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1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes; amending ss.  
3           39.01, 39.806, 45.035, 61.122, 112.661, 121.051, 121.153,  
4           161.085, 163.3177, 193.074, 193.1554, 193.1555, 201.15,  
5           211.31, 215.50, 215.555, 215.5595, 218.409, 253.03,  
6           259.032, 259.105, 259.1053, 282.201, 288.1089, 288.8175,  
7           316.2128, 316.650, 319.001, 320.08058, 323.001, 336.41,  
8           336.44, 364.051, 373.118, 373.4145, 374.977, 378.021,  
9           378.403, 379.2495, 379.353, 379.407, 380.061, 380.510,  
10          381.0063, 403.087, 403.0871, 403.511, 403.5115, 403.531,  
11          403.7264, 403.813, 403.862, 403.890, 403.9416, 409.2598,  
12          468.432, 489.145, 499.003, 499.012, 499.0121, 499.015,  
13          500.12, 553.885, 553.975, 560.111, 560.124, 560.141,  
14          560.142, 560.143, 560.209, 560.404, 560.406, 570.07,  
15          597.004, 597.010, 624.4213, 626.8541, 626.8796, 626.8797,  
16          627.0621, 627.0628, 627.736, 718.111, 718.112, 718.113,  
17          718.501, 718.503, 828.25, 937.021, 1000.36, 1001.395,  
18          1002.36, 1006.035, 1006.59, 1008.22, 1008.34, 1008.341,  
19          1008.345, 1009.73, 1012.56, 1012.795, and 1013.12, F.S.;  
20          amending and reenacting s. 409.2563, F.S.; and reenacting  
21          ss. 61.13001 and 627.351(2), F.S., pursuant to s. 11.242,  
22          F.S.; deleting provisions that have expired, have become  
23          obsolete, have had their effect, have served their  
24          purpose, or have been impliedly repealed or superseded;  
25          replacing incorrect cross-references and citations;  
26          correcting grammatical, typographical, and like errors;  
27          removing inconsistencies, redundancies, and unnecessary  
28          repetition in the statutes; improving the clarity of the

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29 statutes and facilitating their correct interpretation;  
 30 and confirming the restoration of provisions  
 31 unintentionally omitted from republication in the acts of  
 32 the Legislature during the amendatory process; providing  
 33 an effective date.

34

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

36

37 Section 1. Subsection (10) of section 39.01, Florida  
 38 Statutes, is amended to read:

39 39.01 Definitions.--When used in this chapter, unless the  
 40 context otherwise requires:

41 (10) "Caregiver" means the parent, legal custodian,  
 42 permanent guardian, adult household member, or other person  
 43 responsible for a child's welfare as defined in subsection (47)  
 44 ~~(46)~~.

45 Reviser's note.--Amended to conform to the  
 46 redesignation of subsection (46) as subsection (47) by  
 47 s. 1, ch. 2008-245, Laws of Florida.

48 Section 2. Paragraph (k) of subsection (1) of section  
 49 39.806, Florida Statutes, is amended to read:

50 39.806 Grounds for termination of parental rights.--

51 (1) Grounds for the termination of parental rights may be  
 52 established under any of the following circumstances:

53 (k) A test administered at birth that indicated that the  
 54 child's blood, urine, or meconium contained any amount of  
 55 alcohol or a controlled substance or metabolites of such  
 56 substances, the presence of which was not the result of medical

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57 treatment administered to the mother or the newborn infant, and  
 58 the biological mother of the child is the biological mother of  
 59 at least one other child who was adjudicated dependent after a  
 60 finding of harm to the child's health or welfare due to exposure  
 61 to a controlled substance or alcohol as defined in s.

62 39.01(32)(g) ~~39.01(31)(g)~~, after which the biological mother had  
 63 the opportunity to participate in substance abuse treatment.

64 Reviser's note.--Amended to conform to the  
 65 redesignation of s. 39.01(31)(g) as s. 39.01(32)(g) by  
 66 s. 1, ch. 2008-245, Laws of Florida.

67 Section 3. Subsection (3) of section 45.035, Florida  
 68 Statutes, is amended to read:

69 45.035 Clerk's fees.--In addition to other fees or service  
 70 charges authorized by law, the clerk shall receive service  
 71 charges related to the judicial sales procedure set forth in ss.  
 72 45.031-45.034 and this section:

73 (3) If the sale is conducted by electronic means, as  
 74 provided in s. 45.031(10), the clerk shall receive a service  
 75 charge of \$70 ~~\$60~~ as provided in subsection (1) for services in  
 76 conducting or contracting for the electronic sale, which service  
 77 charge shall be assessed as costs and shall be advanced by the  
 78 plaintiff before the sale. If the clerk requires advance  
 79 electronic deposits to secure the right to bid, such deposits  
 80 shall not be subject to the fee under s. 28.24(10). The portion  
 81 of an advance deposit from a winning bidder required by s.  
 82 45.031(3) shall, upon acceptance of the winning bid, be subject  
 83 to the fee under s. 28.24(10).

84 Reviser's note.--Amended to conform to the increase in

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85 the service charge referenced in subsection (1) from  
 86 \$60 to \$70 by s. 25, ch. 2008-111, Laws of Florida.

