part. A license issued by the
 4739 agency is required in order to operate an adult day care center
 4740 in this state.

4741 Reviser's note.--Amended to confirm the editorial insertion
 4742 of the word "center" to improve clarity and facilitate
 4743 correct interpretation.

4744 Section 120. Subsection (4) of section 440.3851, Florida
 4745 Statutes, is amended to read:

4746 440.3851 Public records and public meetings exemptions.--

4747 (4) This section is subject to the Open Government Sunset
 4748 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 4749 repealed on October 2, 2010, unless reviewed and saved from
 4750 repeal through reenactment by the Legislature.

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4751 Reviser's note.--Amended to conform to the renaming of the
 4752 "Open Government Sunset Review Act of 1995" as the "Open
 4753 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 4754 of Florida.

4755 Section 121. Paragraph (i) of subsection (5) of section
 4756 445.004, Florida Statutes, is repealed.

4757 Reviser's note.--The referenced subsection, which relates
 4758 to Enterprise Florida, Inc., working with the Department of
 4759 Education and Workforce Florida, Inc., in designating
 4760 districts to participate in the CHOICE project under
 4761 repealed s. 1003.494, has served its purpose.

4762 Section 122. Section 446.43, Florida Statutes, is amended
 4763 to read:

4764 446.43 Scope and coverage of Rural Workforce Services
 4765 Program.--The scope of the area to be covered by the Rural
 4766 Workforce Services Program will include all counties of the
 4767 state not classified as standard metropolitan statistical areas
 4768 (SMSA) by the United States Department of Labor Manpower
 4769 Administration. Florida's designated SMSA labor areas include:
 4770 Broward, Miami-Dade ~~Dade~~, Duval, Escambia, Hillsborough,
 4771 Pinellas, Leon, Orange, and Palm Beach Counties.

4772 Reviser's note.--Amended to conform to the redesignation of
 4773 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 4774 Dade County Code.

4775 Section 123. Paragraph (g) of subsection (1) of section
 4776 468.832, Florida Statutes, is amended to read:

4777 468.832 Disciplinary proceedings.--

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4778 (1) The following acts constitute grounds for which the
 4779 disciplinary actions in subsection (2) may be taken:

4780 (g) Engaging in fraud or deceit, or ~~of~~ negligence,
 4781 incompetency, or misconduct, in the practice of home inspection
 4782 services;

4783 Reviser's note.--Amended to confirm the editorial deletion
 4784 of the word "of" preceding the word "negligence" to correct
 4785 sentence structure and facilitate correct interpretation.

4786 Section 124. Paragraph (c) of subsection (1) of section
 4787 468.8419, Florida Statutes, is amended to read:

4788 468.8419 Prohibitions; penalties.--

4789 (1) A mold assessor, a company that employs a mold
 4790 assessor, or a company that is controlled by a company that also
 4791 has a financial interest in a company employing a mold assessor
 4792 may not:

4793 (c) Use the name or title "certified mold assessor,"
 4794 "registered mold assessor," "licensed mold assessor," "mold
 4795 assessor," "professional mold assessor," or any combination
 4796 thereof unless the person has complied with the provisions of
 4797 this part.

4798 Reviser's note.--Amended to confirm the editorial insertion
 4799 of the word "of" to correct sentence structure.

4800 Section 125. Paragraph (g) of subsection (1) of section
 4801 468.842, Florida Statutes, is amended to read:

4802 468.842 Disciplinary proceedings.--

4803 (1) The following acts constitute grounds for which the
 4804 disciplinary actions in subsection (2) may be taken:

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4805 (g) Engaging in fraud or deceit, or ~~of~~ negligence,
 4806 incompetency, or misconduct, in the practice of mold assessment
 4807 or mold remediation;

4808 Reviser's note.--Amended to confirm the editorial deletion
 4809 of the word "of" preceding the word "negligence" to correct
 4810 sentence structure and facilitate correct interpretation.

4811 Section 126. Subsection (5) of section 477.0135, Florida
 4812 Statutes, is amended to read:

4813 477.0135 Exemptions.--

4814 (5) A license is not required of any individual providing
 4815 makeup, special effects, or cosmetology services to an actor,
 4816 stunt person, musician, extra, or other talent during a
 4817 production recognized by the Office of Film and Entertainment as
 4818 a qualified production as defined in s. 288.1254(1) ~~288.1254(2)~~.
 4819 Such services are not required to be performed in a licensed
 4820 salon. Individuals exempt under this subsection may not provide
 4821 such services to the general public.

4822 Reviser's note.--Amended to conform to the substantial
 4823 rewording of s. 288.1254 by s. 2, ch. 2007-125, Laws of
 4824 Florida; s. 288.1254(1) now defines a qualified production.

4825 Section 127. Subsection (6) of section 481.215, Florida
 4826 Statutes, is amended to read:

4827 481.215 Renewal of license.--

4828 (6) The board shall require, by rule adopted pursuant to
 4829 ss. 120.536(1) and 120.54, a specified number of hours in
 4830 specialized or advanced courses, approved by the Florida
 4831 Building Commission, on any portion of the Florida Building

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4832 Code, adopted pursuant to part IV ~~VII~~ of chapter 553, relating
 4833 to the licensee's respective area of practice.

4834 Reviser's note.--Amended to correct an erroneous reference.
 4835 Part VII of chapter 553 relates to standards for radon-
 4836 resistant buildings; part IV of chapter 553 relates to the
 4837 Florida Building Code.

4838 Section 128. Subsection (6) of section 481.313, Florida
 4839 Statutes, is amended to read:

4840 481.313 Renewal of license.--

4841 (6) The board shall require, by rule adopted pursuant to
 4842 ss. 120.536(1) and 120.54, a specified number of hours in
 4843 specialized or advanced courses, approved by the Florida
 4844 Building Commission, on any portion of the Florida Building
 4845 Code, adopted pursuant to part IV ~~VII~~ of chapter 553, relating
 4846 to the licensee's respective area of practice.

4847 Reviser's note.--Amended to correct an erroneous reference.
 4848 Part VII of chapter 553 relates to standards for radon-
 4849 resistant buildings; part IV of chapter 553 relates to the
 4850 Florida Building Code.

4851 Section 129. Subsection (1) of section 487.048, Florida
 4852 Statutes, is amended to read:

4853 487.048 Dealer's license; records.--

4854 (1) Each person holding or offering for sale, selling, or
 4855 distributing restricted-use pesticides shall obtain a dealer's
 4856 license from the department. Application for the license shall
 4857 be made on a form prescribed by the department. The license must
 4858 be obtained before entering into business or transferring
 4859 ownership of a business. The department may require examination

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4860 or other proof of competency of individuals to whom licenses are
 4861 issued or of individuals employed by persons to whom licenses
 4862 are issued. Demonstration of continued competency may be
 4863 required for license renewal, as set by rule. The license shall
 4864 be renewed annually as provided by rule. An annual license fee
 4865 not exceeding \$250 shall be established by rule. However, a user
 4866 of a restricted-use pesticide may distribute unopened containers
 4867 of a properly labeled pesticide to another user who is legally
 4868 entitled to use that restricted-use pesticide without obtaining
 4869 a pesticide dealer's license. The exclusive purpose of
 4870 distribution of the restricted-use pesticide is to keep it from
 4871 becoming a hazardous waste as defined in s. 403.703(13)
 4872 ~~403.703(21)~~.

4873 Reviser's note.--Amended to conform to the substantial
 4874 rewording of s. 403.703 by s. 6, ch. 2007-184, Laws of
 4875 Florida; s. 403.703(13) now defines hazardous waste.

4876 Section 130. Paragraph (b) of subsection (4) and
 4877 subsection (9) of section 489.115, Florida Statutes, are amended
 4878 to read:

4879 489.115 Certification and registration; endorsement;
 4880 reciprocity; renewals; continuing education.--

4881 (4)

4882 (b)1. Each certificateholder or registrant shall provide
 4883 proof, in a form established by rule of the board, that the
 4884 certificateholder or registrant has completed at least 14
 4885 classroom hours of at least 50 minutes each of continuing
 4886 education courses during each biennium since the issuance or
 4887 renewal of the certificate or registration. The board shall

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4888 | establish by rule that a portion of the required 14 hours must
 4889 | deal with the subject of workers' compensation, business
 4890 | practices, workplace safety, and, for applicable licensure
 4891 | categories, wind mitigation methodologies, and 1 hour of which
 4892 | must deal with laws and rules. The board shall by rule establish
 4893 | criteria for the approval of continuing education courses and
 4894 | providers, including requirements relating to the content of
 4895 | courses and standards for approval of providers, and may by rule
 4896 | establish criteria for accepting alternative nonclassroom
 4897 | continuing education on an hour-for-hour basis. The board shall
 4898 | prescribe by rule the continuing education, if any, which is
 4899 | required during the first biennium of initial licensure. A
 4900 | person who has been licensed for less than an entire biennium
 4901 | must not be required to complete the full 14 hours of continuing
 4902 | education.

4903 | 2. In addition, the board may approve specialized
 4904 | continuing education courses on compliance with the wind
 4905 | resistance provisions for one and two family dwellings contained
 4906 | in the Florida Building Code and any alternate methodologies for
 4907 | providing such wind resistance which have been approved for use
 4908 | by the Florida Building Commission. Division I
 4909 | certificateholders or registrants who demonstrate proficiency
 4910 | upon completion of such specialized courses may certify plans
 4911 | and specifications for one and two family dwellings to be in
 4912 | compliance with the code or alternate methodologies, as
 4913 | appropriate, except for dwellings located in floodways or
 4914 | coastal hazard areas as defined in ss. 60.3D and E of the
 4915 | National Flood Insurance Program.

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4916 3. Each certificateholder or registrant shall provide to
 4917 the board proof of completion of the core curriculum courses, or
 4918 passing the equivalency test of the Building Code Training
 4919 Program established under s. 553.841, specific to the licensing
 4920 category sought, within 2 years after commencement of the
 4921 program or of initial certification or registration, whichever
 4922 is later. Classroom hours spent taking core curriculum courses
 4923 shall count toward the number required for renewal of
 4924 certificates or registration. A certificateholder or registrant
 4925 who passes the equivalency test in lieu of taking the core
 4926 curriculum courses shall receive full credit for core curriculum
 4927 course hours.

4928 4. The board shall require, by rule adopted pursuant to
 4929 ss. 120.536(1) and 120.54, a specified number of hours in
 4930 specialized or advanced module courses, approved by the Florida
 4931 Building Commission, on any portion of the Florida Building
 4932 Code, adopted pursuant to part IV ~~VII~~ of chapter 553, relating
 4933 to the contractor's respective discipline.

4934 (9) An initial applicant shall submit, along with the
 4935 application, a complete set of fingerprints in a form and manner
 4936 required by the department. The fingerprints shall be submitted
 4937 to the Department of Law Enforcement for state processing, and
 4938 the Department of Law Enforcement shall forward them to the
 4939 Federal Bureau of Investigation for the purpose of conducting a
 4940 level 2 background check pursuant to s. 435.04. The department
 4941 shall and the board may review the background results to
 4942 determine if an applicant meets licensure requirements. The cost
 4943 for the fingerprint processing shall be borne by the person

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4944 subject to the background screening. These fees are to be
 4945 collected by the authorized agencies or vendors. The authorized
 4946 agencies or vendors are responsible for paying the processing
 4947 costs to the Department of Law Enforcement.

4948 Reviser's note.--Paragraph (4)(b) is amended to correct an
 4949 erroneous reference. Part VII of chapter 553 relates to
 4950 standards for radon-resistant buildings; part IV of chapter
 4951 553 relates to the Florida Building Code. Subsection (9) is
 4952 amended to confirm the editorial insertion of the word "of"
 4953 to correct sentence construction.

4954 Section 131. Paragraph (h) of subsection (1) of section
 4955 489.127, Florida Statutes, is amended to read:

4956 489.127 Prohibitions; penalties.--

4957 (1) No person shall:

4958 (h) Commence or perform work for which a building permit
 4959 is required pursuant to part IV ~~VII~~ of chapter 553 without such
 4960 building permit being in effect; or

4961
 4962 For purposes of this subsection, a person or business
 4963 organization operating on an inactive or suspended certificate,
 4964 registration, or certificate of authority is not duly certified
 4965 or registered and is considered unlicensed. A business tax
 4966 receipt issued under the authority of chapter 205 is not a
 4967 license for purposes of this part.

4968 Reviser's note.--Amended to correct an erroneous reference.
 4969 Part VII of chapter 553 relates to standards for radon-
 4970 resistant buildings; part IV of chapter 553 relates to the
 4971 Florida Building Code and required building permits.

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4972 Section 132. Subsection (6) of section 489.517, Florida
 4973 Statutes, is amended to read:

4974 489.517 Renewal of certificate or registration; continuing
 4975 education.--

4976 (6) The board shall require, by rule adopted pursuant to
 4977 ss. 120.536(1) and 120.54, a specialized number of hours in
 4978 specialized or advanced module courses, approved by the Florida
 4979 Building Commission, on any portion of the Florida Building
 4980 Code, adopted pursuant to part IV ~~VII~~ of chapter 553, relating
 4981 to the contractor's respective discipline.

4982 Reviser's note.--Amended to correct an erroneous reference.
 4983 Part VII of chapter 553 relates to standards for radon-
 4984 resistant buildings; part IV of chapter 553 relates to the
 4985 Florida Building Code.

4986 Section 133. Paragraph (i) of subsection (1) of section
 4987 489.531, Florida Statutes, is amended to read:

4988 489.531 Prohibitions; penalties.--

4989 (1) A person may not:

4990 (i) Commence or perform work for which a building permit
 4991 is required pursuant to part IV ~~VII~~ of chapter 553 without the
 4992 building permit being in effect; or

4993 Reviser's note.--Amended to correct an erroneous reference.
 4994 Part VII of chapter 553 relates to standards for radon-
 4995 resistant buildings; part IV of chapter 553 relates to the
 4996 Florida Building Code.

4997 Section 134. Subsection (5) of section 497.172, Florida
 4998 Statutes, is amended to read:

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4999 | 497.172 Public records exemptions; public meetings
 5000 | exemptions.--
 5001 | (5) REVIEW AND REPEAL.--This section is subject to the
 5002 | Open Government Sunset Review Act ~~of 1995~~ in accordance with s.
 5003 | 119.15, and shall stand repealed on October 2, 2010, unless
 5004 | reviewed and saved from repeal through reenactment by the
 5005 | Legislature.
 5006 | Reviser's note.--Amended to conform to the renaming of the
 5007 | "Open Government Sunset Review Act of 1995" as the "Open
 5008 | Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 5009 | of Florida.
 5010 | Section 135. Subsection (3) of section 497.271, Florida
 5011 | Statutes, is amended to read:
 5012 | 497.271 Standards for construction and significant
 5013 | alteration or renovation of mausoleums and columbaria.--
 5014 | (3) The licensing authority shall transmit the rules as
 5015 | adopted under subsection (2), hereinafter referred to as the
 5016 | "mausoleum standards," to the Florida Building Commission, which
 5017 | shall initiate rulemaking under chapter 120 to consider such
 5018 | mausoleum standards. If such mausoleum standards are not deemed
 5019 | acceptable, they shall be returned by the Florida Building
 5020 | Commission to the licensing authority with details of changes
 5021 | needed to make them acceptable. If such mausoleum standards are
 5022 | acceptable, the Florida Building Commission shall adopt a rule
 5023 | designating the mausoleum standards as an approved revision to
 5024 | the State Minimum Building Codes under part IV ~~VII~~ of chapter
 5025 | 553. When so designated by the Florida Building Commission, such
 5026 | mausoleum standards shall become a required element of the State

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5027 Minimum Building Codes under s. 553.73(2) and shall be
 5028 transmitted to each local enforcement agency, as defined in s.
 5029 553.71(5). Such local enforcement agency shall consider and
 5030 inspect for compliance with such mausoleum standards as if they
 5031 were part of the local building code, but shall have no
 5032 continuing duty to inspect after final approval of the
 5033 construction pursuant to the local building code. Any further
 5034 amendments to the mausoleum standards shall be accomplished by
 5035 the same procedure. Such designated mausoleum standards, as from
 5036 time to time amended, shall be a part of the State Minimum
 5037 Building Codes under s. 553.73 until the adoption and effective
 5038 date of a new statewide uniform minimum building code, which may
 5039 supersede the mausoleum standards as provided by the law
 5040 enacting the new statewide uniform minimum building code.

5041 Reviser's note.--Amended to correct an erroneous reference.
 5042 Part VII of chapter 553 relates to standards for radon-
 5043 resistant buildings; part IV of chapter 553 relates to the
 5044 Florida Building Code.

5045 Section 136. Paragraph (b) of subsection (8) of section
 5046 497.466, Florida Statutes, is repealed.

5047 Reviser's note.--The cited paragraph, which provided that
 5048 persons holding preneed sales agent licenses in good
 5049 standing under former s. 497.439 as of September 30, 2005,
 5050 were deemed to hold permanent preneed sales agent licenses
 5051 or licenses by appointment by preneed licensees as of
 5052 October 1, 2005, has served its purpose. Section 497.439
 5053 was redesignated as s. 497.466, effective October 1, 2005,
 5054 by s. 115, ch. 2004-301, Laws of Florida.

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5055 Section 137. Subsection (3) of section 500.148, Florida
 5056 Statutes, is amended to read:
 5057 500.148 Reports and dissemination of information;
 5058 confidentiality.--
 5059 (3) Information deemed confidential under 21 C.F.R. part
 5060 20.61, part 20.62, or part 20.88, or 5 U.S.C. s. 552(b), and
 5061 which is provided to the department during a joint food safety
 5062 or food illness investigation, as a requirement for conducting a
 5063 federal-state contract or partnership activity, or for
 5064 regulatory review, is confidential and exempt from s. 119.07(1)
 5065 and s. 24(a), Art. I of the State Constitution. Such information
 5066 may not be disclosed except under a final determination by the
 5067 appropriate federal agencies that such records are no longer
 5068 entitled to protection, or pursuant to an order of the court.
 5069 This section is subject to the Open Government Sunset Review Act
 5070 of ~~1995~~ in accordance with s. 119.15, and shall stand repealed
 5071 on October 2, 2008, unless reviewed and saved from repeal
 5072 through reenactment by the Legislature.
 5073 Reviser's note.--Amended to conform to the renaming of the
 5074 "Open Government Sunset Review Act of 1995" as the "Open
 5075 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 5076 of Florida.
 5077 Section 138. Paragraph (b) of subsection (1) of section
 5078 501.022, Florida Statutes, is amended to read:
 5079 501.022 Home solicitation sale; permit required.--
 5080 (1)
 5081 (b) The following are excluded from the operation of this
 5082 section:

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5083 1. Bona fide agents, business representatives, or
 5084 salespersons making calls or soliciting orders at the usual
 5085 place of business of a customer regarding products or services
 5086 for use in connection with the customer's business.

5087 2. Solicitors, salespersons, or agents making a call or
 5088 business visit upon the express invitation, oral or written, of
 5089 an inhabitant of the premises or her or his agent.

5090 3. Telephone solicitors, salespersons, or agents making
 5091 calls which involve transactions that are unsolicited by the
 5092 consumer and consummated by telephone and without any other
 5093 contact between the buyer and the seller or its representative
 5094 prior to delivery of the goods or performance of the services.

5095 4. Solicitors, salespersons, or agents conducting a sale,
 5096 lease, or rental of consumer goods or services by sample,
 5097 catalog, or brochure for future delivery.

5098 5. Minors, as defined in s. 1.01(13), conducting home
 5099 solicitation sales under the supervision of an adult supervisor
 5100 who holds a valid home solicitation sale permit. Minors excluded
 5101 from operation of this section must, however, carry personal
 5102 identification which includes their full name, date of birth,
 5103 residence address, and employer and the name and permit number
 5104 of their adult supervisor.

5105 6. Those sellers or their representatives that are
 5106 currently regulated as to the sale of goods and services by
 5107 chapter 475 or chapter 497.

5108 7. Solicitors, salespersons, or agents making calls or
 5109 soliciting orders on behalf of a religious, charitable,
 5110 scientific, educational, or veterans' institution or

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5111 organization holding a sales tax exemption certificate under s.
 5112 212.08(7) ~~212.08(7)(a)~~.

5113 Reviser's note.--Amended to correct an erroneous reference.

5114 Section 139. Subsection (11) of section 501.976, Florida
 5115 Statutes, is amended to read:

5116 501.976 Actionable, unfair, or deceptive acts or
 5117 practices.--It is an unfair or deceptive act or practice,
 5118 actionable under the Florida Deceptive and Unfair Trade
 5119 Practices Act, for a dealer to:

5120 (11) Add to the cash price of a vehicle as defined in s.
 5121 520.02(2) any fee or charge other than those provided in that
 5122 section and in rule 69V-50.001 ~~3D-50.001~~, Florida Administrative
 5123 Code. All fees or charges permitted to be added to the cash
 5124 price by rule 69V-50.001 ~~3D-50.001~~, Florida Administrative Code,
 5125 must be fully disclosed to customers in all binding contracts
 5126 concerning the vehicle's selling price.

5127
 5128 In any civil litigation resulting from a violation of this
 5129 section, when evaluating the reasonableness of an award of
 5130 attorney's fees to a private person, the trial court shall
 5131 consider the amount of actual damages in relation to the time
 5132 spent.

5133 Reviser's note.--Amended to conform to the redesignation of
 5134 rule 3D-50.001 as rule 69V-50.001, Florida Administrative
 5135 Code.

5136 Section 140. Paragraph (f) of subsection (10) of section
 5137 553.73, Florida Statutes, is amended to read:

5138 553.73 Florida Building Code.--

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5139 (10)
 5140 (f) All decisions of the local building official and local
 5141 fire official and all decisions of the administrative board
 5142 shall be in writing and shall be binding upon all persons but
 5143 shall not limit the authority of the State Fire Marshal or the
 5144 Florida Building Commission pursuant to paragraph (1)(d) and ss.
 5145 633.01 ~~663.01~~ and 633.161. Decisions of general application
 5146 shall be indexed by building and fire code sections and shall be
 5147 available for inspection during normal business hours.

5148 Reviser's note.--Amended to correct a reference and conform
 5149 to context. Section 663.01 provides definitions relating to
 5150 international banking corporations; s. 633.01 provides for
 5151 powers and duties of the State Fire Marshal.

5152 Section 141. Paragraph (b) of subsection (15) of section
 5153 553.791, Florida Statutes, is amended to read:

5154 553.791 Alternative plans review and inspection.--

5155 (15)

5156 (b) A local enforcement agency, local building official,
 5157 or local government may establish, for private providers and
 5158 duly authorized representatives working within that
 5159 jurisdiction, a system of registration to verify compliance with
 5160 the licensure requirements of paragraph (1)(i) ~~(1)(g)~~ and the
 5161 insurance requirements of subsection (16).

5162 Reviser's note.--Amended to conform to the redesignation of
 5163 paragraph (1)(g) as paragraph (1)(i) by s. 6, ch. 2007-187,
 5164 Laws of Florida.