87 Section 4. Subsection (3) of section 61.122, Florida  
 88 Statutes, is amended to read:

89 61.122 Parenting plan recommendation; presumption of  
 90 psychologist's good faith; prerequisite to parent's filing suit;  
 91 award of fees, costs, reimbursement.--

92 (3) A parent who desires to file a legal action against a  
 93 court-appointed psychologist who has acted in good faith in  
 94 developing a parenting plan recommendation must petition the  
 95 judge who presided over the dissolution of marriage, case of  
 96 domestic violence, or paternity matter involving the  
 97 relationship of a child and a parent, including time-sharing of  
 98 children, to appoint another psychologist. Upon the parent's  
 99 showing of good cause, the court shall appoint another  
 100 psychologist. The court shall determine ~~as to~~ who is responsible  
 101 for all court costs and attorney's fees associated with making  
 102 such an appointment.

103 Reviser's note.--Amended to improve clarity.

104 Section 5. Section 61.13001, Florida Statutes, is  
 105 reenacted to read:

106 61.13001 Parental relocation with a child.--

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

108 (a) "Change of residence address" means the relocation of  
 109 a child to a principal residence more than 50 miles away from  
 110 his or her principal place of residence at the time of the entry  
 111 of the last order establishing or modifying the parenting plan  
 112 or the time-sharing schedule or both for the minor child, unless

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113 | the move places the principal residence of the minor child less  
 114 | than 50 miles from either parent.

115 |         (b) "Child" means any person who is under the jurisdiction  
 116 | of a state court pursuant to the Uniform Child Custody  
 117 | Jurisdiction and Enforcement Act or is the subject of any order  
 118 | granting to a parent or other person any right to time-sharing,  
 119 | residential care, kinship, or custody, as provided under state  
 120 | law.

121 |         (c) "Court" means the circuit court in an original  
 122 | proceeding which has proper venue and jurisdiction in accordance  
 123 | with the Uniform Child Custody Jurisdiction and Enforcement Act,  
 124 | the circuit court in the county in which either parent and the  
 125 | child reside, or the circuit court in which the original action  
 126 | was adjudicated.

127 |         (d) "Other person" means an individual who is not the  
 128 | parent and who, by court order, maintains the primary residence  
 129 | of a child or has visitation rights with a child.

130 |         (e) "Parent" means any person so named by court order or  
 131 | express written agreement that is subject to court enforcement  
 132 | or a person reflected as a parent on a birth certificate and in  
 133 | whose home a child maintains a residence.

134 |         (f) "Relocation" means a change in the principal residence  
 135 | of a child for a period of 60 consecutive days or more but does  
 136 | not include a temporary absence from the principal residence for  
 137 | purposes of vacation, education, or the provision of health care  
 138 | for the child.

139 |         (2) RELOCATION BY AGREEMENT.--

140 |         (a) If the parents and every other person entitled to

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141 time-sharing with the child agree to the relocation of the  
 142 child, they may satisfy the requirements of this section by  
 143 signing a written agreement that:

- 144 1. Reflects the consent to the relocation;
- 145 2. Defines a time-sharing schedule for the nonrelocating  
 146 parent and any other persons who are entitled to time-sharing;  
 147 and
- 148 3. Describes, if necessary, any transportation  
 149 arrangements related to the visitation.

150 (b) If there is an existing cause of action, judgment, or  
 151 decree of record pertaining to the child's residence or a time-  
 152 sharing schedule, the parties shall seek ratification of the  
 153 agreement by court order without the necessity of an evidentiary  
 154 hearing unless a hearing is requested, in writing, by one or  
 155 more of the parties to the agreement within 10 days after the  
 156 date the agreement is filed with the court. If a hearing is not  
 157 timely requested, it shall be presumed that the relocation is in  
 158 the best interest of the child and the court may ratify the  
 159 agreement without an evidentiary hearing.

160 (3) NOTICE OF INTENT TO RELOCATE WITH A CHILD.--Unless an  
 161 agreement has been entered as described in subsection (2), a  
 162 parent who is entitled to time-sharing with the child shall  
 163 notify the other parent, and every other person entitled to  
 164 time-sharing with the child, of a proposed relocation of the  
 165 child's residence. The form of notice shall be according to this  
 166 section:

167 (a) The parent seeking to relocate shall prepare a Notice  
 168 of Intent to Relocate. The following information must be

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169 included with the Notice of Intent to Relocate and signed under  
 170 oath under penalty of perjury:

171 1. A description of the location of the intended new  
 172 residence, including the state, city, and specific physical  
 173 address, if known.

174 2. The mailing address of the intended new residence, if  
 175 not the same as the physical address, if known.

176 3. The home telephone number of the intended new  
 177 residence, if known.

178 4. The date of the intended move or proposed relocation.

179 5. A detailed statement of the specific reasons for the  
 180 proposed relocation of the child. If one of the reasons is based  
 181 upon a job offer which has been reduced to writing, that written  
 182 job offer must be attached to the Notice of Intent to Relocate.

183 6. A proposal for the revised postrelocation schedule of  
 184 time-sharing together with a proposal for the postrelocation  
 185 transportation arrangements necessary to effectuate time-sharing  
 186 with the child. Absent the existence of a current, valid order  
 187 abating, terminating, or restricting visitation or other good  
 188 cause predating the Notice of Intent to Relocate, failure to  
 189 comply with this provision renders the Notice of Intent to  
 190 Relocate legally insufficient.

191 7. Substantially the following statement, in all capital  
 192 letters and in the same size type, or larger, as the type in the  
 193 remainder of the notice:

194  
 195 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,  
 196 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON

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197 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE  
 198 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE  
 199 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN  
 200 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND  
 201 WITHOUT A HEARING.

202 8. The mailing address of the parent or other person  
 203 seeking to relocate to which the objection filed under  
 204 subsection (5) to the Notice of Intent to Relocate should be  
 205 sent.