5165 Section 142. Subsection (11) of section 610.104, Florida
 5166 Statutes, is amended to read:

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5167 610.104 State authorization to provide cable or video
 5168 service.--

5169 (11) The application shall be accompanied by a one-time
 5170 fee of \$10,000. A parent company may file a single application
 5171 covering itself and all of its subsidiaries and affiliates
 5172 intending to provide cable or video service in the service areas
 5173 throughout the state as described in subparagraph (2)(e)5.
 5174 ~~paragraph (3)(d)~~, but the entity actually providing such service
 5175 in a given area shall otherwise be considered the
 5176 certificateholder under this act.

5177 Reviser's note.--Amended to correct a reference. Subsection
 5178 (3) is not divided into paragraphs; subparagraph (2)(e)5.
 5179 describes service areas.

5180 Section 143. Subsection (2) of section 617.0802, Florida
 5181 Statutes, is amended to read:

5182 617.0802 Qualifications of directors.--

5183 (2) In the event that the eligibility to serve as a member
 5184 of the board of directors of a condominium association,
 5185 cooperative association, homeowners' association, or mobile home
 5186 owners' association is restricted to membership in such
 5187 association and membership is appurtenant to ownership of a
 5188 unit, parcel, or mobile home, a grantor of a trust described in
 5189 s. 733.707(3), or a beneficiary as defined in former s.
 5190 737.303(4)(b) of a trust which owns a unit, parcel, or mobile
 5191 home shall be deemed a member of the association and eligible to
 5192 serve as a director of the condominium association, cooperative
 5193 association, homeowners' association, or mobile home owners'

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5194 association, provided that said beneficiary occupies the unit,
5195 parcel, or mobile home.

5196 Reviser's note.--Amended to clarify the status of s.
5197 737.303, which was repealed by s. 48, ch. 2006-217, Laws of
5198 Florida.

5199 Section 144. Paragraph (e) of subsection (2) of section
5200 624.316, Florida Statutes, is amended to read:

5201 624.316 Examination of insurers.--

5202 (2)

5203 (e) The commission shall adopt rules providing that an
5204 examination under this section may be conducted by independent
5205 certified public accountants, actuaries, investment specialists,
5206 information technology specialists, and reinsurance specialists
5207 meeting criteria specified by rule. The rules shall provide:

5208 1. That the rates charged to the insurer being examined
5209 are consistent with rates charged by other firms in a similar
5210 profession and are comparable with the rates charged for
5211 comparable examinations.

5212 2. That the firm selected by the office to perform the
5213 examination has no conflicts of interest that might affect its
5214 ability to independently perform its responsibilities on the
5215 examination.

5216 3. That the insurer being examined must make payment for
5217 the examination pursuant to s. 624.320(1) ~~624.320(2)~~ in
5218 accordance with the rates and terms established by the office
5219 and the firm performing the examination.

5220 Reviser's note.--Amended to correct a reference and conform
5221 to context. Section 624.320(2) relates to deposit of the

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5222 collected moneys into a specified trust fund; s. 624.320(1)
 5223 relates to insurer payment for examination.

5224 Section 145. Paragraph (e) of subsection (3) of section
 5225 627.0628, Florida Statutes, is amended to read:

5226 627.0628 Florida Commission on Hurricane Loss Projection
 5227 Methodology; public records exemption; public meetings
 5228 exemption.--

5229 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.--

5230 (e)1. A trade secret, as defined in s. 812.081, that is
 5231 used in designing and constructing a hurricane loss model and
 5232 that is provided pursuant to this section, by a private company,
 5233 to the commission, office, or consumer advocate appointed
 5234 pursuant to s. 627.0613, is confidential and exempt from s.
 5235 119.07(1) and s. 24(a), Art. I of the State Constitution.

5236 2. That portion of a meeting of the commission or of a
 5237 rate proceeding on an insurer's rate filing at which a trade
 5238 secret made confidential and exempt by this paragraph is
 5239 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
 5240 State Constitution.

5241 3. This paragraph is subject to the Open Government Sunset
 5242 Review Act ~~of 1995~~ in accordance with s. 119.15, and shall stand
 5243 repealed on October 2, 2010, unless reviewed and saved from
 5244 repeal through reenactment by the Legislature.

5245 Reviser's note.--Amended to conform to the renaming of the
 5246 "Open Government Sunset Review Act of 1995" as the "Open
 5247 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 5248 of Florida.

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5249 Section 146. Subsection (3) of section 627.06292, Florida
 5250 Statutes, is amended to read:

5251 627.06292 Reports of hurricane loss data and associated
 5252 exposure data; public records exemption.--

5253 (3) This section is subject to the Open Government Sunset
 5254 Review Act ~~of 1995~~ in accordance with s. 119.15, and shall stand
 5255 repealed on October 2, 2010, unless reviewed and saved from
 5256 repeal through reenactment by the Legislature.

5257 Reviser's note.--Amended to conform to the renaming of the
 5258 "Open Government Sunset Review Act of 1995" as the "Open
 5259 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 5260 of Florida.

5261 Section 147. Paragraph (b) of subsection (4) and paragraph
 5262 (m) of subsection (5) of section 627.311, Florida Statutes, are
 5263 amended to read:

5264 627.311 Joint underwriters and joint reinsurers; public
 5265 records and public meetings exemptions.--

5266 (4) The Florida Automobile Joint Underwriting Association:

5267 (b) Shall keep portions of association meetings during
 5268 which confidential and exempt underwriting files or confidential
 5269 and exempt claims files are discussed exempt from the provisions
 5270 of s. 286.011 and s. 24(b), Art. I of the State Constitution.

5271 All closed portions of association meetings shall be recorded by
 5272 a court reporter. The court reporter shall record the times of
 5273 commencement and termination of the meeting, all discussion and
 5274 proceedings, the names of all persons present at any time, and
 5275 the names of all persons speaking. No portion of any closed
 5276 meeting shall be off the record. Subject to the provisions of

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5277 | this paragraph and s. 119.07(1)(d)-(f) ~~119.07(1)(e)-(g)~~, the
 5278 | court reporter's notes of any closed meeting shall be retained
 5279 | by the association for a minimum of 5 years. A copy of the
 5280 | transcript, less any confidential and exempt information, of any
 5281 | closed meeting during which confidential and exempt claims files
 5282 | are discussed shall become public as to individual claims files
 5283 | after settlement of that claim.

5284 | (5)

5285 | (m) Senior managers and officers, as defined in the plan
 5286 | of operation, and members of the board of governors are subject
 5287 | to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
 5288 | 112.316, and 112.317. Senior managers, officers, and board
 5289 | members are also required to file such disclosures with the
 5290 | Commission on Ethics and the Office of Insurance Regulation. The
 5291 | executive director of the plan or his or her designee shall
 5292 | notify each newly appointed and existing appointed member of the
 5293 | board of governors, senior manager, and officer of his or her
 5294 | duty to comply with the reporting requirements of s. 112.3145
 5295 | ~~112.345~~. At least quarterly, the executive director of the plan
 5296 | or his or her designee shall submit to the Commission on Ethics
 5297 | a list of names of the senior managers, officers, and members of
 5298 | the board of governors who are subject to the public disclosure
 5299 | requirements under s. 112.3145. Notwithstanding s. 112.313, an
 5300 | employee, officer, owner, or director of an insurance agency,
 5301 | insurance company, or other insurance entity may be a member of
 5302 | the board of governors unless such employee, officer, owner, or
 5303 | director of an insurance agency, insurance company, other
 5304 | insurance entity, or an affiliate provides policy issuance,

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5305 policy administration, underwriting, claims handling, or payroll
 5306 audit services. Notwithstanding s. 112.3143, such board member
 5307 may not participate in or vote on a matter if the insurance
 5308 agency, insurance company, or other insurance entity would
 5309 obtain a special or unique benefit that would not apply to other
 5310 similarly situated insurance entities.

5311 Reviser's note.--Paragraph (4)(b) is amended to conform to
 5312 the redesignation of s. 119.07(1)(b)-(d) as s.
 5313 119.07(1)(d)-(f) by s. 1, ch. 2007-39, Laws of Florida, and
 5314 to correct the reference by s. 3, ch. 2007-39. Paragraph
 5315 (5)(m) is amended to correct a reference and conform to
 5316 context. Section 112.345 does not exist; s. 112.3145
 5317 relates to reporting requirements.

5318 Section 148. Paragraph (b) of subsection (2) and
 5319 paragraphs (c), (n), (v), and (w) of subsection (6) of section
 5320 627.351, Florida Statutes, are amended to read:

5321 627.351 Insurance risk apportionment plans.--

5322 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

5323 (b) The department shall require all insurers holding a
 5324 certificate of authority to transact property insurance on a
 5325 direct basis in this state, other than joint underwriting
 5326 associations and other entities formed pursuant to this section,
 5327 to provide windstorm coverage to applicants from areas
 5328 determined to be eligible pursuant to paragraph (c) who in good
 5329 faith are entitled to, but are unable to procure, such coverage
 5330 through ordinary means; or it shall adopt a reasonable plan or
 5331 plans for the equitable apportionment or sharing among such
 5332 insurers of windstorm coverage, which may include formation of

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5333 an association for this purpose. As used in this subsection, the
 5334 term "property insurance" means insurance on real or personal
 5335 property, as defined in s. 624.604, including insurance for
 5336 fire, industrial fire, allied lines, farmowners multiperil,
 5337 homeowners' multiperil, commercial multiperil, and mobile homes,
 5338 and including liability coverages on all such insurance, but
 5339 excluding inland marine as defined in s. 624.607(3) and
 5340 excluding vehicle insurance as defined in s. 624.605(1)(a) other
 5341 than insurance on mobile homes used as permanent dwellings. The
 5342 department shall adopt rules that provide a formula for the
 5343 recovery and repayment of any deferred assessments.

5344 1. For the purpose of this section, properties eligible
 5345 for such windstorm coverage are defined as dwellings, buildings,
 5346 and other structures, including mobile homes which are used as
 5347 dwellings and which are tied down in compliance with mobile home
 5348 tie-down requirements prescribed by the Department of Highway
 5349 Safety and Motor Vehicles pursuant to s. 320.8325, and the
 5350 contents of all such properties. An applicant or policyholder is
 5351 eligible for coverage only if an offer of coverage cannot be
 5352 obtained by or for the applicant or policyholder from an
 5353 admitted insurer at approved rates.

5354 2.a.(I) All insurers required to be members of such
 5355 association shall participate in its writings, expenses, and
 5356 losses. Surplus of the association shall be retained for the
 5357 payment of claims and shall not be distributed to the member
 5358 insurers. Such participation by member insurers shall be in the
 5359 proportion that the net direct premiums of each member insurer
 5360 written for property insurance in this state during the

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5361 preceding calendar year bear to the aggregate net direct
 5362 premiums for property insurance of all member insurers, as
 5363 reduced by any credits for voluntary writings, in this state
 5364 during the preceding calendar year. For the purposes of this
 5365 subsection, the term "net direct premiums" means direct written
 5366 premiums for property insurance, reduced by premium for
 5367 liability coverage and for the following if included in allied
 5368 lines: rain and hail on growing crops; livestock; association
 5369 direct premiums booked; National Flood Insurance Program direct
 5370 premiums; and similar deductions specifically authorized by the
 5371 plan of operation and approved by the department. A member's
 5372 participation shall begin on the first day of the calendar year
 5373 following the year in which it is issued a certificate of
 5374 authority to transact property insurance in the state and shall
 5375 terminate 1 year after the end of the calendar year during which
 5376 it no longer holds a certificate of authority to transact
 5377 property insurance in the state. The commissioner, after review
 5378 of annual statements, other reports, and any other statistics
 5379 that the commissioner deems necessary, shall certify to the
 5380 association the aggregate direct premiums written for property
 5381 insurance in this state by all member insurers.

5382 (II) Effective July 1, 2002, the association shall operate
 5383 subject to the supervision and approval of a board of governors
 5384 who are the same individuals that have been appointed by the
 5385 Treasurer to serve on the board of governors of the Citizens
 5386 Property Insurance Corporation.

5387 (III) The plan of operation shall provide a formula
 5388 whereby a company voluntarily providing windstorm coverage in

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5389 affected areas will be relieved wholly or partially from
 5390 apportionment of a regular assessment pursuant to sub-sub-
 5391 subparagraph d.(I) or sub-sub-subparagraph d.(II).

5392 (IV) A company which is a member of a group of companies
 5393 under common management may elect to have its credits applied on
 5394 a group basis, and any company or group may elect to have its
 5395 credits applied to any other company or group.

5396 (V) There shall be no credits or relief from apportionment
 5397 to a company for emergency assessments collected from its
 5398 policyholders under sub-sub-subparagraph d.(III).

5399 (VI) The plan of operation may also provide for the award
 5400 of credits, for a period not to exceed 3 years, from a regular
 5401 assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-
 5402 subparagraph d.(II) as an incentive for taking policies out of
 5403 the Residential Property and Casualty Joint Underwriting
 5404 Association. In order to qualify for the exemption under this
 5405 sub-sub-subparagraph, the take-out plan must provide that at
 5406 least 40 percent of the policies removed from the Residential
 5407 Property and Casualty Joint Underwriting Association cover risks
 5408 located in Miami-Dade ~~Dade~~, Broward, and Palm Beach Counties or
 5409 at least 30 percent of the policies so removed cover risks
 5410 located in Miami-Dade ~~Dade~~, Broward, and Palm Beach Counties and
 5411 an additional 50 percent of the policies so removed cover risks
 5412 located in other coastal counties, and must also provide that no
 5413 more than 15 percent of the policies so removed may exclude
 5414 windstorm coverage. With the approval of the department, the
 5415 association may waive these geographic criteria for a take-out
 5416 plan that removes at least the lesser of 100,000 Residential

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5417 Property and Casualty Joint Underwriting Association policies or
 5418 15 percent of the total number of Residential Property and
 5419 Casualty Joint Underwriting Association policies, provided the
 5420 governing board of the Residential Property and Casualty Joint
 5421 Underwriting Association certifies that the take-out plan will
 5422 materially reduce the Residential Property and Casualty Joint
 5423 Underwriting Association's 100-year probable maximum loss from
 5424 hurricanes. With the approval of the department, the board may
 5425 extend such credits for an additional year if the insurer
 5426 guarantees an additional year of renewability for all policies
 5427 removed from the Residential Property and Casualty Joint
 5428 Underwriting Association, or for 2 additional years if the
 5429 insurer guarantees 2 additional years of renewability for all
 5430 policies removed from the Residential Property and Casualty
 5431 Joint Underwriting Association.

5432 b. Assessments to pay deficits in the association under
 5433 this subparagraph shall be included as an appropriate factor in
 5434 the making of rates as provided in s. 627.3512.

5435 c. The Legislature finds that the potential for unlimited
 5436 deficit assessments under this subparagraph may induce insurers
 5437 to attempt to reduce their writings in the voluntary market, and
 5438 that such actions would worsen the availability problems that
 5439 the association was created to remedy. It is the intent of the
 5440 Legislature that insurers remain fully responsible for paying
 5441 regular assessments and collecting emergency assessments for any
 5442 deficits of the association; however, it is also the intent of
 5443 the Legislature to provide a means by which assessment
 5444 liabilities may be amortized over a period of years.

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5445 d.(I) When the deficit incurred in a particular calendar
 5446 year is 10 percent or less of the aggregate statewide direct
 5447 written premium for property insurance for the prior calendar
 5448 year for all member insurers, the association shall levy an
 5449 assessment on member insurers in an amount equal to the deficit.

5450 (II) When the deficit incurred in a particular calendar
 5451 year exceeds 10 percent of the aggregate statewide direct
 5452 written premium for property insurance for the prior calendar
 5453 year for all member insurers, the association shall levy an
 5454 assessment on member insurers in an amount equal to the greater
 5455 of 10 percent of the deficit or 10 percent of the aggregate
 5456 statewide direct written premium for property insurance for the
 5457 prior calendar year for member insurers. Any remaining deficit
 5458 shall be recovered through emergency assessments under sub-sub-
 5459 subparagraph (III).

5460 (III) Upon a determination by the board of directors that
 5461 a deficit exceeds the amount that will be recovered through
 5462 regular assessments on member insurers, pursuant to sub-sub-
 5463 subparagraph (I) or sub-sub-subparagraph (II), the board shall
 5464 levy, after verification by the department, emergency
 5465 assessments to be collected by member insurers and by
 5466 underwriting associations created pursuant to this section which
 5467 write property insurance, upon issuance or renewal of property
 5468 insurance policies other than National Flood Insurance policies
 5469 in the year or years following levy of the regular assessments.
 5470 The amount of the emergency assessment collected in a particular
 5471 year shall be a uniform percentage of that year's direct written
 5472 premium for property insurance for all member insurers and

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5473 | underwriting associations, excluding National Flood Insurance
 5474 | policy premiums, as annually determined by the board and
 5475 | verified by the department. The department shall verify the
 5476 | arithmetic calculations involved in the board's determination
 5477 | within 30 days after receipt of the information on which the
 5478 | determination was based. Notwithstanding any other provision of
 5479 | law, each member insurer and each underwriting association
 5480 | created pursuant to this section shall collect emergency
 5481 | assessments from its policyholders without such obligation being
 5482 | affected by any credit, limitation, exemption, or deferment. The
 5483 | emergency assessments so collected shall be transferred directly
 5484 | to the association on a periodic basis as determined by the
 5485 | association. The aggregate amount of emergency assessments
 5486 | levied under this sub-sub-subparagraph in any calendar year may
 5487 | not exceed the greater of 10 percent of the amount needed to
 5488 | cover the original deficit, plus interest, fees, commissions,
 5489 | required reserves, and other costs associated with financing of
 5490 | the original deficit, or 10 percent of the aggregate statewide
 5491 | direct written premium for property insurance written by member
 5492 | insurers and underwriting associations for the prior year, plus
 5493 | interest, fees, commissions, required reserves, and other costs
 5494 | associated with financing the original deficit. The board may
 5495 | pledge the proceeds of the emergency assessments under this sub-
 5496 | sub-subparagraph as the source of revenue for bonds, to retire
 5497 | any other debt incurred as a result of the deficit or events
 5498 | giving rise to the deficit, or in any other way that the board
 5499 | determines will efficiently recover the deficit. The emergency
 5500 | assessments under this sub-sub-subparagraph shall continue as

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5501 long as any bonds issued or other indebtedness incurred with
 5502 respect to a deficit for which the assessment was imposed remain
 5503 outstanding, unless adequate provision has been made for the
 5504 payment of such bonds or other indebtedness pursuant to the
 5505 document governing such bonds or other indebtedness. Emergency
 5506 assessments collected under this sub-sub-subparagraph are not
 5507 part of an insurer's rates, are not premium, and are not subject
 5508 to premium tax, fees, or commissions; however, failure to pay
 5509 the emergency assessment shall be treated as failure to pay
 5510 premium.

5511 (IV) Each member insurer's share of the total regular
 5512 assessments under sub-sub-subparagraph (I) or sub-sub-
 5513 subparagraph (II) shall be in the proportion that the insurer's
 5514 net direct premium for property insurance in this state, for the
 5515 year preceding the assessment bears to the aggregate statewide
 5516 net direct premium for property insurance of all member
 5517 insurers, as reduced by any credits for voluntary writings for
 5518 that year.

5519 (V) If regular deficit assessments are made under sub-sub-
 5520 subparagraph (I) or sub-sub-subparagraph (II), or by the
 5521 Residential Property and Casualty Joint Underwriting Association
 5522 under sub-subparagraph (6)(b)3.a. or sub-subparagraph
 5523 (6)(b)3.b., the association shall levy upon the association's
 5524 policyholders, as part of its next rate filing, or by a separate
 5525 rate filing solely for this purpose, a market equalization
 5526 surcharge in a percentage equal to the total amount of such
 5527 regular assessments divided by the aggregate statewide direct
 5528 written premium for property insurance for member insurers for

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5529 | the prior calendar year. Market equalization surcharges under
 5530 | this sub-sub-subparagraph are not considered premium and are not
 5531 | subject to commissions, fees, or premium taxes; however, failure
 5532 | to pay a market equalization surcharge shall be treated as
 5533 | failure to pay premium.

5534 | e. The governing body of any unit of local government, any
 5535 | residents of which are insured under the plan, may issue bonds
 5536 | as defined in s. 125.013 or s. 166.101 to fund an assistance
 5537 | program, in conjunction with the association, for the purpose of
 5538 | defraying deficits of the association. In order to avoid
 5539 | needless and indiscriminate proliferation, duplication, and
 5540 | fragmentation of such assistance programs, any unit of local
 5541 | government, any residents of which are insured by the
 5542 | association, may provide for the payment of losses, regardless
 5543 | of whether or not the losses occurred within or outside of the
 5544 | territorial jurisdiction of the local government. Revenue bonds
 5545 | may not be issued until validated pursuant to chapter 75, unless
 5546 | a state of emergency is declared by executive order or
 5547 | proclamation of the Governor pursuant to s. 252.36 making such
 5548 | findings as are necessary to determine that it is in the best
 5549 | interests of, and necessary for, the protection of the public
 5550 | health, safety, and general welfare of residents of this state
 5551 | and the protection and preservation of the economic stability of
 5552 | insurers operating in this state, and declaring it an essential
 5553 | public purpose to permit certain municipalities or counties to
 5554 | issue bonds as will provide relief to claimants and
 5555 | policyholders of the association and insurers responsible for
 5556 | apportionment of plan losses. Any such unit of local government

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5557 | may enter into such contracts with the association and with any
 5558 | other entity created pursuant to this subsection as are
 5559 | necessary to carry out this paragraph. Any bonds issued under
 5560 | this sub-subparagraph shall be payable from and secured by
 5561 | moneys received by the association from assessments under this
 5562 | subparagraph, and assigned and pledged to or on behalf of the
 5563 | unit of local government for the benefit of the holders of such
 5564 | bonds. The funds, credit, property, and taxing power of the
 5565 | state or of the unit of local government shall not be pledged
 5566 | for the payment of such bonds. If any of the bonds remain unsold
 5567 | 60 days after issuance, the department shall require all
 5568 | insurers subject to assessment to purchase the bonds, which
 5569 | shall be treated as admitted assets; each insurer shall be
 5570 | required to purchase that percentage of the unsold portion of
 5571 | the bond issue that equals the insurer's relative share of
 5572 | assessment liability under this subsection. An insurer shall not
 5573 | be required to purchase the bonds to the extent that the
 5574 | department determines that the purchase would endanger or impair
 5575 | the solvency of the insurer. The authority granted by this sub-
 5576 | subparagraph is additional to any bonding authority granted by
 5577 | subparagraph 6.

5578 | 3. The plan shall also provide that any member with a
 5579 | surplus as to policyholders of \$20 million or less writing 25
 5580 | percent or more of its total countrywide property insurance
 5581 | premiums in this state may petition the department, within the
 5582 | first 90 days of each calendar year, to qualify as a limited
 5583 | apportionment company. The apportionment of such a member
 5584 | company in any calendar year for which it is qualified shall not

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5585 exceed its gross participation, which shall not be affected by
 5586 the formula for voluntary writings. In no event shall a limited
 5587 apportionment company be required to participate in any
 5588 apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I)
 5589 or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds
 5590 \$50 million after payment of available plan funds in any
 5591 calendar year. However, a limited apportionment company shall
 5592 collect from its policyholders any emergency assessment imposed
 5593 under sub-sub-subparagraph 2.d.(III). The plan shall provide
 5594 that, if the department determines that any regular assessment
 5595 will result in an impairment of the surplus of a limited
 5596 apportionment company, the department may direct that all or
 5597 part of such assessment be deferred. However, there shall be no
 5598 limitation or deferment of an emergency assessment to be
 5599 collected from policyholders under sub-sub-subparagraph
 5600 2.d.(III).