206  
 207 The contents of the Notice of Intent to Relocate are not  
 208 privileged. For purposes of encouraging amicable resolution of  
 209 the relocation issue, a copy of the Notice of Intent to Relocate  
 210 shall initially not be filed with the court but instead served  
 211 upon the nonrelocating parent, other person, and every other  
 212 person entitled to time-sharing with the child, and the original  
 213 thereof shall be maintained by the parent or other person  
 214 seeking to relocate.

215 (b) The parent seeking to relocate shall also prepare a  
 216 Certificate of Serving Notice of Intent to Relocate. The  
 217 certificate shall certify the date that the Notice of Intent to  
 218 Relocate was served on the other parent and on every other  
 219 person entitled to time-sharing with the child.

220 (c) The Notice of Intent to Relocate, and the Certificate  
 221 of Serving Notice of Intent to Relocate, shall be served on the  
 222 other parent and on every other person entitled to time-sharing  
 223 with the child. If there is a pending court action regarding the  
 224 child, service of process may be according to court rule.



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225 | Otherwise, service of process shall be according to chapters 48  
 226 | and 49 or via certified mail, restricted delivery, return  
 227 | receipt requested.

228 |         (d) A person giving notice of a proposed relocation or  
 229 | change of residence address under this section has a continuing  
 230 | duty to provide current and updated information required by this  
 231 | section when that information becomes known.

232 |         (e) If the other parent and any other person entitled to  
 233 | time-sharing with the child fails to timely file an objection,  
 234 | it shall be presumed that the relocation is in the best interest  
 235 | of the child, the relocation shall be allowed, and the court  
 236 | shall, absent good cause, enter an order, attaching a copy of  
 237 | the Notice of Intent to Relocate, reflecting that the order is  
 238 | entered as a result of the failure to object to the Notice of  
 239 | Intent to Relocate, and adopting the time-sharing schedule and  
 240 | transportation arrangements contained in the Notice of Intent to  
 241 | Relocate. The order may issue in an expedited manner without the  
 242 | necessity of an evidentiary hearing. If an objection is timely  
 243 | filed, the burden returns to the parent or person seeking to  
 244 | relocate to initiate court proceedings to obtain court  
 245 | permission to relocate before doing so.

246 |         (f) The act of relocating the child after failure to  
 247 | comply with the notice of intent to relocate procedure described  
 248 | in this subsection subjects the party in violation thereof to  
 249 | contempt and other proceedings to compel the return of the child  
 250 | and may be taken into account by the court in any initial or  
 251 | postjudgment action seeking a determination or modification of  
 252 | the parenting plan or the time-sharing schedule, or both, as:

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253 | 1. A factor in making a determination regarding the  
 254 | relocation of a child.

255 | 2. A factor in determining whether the parenting plan or  
 256 | the time-sharing schedule should be modified.

257 | 3. A basis for ordering the temporary or permanent return  
 258 | of the child.

259 | 4. Sufficient cause to order the parent or other person  
 260 | seeking to relocate the child to pay reasonable expenses and  
 261 | attorney's fees incurred by the party objecting to the  
 262 | relocation.

263 | 5. Sufficient cause for the award of reasonable attorney's  
 264 | fees and costs, including interim travel expenses incident to  
 265 | time-sharing or securing the return of the child.

266 | (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or  
 267 | other person seeking to relocate a child, or the child, is  
 268 | entitled to prevent disclosure of location information under any  
 269 | public records exemption applicable to that person, the court  
 270 | may enter any order necessary to modify the disclosure  
 271 | requirements of this section in compliance with the public  
 272 | records exemption.

273 | (5) CONTENT OF OBJECTION TO RELOCATION.--An objection  
 274 | seeking to prevent the relocation of a child must be verified  
 275 | and served within 30 days after service of the Notice of Intent  
 276 | to Relocate. The objection must include the specific factual  
 277 | basis supporting the reasons for seeking a prohibition of the  
 278 | relocation, including a statement of the amount of participation  
 279 | or involvement the objecting party currently has or has had in  
 280 | the life of the child.

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281 (6) TEMPORARY ORDER.--

282 (a) The court may grant a temporary order restraining the

283 relocation of a child or ordering the return of the child, if a

284 relocation has previously taken place, or other appropriate

285 remedial relief, if the court finds:

286 1. The required notice of a proposed relocation of a child

287 was not provided in a timely manner;

288 2. The child already has been relocated without notice or

289 written agreement of the parties or without court approval; or

290 3. From an examination of the evidence presented at the

291 preliminary hearing that there is a likelihood that upon final

292 hearing the court will not approve the relocation of the child.

293 (b) The court may grant a temporary order permitting the

294 relocation of the child pending final hearing, if the court:

295 1. Finds that the required Notice of Intent to Relocate

296 was provided in a timely manner; and

297 2. Finds from an examination of the evidence presented at

298 the preliminary hearing that there is a likelihood that on final

299 hearing the court will approve the relocation of the child,

300 which findings must be supported by the same factual basis as

301 would be necessary to support the permitting of relocation in a

302 final judgment.

303 (c) If the court has issued a temporary order authorizing

304 a party seeking to relocate or move a child before a final

305 judgment is rendered, the court may not give any weight to the

306 temporary relocation as a factor in reaching its final decision.

307 (d) If temporary relocation of a child is permitted, the

308 court may require the person relocating the child to provide

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309 reasonable security, financial or otherwise, and guarantee that  
 310 the court-ordered contact with the child will not be interrupted  
 311 or interfered with by the relocating party.

312 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
 313 RELOCATION.--A presumption does not arise in favor of or against  
 314 a request to relocate with the child when a parent seeks to move  
 315 the child and the move will materially affect the current  
 316 schedule of contact, access, and time-sharing with the  
 317 nonrelocating parent or other person. In reaching its decision  
 318 regarding a proposed temporary or permanent relocation, the  
 319 court shall evaluate all of the following factors:

320 (a) The nature, quality, extent of involvement, and  
 321 duration of the child's relationship with the parent proposing  
 322 to relocate with the child and with the nonrelocating parent,  
 323 other persons, siblings, half-siblings, and other significant  
 324 persons in the child's life.

325 (b) The age and developmental stage of the child, the  
 326 needs of the child, and the likely impact the relocation will  
 327 have on the child's physical, educational, and emotional  
 328 development, taking into consideration any special needs of the  
 329 child.

330 (c) The feasibility of preserving the relationship between  
 331 the nonrelocating parent or other person and the child through  
 332 substitute arrangements that take into consideration the  
 333 logistics of contact, access, and time-sharing, as well as the  
 334 financial circumstances of the parties; whether those factors  
 335 are sufficient to foster a continuing meaningful relationship  
 336 between the child and the nonrelocating parent or other person;

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337 and the likelihood of compliance with the substitute  
 338 arrangements by the relocating parent once he or she is out of  
 339 the jurisdiction of the court.

340 (d) The child's preference, taking into consideration the  
 341 age and maturity of the child.

342 (e) Whether the relocation will enhance the general  
 343 quality of life for both the parent seeking the relocation and  
 344 the child, including, but not limited to, financial or emotional  
 345 benefits or educational opportunities.

346 (f) The reasons of each parent or other person for seeking  
 347 or opposing the relocation.

348 (g) The current employment and economic circumstances of  
 349 each parent or other person and whether or not the proposed  
 350 relocation is necessary to improve the economic circumstances of  
 351 the parent or other person seeking relocation of the child.

352 (h) That the relocation is sought in good faith and the  
 353 extent to which the objecting parent has fulfilled his or her  
 354 financial obligations to the parent or other person seeking  
 355 relocation, including child support, spousal support, and  
 356 marital property and marital debt obligations.

357 (i) The career and other opportunities available to the  
 358 objecting parent or objecting other person if the relocation  
 359 occurs.

360 (j) A history of substance abuse or domestic violence as  
 361 defined in s. 741.28 or which meets the criteria of s.  
 362 39.806(1)(d) by either parent, including a consideration of the  
 363 severity of such conduct and the failure or success of any  
 364 attempts at rehabilitation.

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365 (k) Any other factor affecting the best interest of the  
 366 child or as set forth in s. 61.13.

367 (8) BURDEN OF PROOF.--The parent or other person wishing  
 368 to relocate has the burden of proof if an objection is filed and  
 369 must then initiate a proceeding seeking court permission for  
 370 relocation. The initial burden is on the parent or person  
 371 wishing to relocate to prove by a preponderance of the evidence  
 372 that relocation is in the best interest of the child. If that  
 373 burden of proof is met, the burden shifts to the nonrelocating  
 374 parent or other person to show by a preponderance of the  
 375 evidence that the proposed relocation is not in the best  
 376 interest of the child.

377 (9) ORDER REGARDING RELOCATION.--If relocation is  
 378 permitted:

379 (a) The court may, in its discretion, order contact with  
 380 the nonrelocating parent, including access, time-sharing,  
 381 telephone, Internet, webcam, and other arrangements sufficient  
 382 to ensure that the child has frequent, continuing, and  
 383 meaningful contact, access, and time-sharing with the  
 384 nonrelocating parent or other persons, if contact is financially  
 385 affordable and in the best interest of the child.

386 (b) If applicable, the court shall specify how the  
 387 transportation costs will be allocated between the parents and  
 388 other persons entitled to contact, access, and time-sharing and  
 389 may adjust the child support award, as appropriate, considering  
 390 the costs of transportation and the respective net incomes of  
 391 the parents in accordance with the state child support  
 392 guidelines schedule.

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393 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary  
 394 hearing or nonjury trial on a pleading seeking temporary or  
 395 permanent relief filed under this section shall be accorded  
 396 priority on the court's calendar.

397 (11) APPLICABILITY.--

398 (a) This section applies:

399 1. To orders entered before October 1, 2006, if the  
 400 existing order defining custody, primary residence, time-  
 401 sharing, or visitation of or with the child does not expressly  
 402 govern the relocation of the child.

403 2. To an order, whether temporary or permanent, regarding  
 404 the parenting plan, custody, primary residence, time-sharing, or  
 405 visitation of or with the child entered on or after October 1,  
 406 2006.

407 3. To any relocation or proposed relocation, whether  
 408 permanent or temporary, of a child during any proceeding pending  
 409 on October 1, 2006, wherein the parenting plan, custody, primary  
 410 residence, time-sharing, or visitation of or with the child is  
 411 an issue.

412 (b) To the extent that a provision of this section  
 413 conflicts with an order existing on October 1, 2006, this  
 414 section does not apply to the terms of that order which  
 415 expressly govern relocation of the child or a change in the  
 416 principal residence address of a parent.

417 Reviser's note.--Section 9, ch. 2008-61, Laws of  
 418 Florida, amended s. 61.13001 without publishing  
 419 existing subsection (8). Absent affirmative evidence  
 420 of legislative intent to repeal existing subsection

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421 (8), s. 61.13001 is reenacted to confirm that the  
 422 omission was not intended.

423 Section 6. Paragraph (a) of subsection (5) of section  
 424 112.661, Florida Statutes, is amended to read:

425 112.661 Investment policies.--Investment of the assets of  
 426 any local retirement system or plan must be consistent with a  
 427 written investment policy adopted by the board. Such policies  
 428 shall be structured to maximize the financial return to the  
 429 retirement system or plan consistent with the risks incumbent in  
 430 each investment and shall be structured to establish and  
 431 maintain an appropriate diversification of the retirement system  
 432 or plan's assets.