5601 4. The plan shall provide for the deferment, in whole or
 5602 in part, of a regular assessment of a member insurer under sub-
 5603 sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but
 5604 not for an emergency assessment collected from policyholders
 5605 under sub-sub-subparagraph 2.d.(III), if, in the opinion of the
 5606 commissioner, payment of such regular assessment would endanger
 5607 or impair the solvency of the member insurer. In the event a
 5608 regular assessment against a member insurer is deferred in whole
 5609 or in part, the amount by which such assessment is deferred may
 5610 be assessed against the other member insurers in a manner
 5611 consistent with the basis for assessments set forth in sub-sub-
 5612 subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

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5613 5.a. The plan of operation may include deductibles and
 5614 rules for classification of risks and rate modifications
 5615 consistent with the objective of providing and maintaining funds
 5616 sufficient to pay catastrophe losses.

5617 b. The association may require arbitration of a rate
 5618 filing under s. 627.062(6). It is the intent of the Legislature
 5619 that the rates for coverage provided by the association be
 5620 actuarially sound and not competitive with approved rates
 5621 charged in the admitted voluntary market such that the
 5622 association functions as a residual market mechanism to provide
 5623 insurance only when the insurance cannot be procured in the
 5624 voluntary market. The plan of operation shall provide a
 5625 mechanism to assure that, beginning no later than January 1,
 5626 1999, the rates charged by the association for each line of
 5627 business are reflective of approved rates in the voluntary
 5628 market for hurricane coverage for each line of business in the
 5629 various areas eligible for association coverage.

5630 c. The association shall provide for windstorm coverage on
 5631 residential properties in limits up to \$10 million for
 5632 commercial lines residential risks and up to \$1 million for
 5633 personal lines residential risks. If coverage with the
 5634 association is sought for a residential risk valued in excess of
 5635 these limits, coverage shall be available to the risk up to the
 5636 replacement cost or actual cash value of the property, at the
 5637 option of the insured, if coverage for the risk cannot be
 5638 located in the authorized market. The association must accept a
 5639 commercial lines residential risk with limits above \$10 million
 5640 or a personal lines residential risk with limits above \$1

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5641 million if coverage is not available in the authorized market.
 5642 The association may write coverage above the limits specified in
 5643 this subparagraph with or without facultative or other
 5644 reinsurance coverage, as the association determines appropriate.

5645 d. The plan of operation must provide objective criteria
 5646 and procedures, approved by the department, to be uniformly
 5647 applied for all applicants in determining whether an individual
 5648 risk is so hazardous as to be uninsurable. In making this
 5649 determination and in establishing the criteria and procedures,
 5650 the following shall be considered:

5651 (I) Whether the likelihood of a loss for the individual
 5652 risk is substantially higher than for other risks of the same
 5653 class; and

5654 (II) Whether the uncertainty associated with the
 5655 individual risk is such that an appropriate premium cannot be
 5656 determined.

5657
 5658 The acceptance or rejection of a risk by the association
 5659 pursuant to such criteria and procedures must be construed as
 5660 the private placement of insurance, and the provisions of
 5661 chapter 120 do not apply.

5662 e. If the risk accepts an offer of coverage through the
 5663 market assistance program or through a mechanism established by
 5664 the association, either before the policy is issued by the
 5665 association or during the first 30 days of coverage by the
 5666 association, and the producing agent who submitted the
 5667 application to the association is not currently appointed by the
 5668 insurer, the insurer shall:

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5669 (I) Pay to the producing agent of record of the policy,
 5670 for the first year, an amount that is the greater of the
 5671 insurer's usual and customary commission for the type of policy
 5672 written or a fee equal to the usual and customary commission of
 5673 the association; or

5674 (II) Offer to allow the producing agent of record of the
 5675 policy to continue servicing the policy for a period of not less
 5676 than 1 year and offer to pay the agent the greater of the
 5677 insurer's or the association's usual and customary commission
 5678 for the type of policy written.

5679
 5680 If the producing agent is unwilling or unable to accept
 5681 appointment, the new insurer shall pay the agent in accordance
 5682 with sub-sub-subparagraph (I). Subject to the provisions of s.
 5683 627.3517, the policies issued by the association must provide
 5684 that if the association obtains an offer from an authorized
 5685 insurer to cover the risk at its approved rates under either a
 5686 standard policy including wind coverage or, if consistent with
 5687 the insurer's underwriting rules as filed with the department, a
 5688 basic policy including wind coverage, the risk is no longer
 5689 eligible for coverage through the association. Upon termination
 5690 of eligibility, the association shall provide written notice to
 5691 the policyholder and agent of record stating that the
 5692 association policy must be canceled as of 60 days after the date
 5693 of the notice because of the offer of coverage from an
 5694 authorized insurer. Other provisions of the insurance code
 5695 relating to cancellation and notice of cancellation do not apply
 5696 to actions under this sub-subparagraph.

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5697 f. When the association enters into a contractual
 5698 agreement for a take-out plan, the producing agent of record of
 5699 the association policy is entitled to retain any unearned
 5700 commission on the policy, and the insurer shall:

5701 (I) Pay to the producing agent of record of the
 5702 association policy, for the first year, an amount that is the
 5703 greater of the insurer's usual and customary commission for the
 5704 type of policy written or a fee equal to the usual and customary
 5705 commission of the association; or

5706 (II) Offer to allow the producing agent of record of the
 5707 association policy to continue servicing the policy for a period
 5708 of not less than 1 year and offer to pay the agent the greater
 5709 of the insurer's or the association's usual and customary
 5710 commission for the type of policy written.

5711
 5712 If the producing agent is unwilling or unable to accept
 5713 appointment, the new insurer shall pay the agent in accordance
 5714 with sub-sub-subparagraph (I).

5715 6.a. The plan of operation may authorize the formation of
 5716 a private nonprofit corporation, a private nonprofit
 5717 unincorporated association, a partnership, a trust, a limited
 5718 liability company, or a nonprofit mutual company which may be
 5719 empowered, among other things, to borrow money by issuing bonds
 5720 or by incurring other indebtedness and to accumulate reserves or
 5721 funds to be used for the payment of insured catastrophe losses.
 5722 The plan may authorize all actions necessary to facilitate the
 5723 issuance of bonds, including the pledging of assessments or
 5724 other revenues.

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5725 b. Any entity created under this subsection, or any entity
 5726 formed for the purposes of this subsection, may sue and be sued,
 5727 may borrow money; issue bonds, notes, or debt instruments;
 5728 pledge or sell assessments, market equalization surcharges and
 5729 other surcharges, rights, premiums, contractual rights,
 5730 projected recoveries from the Florida Hurricane Catastrophe
 5731 Fund, other reinsurance recoverables, and other assets as
 5732 security for such bonds, notes, or debt instruments; enter into
 5733 any contracts or agreements necessary or proper to accomplish
 5734 such borrowings; and take other actions necessary to carry out
 5735 the purposes of this subsection. The association may issue bonds
 5736 or incur other indebtedness, or have bonds issued on its behalf
 5737 by a unit of local government pursuant to subparagraph (6)(p)2.,
 5738 in the absence of a hurricane or other weather-related event,
 5739 upon a determination by the association subject to approval by
 5740 the department that such action would enable it to efficiently
 5741 meet the financial obligations of the association and that such
 5742 financings are reasonably necessary to effectuate the
 5743 requirements of this subsection. Any such entity may accumulate
 5744 reserves and retain surpluses as of the end of any association
 5745 year to provide for the payment of losses incurred by the
 5746 association during that year or any future year. The association
 5747 shall incorporate and continue the plan of operation and
 5748 articles of agreement in effect on the effective date of chapter
 5749 76-96, Laws of Florida, to the extent that it is not
 5750 inconsistent with chapter 76-96, and as subsequently modified
 5751 consistent with chapter 76-96. The board of directors and
 5752 officers currently serving shall continue to serve until their

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5753 successors are duly qualified as provided under the plan. The
 5754 assets and obligations of the plan in effect immediately prior
 5755 to the effective date of chapter 76-96 shall be construed to be
 5756 the assets and obligations of the successor plan created herein.

5757 c. In recognition of s. 10, Art. I of the State
 5758 Constitution, prohibiting the impairment of obligations of
 5759 contracts, it is the intent of the Legislature that no action be
 5760 taken whose purpose is to impair any bond indenture or financing
 5761 agreement or any revenue source committed by contract to such
 5762 bond or other indebtedness issued or incurred by the association
 5763 or any other entity created under this subsection.

5764 7. On such coverage, an agent's remuneration shall be that
 5765 amount of money payable to the agent by the terms of his or her
 5766 contract with the company with which the business is placed.
 5767 However, no commission will be paid on that portion of the
 5768 premium which is in excess of the standard premium of that
 5769 company.

5770 8. Subject to approval by the department, the association
 5771 may establish different eligibility requirements and operational
 5772 procedures for any line or type of coverage for any specified
 5773 eligible area or portion of an eligible area if the board
 5774 determines that such changes to the eligibility requirements and
 5775 operational procedures are justified due to the voluntary market
 5776 being sufficiently stable and competitive in such area or for
 5777 such line or type of coverage and that consumers who, in good
 5778 faith, are unable to obtain insurance through the voluntary
 5779 market through ordinary methods would continue to have access to
 5780 coverage from the association. When coverage is sought in

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5781 connection with a real property transfer, such requirements and
 5782 procedures shall not provide for an effective date of coverage
 5783 later than the date of the closing of the transfer as
 5784 established by the transferor, the transferee, and, if
 5785 applicable, the lender.

5786 9. Notwithstanding any other provision of law:

5787 a. The pledge or sale of, the lien upon, and the security
 5788 interest in any rights, revenues, or other assets of the
 5789 association created or purported to be created pursuant to any
 5790 financing documents to secure any bonds or other indebtedness of
 5791 the association shall be and remain valid and enforceable,
 5792 notwithstanding the commencement of and during the continuation
 5793 of, and after, any rehabilitation, insolvency, liquidation,
 5794 bankruptcy, receivership, conservatorship, reorganization, or
 5795 similar proceeding against the association under the laws of
 5796 this state or any other applicable laws.

5797 b. No such proceeding shall relieve the association of its
 5798 obligation, or otherwise affect its ability to perform its
 5799 obligation, to continue to collect, or levy and collect,
 5800 assessments, market equalization or other surcharges, projected
 5801 recoveries from the Florida Hurricane Catastrophe Fund,
 5802 reinsurance recoverables, or any other rights, revenues, or
 5803 other assets of the association pledged.

5804 c. Each such pledge or sale of, lien upon, and security
 5805 interest in, including the priority of such pledge, lien, or
 5806 security interest, any such assessments, emergency assessments,
 5807 market equalization or renewal surcharges, projected recoveries
 5808 from the Florida Hurricane Catastrophe Fund, reinsurance

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5809 recoverables, or other rights, revenues, or other assets which
 5810 are collected, or levied and collected, after the commencement
 5811 of and during the pendency of or after any such proceeding shall
 5812 continue unaffected by such proceeding.

5813 d. As used in this subsection, the term "financing
 5814 documents" means any agreement, instrument, or other document
 5815 now existing or hereafter created evidencing any bonds or other
 5816 indebtedness of the association or pursuant to which any such
 5817 bonds or other indebtedness has been or may be issued and
 5818 pursuant to which any rights, revenues, or other assets of the
 5819 association are pledged or sold to secure the repayment of such
 5820 bonds or indebtedness, together with the payment of interest on
 5821 such bonds or such indebtedness, or the payment of any other
 5822 obligation of the association related to such bonds or
 5823 indebtedness.

5824 e. Any such pledge or sale of assessments, revenues,
 5825 contract rights or other rights or assets of the association
 5826 shall constitute a lien and security interest, or sale, as the
 5827 case may be, that is immediately effective and attaches to such
 5828 assessments, revenues, contract, or other rights or assets,
 5829 whether or not imposed or collected at the time the pledge or
 5830 sale is made. Any such pledge or sale is effective, valid,
 5831 binding, and enforceable against the association or other entity
 5832 making such pledge or sale, and valid and binding against and
 5833 superior to any competing claims or obligations owed to any
 5834 other person or entity, including policyholders in this state,
 5835 asserting rights in any such assessments, revenues, contract, or
 5836 other rights or assets to the extent set forth in and in

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5837 accordance with the terms of the pledge or sale contained in the
 5838 applicable financing documents, whether or not any such person
 5839 or entity has notice of such pledge or sale and without the need
 5840 for any physical delivery, recordation, filing, or other action.

5841 f. There shall be no liability on the part of, and no
 5842 cause of action of any nature shall arise against, any member
 5843 insurer or its agents or employees, agents or employees of the
 5844 association, members of the board of directors of the
 5845 association, or the department or its representatives, for any
 5846 action taken by them in the performance of their duties or
 5847 responsibilities under this subsection. Such immunity does not
 5848 apply to actions for breach of any contract or agreement
 5849 pertaining to insurance, or any willful tort.

5850 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

5851 (c) The plan of operation of the corporation:

5852 1. Must provide for adoption of residential property and
 5853 casualty insurance policy forms and commercial residential and
 5854 nonresidential property insurance forms, which forms must be
 5855 approved by the office prior to use. The corporation shall adopt
 5856 the following policy forms:

5857 a. Standard personal lines policy forms that are
 5858 comprehensive multiperil policies providing full coverage of a
 5859 residential property equivalent to the coverage provided in the
 5860 private insurance market under an HO-3, HO-4, or HO-6 policy.

5861 b. Basic personal lines policy forms that are policies
 5862 similar to an HO-8 policy or a dwelling fire policy that provide
 5863 coverage meeting the requirements of the secondary mortgage

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5864 market, but which coverage is more limited than the coverage
5865 under a standard policy.

5866 c. Commercial lines residential and nonresidential policy
5867 forms that are generally similar to the basic perils of full
5868 coverage obtainable for commercial residential structures and
5869 commercial nonresidential structures in the admitted voluntary
5870 market.

5871 d. Personal lines and commercial lines residential
5872 property insurance forms that cover the peril of wind only. The
5873 forms are applicable only to residential properties located in
5874 areas eligible for coverage under the high-risk account referred
5875 to in sub-subparagraph (b)2.a.

5876 e. Commercial lines nonresidential property insurance
5877 forms that cover the peril of wind only. The forms are
5878 applicable only to nonresidential properties located in areas
5879 eligible for coverage under the high-risk account referred to in
5880 sub-subparagraph (b)2.a.

5881 f. The corporation may adopt variations of the policy
5882 forms listed in sub-subparagraphs a.-e. that contain more
5883 restrictive coverage.

5884 2.a. Must provide that the corporation adopt a program in
5885 which the corporation and authorized insurers enter into quota
5886 share primary insurance agreements for hurricane coverage, as
5887 defined in s. 627.4025(2)(a), for eligible risks, and adopt
5888 property insurance forms for eligible risks which cover the
5889 peril of wind only. As used in this subsection, the term:

5890 (I) "Quota share primary insurance" means an arrangement
5891 in which the primary hurricane coverage of an eligible risk is

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5892 | provided in specified percentages by the corporation and an
 5893 | authorized insurer. The corporation and authorized insurer are
 5894 | each solely responsible for a specified percentage of hurricane
 5895 | coverage of an eligible risk as set forth in a quota share
 5896 | primary insurance agreement between the corporation and an
 5897 | authorized insurer and the insurance contract. The
 5898 | responsibility of the corporation or authorized insurer to pay
 5899 | its specified percentage of hurricane losses of an eligible
 5900 | risk, as set forth in the quota share primary insurance
 5901 | agreement, may not be altered by the inability of the other
 5902 | party to the agreement to pay its specified percentage of
 5903 | hurricane losses. Eligible risks that are provided hurricane
 5904 | coverage through a quota share primary insurance arrangement
 5905 | must be provided policy forms that set forth the obligations of
 5906 | the corporation and authorized insurer under the arrangement,
 5907 | clearly specify the percentages of quota share primary insurance
 5908 | provided by the corporation and authorized insurer, and
 5909 | conspicuously and clearly state that neither the authorized
 5910 | insurer nor the corporation may be held responsible beyond its
 5911 | specified percentage of coverage of hurricane losses.

5912 | (II) "Eligible risks" means personal lines residential and
 5913 | commercial lines residential risks that meet the underwriting
 5914 | criteria of the corporation and are located in areas that were
 5915 | eligible for coverage by the Florida Windstorm Underwriting
 5916 | Association on January 1, 2002.

5917 | b. The corporation may enter into quota share primary
 5918 | insurance agreements with authorized insurers at corporation
 5919 | coverage levels of 90 percent and 50 percent.

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5920 c. If the corporation determines that additional coverage
 5921 levels are necessary to maximize participation in quota share
 5922 primary insurance agreements by authorized insurers, the
 5923 corporation may establish additional coverage levels. However,
 5924 the corporation's quota share primary insurance coverage level
 5925 may not exceed 90 percent.

5926 d. Any quota share primary insurance agreement entered
 5927 into between an authorized insurer and the corporation must
 5928 provide for a uniform specified percentage of coverage of
 5929 hurricane losses, by county or territory as set forth by the
 5930 corporation board, for all eligible risks of the authorized
 5931 insurer covered under the quota share primary insurance
 5932 agreement.

5933 e. Any quota share primary insurance agreement entered
 5934 into between an authorized insurer and the corporation is
 5935 subject to review and approval by the office. However, such
 5936 agreement shall be authorized only as to insurance contracts
 5937 entered into between an authorized insurer and an insured who is
 5938 already insured by the corporation for wind coverage.

5939 f. For all eligible risks covered under quota share
 5940 primary insurance agreements, the exposure and coverage levels
 5941 for both the corporation and authorized insurers shall be
 5942 reported by the corporation to the Florida Hurricane Catastrophe
 5943 Fund. For all policies of eligible risks covered under quota
 5944 share primary insurance agreements, the corporation and the
 5945 authorized insurer shall maintain complete and accurate records
 5946 for the purpose of exposure and loss reimbursement audits as
 5947 required by Florida Hurricane Catastrophe Fund rules. The

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5948 corporation and the authorized insurer shall each maintain
 5949 duplicate copies of policy declaration pages and supporting
 5950 claims documents.

5951 g. The corporation board shall establish in its plan of
 5952 operation standards for quota share agreements which ensure that
 5953 there is no discriminatory application among insurers as to the
 5954 terms of quota share agreements, pricing of quota share
 5955 agreements, incentive provisions if any, and consideration paid
 5956 for servicing policies or adjusting claims.

5957 h. The quota share primary insurance agreement between the
 5958 corporation and an authorized insurer must set forth the
 5959 specific terms under which coverage is provided, including, but
 5960 not limited to, the sale and servicing of policies issued under
 5961 the agreement by the insurance agent of the authorized insurer
 5962 producing the business, the reporting of information concerning
 5963 eligible risks, the payment of premium to the corporation, and
 5964 arrangements for the adjustment and payment of hurricane claims
 5965 incurred on eligible risks by the claims adjuster and personnel
 5966 of the authorized insurer. Entering into a quota sharing
 5967 insurance agreement between the corporation and an authorized
 5968 insurer shall be voluntary and at the discretion of the
 5969 authorized insurer.

5970 3. May provide that the corporation may employ or
 5971 otherwise contract with individuals or other entities to provide
 5972 administrative or professional services that may be appropriate
 5973 to effectuate the plan. The corporation shall have the power to
 5974 borrow funds, by issuing bonds or by incurring other
 5975 indebtedness, and shall have other powers reasonably necessary

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5976 | to effectuate the requirements of this subsection, including,
 5977 | without limitation, the power to issue bonds and incur other
 5978 | indebtedness in order to refinance outstanding bonds or other
 5979 | indebtedness. The corporation may, but is not required to, seek
 5980 | judicial validation of its bonds or other indebtedness under
 5981 | chapter 75. The corporation may issue bonds or incur other
 5982 | indebtedness, or have bonds issued on its behalf by a unit of
 5983 | local government pursuant to subparagraph (p)2., in the absence
 5984 | of a hurricane or other weather-related event, upon a
 5985 | determination by the corporation, subject to approval by the
 5986 | office, that such action would enable it to efficiently meet the
 5987 | financial obligations of the corporation and that such
 5988 | financings are reasonably necessary to effectuate the
 5989 | requirements of this subsection. The corporation is authorized
 5990 | to take all actions needed to facilitate tax-free status for any
 5991 | such bonds or indebtedness, including formation of trusts or
 5992 | other affiliated entities. The corporation shall have the
 5993 | authority to pledge assessments, projected recoveries from the
 5994 | Florida Hurricane Catastrophe Fund, other reinsurance
 5995 | recoverables, market equalization and other surcharges, and
 5996 | other funds available to the corporation as security for bonds
 5997 | or other indebtedness. In recognition of s. 10, Art. I of the
 5998 | State Constitution, prohibiting the impairment of obligations of
 5999 | contracts, it is the intent of the Legislature that no action be
 6000 | taken whose purpose is to impair any bond indenture or financing
 6001 | agreement or any revenue source committed by contract to such
 6002 | bond or other indebtedness.

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6003 4.a. Must require that the corporation operate subject to
 6004 the supervision and approval of a board of governors consisting
 6005 of eight individuals who are residents of this state, from
 6006 different geographical areas of this state. The Governor, the
 6007 Chief Financial Officer, the President of the Senate, and the
 6008 Speaker of the House of Representatives shall each appoint two
 6009 members of the board. At least one of the two members appointed
 6010 by each appointing officer must have demonstrated expertise in
 6011 insurance. The Chief Financial Officer shall designate one of
 6012 the appointees as chair. All board members serve at the pleasure
 6013 of the appointing officer. All members of the board of governors
 6014 are subject to removal at will by the officers who appointed
 6015 them. All board members, including the chair, must be appointed
 6016 to serve for 3-year terms beginning annually on a date
 6017 designated by the plan. Any board vacancy shall be filled for
 6018 the unexpired term by the appointing officer. The Chief
 6019 Financial Officer shall appoint a technical advisory group to
 6020 provide information and advice to the board of governors in
 6021 connection with the board's duties under this subsection. The
 6022 executive director and senior managers of the corporation shall
 6023 be engaged by the board and serve at the pleasure of the board.
 6024 Any executive director appointed on or after July 1, 2006, is
 6025 subject to confirmation by the Senate. The executive director is
 6026 responsible for employing other staff as the corporation may
 6027 require, subject to review and concurrence by the board.

6028 b. The board shall create a Market Accountability Advisory
 6029 Committee to assist the corporation in developing awareness of
 6030 its rates and its customer and agent service levels in

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6031 relationship to the voluntary market insurers writing similar
 6032 coverage. The members of the advisory committee shall consist of
 6033 the following 11 persons, one of whom must be elected chair by
 6034 the members of the committee: four representatives, one
 6035 appointed by the Florida Association of Insurance Agents, one by
 6036 the Florida Association of Insurance and Financial Advisors, one
 6037 by the Professional Insurance Agents of Florida, and one by the
 6038 Latin American Association of Insurance Agencies; three
 6039 representatives appointed by the insurers with the three highest
 6040 voluntary market share of residential property insurance
 6041 business in the state; one representative from the Office of
 6042 Insurance Regulation; one consumer appointed by the board who is
 6043 insured by the corporation at the time of appointment to the
 6044 committee; one representative appointed by the Florida
 6045 Association of Realtors; and one representative appointed by the
 6046 Florida Bankers Association. All members must serve for 3-year
 6047 terms and may serve for consecutive terms. The committee shall
 6048 report to the corporation at each board meeting on insurance
 6049 market issues which may include rates and rate competition with
 6050 the voluntary market; service, including policy issuance, claims
 6051 processing, and general responsiveness to policyholders,
 6052 applicants, and agents; and matters relating to depopulation.