433 (5) AUTHORIZED INVESTMENTS.--

434 (a) The investment policy shall list investments  
 435 authorized by the board. Investments not listed in the  
 436 investment policy are prohibited. Unless otherwise authorized by  
 437 law or ordinance, the investment of the assets of any local  
 438 retirement system or plan covered by this part shall be subject  
 439 to the limitations and conditions set forth in s. 215.47(1)-(6),  
 440 (8), (9), (11), and (17) ~~215.47(1)-(8), (10), and (16)~~.

441 Reviser's note.--Amended to conform to the addition of  
 442 a new s. 215.47(7) by s. 3, ch. 2008-31, Laws of  
 443 Florida.

444 Section 7. Paragraph (a) of subsection (1) of section  
 445 121.051, Florida Statutes, is amended to read:

446 121.051 Participation in the system.--

447 (1) COMPULSORY PARTICIPATION.--

448 (a) The provisions of this law shall be compulsory as to



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449 all officers and employees, except elected officers who meet the  
 450 requirements of s. 121.052(3), who are employed on or after  
 451 December 1, 1970, of an employer other than those referred to in  
 452 paragraph (2)(b), and each officer or employee, as a condition  
 453 of employment, shall become a member of the system as of his or  
 454 her date of employment, except that a person who is retired from  
 455 any state retirement system and is reemployed on or after  
 456 December 1, 1970, may not renew his or her membership in any  
 457 state retirement system except as provided in s. 121.091(4)(h)  
 458 for a person who recovers from disability, and as provided in s.  
 459 121.091(9)(b)8. for a person who is elected to public office,  
 460 and, effective July 1, 1991, as provided in s. 121.122 for all  
 461 other retirees. Officers and employees of the University  
 462 Athletic Association, Inc., a nonprofit association connected  
 463 with the University of Florida, employed on and after July 1,  
 464 1979, shall not participate in any state-supported retirement  
 465 system.

466 1. Any person appointed on or after July 1, 1989, to a  
 467 faculty position in a college at the J. Hillis Miller Health  
 468 Center at the University of Florida or the Medical Center at the  
 469 University of South Florida which has a faculty practice plan  
 470 provided by rule adopted by the Board of Regents may not  
 471 participate in the Florida Retirement System. Effective July 1,  
 472 2008, any person appointed thereafter to a faculty position,  
 473 including clinical faculty, in a college at a state university  
 474 that has a faculty practice plan authorized by the Board of  
 475 Governors may not participate in the Florida Retirement System.  
 476 A faculty member so appointed shall participate in the optional

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477 retirement program for the State University System

478 notwithstanding the provisions of s. 121.35(2) (a).

479 2. For purposes of this paragraph ~~subparagraph~~, the term  
 480 "faculty position" is defined as a position assigned the  
 481 principal responsibility of teaching, research, or public  
 482 service activities or administrative responsibility directly  
 483 related to the academic mission of the college. The term  
 484 "clinical faculty" is defined as a faculty position appointment  
 485 in conjunction with a professional position in a hospital or  
 486 other clinical environment at a college. The term "faculty  
 487 practice plan" includes professional services to patients,  
 488 institutions, or other parties which are rendered by the  
 489 clinical faculty employed by a college that has a faculty  
 490 practice plan at a state university authorized by the Board of  
 491 Governors.

492 Reviser's note.--The word "paragraph" was substituted  
 493 by the editors for the word "subparagraph" to conform  
 494 to context.

495 Section 8. Paragraph (a) of subsection (2) of section  
 496 121.153, Florida Statutes, is amended to read:

497 121.153 Investments in institutions doing business in or  
 498 with Northern Ireland.--

499 (2) (a) Notwithstanding any other provision of law, and  
 500 consistent with the investment policy set forth in ss. 215.44(2)  
 501 and 215.47(10) ~~215.47(9)~~, the moneys or assets of the System  
 502 Trust Fund invested or deposited in any financial institution,  
 503 as defined in s. 655.005, which, directly or through a  
 504 subsidiary, on or after October 1, 1988, makes any loan, extends

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505 credit of any kind or character, or advances funds in any manner  
 506 to Northern Ireland or national corporations of Northern Ireland  
 507 or agencies or instrumentalities thereof shall reflect the  
 508 extent to which such entities have endeavored to eliminate  
 509 ethnic or religious discrimination as determined pursuant to  
 510 paragraph (1) (b).

511 Reviser's note.--Amended to conform to the addition of  
 512 a new s. 215.47(7) by s. 3, ch. 2008-31, Laws of  
 513 Florida.

514 Section 9. Paragraph (a) of subsection (9) of section  
 515 161.085, Florida Statutes, is amended to read:

516 161.085 Rigid coastal armoring structures.--

517 (9) The department may authorize dune restoration  
 518 incorporating sand-filled geotextile containers or similar  
 519 structures proposed as the core of a restored dune feature when  
 520 the conditions of paragraphs (a)-(c) and the requirements of s.  
 521 161.053 are met.

522 (a) A permit may be granted by the department under this  
 523 subsection for dune restoration incorporating geotextile  
 524 containers or similar structures provided that such projects:

525 1. Provide for the protection of an existing major  
 526 structure or public infrastructure, and, notwithstanding any  
 527 definition in department rule to the contrary, that major  
 528 structure or public infrastructure is vulnerable to damage from  
 529 frequent coastal storms, or is upland of a beach-dune system  
 530 which has experienced significant beach erosion from such storm  
 531 events.

532 2. Are constructed using native or beach-quality sand and

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533 native salt-tolerant vegetation suitable for dune stabilization  
 534 as approved by the department.

535 3. May include materials other than native or beach-  
 536 quality sand such as geotextile materials that are used to  
 537 contain beach-quality sand for the purposes of maintaining the  
 538 stability and longevity of the dune core.

539 4. Are continuously covered with 3 feet of native or  
 540 beach-quality sand and stabilized with native salt-tolerant  
 541 vegetation.

542 5. Are sited as far landward as practicable, balancing the  
 543 need to minimize excavation of the beach-dune system, impacts to  
 544 nesting marine turtles and other nesting state or federally  
 545 threatened or endangered species, and impacts to adjacent  
 546 properties.

547 6. Are designed and sited in a manner that will minimize  
 548 the potential for erosion.

549 7. Do not materially impede access by the public.

550 8. Are designed to minimize adverse effects to nesting  
 551 marine turtles and turtle hatchlings, consistent with s.  
 552 379.2431 ~~370.12~~.

553 9. Are designed to facilitate easy removal of the  
 554 geotextile containers if needed.

555 10. The United States Fish and Wildlife Service has  
 556 approved an Incidental Take Permit for marine turtles and other  
 557 federally threatened or endangered species pursuant to s. 7 or  
 558 s. 10 of the Endangered Species Act for the placement of the  
 559 structure if an Incidental Take Permit is required.

560 Reviser's note.--Amended to conform to the transfer of

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561 s. 370.12 to s. 379.2431 by s. 73, ch. 2008-247, Laws  
 562 of Florida.

563 Section 10. Paragraph (c) of subsection (6) of section  
 564 163.3177, Florida Statutes, is amended to read:

565 163.3177 Required and optional elements of comprehensive  
 566 plan; studies and surveys.--

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

570 (c) A general sanitary sewer, solid waste, drainage,  
 571 potable water, and natural groundwater aquifer recharge element  
 572 correlated to principles and guidelines for future land use,  
 573 indicating ways to provide for future potable water, drainage,  
 574 sanitary sewer, solid waste, and aquifer recharge protection  
 575 requirements for the area. The element may be a detailed  
 576 engineering plan including a topographic map depicting areas of  
 577 prime groundwater recharge. The element shall describe the  
 578 problems and needs and the general facilities that will be  
 579 required for solution of the problems and needs. The element  
 580 shall also include a topographic map depicting any areas adopted  
 581 by a regional water management district as prime groundwater  
 582 recharge areas for the Floridan or Biscayne aquifers. These  
 583 areas shall be given special consideration when the local  
 584 government is engaged in zoning or considering future land use  
 585 for said designated areas. For areas served by septic tanks,  
 586 soil surveys shall be provided which indicate the suitability of  
 587 soils for septic tanks. Within 18 months after the governing  
 588 board approves an updated regional water supply plan, the

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589 | element must incorporate the alternative water supply project or  
 590 | projects selected by the local government from those identified  
 591 | in the regional water supply plan pursuant to s. 373.0361(2)(a)  
 592 | or proposed by the local government under s. 373.0361(8)(b)  
 593 | ~~373.0361(7)(b)~~. If a local government is located within two  
 594 | water management districts, the local government shall adopt its  
 595 | comprehensive plan amendment within 18 months after the later  
 596 | updated regional water supply plan. The element must identify  
 597 | such alternative water supply projects and traditional water  
 598 | supply projects and conservation and reuse necessary to meet the  
 599 | water needs identified in s. 373.0361(2)(a) within the local  
 600 | government's jurisdiction and include a work plan, covering at  
 601 | least a 10 year planning period, for building public, private,  
 602 | and regional water supply facilities, including development of  
 603 | alternative water supplies, which are identified in the element  
 604 | as necessary to serve existing and new development. The work  
 605 | plan shall be updated, at a minimum, every 5 years within 18  
 606 | months after the governing board of a water management district  
 607 | approves an updated regional water supply plan. Amendments to  
 608 | incorporate the work plan do not count toward the limitation on  
 609 | the frequency of adoption of amendments to the comprehensive  
 610 | plan. Local governments, public and private utilities, regional  
 611 | water supply authorities, special districts, and water  
 612 | management districts are encouraged to cooperatively plan for  
 613 | the development of multijurisdictional water supply facilities  
 614 | that are sufficient to meet projected demands for established  
 615 | planning periods, including the development of alternative water  
 616 | sources to supplement traditional sources of groundwater and

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617 surface water supplies.  
 618 Reviser's note.--Amended to conform to the  
 619 redesignation of subunits of s. 373.0361 by s. 1, ch.  
 620 2008-232, Laws of Florida.

621 Section 11. Section 193.074, Florida Statutes, is amended  
 622 to read:

623 193.074 Confidentiality of returns.--All returns of  
 624 property and returns required by former s. 201.022 submitted by  
 625 the taxpayer pursuant to law shall be deemed to be confidential  
 626 in the hands of the property appraiser, the clerk of the circuit  
 627 court, the department, the tax collector, the Auditor General,  
 628 and the Office of Program Policy Analysis and Government  
 629 Accountability, and their employees and persons acting under  
 630 their supervision and control, except upon court order or order  
 631 of an administrative body having quasi-judicial powers in ad  
 632 valorem tax matters, and such returns are exempt from the  
 633 provisions of s. 119.07(1).