- 6053 5. Must provide a procedure for determining the
 6054 eligibility of a risk for coverage, as follows:
- 6055 a. Subject to the provisions of s. 627.3517, with respect
 6056 to personal lines residential risks, if the risk is offered
 6057 coverage from an authorized insurer at the insurer's approved
 6058 rate under either a standard policy including wind coverage or,

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6059 | if consistent with the insurer's underwriting rules as filed
 6060 | with the office, a basic policy including wind coverage, for a
 6061 | new application to the corporation for coverage, the risk is not
 6062 | eligible for any policy issued by the corporation unless the
 6063 | premium for coverage from the authorized insurer is more than 15
 6064 | percent greater than the premium for comparable coverage from
 6065 | the corporation. If the risk is not able to obtain any such
 6066 | offer, the risk is eligible for either a standard policy
 6067 | including wind coverage or a basic policy including wind
 6068 | coverage issued by the corporation; however, if the risk could
 6069 | not be insured under a standard policy including wind coverage
 6070 | regardless of market conditions, the risk shall be eligible for
 6071 | a basic policy including wind coverage unless rejected under
 6072 | subparagraph 8. 9. However, with regard to a policyholder of the
 6073 | corporation or a policyholder removed from the corporation
 6074 | through an assumption agreement until the end of the assumption
 6075 | period, the policyholder remains eligible for coverage from the
 6076 | corporation regardless of any offer of coverage from an
 6077 | authorized insurer or surplus lines insurer. The corporation
 6078 | shall determine the type of policy to be provided on the basis
 6079 | of objective standards specified in the underwriting manual and
 6080 | based on generally accepted underwriting practices.

6081 | (I) If the risk accepts an offer of coverage through the
 6082 | market assistance plan or an offer of coverage through a
 6083 | mechanism established by the corporation before a policy is
 6084 | issued to the risk by the corporation or during the first 30
 6085 | days of coverage by the corporation, and the producing agent who

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6086 submitted the application to the plan or to the corporation is
 6087 not currently appointed by the insurer, the insurer shall:

6088 (A) Pay to the producing agent of record of the policy,
 6089 for the first year, an amount that is the greater of the
 6090 insurer's usual and customary commission for the type of policy
 6091 written or a fee equal to the usual and customary commission of
 6092 the corporation; or

6093 (B) Offer to allow the producing agent of record of the
 6094 policy to continue servicing the policy for a period of not less
 6095 than 1 year and offer to pay the agent the greater of the
 6096 insurer's or the corporation's usual and customary commission
 6097 for the type of policy written.

6098
 6099 If the producing agent is unwilling or unable to accept
 6100 appointment, the new insurer shall pay the agent in accordance
 6101 with sub-sub-sub-subparagraph (A).

6102 (II) When the corporation enters into a contractual
 6103 agreement for a take-out plan, the producing agent of record of
 6104 the corporation policy is entitled to retain any unearned
 6105 commission on the policy, and the insurer shall:

6106 (A) Pay to the producing agent of record of the
 6107 corporation policy, for the first year, an amount that is the
 6108 greater of the insurer's usual and customary commission for the
 6109 type of policy written or a fee equal to the usual and customary
 6110 commission of the corporation; or

6111 (B) Offer to allow the producing agent of record of the
 6112 corporation policy to continue servicing the policy for a period
 6113 of not less than 1 year and offer to pay the agent the greater

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6114 of the insurer's or the corporation's usual and customary
 6115 commission for the type of policy written.

6116
 6117 If the producing agent is unwilling or unable to accept
 6118 appointment, the new insurer shall pay the agent in accordance
 6119 with sub-sub-sub-subparagraph (A).

6120 b. With respect to commercial lines residential risks, for
 6121 a new application to the corporation for coverage, if the risk
 6122 is offered coverage under a policy including wind coverage from
 6123 an authorized insurer at its approved rate, the risk is not
 6124 eligible for any policy issued by the corporation unless the
 6125 premium for coverage from the authorized insurer is more than 15
 6126 percent greater than the premium for comparable coverage from
 6127 the corporation. If the risk is not able to obtain any such
 6128 offer, the risk is eligible for a policy including wind coverage
 6129 issued by the corporation. However, with regard to a
 6130 policyholder of the corporation or a policyholder removed from
 6131 the corporation through an assumption agreement until the end of
 6132 the assumption period, the policyholder remains eligible for
 6133 coverage from the corporation regardless of any offer of
 6134 coverage from an authorized insurer or surplus lines insurer.

6135 (I) If the risk accepts an offer of coverage through the
 6136 market assistance plan or an offer of coverage through a
 6137 mechanism established by the corporation before a policy is
 6138 issued to the risk by the corporation or during the first 30
 6139 days of coverage by the corporation, and the producing agent who
 6140 submitted the application to the plan or the corporation is not
 6141 currently appointed by the insurer, the insurer shall:

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6142 (A) Pay to the producing agent of record of the policy,
 6143 for the first year, an amount that is the greater of the
 6144 insurer's usual and customary commission for the type of policy
 6145 written or a fee equal to the usual and customary commission of
 6146 the corporation; or

6147 (B) Offer to allow the producing agent of record of the
 6148 policy to continue servicing the policy for a period of not less
 6149 than 1 year and offer to pay the agent the greater of the
 6150 insurer's or the corporation's usual and customary commission
 6151 for the type of policy written.

6152
 6153 If the producing agent is unwilling or unable to accept
 6154 appointment, the new insurer shall pay the agent in accordance
 6155 with sub-sub-sub-subparagraph (A).

6156 (II) When the corporation enters into a contractual
 6157 agreement for a take-out plan, the producing agent of record of
 6158 the corporation policy is entitled to retain any unearned
 6159 commission on the policy, and the insurer shall:

6160 (A) Pay to the producing agent of record of the
 6161 corporation policy, for the first year, an amount that is the
 6162 greater of the insurer's usual and customary commission for the
 6163 type of policy written or a fee equal to the usual and customary
 6164 commission of the corporation; or

6165 (B) Offer to allow the producing agent of record of the
 6166 corporation policy to continue servicing the policy for a period
 6167 of not less than 1 year and offer to pay the agent the greater
 6168 of the insurer's or the corporation's usual and customary
 6169 commission for the type of policy written.

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6170
 6171 If the producing agent is unwilling or unable to accept
 6172 appointment, the new insurer shall pay the agent in accordance
 6173 with sub-sub-sub-subparagraph (A).
 6174 c. For purposes of determining comparable coverage under
 6175 sub-subparagraphs a. and b., the comparison shall be based on
 6176 those forms and coverages that are reasonably comparable. The
 6177 corporation may rely on a determination of comparable coverage
 6178 and premium made by the producing agent who submits the
 6179 application to the corporation, made in the agent's capacity as
 6180 the corporation's agent. A comparison may be made solely of the
 6181 premium with respect to the main building or structure only on
 6182 the following basis: the same coverage A or other building
 6183 limits; the same percentage hurricane deductible that applies on
 6184 an annual basis or that applies to each hurricane for commercial
 6185 residential property; the same percentage of ordinance and law
 6186 coverage, if the same limit is offered by both the corporation
 6187 and the authorized insurer; the same mitigation credits, to the
 6188 extent the same types of credits are offered both by the
 6189 corporation and the authorized insurer; the same method for loss
 6190 payment, such as replacement cost or actual cash value, if the
 6191 same method is offered both by the corporation and the
 6192 authorized insurer in accordance with underwriting rules; and
 6193 any other form or coverage that is reasonably comparable as
 6194 determined by the board. If an application is submitted to the
 6195 corporation for wind-only coverage in the high-risk account, the
 6196 premium for the corporation's wind-only policy plus the premium
 6197 for the ex-wind policy that is offered by an authorized insurer

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6198 | to the applicant shall be compared to the premium for multiperil
 6199 | coverage offered by an authorized insurer, subject to the
 6200 | standards for comparison specified in this subparagraph. If the
 6201 | corporation or the applicant requests from the authorized
 6202 | insurer a breakdown of the premium of the offer by types of
 6203 | coverage so that a comparison may be made by the corporation or
 6204 | its agent and the authorized insurer refuses or is unable to
 6205 | provide such information, the corporation may treat the offer as
 6206 | not being an offer of coverage from an authorized insurer at the
 6207 | insurer's approved rate.

6208 | 6. Must include rules for classifications of risks and
 6209 | rates therefor.

6210 | 7. Must provide that if premium and investment income for
 6211 | an account attributable to a particular calendar year are in
 6212 | excess of projected losses and expenses for the account
 6213 | attributable to that year, such excess shall be held in surplus
 6214 | in the account. Such surplus shall be available to defray
 6215 | deficits in that account as to future years and shall be used
 6216 | for that purpose prior to assessing assessable insurers and
 6217 | assessable insureds as to any calendar year.

6218 | 8. Must provide objective criteria and procedures to be
 6219 | uniformly applied for all applicants in determining whether an
 6220 | individual risk is so hazardous as to be uninsurable. In making
 6221 | this determination and in establishing the criteria and
 6222 | procedures, the following shall be considered:

6223 | a. Whether the likelihood of a loss for the individual
 6224 | risk is substantially higher than for other risks of the same
 6225 | class; and

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6226 b. Whether the uncertainty associated with the individual
6227 risk is such that an appropriate premium cannot be determined.

6228
6229 The acceptance or rejection of a risk by the corporation shall
6230 be construed as the private placement of insurance, and the
6231 provisions of chapter 120 shall not apply.

6232 9. Must provide that the corporation shall make its best
6233 efforts to procure catastrophe reinsurance at reasonable rates,
6234 to cover its projected 100-year probable maximum loss as
6235 determined by the board of governors.

6236 10. Must provide that in the event of regular deficit
6237 assessments under sub-subparagraph (b)3.a. or sub-subparagraph
6238 (b)3.b., in the personal lines account, the commercial lines
6239 residential account, or the high-risk account, the corporation
6240 shall levy upon corporation policyholders in its next rate
6241 filing, or by a separate rate filing solely for this purpose, a
6242 Citizens policyholder surcharge arising from a regular
6243 assessment in such account in a percentage equal to the total
6244 amount of such regular assessments divided by the aggregate
6245 statewide direct written premium for subject lines of business
6246 for the prior calendar year. For purposes of calculating the
6247 Citizens policyholder surcharge to be levied under this
6248 subparagraph, the total amount of the regular assessment to
6249 which this surcharge is related shall be determined as set forth
6250 in subparagraph (b)3., without deducting the estimated Citizens
6251 policyholder surcharge. Citizens policyholder surcharges under
6252 this subparagraph are not considered premium and are not subject
6253 to commissions, fees, or premium taxes; however, failure to pay

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6254 a market equalization surcharge shall be treated as failure to
6255 pay premium.

6256 11. The policies issued by the corporation must provide
6257 that, if the corporation or the market assistance plan obtains
6258 an offer from an authorized insurer to cover the risk at its
6259 approved rates, the risk is no longer eligible for renewal
6260 through the corporation, except as otherwise provided in this
6261 subsection.

6262 12. Corporation policies and applications must include a
6263 notice that the corporation policy could, under this section, be
6264 replaced with a policy issued by an authorized insurer that does
6265 not provide coverage identical to the coverage provided by the
6266 corporation. The notice shall also specify that acceptance of
6267 corporation coverage creates a conclusive presumption that the
6268 applicant or policyholder is aware of this potential.

6269 13. May establish, subject to approval by the office,
6270 different eligibility requirements and operational procedures
6271 for any line or type of coverage for any specified county or
6272 area if the board determines that such changes to the
6273 eligibility requirements and operational procedures are
6274 justified due to the voluntary market being sufficiently stable
6275 and competitive in such area or for such line or type of
6276 coverage and that consumers who, in good faith, are unable to
6277 obtain insurance through the voluntary market through ordinary
6278 methods would continue to have access to coverage from the
6279 corporation. When coverage is sought in connection with a real
6280 property transfer, such requirements and procedures shall not
6281 provide for an effective date of coverage later than the date of

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6282 the closing of the transfer as established by the transferor,
 6283 the transferee, and, if applicable, the lender.

6284 14. Must provide that, with respect to the high-risk
 6285 account, any assessable insurer with a surplus as to
 6286 policyholders of \$25 million or less writing 25 percent or more
 6287 of its total countrywide property insurance premiums in this
 6288 state may petition the office, within the first 90 days of each
 6289 calendar year, to qualify as a limited apportionment company. A
 6290 regular assessment levied by the corporation on a limited
 6291 apportionment company for a deficit incurred by the corporation
 6292 for the high-risk account in 2006 or thereafter may be paid to
 6293 the corporation on a monthly basis as the assessments are
 6294 collected by the limited apportionment company from its insureds
 6295 pursuant to s. 627.3512, but the regular assessment must be paid
 6296 in full within 12 months after being levied by the corporation.
 6297 A limited apportionment company shall collect from its
 6298 policyholders any emergency assessment imposed under sub-
 6299 subparagraph (b)3.d. The plan shall provide that, if the office
 6300 determines that any regular assessment will result in an
 6301 impairment of the surplus of a limited apportionment company,
 6302 the office may direct that all or part of such assessment be
 6303 deferred as provided in subparagraph (p)4. However, there shall
 6304 be no limitation or deferment of an emergency assessment to be
 6305 collected from policyholders under sub-subparagraph (b)3.d.

6306 15. Must provide that the corporation appoint as its
 6307 licensed agents only those agents who also hold an appointment
 6308 as defined in s. 626.015(3) with an insurer who at the time of
 6309 the agent's initial appointment by the corporation is authorized

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6310 to write and is actually writing personal lines residential
 6311 property coverage, commercial residential property coverage, or
 6312 commercial nonresidential property coverage within the state.

6313 16. Must provide, by July 1, 2007, a premium payment plan
 6314 option to its policyholders which allows at a minimum for
 6315 quarterly and semiannual payment of premiums. A monthly payment
 6316 plan may, but is not required to, be offered.

6317 17. Must limit coverage on mobile homes or manufactured
 6318 homes built prior to 1994 to actual cash value of the dwelling
 6319 rather than replacement costs of the dwelling.

6320 18. May provide such limits of coverage as the board
 6321 determines, consistent with the requirements of this subsection.

6322 19. May require commercial property to meet specified
 6323 hurricane mitigation construction features as a condition of
 6324 eligibility for coverage.

6325 (n) If coverage in an account is deactivated pursuant to
 6326 paragraph (o), coverage through the corporation shall be
 6327 reactivated by order of the office only under one of the
 6328 following circumstances:

6329 1. If the market assistance plan receives a minimum of 100
 6330 applications for coverage within a 3-month period, or 200
 6331 applications for coverage within a 1-year period or less for
 6332 residential coverage, unless the market assistance plan provides
 6333 a quotation from admitted carriers at their filed rates for at
 6334 least 90 percent of such applicants. Any market assistance plan
 6335 application that is rejected because an individual risk is so
 6336 hazardous as to be uninsurable using the criteria specified in
 6337 subparagraph (c)8. ~~(e)9.~~ shall not be included in the minimum

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6338 percentage calculation provided herein. In the event that there
 6339 is a legal or administrative challenge to a determination by the
 6340 office that the conditions of this subparagraph have been met
 6341 for eligibility for coverage in the corporation, any eligible
 6342 risk may obtain coverage during the pendency of such challenge.

6343 2. In response to a state of emergency declared by the
 6344 Governor under s. 252.36, the office may activate coverage by
 6345 order for the period of the emergency upon a finding by the
 6346 office that the emergency significantly affects the availability
 6347 of residential property insurance.

6348 (v) Notwithstanding any other provision of law:

6349 1. The pledge or sale of, the lien upon, and the security
 6350 interest in any rights, revenues, or other assets of the
 6351 corporation created or purported to be created pursuant to any
 6352 financing documents to secure any bonds or other indebtedness of
 6353 the corporation shall be and remain valid and enforceable,
 6354 notwithstanding the commencement of and during the continuation
 6355 of, and after, any rehabilitation, insolvency, liquidation,
 6356 bankruptcy, receivership, conservatorship, reorganization, or
 6357 similar proceeding against the corporation under the laws of
 6358 this state.

6359 2. No such proceeding shall relieve the corporation of its
 6360 obligation, or otherwise affect its ability to perform its
 6361 obligation, to continue to collect, or levy and collect,
 6362 assessments, market equalization or other surcharges under
 6363 subparagraph (c)10. ~~(e)11~~, or any other rights, revenues, or
 6364 other assets of the corporation pledged pursuant to any
 6365 financing documents.

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6366 3. Each such pledge or sale of, lien upon, and security
 6367 interest in, including the priority of such pledge, lien, or
 6368 security interest, any such assessments, market equalization or
 6369 other surcharges, or other rights, revenues, or other assets
 6370 which are collected, or levied and collected, after the
 6371 commencement of and during the pendency of, or after, any such
 6372 proceeding shall continue unaffected by such proceeding. As used
 6373 in this subsection, the term "financing documents" means any
 6374 agreement or agreements, instrument or instruments, or other
 6375 document or documents now existing or hereafter created
 6376 evidencing any bonds or other indebtedness of the corporation or
 6377 pursuant to which any such bonds or other indebtedness has been
 6378 or may be issued and pursuant to which any rights, revenues, or
 6379 other assets of the corporation are pledged or sold to secure
 6380 the repayment of such bonds or indebtedness, together with the
 6381 payment of interest on such bonds or such indebtedness, or the
 6382 payment of any other obligation or financial product, as defined
 6383 in the plan of operation of the corporation related to such
 6384 bonds or indebtedness.

6385 4. Any such pledge or sale of assessments, revenues,
 6386 contract rights, or other rights or assets of the corporation
 6387 shall constitute a lien and security interest, or sale, as the
 6388 case may be, that is immediately effective and attaches to such
 6389 assessments, revenues, or contract rights or other rights or
 6390 assets, whether or not imposed or collected at the time the
 6391 pledge or sale is made. Any such pledge or sale is effective,
 6392 valid, binding, and enforceable against the corporation or other
 6393 entity making such pledge or sale, and valid and binding against

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6394 and superior to any competing claims or obligations owed to any
 6395 other person or entity, including policyholders in this state,
 6396 asserting rights in any such assessments, revenues, or contract
 6397 rights or other rights or assets to the extent set forth in and
 6398 in accordance with the terms of the pledge or sale contained in
 6399 the applicable financing documents, whether or not any such
 6400 person or entity has notice of such pledge or sale and without
 6401 the need for any physical delivery, recordation, filing, or
 6402 other action.

6403 5. As long as the corporation has any bonds outstanding,
 6404 the corporation may not file a voluntary petition under chapter
 6405 9 of the federal Bankruptcy Code or such corresponding chapter
 6406 or sections as may be in effect, from time to time, and a public
 6407 officer or any organization, entity, or other person may not
 6408 authorize the corporation to be or become a debtor under chapter
 6409 9 of the federal Bankruptcy Code or such corresponding chapter
 6410 or sections as may be in effect, from time to time, during any
 6411 such period.

6412 6. If ordered by a court of competent jurisdiction, the
 6413 corporation may assume policies or otherwise provide coverage
 6414 for policyholders of an insurer placed in liquidation under
 6415 chapter 631, under such forms, rates, terms, and conditions as
 6416 the corporation deems appropriate, subject to approval by the
 6417 office.

6418 (w)1. The following records of the corporation are
 6419 confidential and exempt from the provisions of s. 119.07(1) and
 6420 s. 24(a), Art. I of the State Constitution:

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6421 a. Underwriting files, except that a policyholder or an
 6422 applicant shall have access to his or her own underwriting
 6423 files.

6424 b. Claims files, until termination of all litigation and
 6425 settlement of all claims arising out of the same incident,
 6426 although portions of the claims files may remain exempt, as
 6427 otherwise provided by law. Confidential and exempt claims file
 6428 records may be released to other governmental agencies upon
 6429 written request and demonstration of need; such records held by
 6430 the receiving agency remain confidential and exempt as provided
 6431 for herein.

6432 c. Records obtained or generated by an internal auditor
 6433 pursuant to a routine audit, until the audit is completed, or if
 6434 the audit is conducted as part of an investigation, until the
 6435 investigation is closed or ceases to be active. An investigation
 6436 is considered "active" while the investigation is being
 6437 conducted with a reasonable, good faith belief that it could
 6438 lead to the filing of administrative, civil, or criminal
 6439 proceedings.

6440 d. Matters reasonably encompassed in privileged attorney-
 6441 client communications.

6442 e. Proprietary information licensed to the corporation
 6443 under contract and the contract provides for the confidentiality
 6444 of such proprietary information.

6445 f. All information relating to the medical condition or
 6446 medical status of a corporation employee which is not relevant
 6447 to the employee's capacity to perform his or her duties, except
 6448 as otherwise provided in this paragraph. Information which is

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6449 exempt shall include, but is not limited to, information
 6450 relating to workers' compensation, insurance benefits, and
 6451 retirement or disability benefits.

6452 g. Upon an employee's entrance into the employee
 6453 assistance program, a program to assist any employee who has a
 6454 behavioral or medical disorder, substance abuse problem, or
 6455 emotional difficulty which affects the employee's job
 6456 performance, all records relative to that participation shall be
 6457 confidential and exempt from the provisions of s. 119.07(1) and
 6458 s. 24(a), Art. I of the State Constitution, except as otherwise
 6459 provided in s. 112.0455(11).

6460 h. Information relating to negotiations for financing,
 6461 reinsurance, depopulation, or contractual services, until the
 6462 conclusion of the negotiations.

6463 i. Minutes of closed meetings regarding underwriting
 6464 files, and minutes of closed meetings regarding an open claims
 6465 file until termination of all litigation and settlement of all
 6466 claims with regard to that claim, except that information
 6467 otherwise confidential or exempt by law will be redacted.

6468
 6469 When an authorized insurer is considering underwriting a risk
 6470 insured by the corporation, relevant underwriting files and
 6471 confidential claims files may be released to the insurer
 6472 provided the insurer agrees in writing, notarized and under
 6473 oath, to maintain the confidentiality of such files. When a file
 6474 is transferred to an insurer that file is no longer a public
 6475 record because it is not held by an agency subject to the
 6476 provisions of the public records law. Underwriting files and

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6477 confidential claims files may also be released to staff of and
 6478 the board of governors of the market assistance plan established
 6479 pursuant to s. 627.3515, who must retain the confidentiality of
 6480 such files, except such files may be released to authorized
 6481 insurers that are considering assuming the risks to which the
 6482 files apply, provided the insurer agrees in writing, notarized
 6483 and under oath, to maintain the confidentiality of such files.
 6484 Finally, the corporation or the board or staff of the market
 6485 assistance plan may make the following information obtained from
 6486 underwriting files and confidential claims files available to
 6487 licensed general lines insurance agents: name, address, and
 6488 telephone number of the residential property owner or insured;
 6489 location of the risk; rating information; loss history; and
 6490 policy type. The receiving licensed general lines insurance
 6491 agent must retain the confidentiality of the information
 6492 received.