634 Reviser's note.--Amended to conform to the repeal of  
 635 s. 201.022 by s. 1, ch. 2008-24, Laws of Florida.

636 Section 12. Paragraph (b) of subsection (6) of section  
 637 193.1554, Florida Statutes, is amended to read:

638 193.1554 Assessment of nonhomestead residential  
 639 property.--

640 (6)

641 (b) Changes, additions, or improvements that replace all  
 642 or a portion of nonhomestead residential property damaged or  
 643 destroyed by misfortune or calamity shall not increase the  
 644 property's assessed value when the square footage of the

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645 property as changed or improved does not exceed 110 percent of  
 646 the square footage of the property before the damage or  
 647 destruction. Additionally, the property's assessed value shall  
 648 not increase if the total square footage of the property as  
 649 changed or improved does not exceed 1,500 square feet. Changes,  
 650 additions, or improvements that do not cause the total to exceed  
 651 110 percent of the total square footage of the property before  
 652 the damage or destruction or that do not cause the total to  
 653 exceed 1,500 total square feet shall be reassessed as provided  
 654 under subsection (3). The property's assessed value shall be  
 655 increased by the just value of that portion of the changed or  
 656 improved property which is in excess of 110 percent of the  
 657 square footage of the property before the damage or destruction  
 658 or of that portion exceeding 1,500 square feet. Property damaged  
 659 or destroyed by misfortune or calamity which, after being  
 660 changed or improved, has a square footage of less than 100  
 661 percent of the property's total square footage before the damage  
 662 or destruction shall be assessed pursuant to subsection (8) ~~(7)~~.  
 663 This paragraph applies to changes, additions, or improvements  
 664 commenced within 3 years after the January 1 following the  
 665 damage or destruction of the property.

666 Reviser's note.--Amended to conform to the  
 667 redesignation of subsection (7) as subsection (8) by  
 668 s. 4, ch. 2008-173, Laws of Florida.

669 Section 13. Paragraph (b) of subsection (6) of section  
 670 193.1555, Florida Statutes, is amended to read:

671 193.1555 Assessment of certain residential and  
 672 nonresidential real property.--



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673 (6)

674 (b) Changes, additions, or improvements that replace all

675 or a portion of nonresidential real property damaged or

676 destroyed by misfortune or calamity shall not increase the

677 property's assessed value when the square footage of the

678 property as changed or improved does not exceed 110 percent of

679 the square footage of the property before the damage or

680 destruction and do not change the property's character or use.

681 Changes, additions, or improvements that do not cause the total

682 to exceed 110 percent of the total square footage of the

683 property before the damage or destruction and do not change the

684 property's character or use shall be reassessed as provided

685 under subsection (3). The property's assessed value shall be

686 increased by the just value of that portion of the changed or

687 improved property which is in excess of 110 percent of the

688 square footage of the property before the damage or destruction.

689 Property damaged or destroyed by misfortune or calamity which,

690 after being changed or improved, has a square footage of less

691 than 100 percent of the property's total square footage before

692 the damage or destruction shall be assessed pursuant to

693 subsection (8) ~~(7)~~. This paragraph applies to changes,

694 additions, or improvements commenced within 3 years after the

695 January 1 following the damage or destruction of the property.

696 Reviser's note.--Amended to conform to the

697 redesignation of subsection (7) as subsection (8) by

698 s. 5, ch. 2008-173, Laws of Florida.

699 Section 14. Paragraph (c) of subsection (1) and subsection

700 (5) of section 201.15, Florida Statutes, are amended to read:

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701           201.15 Distribution of taxes collected.--All taxes  
 702 collected under this chapter are subject to the service charge  
 703 imposed in s. 215.20(1). Prior to distribution under this  
 704 section, the Department of Revenue shall deduct amounts  
 705 necessary to pay the costs of the collection and enforcement of  
 706 the tax levied by this chapter. Such costs and the service  
 707 charge may not be levied against any portion of taxes pledged to  
 708 debt service on bonds to the extent that the costs and service  
 709 charge are required to pay any amounts relating to the bonds.  
 710 All taxes remaining after deduction of costs and the service  
 711 charge shall be distributed as follows:

712           (1) Sixty-three and thirty-one hundredths percent of the  
 713 remaining taxes collected under this chapter shall be used for  
 714 the following purposes:

715           (c) The remainder of the moneys distributed under this  
 716 subsection, after the required payments under paragraphs (a) and  
 717 (b), shall be paid into the State Treasury to the credit of:

718           1. The State Transportation Trust Fund in the Department  
 719 of Transportation in the amount of the lesser of 38.2 percent of  
 720 the remainder or \$541.75 million in each fiscal year, to be used  
 721 for the following specified purposes, notwithstanding any other  
 722 law to the contrary:

723           a. For the purposes of capital funding for the New Starts  
 724 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 725 specified in s. 341.051, 10 percent of these funds;

726           b. For the purposes of the Small County Outreach Program  
 727 specified in s. 339.2818, 5 percent of these funds;

728           c. For the purposes of the Strategic Intermodal System

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729 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 730 of these funds after allocating for the New Starts Transit  
 731 Program described in sub-subparagraph a. and the Small County  
 732 Outreach Program described in sub-subparagraph b.; and

733 d. For the purposes of the Transportation Regional  
 734 Incentive Program specified in s. 339.2819, 25 percent of these  
 735 funds after allocating for the New Starts Transit Program  
 736 described in sub-subparagraph a. and the Small County Outreach  
 737 Program described in sub-subparagraph b.

738 2. The Water Protection and Sustainability Program Trust  
 739 Fund in the Department of Environmental Protection in the amount  
 740 of the lesser of 5.64 percent of the remainder or \$80 million in  
 741 each fiscal year, to be used as required by s. 403.890.