6493 2. Portions of meetings of the corporation are exempt from
 6494 the provisions of s. 286.011 and s. 24(b), Art. I of the State
 6495 Constitution wherein confidential underwriting files or
 6496 confidential open claims files are discussed. All portions of
 6497 corporation meetings which are closed to the public shall be
 6498 recorded by a court reporter. The court reporter shall record
 6499 the times of commencement and termination of the meeting, all
 6500 discussion and proceedings, the names of all persons present at
 6501 any time, and the names of all persons speaking. No portion of
 6502 any closed meeting shall be off the record. Subject to the
 6503 provisions hereof and s. 119.07(1)(d)-(f) ~~119.07(1)(e)-(g)~~, the
 6504 court reporter's notes of any closed meeting shall be retained

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6505 | by the corporation for a minimum of 5 years. A copy of the
 6506 | transcript, less any exempt matters, of any closed meeting
 6507 | wherein claims are discussed shall become public as to
 6508 | individual claims after settlement of the claim.

6509 | Reviser's note.--Paragraph (2)(b) is amended to conform to
 6510 | the redesignation of Dade County as Miami-Dade County by s.
 6511 | 1-4.2 of the Miami-Dade County Code. Paragraphs (6)(c) and
 6512 | (6)(n) are amended to conform to the redesignation of
 6513 | subparagraph (c)8. as subparagraph (c)9. by s. 15, ch.
 6514 | 2006-12, Laws of Florida, and further redesignation as
 6515 | subparagraph (c)8. by s. 11, ch. 2007-90, Laws of Florida.
 6516 | Paragraph (6)(v) is amended to conform to the redesignation
 6517 | of subparagraph (c)10. as subparagraph (c)11. by s. 15, ch.
 6518 | 2006-12, and further redesignation as subparagraph (c)10.
 6519 | by s. 11, ch. 2007-90. Paragraph (6)(w) is amended to
 6520 | conform to the redesignation of s. 119.07(1)(b)-(d) as s.
 6521 | 119.07(1)(d)-(f) by s. 1, ch. 2007-39, Laws of Florida, and
 6522 | to correct the reference by s. 4, ch. 2007-39.

6523 | Section 149. Paragraph (a) of subsection (3) and paragraph
 6524 | (b) of subsection (6) of section 627.3511, Florida Statutes, are
 6525 | amended to read:

6526 | 627.3511 Depopulation of Citizens Property Insurance
 6527 | Corporation.--

6528 | (3) EXEMPTION FROM DEFICIT ASSESSMENTS.--

6529 | (a) The calculation of an insurer's assessment liability
 6530 | under s. 627.351(6)(b)3.a. or b. shall, for an insurer that in
 6531 | any calendar year removes 50,000 or more risks from the Citizens
 6532 | Property Insurance Corporation, either by issuance of a policy

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6533 upon expiration or cancellation of the corporation policy or by
 6534 assumption of the corporation's obligations with respect to in-
 6535 force policies, exclude such removed policies for the succeeding
 6536 3 years, as follows:

6537 1. In the first year following removal of the risks, the
 6538 risks are excluded from the calculation to the extent of 100
 6539 percent.

6540 2. In the second year following removal of the risks, the
 6541 risks are excluded from the calculation to the extent of 75
 6542 percent.

6543 3. In the third year following removal of the risks, the
 6544 risks are excluded from the calculation to the extent of 50
 6545 percent.

6546
 6547 If the removal of risks is accomplished through assumption of
 6548 obligations with respect to in-force policies, the corporation
 6549 shall pay to the assuming insurer all unearned premium with
 6550 respect to such policies less any policy acquisition costs
 6551 agreed to by the corporation and assuming insurer. The term
 6552 "policy acquisition costs" is defined as costs of issuance of
 6553 the policy by the corporation which includes agent commissions,
 6554 servicing company fees, and premium tax. This paragraph does not
 6555 apply to an insurer that, at any time within 5 years before
 6556 removing the risks, had a market share in excess of 0.1 percent
 6557 of the statewide aggregate gross direct written premium for any
 6558 line of property insurance, or to an affiliate of such an
 6559 insurer. This paragraph does not apply unless either at least 40
 6560 percent of the risks removed from the corporation are located in

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6561 Miami-Dade ~~Dade~~, Broward, and Palm Beach Counties, or at least
 6562 30 percent of the risks removed from the corporation are located
 6563 in such counties and an additional 50 percent of the risks
 6564 removed from the corporation are located in other coastal
 6565 counties.

6566 (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.--

6567 (b) In order for a plan to qualify for approval:

6568 1. At least 40 percent of the policies removed from the
 6569 corporation under the plan must be located in Miami-Dade ~~Dade~~,
 6570 Broward, and Palm Beach Counties, or at least 30 percent of the
 6571 policies removed from the corporation under the plan must be
 6572 located in such counties and an additional 50 percent of the
 6573 policies removed from the corporation must be located in other
 6574 coastal counties.

6575 2. The insurer must renew the replacement policy at
 6576 approved rates on substantially similar terms for two additional
 6577 1-year terms, unless canceled or nonrenewed by the insurer for a
 6578 lawful reason other than reduction of hurricane exposure. If an
 6579 insurer assumes the corporation's obligations for a policy, it
 6580 must issue a replacement policy for a 1-year term upon
 6581 expiration of the corporation policy and must renew the
 6582 replacement policy at approved rates on substantially similar
 6583 terms for two additional 1-year terms, unless canceled by the
 6584 insurer for a lawful reason other than reduction of hurricane
 6585 exposure. For each replacement policy canceled or nonrenewed by
 6586 the insurer for any reason during the 3-year coverage period
 6587 required by this subparagraph, the insurer must remove from the

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6588 corporation one additional policy covering a risk similar to the
 6589 risk covered by the canceled or nonrenewed policy.

6590 Reviser's note.--Amended to conform to the redesignation of
 6591 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 6592 Dade County Code.

6593 Section 150. Paragraph (b) of subsection (2) of section
 6594 627.4133, Florida Statutes, is amended to read:

6595 627.4133 Notice of cancellation, nonrenewal, or renewal
 6596 premium.--

6597 (2) With respect to any personal lines or commercial
 6598 residential property insurance policy, including, but not
 6599 limited to, any homeowner's, mobile home owner's, farmowner's,
 6600 condominium association, condominium unit owner's, apartment
 6601 building, or other policy covering a residential structure or
 6602 its contents:

6603 (b) The insurer shall give the named insured written
 6604 notice of nonrenewal, cancellation, or termination at least 100
 6605 days prior to the effective date of the nonrenewal,
 6606 cancellation, or termination. However, the insurer shall give at
 6607 least 100 days' written notice, or written notice by June 1,
 6608 whichever is earlier, for any nonrenewal, cancellation, or
 6609 termination that would be effective between June 1 and November
 6610 30. The notice must include the reason or reasons for the
 6611 nonrenewal, cancellation, or termination, except that:

6612 1. When cancellation is for nonpayment of premium, at
 6613 least 10 days' written notice of cancellation accompanied by the
 6614 reason therefor shall be given. As used in this subparagraph,
 6615 the term "nonpayment of premium" means failure of the named

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6616 insured to discharge when due any of her or his obligations in
 6617 connection with the payment of premiums on a policy or any
 6618 installment of such premium, whether the premium is payable
 6619 directly to the insurer or its agent or indirectly under any
 6620 premium finance plan or extension of credit, or failure to
 6621 maintain membership in an organization if such membership is a
 6622 condition precedent to insurance coverage. "Nonpayment of
 6623 premium" also means the failure of a financial institution to
 6624 honor an insurance applicant's check after delivery to a
 6625 licensed agent for payment of a premium, even if the agent has
 6626 previously delivered or transferred the premium to the insurer.
 6627 If a dishonored check represents the initial premium payment,
 6628 the contract and all contractual obligations shall be void ab
 6629 initio unless the nonpayment is cured within the earlier of 5
 6630 days after actual notice by certified mail is received by the
 6631 applicant or 15 days after notice is sent to the applicant by
 6632 certified mail or registered mail, and if the contract is void,
 6633 any premium received by the insurer from a third party shall be
 6634 refunded to that party in full.

6635 2. When such cancellation or termination occurs during the
 6636 first 90 days during which the insurance is in force and the
 6637 insurance is canceled or terminated for reasons other than
 6638 nonpayment of premium, at least 20 days' written notice of
 6639 cancellation or termination accompanied by the reason therefor
 6640 shall be given except where there has been a material
 6641 misstatement or misrepresentation or failure to comply with the
 6642 underwriting requirements established by the insurer.

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6643 3. The requirement for providing written notice of
 6644 nonrenewal by June 1 of any nonrenewal that would be effective
 6645 between June 1 and November 30 does not apply to the following
 6646 situations, but the insurer remains subject to the requirement
 6647 to provide such notice at least 100 days prior to the effective
 6648 date of nonrenewal:

6649 a. A policy that is nonrenewed due to a revision in the
 6650 coverage for sinkhole losses and catastrophic ground cover
 6651 collapse pursuant to s. 627.706 ~~627.730~~, as amended by s. 30,
 6652 chapter 2007-1, Laws of Florida.

6653 b. A policy that is nonrenewed by Citizens Property
 6654 Insurance Corporation, pursuant to s. 627.351(6), for a policy
 6655 that has been assumed by an authorized insurer offering
 6656 replacement or renewal coverage to the policyholder.

6657
 6658 After the policy has been in effect for 90 days, the policy
 6659 shall not be canceled by the insurer except when there has been
 6660 a material misstatement, a nonpayment of premium, a failure to
 6661 comply with underwriting requirements established by the insurer
 6662 within 90 days of the date of effectuation of coverage, or a
 6663 substantial change in the risk covered by the policy or when the
 6664 cancellation is for all insureds under such policies for a given
 6665 class of insureds. This paragraph does not apply to individually
 6666 rated risks having a policy term of less than 90 days.

6667 Reviser's note.--Amended to correct a reference and conform
 6668 to context. Section 627.730 is the short title of the
 6669 Florida Motor Vehicle No-Fault Law; s. 627.706 relates to

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6670 coverage for sinkhole losses and catastrophic ground cover
 6671 collapse.
 6672 Section 151. Paragraph (a) of subsection (3) and paragraph
 6673 (c) of subsection (6) of section 627.701, Florida Statutes, are
 6674 amended to read:
 6675 627.701 Liability of insureds; coinsurance; deductibles.--
 6676 (3)(a) Except as otherwise provided in this subsection,
 6677 prior to issuing a personal lines residential property insurance
 6678 policy, the insurer must offer alternative deductible amounts
 6679 applicable to hurricane losses equal to \$500, 2 percent, 5
 6680 percent, and 10 percent of the policy dwelling limits, unless
 6681 the specific percentage deductible is less than \$500. The
 6682 written notice of the offer shall specify the hurricane
 6683 deductible to be applied in the event that the applicant or
 6684 policyholder fails to affirmatively choose a hurricane
 6685 deductible. The insurer must provide such policyholder with
 6686 notice of the availability of the deductible amounts specified
 6687 in this subsection ~~paragraph~~ in a form approved by the office in
 6688 conjunction with each renewal of the policy. The failure to
 6689 provide such notice constitutes a violation of this code but
 6690 does not affect the coverage provided under the policy.
 6691 (6)
 6692 (c) A secured hurricane deductible must include the
 6693 substance of the following:
 6694 1. The first \$500 of any claim, regardless of the peril
 6695 causing the loss, is fully deductible.

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6696 2. With respect to hurricane losses only, the next \$5,000
 6697 in losses are fully insured, subject only to a copayment
 6698 requirement of 10 percent.

6699 3. With respect to hurricane losses only, the remainder of
 6700 the claim is subject to a deductible equal to a specified
 6701 percentage of the policy dwelling limits in excess of the
 6702 deductible allowed under former paragraph (3) (a) but no higher
 6703 than 10 percent of the policy dwelling limits.

6704 4. The insurer agrees to renew the coverage on a
 6705 guaranteed basis for a period of years after initial issuance of
 6706 the secured deductible equal to at least 1 year for each 2
 6707 percentage points of deductible specified in subparagraph 3.
 6708 unless the policy is canceled for nonpayment of premium or the
 6709 insured fails to maintain the certificate of security. Such
 6710 renewal shall be at the same premium as the initial policy
 6711 except for premium changes attributable to changes in the value
 6712 of the property.

6713 Reviser's note.--Paragraph (3) (a) is amended to conform to
 6714 context and correct a reference. Paragraph (6) (c) is
 6715 amended to clarify the status of former paragraph (3) (a),
 6716 which was deleted by s. 28, ch. 2007-1, Laws of Florida.
 6717 Section 152. Paragraph (b) of subsection (2) of section
 6718 627.7261, Florida Statutes, is amended to read:

6719 627.7261 Refusal to issue policy.--

6720 (2)

6721 (b) As used in this section, the term "volunteer driver"
 6722 means a person who provides services, including transporting
 6723 individuals or goods, without compensation in excess of expenses

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6724 to a private nonprofit agency as defined in s. 273.01(3) or a
 6725 charitable organization as defined in s. 736.1201 ~~737.501(2)~~.
 6726 Reviser's note.--Amended to correct a reference and improve
 6727 clarity. Section 737.501 was repealed by s. 48, ch. 2006-
 6728 217, Laws of Florida; s. 736.1201, created by s. 12, ch.
 6729 2006-217, now provides the definition of the term
 6730 "charitable organization" previously found in s.
 6731 737.501(2).
 6732 Section 153. Paragraphs (a) and (e) of subsection (5) of
 6733 section 627.736, Florida Statutes, as revived, reenacted, and
 6734 amended by sections 13 and 20 of chapter 2007-324, Laws of
 6735 Florida, are amended to read:
 6736 627.736 Required personal injury protection benefits;
 6737 exclusions; priority; claims.--
 6738 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.--
 6739 (a)1. Any physician, hospital, clinic, or other person or
 6740 institution lawfully rendering treatment to an injured person
 6741 for a bodily injury covered by personal injury protection
 6742 insurance may charge the insurer and injured party only a
 6743 reasonable amount pursuant to this section for the services and
 6744 supplies rendered, and the insurer providing such coverage may
 6745 pay for such charges directly to such person or institution
 6746 lawfully rendering such treatment, if the insured receiving such
 6747 treatment or his or her guardian has countersigned the properly
 6748 completed invoice, bill, or claim form approved by the office
 6749 upon which such charges are to be paid for as having actually
 6750 been rendered, to the best knowledge of the insured or his or
 6751 her guardian. In no event, however, may such a charge be in

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6752 excess of the amount the person or institution customarily
 6753 charges for like services or supplies. With respect to a
 6754 determination of whether a charge for a particular service,
 6755 treatment, or otherwise is reasonable, consideration may be
 6756 given to evidence of usual and customary charges and payments
 6757 accepted by the provider involved in the dispute, and
 6758 reimbursement levels in the community and various federal and
 6759 state medical fee schedules applicable to automobile and other
 6760 insurance coverages, and other information relevant to the
 6761 reasonableness of the reimbursement for the service, treatment,
 6762 or supply.

6763 2. The insurer may limit reimbursement to 80 percent of
 6764 the following schedule of maximum charges:

6765 a. For emergency transport and treatment by providers
 6766 licensed under chapter 401, 200 percent of Medicare.

6767 b. For emergency services and care provided by a hospital
 6768 licensed under chapter 395, 75 percent of the hospital's usual
 6769 and customary charges.

6770 c. For emergency services and care as defined by s.
 6771 395.002(9) ~~395.002(10)~~ provided in a facility licensed under
 6772 chapter 395 rendered by a physician or dentist, and related
 6773 hospital inpatient services rendered by a physician or dentist,
 6774 the usual and customary charges in the community.

6775 d. For hospital inpatient services, other than emergency
 6776 services and care, 200 percent of the Medicare Part A
 6777 prospective payment applicable to the specific hospital
 6778 providing the inpatient services.

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6779 e. For hospital outpatient services, other than emergency
 6780 services and care, 200 percent of the Medicare Part A Ambulatory
 6781 Payment Classification for the specific hospital providing the
 6782 outpatient services.

6783 f. For all other medical services, supplies, and care, 200
 6784 percent of the applicable Medicare Part B fee schedule. However,
 6785 if such services, supplies, or care is not reimbursable under
 6786 Medicare Part B, the insurer may limit reimbursement to 80
 6787 percent of the maximum reimbursable allowance under workers'
 6788 compensation, as determined under s. 440.13 and rules adopted
 6789 thereunder which are in effect at the time such services,
 6790 supplies, or care is provided. Services, supplies, or care that
 6791 is not reimbursable under Medicare or workers' compensation is
 6792 not required to be reimbursed by the insurer.

6793 3. For purposes of subparagraph 2., the applicable fee
 6794 schedule or payment limitation under Medicare is the fee
 6795 schedule or payment limitation in effect at the time the
 6796 services, supplies, or care was rendered and for the area in
 6797 which such services were rendered, except that it may not be
 6798 less than the applicable 2007 Medicare Part B fee schedule for
 6799 medical services, supplies, and care subject to Medicare Part B.

6800 4. Subparagraph 2. does not allow the insurer to apply any
 6801 limitation on the number of treatments or other utilization
 6802 limits that apply under Medicare or workers' compensation. An
 6803 insurer that applies the allowable payment limitations of
 6804 subparagraph 2. must reimburse a provider who lawfully provided
 6805 care or treatment under the scope of his or her license,
 6806 regardless of whether such provider would be entitled to

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6807 reimbursement under Medicare due to restrictions or limitations
 6808 on the types or discipline of health care providers who may be
 6809 reimbursed for particular procedures or procedure codes.

6810 5. If an insurer limits payment as authorized by
 6811 subparagraph 2., the person providing such services, supplies,
 6812 or care may not bill or attempt to collect from the insured any
 6813 amount in excess of such limits, except for amounts that are not
 6814 covered by the insured's personal injury protection coverage due
 6815 to the coinsurance amount or maximum policy limits.

6816 (e)1. At the initial treatment or service provided, each
 6817 physician, other licensed professional, clinic, or other medical
 6818 institution providing medical services upon which a claim for
 6819 personal injury protection benefits is based shall require an
 6820 insured person, or his or her guardian, to execute a disclosure
 6821 and acknowledgment form, which reflects at a minimum that:

6822 a. The insured, or his or her guardian, must countersign
 6823 the form attesting to the fact that the services set forth
 6824 therein were actually rendered;

6825 b. The insured, or his or her guardian, has both the right
 6826 and affirmative duty to confirm that the services were actually
 6827 rendered;

6828 c. The insured, or his or her guardian, was not solicited
 6829 by any person to seek any services from the medical provider;

6830 d. ~~That~~ The physician, other licensed professional,
 6831 clinic, or other medical institution rendering services for
 6832 which payment is being claimed explained the services to the
 6833 insured or his or her guardian; and

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6834 e. If the insured notifies the insurer in writing of a
 6835 billing error, the insured may be entitled to a certain
 6836 percentage of a reduction in the amounts paid by the insured's
 6837 motor vehicle insurer.

6838 2. The physician, other licensed professional, clinic, or
 6839 other medical institution rendering services for which payment
 6840 is being claimed has the affirmative duty to explain the
 6841 services rendered to the insured, or his or her guardian, so
 6842 that the insured, or his or her guardian, countersigns the form
 6843 with informed consent.

6844 3. Countersignature by the insured, or his or her
 6845 guardian, is not required for the reading of diagnostic tests or
 6846 other services that are of such a nature that they are not
 6847 required to be performed in the presence of the insured.

6848 4. The licensed medical professional rendering treatment
 6849 for which payment is being claimed must sign, by his or her own
 6850 hand, the form complying with this paragraph.

6851 5. The original completed disclosure and acknowledgment
 6852 form shall be furnished to the insurer pursuant to paragraph
 6853 (4) (b) and may not be electronically furnished.

6854 6. This disclosure and acknowledgment form is not required
 6855 for services billed by a provider for emergency services as
 6856 defined in s. 395.002, for emergency services and care as
 6857 defined in s. 395.002 rendered in a hospital emergency
 6858 department, or for transport and treatment rendered by an
 6859 ambulance provider licensed pursuant to part III of chapter 401.

6860 7. The Financial Services Commission shall adopt, by rule,
 6861 a standard disclosure and acknowledgment form that shall be used

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6862 to fulfill the requirements of this paragraph, effective 90 days
 6863 after such form is adopted and becomes final. The commission
 6864 shall adopt a proposed rule by October 1, 2003. Until the rule
 6865 is final, the provider may use a form of its own which otherwise
 6866 complies with the requirements of this paragraph.

6867 8. As used in this paragraph, "countersigned" means a
 6868 second or verifying signature, as on a previously signed
 6869 document, and is not satisfied by the statement "signature on
 6870 file" or any similar statement.

6871 9. The requirements of this paragraph apply only with
 6872 respect to the initial treatment or service of the insured by a
 6873 provider. For subsequent treatments or service, the provider
 6874 must maintain a patient log signed by the patient, in
 6875 chronological order by date of service, that is consistent with
 6876 the services being rendered to the patient as claimed. The
 6877 requirements of this subparagraph for maintaining a patient log
 6878 signed by the patient may be met by a hospital that maintains
 6879 medical records as required by s. 395.3025 and applicable rules
 6880 and makes such records available to the insurer upon request.

6881 Reviser's note.--Paragraph (5) (a) is amended to correct an
 6882 erroneous reference. "Emergency services and care" is
 6883 defined in s. 395.002(9); s. 395.002(10) defines "[g]eneral
 6884 hospital." Paragraph (5) (e) is amended to correct
 6885 construction and eliminate redundancy.

6886 Section 154. Paragraph (b) of subsection (1) of section
 6887 628.461, Florida Statutes, is amended to read:

6888 628.461 Acquisition of controlling stock.--

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6889 (1) A person may not, individually or in conjunction with
 6890 any affiliated person of such person, acquire directly or
 6891 indirectly, conclude a tender offer or exchange offer for, enter
 6892 into any agreement to exchange securities for, or otherwise
 6893 finally acquire 5 percent or more of the outstanding voting
 6894 securities of a domestic stock insurer or of a controlling
 6895 company, unless:

6896 (b) The person or affiliated person has filed with the
 6897 office a statement as specified in subsection (3). The statement
 6898 must be completed and filed within 30 days after:

- 6899 1. Any definitive acquisition agreement is entered;
- 6900 2. Any form of tender offer or exchange offer is proposed;

6901 or

- 6902 3. The acquisition of the securities, if no definitive
- 6903 acquisition agreement, tender offer, or exchange offer is
- 6904 involved; and

6905
 6906 In lieu of a filing as required under this subsection, a party
 6907 acquiring less than 10 percent of the outstanding voting
 6908 securities of an insurer may file a disclaimer of affiliation
 6909 and control. The disclaimer shall fully disclose all material
 6910 relationships and basis for affiliation between the person and
 6911 the insurer as well as the basis for disclaiming the affiliation
 6912 and control. After a disclaimer has been filed, the insurer
 6913 shall be relieved of any duty to register or report under this
 6914 section which may arise out of the insurer's relationship with
 6915 the person unless and until the office disallows the disclaimer.
 6916 The office shall disallow a disclaimer only after furnishing all

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6917 parties in interest with notice and opportunity to be heard and
 6918 after making specific findings of fact to support the
 6919 disallowance. A filing as required under this subsection must be
 6920 made as to any acquisition that equals or exceeds 10 percent of
 6921 the outstanding voting securities.

6922 Reviser's note.--Amended to confirm the editorial insertion
 6923 of the words "[t]he person or affiliated person" to improve
 6924 clarity.

6925 Section 155. Paragraph (b) of subsection (2) of section
 6926 628.4615, Florida Statutes, is amended to read:

6927 628.4615 Specialty insurers; acquisition of controlling
 6928 stock, ownership interest, assets, or control; merger or
 6929 consolidation.--

6930 (2) A person may not, individually or in conjunction with
 6931 any affiliated person of such person, directly or indirectly,
 6932 conclude a tender offer or exchange offer for, enter into any
 6933 agreement to exchange securities for, or otherwise finally
 6934 acquire, 10 percent or more of the outstanding voting securities
 6935 of a specialty insurer which is a stock corporation or of a
 6936 controlling company of a specialty insurer which is a stock
 6937 corporation; or conclude an acquisition of, or otherwise finally
 6938 acquire, 10 percent or more of the ownership interest of a
 6939 specialty insurer which is not a stock corporation or of a
 6940 controlling company of a specialty insurer which is not a stock
 6941 corporation, unless:

6942 (b) The person or affiliated person has filed with the
 6943 office an application signed under oath and prepared on forms
 6944 prescribed by the commission which contains the information

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6945 specified in subsection (4). The application must be completed
 6946 and filed within 30 days after any form of tender offer or
 6947 exchange offer is proposed, or after the acquisition of the
 6948 securities if no tender offer or exchange offer is involved; and
 6949 Reviser's note.--Amended to confirm the editorial insertion
 6950 of the words "[t]he person or affiliated person" to improve
 6951 clarity.

6952 Section 156. Subsection (5) of section 633.01, Florida
 6953 Statutes, is amended to read:

6954 633.01 State Fire Marshal; powers and duties; rules.--

6955 (5) It is the intent of the Legislature that there are to
 6956 be no conflicting requirements between the Florida Fire
 6957 Prevention Code and the Life Safety Code authorized by this
 6958 chapter and the provisions of the Florida Building Code or
 6959 conflicts in their enforcement and interpretation. Potential
 6960 conflicts shall be resolved through coordination and cooperation
 6961 of the State Fire Marshal and the Florida Building Commission as
 6962 provided by this chapter and part IV ~~VII~~ of chapter 553.

6963 Reviser's note.--Amended to correct an erroneous reference.
 6964 Part VII of chapter 553 relates to standards for radon-
 6965 resistant buildings; part IV of chapter 553 relates to the
 6966 Florida Building Code.

6967 Section 157. Subsection (4) of section 633.025, Florida
 6968 Statutes, is amended to read:

6969 633.025 Minimum firesafety standards.--

6970 (4) Such codes shall be minimum codes and a municipality,
 6971 county, or special district with firesafety responsibilities may
 6972 adopt more stringent firesafety standards, subject to the

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6973 requirements of this subsection. Such county, municipality, or
 6974 special district may establish alternative requirements to those
 6975 requirements which are required under the minimum firesafety
 6976 standards on a case-by-case basis, in order to meet special
 6977 situations arising from historic, geographic, or unusual
 6978 conditions, if the alternative requirements result in a level of
 6979 protection to life, safety, or property equal to or greater than
 6980 the applicable minimum firesafety standards. For the purpose of
 6981 this subsection, the term "historic" means that the building or
 6982 structure is listed on the National Register of Historic Places
 6983 of the United States Department of the Interior.

6984 (a) The local governing body shall determine, following a
 6985 public hearing which has been advertised in a newspaper of
 6986 general circulation at least 10 days before the hearing, if
 6987 there is a need to strengthen the requirements of the minimum
 6988 firesafety code adopted by such governing body. The
 6989 determination must be based upon a review of local conditions by
 6990 the local governing body, which review demonstrates that local
 6991 conditions justify more stringent requirements than those
 6992 specified in the minimum firesafety code for the protection of
 6993 life and property or justify requirements that meet special
 6994 situations arising from historic, geographic, or unusual
 6995 conditions.

6996 (b) Such additional requirements shall not be
 6997 discriminatory as to materials, products, or construction
 6998 techniques of demonstrated capabilities.

6999 (c) Paragraphs (a) and (b) apply solely to the local
 7000 enforcing agency's adoption of requirements more stringent than

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7001 those specified in the Florida Fire Prevention Code and the Life
 7002 Safety Code that have the effect of amending building
 7003 construction standards. Upon request, the enforcing agency shall
 7004 provide a person making application for a building permit, or
 7005 any state agency or board with construction-related regulation
 7006 responsibilities, a listing of all such requirements and codes.

7007 (d) A local government which adopts amendments to the
 7008 minimum firesafety code must provide a procedure by which the
 7009 validity of such amendments may be challenged by any
 7010 substantially affected party to test the amendment's compliance
 7011 with the provisions of this section.

7012 1. Unless the local government agrees to stay enforcement
 7013 of the amendment, or other good cause is shown, the challenging
 7014 party shall be entitled to a hearing on the challenge within 45
 7015 days.

7016 2. For purposes of such challenge, the burden of proof
 7017 shall be on the challenging party, but the amendment shall not
 7018 be presumed to be valid or invalid.

7019
 7020 This subsection gives local government the authority to
 7021 establish firesafety codes that exceed the minimum firesafety
 7022 codes and standards adopted by the State Fire Marshal. The
 7023 Legislature intends that local government give proper public
 7024 notice and hold public hearings before adopting more stringent
 7025 firesafety codes and standards. A substantially affected person
 7026 may appeal, to the department, the local government's resolution
 7027 of the challenge, and the department shall determine if the
 7028 amendment complies with this section. Actions of the department

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7029 are subject to judicial review pursuant to s. 120.68. The
 7030 department shall consider reports of the Florida Building
 7031 Commission, pursuant to part IV ~~VII~~ of chapter 553, when
 7032 evaluating building code enforcement.

7033 Reviser's note.--Amended to correct an erroneous reference.
 7034 Part VII of chapter 553 relates to standards for radon-
 7035 resistant buildings; part IV of chapter 553 relates to the
 7036 Florida Building Code.

7037 Section 158. Paragraph (b) of subsection (3) of section
 7038 660.417, Florida Statutes, is amended to read:

7039 660.417 Investment of fiduciary funds in investment
 7040 instruments; permissible activity under certain circumstances;
 7041 limitations.--

7042 (3) The fact that such bank or trust company or an
 7043 affiliate of the bank or trust company owns or controls
 7044 investment instruments shall not preclude the bank or trust
 7045 company acting as a fiduciary from investing or reinvesting in
 7046 such investment instruments, provided such investment
 7047 instruments:

7048 (b) When sold to accounts for which the bank or trust
 7049 company is acting as a trustee of a trust as defined in s.
 7050 731.201(37) ~~731.201(35)~~:

7051 1. Are available for sale to accounts of other customers;
 7052 and

7053 2. If sold to other customers, are not sold to the trust
 7054 accounts upon terms that are less favorable to the buyer than
 7055 the terms upon which they are normally sold to the other
 7056 customers.

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7057 Reviser's note.--Amended to conform to the redesignation of
 7058 s. 731.201(35) as s. 731.201(37) by s. 3, ch. 2007-74, Laws
 7059 of Florida.

7060 Section 159. Paragraph (f) of subsection (5) of section
 7061 736.0802, Florida Statutes, is amended to read:

7062 736.0802 Duty of loyalty.--

7063 (5)

7064 (f)1. The trustee of a trust described in s. 731.201(37)

7065 ~~731.201(35)~~ may request authority to invest in investment
 7066 instruments described in this subsection other than a qualified
 7067 investment instrument, by providing to all qualified
 7068 beneficiaries a written request containing the following:

7069 a. The name, telephone number, street address, and mailing
 7070 address of the trustee and of any individuals who may be
 7071 contacted for further information.

7072 b. A statement that the investment or investments cannot
 7073 be made without the consent of a majority of each class of the
 7074 qualified beneficiaries.

7075 c. A statement that, if a majority of each class of
 7076 qualified beneficiaries consent, the trustee will have the right
 7077 to make investments in investment instruments, as defined in s.
 7078 660.25(6), which are owned or controlled by the trustee or its
 7079 affiliate, or from which the trustee or its affiliate receives
 7080 compensation for providing services in a capacity other than as
 7081 trustee, that such investment instruments may include investment
 7082 instruments sold primarily to trust accounts, and that the
 7083 trustee or its affiliate may receive fees in addition to the
 7084 trustee's compensation for administering the trust.

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7085 d. A statement that the consent may be withdrawn
7086 prospectively at any time by written notice given by a majority
7087 of any class of the qualified beneficiaries.

7088
7089 A statement by the trustee is not delivered if the statement is
7090 accompanied by another written communication other than a
7091 written communication by the trustee that refers only to the
7092 statement.

7093 2. For purposes of paragraph (e) and this paragraph:

7094 a. "Majority of the qualified beneficiaries" means:

7095 (I) If at the time the determination is made there are one
7096 or more beneficiaries as described in s. 736.0103(14)(c), at
7097 least a majority in interest of the beneficiaries described in
7098 s. 736.0103(14)(a), at least a majority in interest of the
7099 beneficiaries described in s. 736.0103(14)(b), and at least a
7100 majority in interest of the beneficiaries described in s.
7101 736.0103(14)(c), if the interests of the beneficiaries are
7102 reasonably ascertainable; otherwise, a majority in number of
7103 each such class; or

7104 (II) If there is no beneficiary as described in s.
7105 736.0103(14)(c), at least a majority in interest of the
7106 beneficiaries described in s. 736.0103(14)(a) and at least a
7107 majority in interest of the beneficiaries described in s.
7108 736.0103(14)(b), if the interests of the beneficiaries are
7109 reasonably ascertainable; otherwise, a majority in number of
7110 each such class.

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7111 b. "Qualified investment instrument" means a mutual fund,
7112 common trust fund, or money market fund described in and
7113 governed by s. 736.0816(3).

7114 c. An irrevocable trust is created upon execution of the
7115 trust instrument. If a trust that was revocable when created
7116 thereafter becomes irrevocable, the irrevocable trust is created
7117 when the right of revocation terminates.

7118 Reviser's note.--Amended to conform to the redesignation of
7119 s. 731.201(35) as s. 731.201(37) by s. 3, ch. 2007-74, Laws
7120 of Florida.

7121 Section 160. Subsection (3) of section 741.3165, Florida
7122 Statutes, is amended to read:

7123 741.3165 Certain information exempt from disclosure.--

7124 (3) This section is subject to the Open Government Sunset
7125 Review Act ~~of 1995~~ in accordance with s. 119.15, and shall stand
7126 repealed on October 2, 2010, unless reviewed and saved from
7127 repeal through reenactment by the Legislature.

7128 Reviser's note.--Amended to conform to the renaming of the
7129 "Open Government Sunset Review Act of 1995" as the "Open
7130 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
7131 of Florida.

7132 Section 161. Subsection (4) of section 744.1076, Florida
7133 Statutes, is amended to read:

7134 744.1076 Court orders appointing court monitors and
7135 emergency court monitors; reports of court monitors; findings of
7136 no probable cause; public records exemptions.--

7137 (4) This section is subject to the Open Government Sunset
7138 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand

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7139 repealed on October 2, 2011, unless reviewed and saved from
7140 repeal through reenactment by the Legislature.

7141 Reviser's note.--Amended to conform to the renaming of the
7142 "Open Government Sunset Review Act of 1995" as the "Open
7143 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
7144 of Florida.

7145 Section 162. Section 812.1725, Florida Statutes, is
7146 amended to read:

7147 812.1725 Preemption.--A political subdivision of this
7148 state may not adopt, for convenience businesses, security
7149 standards which differ from those contained in ss. 812.173 and
7150 812.174, and all such differing standards, whether existing or
7151 proposed, are hereby preempted and superseded by general law,
7152 ~~except any local ordinance in effect prior to September 1988 and~~
7153 ~~determined by the Department of Legal Affairs to provide more~~
7154 ~~stringent security standards than those contained in ss. 812.173~~
7155 ~~and 812.174 shall not be preempted and superseded by general law~~
7156 ~~for a period of 2 years from December 31, 1992.~~

7157 Reviser's note.--Amended to delete an obsolete exemption
7158 relating to preemption.

7159 Section 163. Paragraph (c) of subsection (2) of section
7160 817.625, Florida Statutes, is amended to read:

7161 817.625 Use of scanning device or reencoder to defraud;
7162 penalties.--

7163 (2)

7164 (c) Any person who violates subparagraph (a)1. or
7165 subparagraph (a)2. shall also be subject to the provisions of
7166 ss. 932.701-932.706 ~~932.701-932.707~~.

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7167 Reviser's note.--Amended to conform to the repeal of s.
 7168 932.707 by s. 21, ch. 2006-176, Laws of Florida. The last
 7169 section in the range is now s. 932.706.

7170 Section 164. Paragraph (a) of subsection (4) of section
 7171 832.062, Florida Statutes, is amended to read:

7172 832.062 Prosecution for worthless checks, drafts, debit
 7173 card orders, or electronic funds transfers made to pay any tax
 7174 or associated amount administered by the Department of
 7175 Revenue.--

7176 (4) (a) In any prosecution or action under this section,
 7177 the making, drawing, uttering, or delivery of a check, draft, or
 7178 order; the making, sending, instructing, ordering, or initiating
 7179 of any electronic funds transfer; or causing the making,
 7180 sending, instructing, ordering, or initiating of any electronic
 7181 transfer payment, any of which are refused by the drawee because
 7182 of lack of funds or credit, is prima facie evidence of intent to
 7183 defraud or knowledge of insufficient funds in, or credit with,
 7184 such bank, banking institution, trust company, or other
 7185 depository, unless the maker, drawer, sender, instructor,
 7186 orderer, or initiator, or someone for him or her, has paid the
 7187 holder thereof the amount due thereon, together with a service
 7188 charge, which may not exceed the service fees authorized under
 7189 s. 832.08(5), or an amount of up to 5 percent of the face amount
 7190 of the check or the amount of the electronic funds transfer,
 7191 whichever is greater, within 15 days after written notice has
 7192 been sent to the address printed on the check, or given or on
 7193 file at the time of issuance, that such check, draft, order, or
 7194 electronic funds transfer has not been paid to the holder

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7195 | thereof, and has paid the bank fees incurred by the holder. In
 7196 | the event of legal action for recovery, the maker, drawer,
 7197 | sender, instructor, orderer, or initiator may be additionally
 7198 | liable for court costs and reasonable attorney's fees. Notice
 7199 | mailed by certified or registered mail that is evidenced by
 7200 | return receipt, or by first-class mail that is evidenced by an
 7201 | affidavit of service of mail, to the address printed on the
 7202 | check or given or on file at the time of issuance shall be
 7203 | deemed sufficient and equivalent to notice having been received
 7204 | by the maker, drawer, sender, instructor, orderer, or initiator,
 7205 | whether such notice is returned undelivered or not. The form of
 7206 | the notice shall be substantially as follows:

7207 |
 7208 | "You are hereby notified that a check or electronic
 7209 | funds transfer, numbered _____, in the face amount of
 7210 | \$_____, issued or initiated by you on (date) ,
 7211 | drawn upon (name of bank) , and payable to _____,
 7212 | has been dishonored. Pursuant to Florida law, you have
 7213 | 15 days following the date of this notice to tender
 7214 | payment of the full amount of such check or electronic
 7215 | funds transfer plus a service charge of \$25, if the
 7216 | face value does not exceed \$50; \$30, if the face value
 7217 | exceeds \$50 but does not exceed \$300; \$40, if the face
 7218 | value exceeds \$300; or an amount of up to 5 percent of
 7219 | the face amount of the check, whichever is greater,
 7220 | the total amount due being \$_____ and _____ cents.
 7221 | Unless this amount is paid in full within the time
 7222 | specified above, the holder of such check or

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7223 | electronic funds transfer may turn over the dishonored
 7224 | check or electronic funds transfer and all other
 7225 | available information relating to this incident to the
 7226 | state attorney for criminal prosecution. You may be
 7227 | additionally liable in a civil action for triple the
 7228 | amount of the check or electronic funds transfer, but
 7229 | in no case less than \$50, together with the amount of
 7230 | the check or electronic funds transfer, a service
 7231 | charge, court costs, reasonable attorney's fees, and
 7232 | incurred bank fees, as provided in s. 68.065, Florida
 7233 | Statutes."

7234 |
 7235 | Subsequent persons receiving a check, draft, order, or
 7236 | electronic funds transfer from the original payee or a successor
 7237 | endorsee have the same rights that the original payee has
 7238 | against the maker of the instrument if the subsequent persons
 7239 | give notice in a substantially similar form to that provided
 7240 | above. Subsequent persons providing such notice are immune from
 7241 | civil liability for the giving of such notice and for proceeding
 7242 | under the forms of such notice so long as the maker of the
 7243 | instrument has the same defenses against these subsequent
 7244 | persons as against the original payee. However, the remedies
 7245 | available under this section may be exercised only by one party
 7246 | in interest.

7247 | Reviser's note.--Amended to confirm the editorial insertion
 7248 | of the word "or" to improve clarity.

7249 | Section 165. Paragraph (c) of subsection (3) of section
 7250 | 921.0022, Florida Statutes, is amended to read:

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7251	921.0022	Criminal Punishment Code; offense severity	
7252		ranking chart.--	
7253	(3)	OFFENSE SEVERITY RANKING CHART	
7254	(c)	LEVEL 3	
7255			
	Florida	Felony	Description
	Statute	Degree	
7256	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
7257	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
7258	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
7259	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

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7260	319.30 (4) 3rd	Possession by junkyard of motor vehicle with identification number plate removed.
7261	319.33 (1) (a) 3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
7262	319.33 (1) (c) 3rd	Procure or pass title on stolen vehicle.
7263	319.33 (4) 3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
7264	327.35 (2) (b) 3rd	Felony BUI.
7265	328.05 (2) 3rd	Possess, sell, or

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7266	328.07(4) 3rd	counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
7267	370.12(1)(e)5. 3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
7268	370.12(1)(e)6. 3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
		Soliciting to commit

	BILL	Redraft - A	YEAR
7269	376.302 (5)	3rd	<p>or conspiring to commit a violation of the Marine Turtle Protection Act.</p> <p>Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.</p>
7270	<u>400.9935 (4)</u> 400.903 (3)	3rd	<p>Operating a clinic without a license or filing false license application or other required information.</p>
7271	440.1051 (3)	3rd	<p>False report of workers' compensation fraud or retaliation for making such a report.</p>
7272	501.001 (2) (b)	2nd	<p>Tampers with a consumer product or</p>

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7273	624.401 (4) (a)	3rd	the container using materially false/misleading information. Transacting insurance without a certificate of authority.
7274	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
7275	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
7276	697.08	3rd	Equity skimming.
7277	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
7278			

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7279	796.05 (1)	3rd	Live on earnings of a prostitute.
7280	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
7281	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
7282	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
7283	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more

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7284	815.04 (4) (b)	2nd	but less than \$10,000. Computer offense devised to defraud or obtain property.
7285	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
7286	817.233	3rd	Burning to defraud insurer.
7287	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
7288	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
7289	817.236	3rd	Filing a false motor

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7290	817.2361	3rd	vehicle insurance application.
7291	817.413 (2)	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
7292	817.505 (4)	3rd	Sale of used goods as new.
7293	828.12 (2)	3rd	Patient brokering.
7294	831.28 (2) (a)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
			Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

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7295	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
7296	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
7297	843.19	3rd	Injure, disable, or kill police dog or horse.
7298	860.15 (3)	3rd	Overcharging for repairs and parts.
7299	870.01 (2)	3rd	Riot; inciting or encouraging.
7300	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5.,

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7301	893.13 (1) (d) 2. 2nd	<p>(2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).</p> <p>Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.</p>
7302	893.13 (1) (f) 2. 2nd	<p>Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.</p>
7303	893.13 (6) (a) 3rd	<p>Possession of any</p>

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7304	893.13 (7) (a) 8. 3rd	controlled substance other than felony possession of cannabis.
7305	893.13 (7) (a) 9. 3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
7306	893.13 (7) (a) 10. 3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
7307	893.13 (7) (a) 11. 3rd	Affix false or forged label to package of controlled substance.
		Furnish false or fraudulent material

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7308

893.13 (8) (a) 1.

3rd

information on any document or record required by chapter 893.

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

7309

893.13 (8) (a) 2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled

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7310	893.13 (8) (a) 3. 3rd	substance. Knowingly write a prescription for a controlled substance for a fictitious person.
7311	893.13 (8) (a) 4. 3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
7312	918.13 (1) (a) 3rd	Alter, destroy, or conceal investigation evidence.
7313	944.47 (1) (a) 1.-2. 3rd	Introduce contraband to correctional facility.
7314		

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944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

7315

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

7316

7317 Reviser's note.--Amended to correct an apparent error.
 7318 Section 400.9935(4) addresses both unlicensed activity and
 7319 falsified applications.

7320 Section 166. Subsection (1) of section 932.701, Florida
 7321 Statutes, is amended to read:

7322 932.701 Short title; definitions.--

7323 (1) Sections 932.701-932.706 ~~932.701-932.707~~ shall be
 7324 known and may be cited as the "Florida Contraband Forfeiture
 7325 Act."

7326 Reviser's note.--Amended to conform to the repeal of s.
 7327 932.707 by s. 21, ch. 2006-176, Laws of Florida. The last
 7328 section in the range is now s. 932.706.

7329 Section 167. Subsection (1) of section 940.05, Florida
 7330 Statutes, is amended to read:

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7331 940.05 Restoration of civil rights.--Any person who has
 7332 been convicted of a felony may be entitled to the restoration of
 7333 all the rights of citizenship enjoyed by him or her prior to
 7334 conviction if the person has:

7335 (1) Received a full pardon from the Board of Executive
 7336 Clemency ~~board of pardons~~;

7337 Reviser's note.--Amended to improve clarity and conform to
 7338 the proper name of the board.

7339 Section 168. Subsection (3) of section 943.0314, Florida
 7340 Statutes, is amended to read:

7341 943.0314 Public records and public meetings exemptions;
 7342 Domestic Security Oversight Council.--

7343 (3) This section is subject to the Open Government Sunset
 7344 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 7345 repealed on October 2, 2010, unless reviewed and saved from
 7346 repeal through reenactment by the Legislature.

7347 Reviser's note.--Amended to conform to the renaming of the
 7348 "Open Government Sunset Review Act of 1995" as the "Open
 7349 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 7350 of Florida.

7351 Section 169. Subsection (2) of section 943.32, Florida
 7352 Statutes, is amended to read:

7353 943.32 Statewide criminal analysis laboratory
 7354 system.--There is established a statewide criminal analysis
 7355 laboratory system to be composed of:

7356 (2) The existing locally funded laboratories in Broward,
 7357 ~~Dade~~, Indian River, Miami-Dade, Monroe, Palm Beach, and Pinellas

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7358 Counties, specifically designated in s. 943.35 to be eligible
 7359 for state matching funds; and
 7360 Reviser's note.--Amended to conform to the redesignation of
 7361 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 7362 Dade County Code.
 7363 Section 170. Paragraph (b) of subsection (1) of section
 7364 943.35, Florida Statutes, is amended to read:
 7365 943.35 Funding for existing laboratories.--
 7366 (1) The following existing criminal analysis laboratories
 7367 are eligible for receipt of state funding:
 7368 (b) The Miami-Dade ~~Metro-Dade~~ Police Department Crime
 7369 Laboratory;
 7370 Reviser's note.--Amended to conform to the current name of
 7371 the crime laboratory and the redesignation of Dade County
 7372 as Miami-Dade County by s. 1-4.2 of the Miami-Dade County
 7373 Code.
 7374 Section 171. Section 947.06, Florida Statutes, as amended
 7375 by section 16 of chapter 90-211, Laws of Florida, is amended to
 7376 read:
 7377 947.06 Meeting; when commission may act.--The commission
 7378 shall meet at regularly scheduled intervals and from time to
 7379 time as may otherwise be determined by the chair. The making of
 7380 recommendations to the Governor and Cabinet in matters relating
 7381 to modifications of acts and decisions of the chair as provided
 7382 in s. 947.04(1) shall be by a majority vote of the commission.
 7383 No prisoner shall be placed on parole except as provided in ss.
 7384 947.172 and 947.174 by a panel of no fewer than two
 7385 commissioners appointed by the chair. All matters relating to

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7386 the granting, denying, or revoking of parole shall be decided in
 7387 a meeting at which the public shall have the right to be
 7388 present. Victims of the crime committed by the inmate shall be
 7389 permitted to make an oral statement or submit a written
 7390 statement regarding their views as to the granting, denying, or
 7391 revoking of parole. Persons not members or employees of the
 7392 commission or victims of the crime committed by the inmate may
 7393 be permitted to participate in deliberations concerning the
 7394 granting and revoking of paroles only upon the prior written
 7395 approval of the chair of the commission. To facilitate the
 7396 ability of victims and other persons to attend commission
 7397 meetings, the commission shall meet in various counties
 7398 including, but not limited to, Broward, ~~Dade~~, Duval, Escambia,
 7399 Hillsborough, Leon, Miami-Dade, Orange, and Palm Beach, with the
 7400 location chosen being as close as possible to the location where
 7401 the parole-eligible inmate committed the offense for which the
 7402 parole-eligible inmate was sentenced. The commission shall adopt
 7403 rules governing the oral participation of victims and the
 7404 submission of written statements by victims.

7405 Reviser's note.--Amended to conform to the redesignation of
 7406 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 7407 Dade County Code.

7408 Section 172. Section 947.06, Florida Statutes, as amended
 7409 by section 22 of chapter 90-337, Laws of Florida, is amended to
 7410 read:

7411 947.06 Meeting; when commission may act.--The commission
 7412 shall meet at regularly scheduled intervals and from time to
 7413 time as may otherwise be determined by the chair. The making of

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7414 recommendations to the Governor and Cabinet in matters relating
 7415 to modifications of acts and decisions of the chair as provided
 7416 in s. 947.04(1) shall be by a majority vote of the commission.
 7417 No prisoner shall be placed on parole except as provided in ss.
 7418 947.172 and 947.174 by a panel of no fewer than two
 7419 commissioners appointed by the chair. All matters relating to
 7420 the granting, denying, or revoking of parole shall be decided in
 7421 a meeting at which the public shall have the right to be
 7422 present. Victims of the crime committed by the inmate shall be
 7423 permitted to make an oral statement or submit a written
 7424 statement regarding their views as to the granting, denying, or
 7425 revoking of parole. Persons not members or employees of the
 7426 commission or victims of the crime committed by the inmate may
 7427 be permitted to participate in deliberations concerning the
 7428 granting and revoking of paroles only upon the prior written
 7429 approval of the chair of the commission. To facilitate the
 7430 ability of victims and other persons to attend commission
 7431 meetings, the commission shall meet in counties including, but
 7432 not limited to, Broward, ~~Dade~~, Duval, Escambia, Hillsborough,
 7433 Leon, Miami-Dade, Orange, and Palm Beach, with the location
 7434 chosen being as close as possible to the location where the
 7435 parolee or releasee committed the offense for which the parolee
 7436 or releasee was sentenced. The commission shall adopt rules
 7437 governing the oral participation of victims and the submission
 7438 of written statements by victims.

7439 Reviser's note.--Amended to conform to the redesignation of
 7440 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 7441 Dade County Code.

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7442 Section 173. Subsection (7) of section 1001.11, Florida
 7443 Statutes, is amended to read:

7444 1001.11 Commissioner of Education; other duties.--

7445 (7) The commissioner shall make prominently available on
 7446 the department's website the following: links to the Internet-
 7447 based clearinghouse for professional development regarding
 7448 physical education ~~which is established under s. 1012.98(4)(d);~~
 7449 the school wellness and physical education policies and other
 7450 resources required under s. 1003.453(1) and (2); and other
 7451 Internet sites that provide professional development for
 7452 elementary teachers of physical education as defined in s.
 7453 1003.01(16). These links must provide elementary teachers with
 7454 information concerning current physical education and nutrition
 7455 philosophy and best practices that result in student
 7456 participation in physical activities that promote lifelong
 7457 physical and mental well-being.

7458 Reviser's note.--Amended to delete an erroneous reference.

7459 Section 1012.98(4)(d) does not exist.

7460 Section 174. Subsections (5) and (6) of section 1001.215,
 7461 Florida Statutes, are amended to read:

7462 1001.215 Just Read, Florida! Office.--There is created in
 7463 the Department of Education the Just Read, Florida! Office. The
 7464 office shall be fully accountable to the Commissioner of
 7465 Education and shall:

7466 (5) Provide technical assistance to school districts in
 7467 the development and implementation of district plans for use of
 7468 the research-based reading instruction allocation provided in s.

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7469 | 1011.62(9) ~~1011.62(8)~~ and annually review and approve such
 7470 | plans.

7471 | (6) Review, evaluate, and provide technical assistance to
 7472 | school districts' implementation of the K-12 comprehensive
 7473 | reading plan required in s. 1011.62(9) ~~1011.62(8)~~.

7474 | Reviser's note.--Amended to correct an erroneous reference
 7475 | and conform to context. The comprehensive reading plan is
 7476 | required by s. 1011.62(9).

7477 | Section 175. Section 1001.395, Florida Statutes, is
 7478 | amended to read:

7479 | 1001.395 District school board members;
 7480 | compensation.--Each member of the district school board shall
 7481 | receive a base salary, the amounts indicated in this section,
 7482 | based on the population of the county the district school board
 7483 | member serves. In addition, compensation shall be made for
 7484 | population increments over the minimum for each population
 7485 | group, which shall be determined by multiplying the population
 7486 | in excess of the minimum for the group times the group rate. The
 7487 | product of such calculation shall be added to the base salary to
 7488 | determine the adjusted base salary. The adjusted base salaries
 7489 | of district school board members shall be increased annually as
 7490 | provided for in s. 145.19.

7491

Pop. Group	County Pop. Range	Base Salary	Group Rate
	Minimum	Maximum	
I	-0-	9,999	\$5,000

7493

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7494	II	10,000	<u>49,999</u> 49,000	5,833	0.020830
7495	III	50,000	99,999	6,666	0.016680
7496	IV	100,000	199,999	7,500	0.008330
7497	V	200,000	399,999	8,333	0.004165
7498	VI	400,000	999,999	9,166	0.001390
7499	VII	1,000,000		10,000	0.000000
7500	District school board member salaries negotiated on or after				
7501	November of 2006 shall remain in effect up to the date of the				
7502	2007-2008 calculation provided pursuant to s. 145.19.				
7503	Reviser's note.--Amended to correct an apparent error.				
7504	Section 176. Paragraph (a) of subsection (2) of section				
7505	1002.35, Florida Statutes, is amended to read:				
7506	1002.35 New World School of the Arts.--				
7507	(2) (a) For purposes of governance, the New World School of				
7508	the Arts is assigned to <u>Miami Dade</u> Miami Dade College, the				
7509	<u>Miami-Dade County Public Schools</u> Dade County School District ,				
7510	and one or more universities designated by the State Board of				
7511	Education. The State Board of Education, in conjunction with the				
7512	Board of Governors, shall assign to the New World School of the				
7513	Arts a university partner or partners. In this selection, the				
7514	State Board of Education and the Board of Governors shall				

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7515 consider the accreditation status of the core programs. Florida
 7516 International University, in its capacity as the provider of
 7517 university services to Miami-Dade ~~Dade~~ County, shall be a
 7518 partner to serve the New World School of the Arts, upon meeting
 7519 the accreditation criteria. The respective boards shall appoint
 7520 members to an executive board for administration of the school.
 7521 The executive board may include community members and shall
 7522 reflect proportionately the participating institutions. Miami
 7523 Dade ~~Miami-Dade~~ College shall serve as fiscal agent for the
 7524 school.

7525 Reviser's note.--Amended to reflect the current names of
 7526 Miami Dade College and the Miami-Dade County Public Schools
 7527 and to conform to the redesignation of Dade County as
 7528 Miami-Dade County by s. 1-4.2 of the Miami-Dade County
 7529 Code.

7530 Section 177. Paragraph (c) of subsection (10) of section
 7531 1002.39, Florida Statutes, is amended to read:

7532 1002.39 The John M. McKay Scholarships for Students with
 7533 Disabilities Program.--There is established a program that is
 7534 separate and distinct from the Opportunity Scholarship Program
 7535 and is named the John M. McKay Scholarships for Students with
 7536 Disabilities Program.

7537 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.--

7538 (c)1. The school district shall report all students who
 7539 are attending a private school under this program. The students
 7540 with disabilities attending private schools on John M. McKay
 7541 Scholarships shall be reported separately from other students
 7542 reported for purposes of the Florida Education Finance Program.

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7543 2. For program participants who are eligible under
 7544 subparagraph (2)(a)2., the school district that is used as the
 7545 basis for the calculation of the scholarship amount as provided
 7546 in subparagraph (a)3. shall:

7547 a. Report to the department all such students who are
 7548 attending a private school under this program.

7549 b. Be held harmless for such students from the weighted
 7550 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b.
 7551 ~~1011.62(1)(d)3.a.~~ during the first school year in which the
 7552 students are reported.

7553 Reviser's note.--Amended to correct an erroneous reference
 7554 and conform to context. The weighted enrollment ceiling for
 7555 group 2 programs is in s. 1011.62(1)(d)3.b.

7556 Section 178. Subsection (4) of section 1002.72, Florida
 7557 Statutes, is amended to read:

7558 1002.72 Records of children in the Voluntary
 7559 Prekindergarten Education Program.--

7560 (4) This section is subject to the Open Government Sunset
 7561 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 7562 repealed October 2, 2010, unless reviewed and saved from repeal
 7563 through reenactment by the Legislature.

7564 Reviser's note.--Amended to conform to the renaming of the
 7565 "Open Government Sunset Review Act of 1995" as the "Open
 7566 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 7567 of Florida.

7568 Section 179. Paragraph (b) of subsection (1) of section
 7569 1003.4156, Florida Statutes, is amended to read:

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7570 1003.4156 General requirements for middle grades

7571 promotion.--

7572 (1) Beginning with students entering grade 6 in the 2006-
7573 2007 school year, promotion from a school composed of middle
7574 grades 6, 7, and 8 requires that:

7575 (b) For each year in which a student scores at Level 1 on
7576 FCAT Reading, the student must be enrolled in and complete an
7577 intensive reading course the following year. Placement of Level
7578 2 readers in either an intensive reading course or a content
7579 area course in which reading strategies are delivered shall be
7580 determined by diagnosis of reading needs. The department shall
7581 provide guidance on appropriate strategies for diagnosing and
7582 meeting the varying instructional needs of students reading
7583 below grade level. Reading courses shall be designed and offered
7584 pursuant to the comprehensive reading plan required by s.
7585 1011.62(9) ~~1011.62(8)~~.

7586 Reviser's note.--Amended to correct an erroneous reference
7587 and conform to context. The comprehensive reading plan is
7588 required by s. 1011.62(9).

7589 Section 180. Paragraph (b) of subsection (2) of section
7590 1003.428, Florida Statutes, is amended to read:

7591 1003.428 General requirements for high school graduation;
7592 revised.--

7593 (2) The 24 credits may be earned through applied,
7594 integrated, and combined courses approved by the Department of
7595 Education and shall be distributed as follows:

7596 (b) Eight credits in majors, minors, or electives:

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7597 1. Four credits in a major area of interest, such as
 7598 sequential courses in a career and technical program, fine and
 7599 performing arts, or academic content area, selected by the
 7600 student as part of the education plan required by s. 1003.4156.
 7601 Students may revise major areas of interest each year as part of
 7602 annual course registration processes and should update their
 7603 education plan to reflect such revisions. Annually by October 1,
 7604 the district school board shall approve major areas of interest
 7605 and submit the list of majors to the Commissioner of Education
 7606 for approval. Each major area of interest shall be deemed
 7607 approved unless specifically rejected by the commissioner within
 7608 60 days. Upon approval, each district's major areas of interest
 7609 shall be available for use by all school districts and shall be
 7610 posted on the department's website.

7611 2. Four credits in elective courses selected by the
 7612 student as part of the education plan required by s. 1003.4156.
 7613 These credits may be combined to allow for a second major area
 7614 of interest pursuant to subparagraph 1., a minor area of
 7615 interest, elective courses, or intensive reading or mathematics
 7616 intervention courses as described in this subparagraph.

7617 a. Minor areas of interest are composed of three credits
 7618 selected by the student as part of the education plan required
 7619 by s. 1003.4156 and approved by the district school board.

7620 b. Elective courses are selected by the student in order
 7621 to pursue a complete education program as described in s.
 7622 1001.41(3) and to meet eligibility requirements for
 7623 scholarships.

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7624 c. For each year in which a student scores at Level 1 on
 7625 FCAT Reading, the student must be enrolled in and complete an
 7626 intensive reading course the following year. Placement of Level
 7627 2 readers in either an intensive reading course or a content
 7628 area course in which reading strategies are delivered shall be
 7629 determined by diagnosis of reading needs. The department shall
 7630 provide guidance on appropriate strategies for diagnosing and
 7631 meeting the varying instructional needs of students reading
 7632 below grade level. Reading courses shall be designed and offered
 7633 pursuant to the comprehensive reading plan required by s.
 7634 1011.62(9) ~~1011.62(8)~~.

7635 d. For each year in which a student scores at Level 1 or
 7636 Level 2 on FCAT Mathematics, the student must receive
 7637 remediation the following year. These courses may be taught
 7638 through applied, integrated, or combined courses and are subject
 7639 to approval by the department for inclusion in the Course Code
 7640 Directory.

7641 Reviser's note.--Amended to correct an erroneous reference
 7642 and conform to context. The comprehensive reading plan is
 7643 required by s. 1011.62(9).

7644 Section 181. Paragraph (c) of subsection (8) of section
 7645 1004.43, Florida Statutes, is amended to read:

7646 1004.43 H. Lee Moffitt Cancer Center and Research
 7647 Institute.--There is established the H. Lee Moffitt Cancer
 7648 Center and Research Institute at the University of South
 7649 Florida.

7650 (8)

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7651 (c) Subparagraphs 10. and 12. of paragraph (b) are subject
 7652 to the Open Government Sunset Review Act ~~of 1995~~ in accordance
 7653 with s. 119.15 and shall stand repealed on October 2, 2010,
 7654 unless reviewed and saved from repeal through reenactment by the
 7655 Legislature.

7656 Reviser's note.--Amended to conform to the renaming of the
 7657 "Open Government Sunset Review Act of 1995" as the "Open
 7658 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 7659 of Florida.

7660 Section 182. Subsection (4) of section 1004.4472, Florida
 7661 Statutes, is amended to read:

7662 1004.4472 Florida Institute for Human and Machine
 7663 Cognition, Inc.; public records exemption; public meetings
 7664 exemption.--

7665 (4) This section is subject to the Open Government Sunset
 7666 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
 7667 repealed on October 2, 2009, unless reviewed and saved from
 7668 repeal through reenactment by the Legislature.

7669 Reviser's note.--Amended to conform to the renaming of the
 7670 "Open Government Sunset Review Act of 1995" as the "Open
 7671 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
 7672 of Florida.

7673 Section 183. Paragraph (e) of subsection (1) of section
 7674 1004.55, Florida Statutes, is amended to read:

7675 1004.55 Regional autism centers.--

7676 (1) Seven regional autism centers are established to
 7677 provide nonresidential resource and training services for
 7678 persons of all ages and of all levels of intellectual

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7679 functioning who have autism, as defined in s. 393.063; who have
 7680 a pervasive developmental disorder that is not otherwise
 7681 specified; who have an autistic-like disability; who have a dual
 7682 sensory impairment; or who have a sensory impairment with other
 7683 handicapping conditions. Each center shall be operationally and
 7684 fiscally independent and shall provide services within its
 7685 geographical region of the state. Service delivery shall be
 7686 consistent for all centers. Each center shall coordinate
 7687 services within and between state and local agencies and school
 7688 districts but may not duplicate services provided by those
 7689 agencies or school districts. The respective locations and
 7690 service areas of the centers are:

7691 (e) The Mailman Center for Child Development and the
 7692 Department of Psychology at the University of Miami, which
 7693 serves Broward, Miami-Dade ~~Dade~~, and Monroe Counties.

7694 Reviser's note.--Amended to conform to the redesignation of
 7695 Dade County as Miami-Dade County by s. 1-4.2 of the Miami-
 7696 Dade County Code.

7697 Section 184. Subsection (2) of section 1004.76, Florida
 7698 Statutes, is amended to read:

7699 1004.76 Florida Martin Luther King, Jr., Institute for
 7700 Nonviolence.--

7701 (2) There is hereby created the Florida Martin Luther
 7702 King, Jr., Institute for Nonviolence to be established at Miami
 7703 Dade ~~Miami Dade Community~~ College. The institute shall have an
 7704 advisory board consisting of 13 members as follows: the Attorney
 7705 General, the Commissioner of Education, and 11 members to be
 7706 appointed by the Governor, such members to represent the

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7707 population of the state based on its ethnic, gender, and
 7708 socioeconomic diversity. Of the members appointed by the
 7709 Governor, one shall be a member of the Senate appointed by the
 7710 Governor on the recommendation of the President of the Senate;
 7711 one shall be a member of the Senate appointed by the Governor on
 7712 the recommendation of the minority leader; one shall be a member
 7713 of the House of Representatives appointed by the Governor on the
 7714 recommendation of the Speaker of the House of Representatives;
 7715 one shall be a member of the House of Representatives appointed
 7716 by the Governor on the recommendation of the minority leader;
 7717 and seven shall be members appointed by the Governor, no more
 7718 than three of whom shall be members of the same political party.
 7719 The following groups shall be represented by the seven members:
 7720 the Florida Sheriffs Association; the Florida Association of
 7721 Counties; the Florida League of Cities; state universities human
 7722 services agencies; community relations or human relations
 7723 councils; and youth. A chairperson shall be elected by the
 7724 members and shall serve for a term of 3 years. Members of the
 7725 board shall serve the following terms of office which shall be
 7726 staggered:

7727 (a) A member of the Legislature appointed to the board
 7728 shall serve for a single term not to exceed 5 years and shall
 7729 serve as a member only while he or she is a member of the
 7730 Legislature.

7731 (b) Of the seven members who are not members of the
 7732 Legislature, three shall serve for terms of 4 years, two shall
 7733 serve for terms of 3 years, and one shall serve for a term of 1
 7734 year. Thereafter, each member, except for a member appointed to

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7735 | fill an unexpired term, shall serve for a 5-year term. No member
 7736 | shall serve on the board for more than 10 years.

7737 |
 7738 | In the event of a vacancy occurring in the office of a member of
 7739 | the board by death, resignation, or otherwise, the Governor
 7740 | shall appoint a successor to serve for the balance of the
 7741 | unexpired term.

7742 | Reviser's note.--Amended to conform to the redesignation of
 7743 | Miami-Dade Community College as Miami Dade College due to
 7744 | new baccalaureate degrees offered.

7745 | Section 185. Paragraph (b) of subsection (6) of section
 7746 | 1005.38, Florida Statutes, is amended to read:

7747 | 1005.38 Actions against a licensee and other penalties.--

7748 | (6) The commission may conduct disciplinary proceedings
 7749 | through an investigation of any suspected violation of this
 7750 | chapter or any rule of the commission, including a finding of
 7751 | probable cause and making reports to any law enforcement agency
 7752 | or regulatory agency.

7753 | (b)1. All investigatory records held by the commission in
 7754 | conjunction with an investigation conducted pursuant to this
 7755 | subsection, including minutes and findings of an exempt probable
 7756 | cause panel meeting convened in conjunction with such
 7757 | investigation, are exempt from s. 119.07(1) and s. 24(a), Art. I
 7758 | of the State Constitution for a period not to exceed 10 days
 7759 | after the panel makes a determination regarding probable cause.

7760 | 2. Those portions of meetings of the probable cause panel
 7761 | at which records made exempt pursuant to subparagraph 1. are

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7762 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the
7763 State Constitution.

7764 3. This paragraph is subject to the Open Government Sunset
7765 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
7766 repealed on October 2, 2010, unless reviewed and saved from
7767 repeal through reenactment by the Legislature.

7768 Reviser's note.--Amended to conform to the renaming of the
7769 "Open Government Sunset Review Act of 1995" as the "Open
7770 Government Sunset Review Act" by s. 37, ch. 2005-251, Laws
7771 of Florida.

7772 Section 186. Paragraph (b) of subsection (4) of section
7773 1008.25, Florida Statutes, is amended to read:

7774 1008.25 Public school student progression; remedial
7775 instruction; reporting requirements.--

7776 (4) ASSESSMENT AND REMEDIATION.--

7777 (b) The school in which the student is enrolled must
7778 develop, in consultation with the student's parent, and must
7779 implement a progress monitoring plan. A progress monitoring plan
7780 is intended to provide the school district and the school
7781 flexibility in meeting the academic needs of the student and to
7782 reduce paperwork. A student who is not meeting the school
7783 district or state requirements for proficiency in reading and
7784 math shall be covered by one of the following plans to target
7785 instruction and identify ways to improve his or her academic
7786 achievement:

7787 1. A federally required student plan such as an individual
7788 education plan;

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7789 2. A schoolwide system of progress monitoring for all
7790 students; or

7791 3. An individualized progress monitoring plan.

7792
7793 The plan chosen must be designed to assist the student or the
7794 school in meeting state and district expectations for
7795 proficiency. If the student has been identified as having a
7796 deficiency in reading, the K-12 comprehensive reading plan
7797 required by s. 1011.62(9) ~~1011.62(8)~~ shall include instructional
7798 and support services to be provided to meet the desired levels
7799 of performance. District school boards may require low-
7800 performing students to attend remediation programs held before
7801 or after regular school hours or during the summer if
7802 transportation is provided.

7803 Reviser's note.--Amended to correct an erroneous reference
7804 and conform to context. The comprehensive reading plan is
7805 required by s. 1011.62(9).

7806 Section 187. Subsection (5) of section 1008.345, Florida
7807 Statutes, is amended to read:

7808 1008.345 Implementation of state system of school
7809 improvement and education accountability.--

7810 (5) The commissioner shall report to the Legislature and
7811 recommend changes in state policy necessary to foster school
7812 improvement and education accountability. Included in the report
7813 shall be a list of the schools, including schools operating for
7814 the purpose of providing educational services to youth in
7815 Department of Juvenile Justice programs, for which district
7816 school boards have developed assistance and intervention plans

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7817 and an analysis of the various strategies used by the school
 7818 boards. School reports shall be distributed pursuant to this
 7819 subsection and s. 1001.42(16)(e) ~~1006.42(16)(e)~~ and according to
 7820 rules adopted by the State Board of Education.

7821 Reviser's note.--Amended to correct an erroneous reference
 7822 and conform to context. The cite should be to s.
 7823 1001.42(16)(e); s. 1006.42 does not contain a subsection
 7824 (16).

7825 Section 188. Subsection (3) of section 1009.01, Florida
 7826 Statutes, is amended to read:

7827 1009.01 Definitions.--The term:

7828 (3) "Tuition differential" means the supplemental fee
 7829 charged to a student for instruction provided by a public
 7830 university in this state pursuant to s. 1009.24(16) ~~1009.24(15)~~.

7831 Reviser's note.--Amended to correct an erroneous reference
 7832 and conform to context. Tuition differential is covered in
 7833 s. 1009.24(16).

7834 Section 189. Paragraph (f) of subsection (13) of section
 7835 1009.24, Florida Statutes, as amended by section 5 of chapter
 7836 2007-329, Laws of Florida, is amended to read:

7837 1009.24 State university student fees.--

7838 (13) Each university board of trustees is authorized to
 7839 establish the following fees:

7840 (f) A fee for miscellaneous health-related charges for
 7841 services provided at cost by the university health center which
 7842 are not covered by the health fee set under subsection (11)
 7843 ~~(10)~~.

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7844 Reviser's note.--Amended to conform to the addition of a
 7845 new subsection (3) by s. 133, ch. 2007-217, Laws of
 7846 Florida, and the redesignation of subsequent subsections by
 7847 that provision.

7848 Section 190. Paragraph (b) of subsection (2) of section
 7849 1009.98, Florida Statutes, is amended to read:

7850 1009.98 Stanley G. Tate Florida Prepaid College Program.--

7851 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
 7852 make advance payment contracts available for two independent
 7853 plans to be known as the community college plan and the
 7854 university plan. The board may also make advance payment
 7855 contracts available for a dormitory residence plan. The board
 7856 may restrict the number of participants in the community college
 7857 plan, university plan, and dormitory residence plan,
 7858 respectively. However, any person denied participation solely on
 7859 the basis of such restriction shall be granted priority for
 7860 participation during the succeeding year.

7861 (b)1. Through the university plan, the advance payment
 7862 contract shall provide prepaid registration fees for a specified
 7863 number of undergraduate semester credit hours not to exceed the
 7864 average number of hours required for the conference of a
 7865 baccalaureate degree. Qualified beneficiaries shall bear the
 7866 cost of any laboratory fees associated with enrollment in
 7867 specific courses. Each qualified beneficiary shall be classified
 7868 as a resident for tuition purposes pursuant to s. 1009.21,
 7869 regardless of his or her actual legal residence.

7870 2. Effective July 1, 1998, the board may provide advance
 7871 payment contracts for additional fees delineated in s.

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7872 | 1009.24(9)-(12) ~~1009.24(8)-(11)~~, for a specified number of
 7873 | undergraduate semester credit hours not to exceed the average
 7874 | number of hours required for the conference of a baccalaureate
 7875 | degree, in conjunction with advance payment contracts for
 7876 | registration fees. Such contracts shall provide prepaid coverage
 7877 | for the sum of such fees, to a maximum of 45 percent of the cost
 7878 | of registration fees. University plan contracts purchased prior
 7879 | to July 1, 1998, shall be limited to the payment of registration
 7880 | fees as defined in s. 1009.97.

7881 | 3. Effective July 1, 2007, the board may provide advance
 7882 | payment contracts for the tuition differential authorized in s.
 7883 | 1009.24(16) ~~1009.24(15)~~ for a specified number of undergraduate
 7884 | semester credit hours, which may not exceed the average number
 7885 | of hours required for the conference of a baccalaureate degree,
 7886 | in conjunction with advance payment contracts for registration
 7887 | fees.

7888 | Reviser's note.--Amended to conform to the redesignation of
 7889 | subunits within s. 1009.24 by s. 133, ch. 2007-217, Laws of
 7890 | Florida. Paragraph (2)(b) was also amended to correct an
 7891 | erroneous reference and conform to context. Tuition
 7892 | differential is covered in s. 1009.24(16).

7893 | Section 191. Subsection (5) of section 1011.48, Florida
 7894 | Statutes, is amended to read:

7895 | 1011.48 Establishment of educational research centers for
 7896 | child development.--

7897 | (5) Each educational research center for child development
 7898 | shall be funded by a portion of the Capital Improvement Trust
 7899 | Fund fee established by the Board of Governors pursuant to s.

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7900 | 1009.24(8) ~~1009.24(7)~~. Each university that establishes a center
 7901 | shall receive a portion of such fees collected from the students
 7902 | enrolled at that university, usable only at that university,
 7903 | equal to 22.5 cents per student per credit hour taken per term,
 7904 | based on the summer term and fall and spring semesters. This
 7905 | allocation shall be used by the university only for the
 7906 | establishment and operation of a center as provided by this
 7907 | section and rules adopted hereunder. Said allocation may be made
 7908 | only after all bond obligations required to be paid from such
 7909 | fees have been met.

7910 | Reviser's note.--Amended to conform to the redesignation of
 7911 | subunits within s. 1009.24 by s. 133, ch. 2007-217, Laws of
 7912 | Florida.

7913 | Section 192. Paragraph (c) of subsection (2) of section
 7914 | 1012.61, Florida Statutes, is amended to read:

7915 | 1012.61 Sick leave.--

7916 | (2) PROVISIONS GOVERNING SICK LEAVE.--The following
 7917 | provisions shall govern sick leave:

7918 | (c) Compensation.--Any employee having unused sick leave
 7919 | credit shall receive full-time compensation for the time
 7920 | justifiably absent on sick leave, but no compensation may be
 7921 | allowed beyond that which may be provided in subparagraph
 7922 | (2)(a)4 ~~subsection (4)~~.

7923 | Reviser's note.--Amended to correct an erroneous reference
 7924 | and conform to context. The cited subsection does not
 7925 | exist. Subparagraph (2)(a)4. relates to compensation for
 7926 | terminal pay for accumulated sick leave.

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7927 Section 193. Section 1012.875, Florida Statutes, is
 7928 amended to read:
 7929 1012.875 State Community College System Optional
 7930 Retirement Program.--Each community college may implement an
 7931 optional retirement program, if such program is established
 7932 therefor pursuant to s. 1001.64(20), under which annuity or
 7933 other contracts providing retirement and death benefits may be
 7934 purchased by, and on behalf of, eligible employees who
 7935 participate in the program, in accordance with s. 403(b) of the
 7936 Internal Revenue Code. Except as otherwise provided herein, this
 7937 retirement program, which shall be known as the State Community
 7938 College System Optional Retirement Program, may be implemented
 7939 and administered only by an individual community college or by a
 7940 consortium of community colleges.
 7941 (1) As used in this section, the term:
 7942 (a) "Activation" means the date upon which an optional
 7943 retirement program is first made available by the program
 7944 administrator to eligible employees.
 7945 (b) "College" means community colleges as defined in s.
 7946 1000.21.
 7947 (c) "Department" means the Department of Management
 7948 Services.
 7949 (d) "Program administrator" means the individual college
 7950 or consortium of colleges responsible for implementing and
 7951 administering an optional retirement program.
 7952 (e) "Program participant" means an eligible employee who
 7953 has elected to participate in an available optional retirement
 7954 program as authorized by this section.

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7955 (2) Participation in the optional retirement program
 7956 provided by this section is limited to employees who satisfy the
 7957 criteria set forth in s. 121.051(2)(c).

7958 (3)(a) With respect to any employee who is eligible to
 7959 participate in the optional retirement program by reason of
 7960 qualifying employment commencing before the program's
 7961 activation:

7962 1. The employee may elect to participate in the optional
 7963 retirement program in lieu of participation in the Florida
 7964 Retirement System. To become a program participant, the employee
 7965 must file with the personnel officer of the college, within 90
 7966 days after the program's activation, a written election on a
 7967 form provided by the Florida Retirement System and a completed
 7968 application for an individual contract or certificate.

7969 2. An employee's participation in the optional retirement
 7970 program commences on the first day of the next full calendar
 7971 month following the filing of the election and completed
 7972 application with the program administrator and receipt of such
 7973 election by the department. An employee's membership in the
 7974 Florida Retirement System terminates on this same date.

7975 3. Any such employee who fails to make an election to
 7976 participate in the optional retirement program within 60 days
 7977 after its activation has elected to retain membership in the
 7978 Florida Retirement System.

7979 (b) With respect to any employee who becomes eligible to
 7980 participate in an optional retirement program by reason of
 7981 qualifying employment commencing on or after the program's
 7982 activation:

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7983 1. The employee may elect to participate in the optional
 7984 retirement program in lieu of participation in the Florida
 7985 Retirement System. To become a program participant, the employee
 7986 must file with the personnel officer of the college, within 90
 7987 days after commencing qualifying employment as provided in s.
 7988 121.051(2)(c)4., a written election on a form provided by the
 7989 Florida Retirement System and a completed application for an
 7990 individual contract or certificate.

7991 2. An employee's participation in the optional retirement
 7992 program commences retroactive to the first day of qualifying
 7993 employment following the filing of the election and completed
 7994 application with the program administrator and receipt of such
 7995 election by the department. An employee's membership in the
 7996 Florida Retirement System terminates on this same date.

7997 3. Any such employee who fails to make an election to
 7998 participate in the optional retirement program within 90 days
 7999 after commencing qualifying employment has elected to retain
 8000 membership in the Florida Retirement System.

8001 (c) Any employee who, on or after an optional retirement
 8002 program's activation, becomes eligible to participate in the
 8003 program by reason of a change in status due to the subsequent
 8004 designation of the employee's position as one of those
 8005 referenced in subsection (2), or due to the employee's
 8006 appointment, promotion, transfer, or reclassification to a
 8007 position referenced in subsection (2), must be notified by the
 8008 college of the employee's eligibility to participate in the
 8009 optional retirement program in lieu of participation in the
 8010 Florida Retirement System. These eligible employees are subject

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8011 to the provisions of paragraph (b) and may elect to participate
 8012 in the optional retirement program in the same manner as those
 8013 employees described in paragraph (b), except that the 90-day
 8014 election period commences upon the date notice of eligibility is
 8015 received by the employee and participation in the program begins
 8016 the first day of the first full calendar month that the change
 8017 in status becomes effective.

8018 (d) Program participants must be fully and immediately
 8019 vested in the optional retirement program upon issuance of an
 8020 optional retirement program contract.

8021 (e) The election by an eligible employee to participate in
 8022 the optional retirement program is irrevocable for so long as
 8023 the employee continues to meet the eligibility requirements set
 8024 forth in this section and in s. 121.051(2)(c), except as
 8025 provided in paragraph (i) or as provided in s. 121.051(2)(c)3.

8026 (f) If a program participant becomes ineligible to
 8027 continue participating in the optional retirement program
 8028 pursuant to the criteria referenced in subsection (2), the
 8029 employee becomes a member of the Florida Retirement System if
 8030 eligible. The college must notify the department of an
 8031 employee's change in eligibility status within 30 days after the
 8032 event that makes the employee ineligible to continue
 8033 participation in the optional retirement program.

8034 (g) An eligible employee who is a member of the Florida
 8035 Retirement System at the time of election to participate in the
 8036 optional retirement program retains all retirement service
 8037 credit earned under the Florida Retirement System at the rate
 8038 earned. Additional service credit in the Florida Retirement

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8039 | System may not be earned while the employee participates in the
 8040 | optional retirement program, nor is the employee eligible for
 8041 | disability retirement under the Florida Retirement System. An
 8042 | eligible employee may transfer from the Florida Retirement
 8043 | System to his or her accounts under the State Community College
 8044 | System Optional Retirement Program a sum representing the
 8045 | present value of his or her service credit accrued under the
 8046 | defined benefit program of the Florida Retirement System for the
 8047 | period between his or her first eligible transfer date from the
 8048 | defined benefit plan to the optional retirement program and the
 8049 | actual date of such transfer as provided in s. 121.051(2)(c)7.
 8050 | Upon such transfer, all such service credit previously earned
 8051 | under the defined benefit program of the Florida Retirement
 8052 | System during this period shall be nullified for purposes of
 8053 | entitlement to a future benefit under the defined benefit
 8054 | program of the Florida Retirement System.

8055 | (h) A program participant may not simultaneously
 8056 | participate in any other state-administered retirement system,
 8057 | plan, or class.

8058 | (i) Except as provided in s. 121.052(6)(d), a program
 8059 | participant who is or who becomes dually employed in two or more
 8060 | positions covered by the Florida Retirement System, one of which
 8061 | is eligible for an optional retirement program pursuant to this
 8062 | section and one of which is not, is subject to the dual
 8063 | employment provisions of chapter 121.

8064 | (4)(a) Each college must contribute on behalf of each
 8065 | program participant an amount equal to 10.43 percent of the
 8066 | participant's gross monthly compensation. The college shall

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8067 deduct an amount approved by the district board of trustees of
 8068 the college to provide for the administration of the optional
 8069 retirement program. Payment of this contribution must be made
 8070 either directly by the college or through the program
 8071 administrator to the designated company contracting for payment
 8072 of benefits to the program participant.

8073 (b) Each college must contribute on behalf of each program
 8074 participant an amount equal to the unfunded actuarial accrued
 8075 liability portion of the employer contribution which would be
 8076 required if the program participant were a member of the Regular
 8077 Class of the Florida Retirement System. Payment of this
 8078 contribution must be made directly by the college to the
 8079 department for deposit in the Florida Retirement System Trust
 8080 Fund.

8081 (c) Each program participant who has been issued an
 8082 optional retirement program contract may contribute by way of
 8083 salary reduction or deduction a percentage of the program
 8084 participant's gross compensation, but this percentage may not
 8085 exceed the corresponding percentage contributed by the community
 8086 college to the optional retirement program. Payment of this
 8087 contribution may be made either directly by the college or
 8088 through the program administrator to the designated company
 8089 contracting for payment of benefits to the program participant.

8090 (d) Contributions to an optional retirement program by a
 8091 college or a program participant are in addition to, and have no
 8092 effect upon, contributions required now or in future by the
 8093 federal Social Security Act.

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8094 (e) The college may accept for deposit into participant
 8095 account or accounts contributions in the form of rollovers or
 8096 direct trustee-to-trustee transfers by or on behalf of
 8097 participants who are reasonably determined by the college to be
 8098 eligible for rollover or transfer to the optional retirement
 8099 program pursuant to the Internal Revenue Code, if such
 8100 contributions are made in accordance with the applicable
 8101 requirements of the college. Accounting for such contributions
 8102 shall be in accordance with any applicable requirements of the
 8103 Internal Revenue Code and the college.

8104 (5) (a) The benefits to be provided to program participants
 8105 must be provided through contracts, including individual
 8106 contracts or individual certificates issued for group annuity or
 8107 other contracts, which may be fixed, variable, or both, in
 8108 accordance with s. 403(b) of the Internal Revenue Code. Each
 8109 individual contract or certificate must state the type of
 8110 contract on its face page, and must include at least a statement
 8111 of ownership, the contract benefits, distribution options,
 8112 limitations, expense charges, and surrender charges, if any.

8113 (b) Benefits are payable under the optional retirement
 8114 program to program participants or their beneficiaries, and the
 8115 benefits must be paid only by the designated company in
 8116 accordance with the terms of the contracts applicable to the
 8117 program participant. Benefits shall accrue in individual
 8118 accounts that are participant-directed, portable, and funded by
 8119 employer contributions and the earnings thereon. Benefits funded
 8120 by employer contributions are payable in accordance with the
 8121 following terms and conditions:

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8122 1. Benefits shall be payable only to a participant, to his
 8123 or her beneficiaries, or to his or her estate, as designated by
 8124 the participant.

8125 2. Benefits shall be paid by the provider company or
 8126 companies in accordance with the law, the provisions of the
 8127 contract, and any applicable employer rule or policy.

8128 3. In the event of a participant's death, moneys
 8129 accumulated by, or on behalf of, the participant, less
 8130 withholding taxes remitted to the Internal Revenue Service, if
 8131 any, shall be distributed to the participant's designated
 8132 beneficiary or beneficiaries, or to the participant's estate, as
 8133 if the participant retired on the date of death as provided in
 8134 paragraph (d). No other death benefits shall be available for
 8135 survivors of participants under the optional retirement program
 8136 except for such benefits, or coverage for such benefits, as are
 8137 separately afforded by the employer at the employer's
 8138 discretion.

8139 (c) Upon receipt by the provider company of a properly
 8140 executed application for distribution of benefits, the total
 8141 accumulated benefits shall be payable to the participant as:

- 8142 1. A lump-sum distribution to the participant;
- 8143 2. A lump-sum direct rollover distribution whereby all
 8144 accrued benefits, plus interest and investment earnings, are
 8145 paid from the participant's account directly to an eligible
 8146 retirement plan as defined in s. 402(c)(8)(B) of the Internal
 8147 Revenue Code, on behalf of the participant;

8148 3. Periodic distributions;

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8149 4. A partial lump-sum payment whereby a portion of the
 8150 accrued benefit is paid to the participant and the remaining
 8151 amount is transferred to an eligible retirement plan, as defined
 8152 in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of
 8153 the participant; or

8154 5. Such other distribution options as are provided for in
 8155 the participant's optional retirement program contract.

8156 (d) Survivor benefits shall be payable as:

8157 1. A lump-sum distribution payable to the beneficiaries or
 8158 to the deceased participant's estate;

8159 2. An eligible rollover distribution on behalf of the
 8160 surviving spouse or beneficiary of a deceased participant
 8161 whereby all accrued benefits, plus interest and investment
 8162 earnings, are paid from the deceased participant's account
 8163 directly to an eligible retirement plan, as described in s.
 8164 402(c)(8)(B) of the Internal Revenue Code, on behalf of the
 8165 surviving spouse;

8166 3. Such other distribution options as are provided for in
 8167 the participant's optional retirement program contract; or

8168 4. A partial lump-sum payment whereby a portion of the
 8169 accrued benefits are paid to the deceased participant's
 8170 surviving spouse or other designated beneficiaries, less
 8171 withholding taxes remitted to the Internal Revenue Service, if
 8172 any, and the remaining amount is transferred directly to an
 8173 eligible retirement plan, as described in s. 402(c)(8)(B) of the
 8174 Internal Revenue Code, on behalf of the surviving spouse. The
 8175 proportions must be specified by the participant or the
 8176 surviving beneficiary.

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Nothing in this paragraph abrogates other applicable provisions of state or federal law providing payment of death benefits.

(e) The benefits payable to any person under the optional retirement program, and any contribution accumulated under the program, are not subject to assignment, execution, attachment, or to any legal process whatsoever.

(6)(a) The optional retirement program authorized by this section must be implemented and administered by the program administrator under s. 403(b) of the Internal Revenue Code. The program administrator has the express authority to contract with a third party to fulfill any of the program administrator's duties.

(b) The program administrator shall solicit competitive bids or issue a request for proposal and select no more than four companies from which optional retirement program contracts may be purchased under the optional retirement program. In making these selections, the program administrator shall consider the following factors:

1. The financial soundness of the company.
2. The extent of the company's experience in providing annuity or other contracts to fund retirement programs.
3. The nature and extent of the rights and benefits provided to program participants in relation to the premiums paid.
4. The suitability of the rights and benefits provided to the needs of eligible employees and the interests of the college in the recruitment and retention of employees.

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In lieu of soliciting competitive bids or issuing a request for proposals, the program administrator may authorize the purchase of annuity contracts under the optional retirement program from those companies currently selected by the department to offer such contracts through the State University System Optional Retirement Program, as set forth in s. 121.35.

(c) Optional retirement program annuity contracts must be approved in form and content by the program administrator in order to qualify. The program administrator may use the same annuity contracts currently used within the State University System Optional Retirement Program, as set forth in s. 121.35.

(d) The provision of each annuity contract applicable to a program participant must be contained in a written program description that includes a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the program participant. The company must furnish the description annually to the program administrator, and to each program participant upon commencement of participation in the program and annually thereafter.

(e) The program administrator must ensure that each program participant is provided annually with an accounting of the total contributions and the annual contributions made by and on the behalf of the program participant.

Reviser's note.--Amended to conform to the complete title of the State Community College System Optional Retirement Program as referenced in the section.

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8233 Section 194. Subsection (1) of section 1013.73, Florida
 8234 Statutes, is amended to read:
 8235 1013.73 Effort index grants for school district
 8236 facilities.--
 8237 (1) The Legislature hereby allocates for effort index
 8238 grants the sum of \$300 million from the funds appropriated from
 8239 the Educational Enhancement Trust Fund by s. 46, chapter 97-384,
 8240 Laws of Florida, contingent upon the sale of school capital
 8241 outlay bonds. From these funds, the Commissioner of Education
 8242 shall allocate to the four school districts deemed eligible for
 8243 an effort index grant by the SMART Schools Clearinghouse the
 8244 sums of \$7,442,890 to the Clay County School District,
 8245 \$62,755,920 to the Miami-Dade County Public Schools ~~Dade County~~
 8246 ~~School District~~, \$1,628,590 to the Hendry County School
 8247 District, and \$414,950 to the Madison County School District.
 8248 The remaining funds shall be allocated among the remaining
 8249 district school boards that qualify for an effort index grant by
 8250 meeting the local capital outlay effort criteria in paragraph
 8251 (a) or paragraph (b).
 8252 (a) Between July 1, 1995, and June 30, 1999, the school
 8253 district received direct proceeds from the one-half-cent sales
 8254 surtax for public school capital outlay authorized by s.
 8255 212.055(6) or from the local government infrastructure sales
 8256 surtax authorized by s. 212.055(2).
 8257 (b) The school district met two of the following criteria:
 8258 1. Levied the full 2 mills of nonvoted discretionary
 8259 capital outlay authorized by s. 1011.71(2) during 1995-1996,
 8260 1996-1997, 1997-1998, and 1998-1999.

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8261 2. Levied a cumulative voted millage for capital outlay
8262 and debt service equal to 2.5 mills for fiscal years 1995
8263 through 1999.

8264 3. Received proceeds of school impact fees greater than
8265 \$500 per dwelling unit which were in effect on July 1, 1998.

8266 4. Received direct proceeds from either the one-half-cent
8267 sales surtax for public school capital outlay authorized by s.
8268 212.055(6) or from the local government infrastructure sales
8269 surtax authorized by s. 212.055(2).

8270 Reviser's note.--Amended to conform to the current name of
8271 the school district and the redesignation of Dade County as
8272 Miami-Dade County by s. 1-4.2 of the Miami-Dade County
8273 Code.

8274 Section 195. This act shall take effect on the 60th day
8275 after adjournment sine die of the session of the Legislature in
8276 which enacted.