742 3. The Grants and Donations Trust Fund in the Department  
 743 of Community Affairs in the amount of the lesser of .23 percent  
 744 of the remainder or \$3.25 million in each fiscal year, with 92  
 745 percent to be used to fund technical assistance to local  
 746 governments and school boards on the requirements and  
 747 implementation of this act and the remaining amount to be used  
 748 to fund the Century Commission established in s. 163.3247.

749 4. The Ecosystem Management and Restoration Trust Fund in  
 750 the amount of the lesser of 2.12 percent of the remainder or \$30  
 751 million in each fiscal year, to be used for the preservation and  
 752 repair of the state's beaches as provided in ss. 161.091-  
 753 161.212.

754 5. The Marine Resources Conservation Trust Fund in the  
 755 amount of the lesser of .14 percent of the remainder or \$2  
 756 million in each fiscal year, to be used for marine mammal care

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757 as provided in s. 379.208(3) ~~370.0603(3)~~.

758         6. General Inspection Trust Fund in the amount of the  
 759 lesser of .02 percent of the remainder or \$300,000 in each  
 760 fiscal year to be used to fund oyster management and restoration  
 761 programs as provided in s. 379.362(3) ~~370.07(3)~~.

762

763 Moneys distributed pursuant to this paragraph may not be pledged  
 764 for debt service unless such pledge is approved by referendum of  
 765 the voters.

766         ~~(5)(a) For the 2007-2008 fiscal year, 3.96 percent of the~~  
 767 ~~remaining taxes collected under this chapter shall be paid into~~  
 768 ~~the State Treasury to the credit of the Conservation and~~  
 769 ~~Recreation Lands Trust Fund to carry out the purposes set forth~~  
 770 ~~in s. 259.032. Ten and five hundredths percent of the amount~~  
 771 ~~credited to the Conservation and Recreation Lands Trust Fund~~  
 772 ~~pursuant to this subsection shall be transferred to the State~~  
 773 ~~Game Trust Fund and used for land management activities.~~

774         ~~(b)~~ Beginning July 1, 2008, 3.52 percent of the remaining  
 775 taxes collected under this chapter shall be paid into the State  
 776 Treasury to the credit of the Conservation and Recreation Lands  
 777 Trust Fund to carry out the purposes set forth in s. 259.032.  
 778 Eleven and fifteen hundredths percent of the amount credited to  
 779 the Conservation and Recreation Lands Trust Fund pursuant to  
 780 this subsection shall be transferred to the State Game Trust  
 781 Fund and used for land management activities.

782         Reviser's note.--Paragraph (1)(c) is amended to  
 783 conform to the redesignation of s. 370.0603(3) as s.  
 784 379.208(3) by s. 18, ch. 2008-247, Laws of Florida,

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785 and the redesignation of s. 370.07(3) as s. 379.362(3)  
 786 by s. 147, ch. 2008-247. Subsection (5) is amended to  
 787 delete obsolete language applicable only to the 2007-  
 788 2008 fiscal year.

789 Section 15. Subsection (4) of section 211.31, Florida  
 790 Statutes, is amended to read:

791 211.31 Levy of tax on severance of certain solid minerals;  
 792 rate, basis, and distribution of tax.--

793 (4) The expenses of administering this part and ss.  
 794 ~~378.011~~, 378.021, 378.031, and 378.101 shall be borne by the  
 795 Land Reclamation Trust Fund, the Nonmandatory Land Reclamation  
 796 Trust Fund, and the Phosphate Research Trust Fund.

797 Reviser's note.--Amended to conform to the repeal of  
 798 s. 378.011 by s. 24, ch. 2008-150, Laws of Florida.

799 Section 16. Subsection (4) of section 215.50, Florida  
 800 Statutes, is amended to read:

801 215.50 Custody of securities purchased; income.--

802 (4) Securities that the board selects to use for options  
 803 operations under s. 215.45 or for lending under s. 215.47(17)  
 804 ~~215.47(16)~~ shall be registered by the Chief Financial Officer in  
 805 the name of a third-party nominee in order to facilitate such  
 806 operations.

807 Reviser's note.--Amended to conform to the  
 808 redesignation of subunits of s. 215.47 by s. 3, ch.  
 809 2008-31, Laws of Florida.

810 Section 17. Paragraph (a) of subsection (7) of section  
 811 215.555, Florida Statutes, is amended to read:

812 215.555 Florida Hurricane Catastrophe Fund.--

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813 (7) ADDITIONAL POWERS AND DUTIES.--

814 (a) The board may procure reinsurance from reinsurers

815 acceptable to the Office of Insurance Regulation for the purpose

816 of maximizing the capacity of the fund and may enter into

817 capital market transactions, including, but not limited to,

818 industry loss warranties, catastrophe bonds, side-car

819 arrangements, or financial contracts permissible for the board's

820 usage under s. 215.47(11) and (12) ~~215.47(10) and (11)~~,

821 consistent with prudent management of the fund.

822 Reviser's note.--Amended to conform to the

823 redesignation of subunits of s. 215.47 by s. 3, ch.

824 2008-31, Laws of Florida.

825 Section 18. Paragraph (b) of subsection (1) of section

826 215.5595, Florida Statutes, is amended to read:

827 215.5595 Insurance Capital Build-Up Incentive Program.--

828 (1) Upon entering the 2008 hurricane season, the

829 Legislature finds that:

830 (b) Citizens Property Insurance Corporation has over 1.2

831 million policies in force, has the largest market share of any

832 insurer writing residential property insurance ~~insurer~~ in the

833 state, and faces the threat of a catastrophic loss that must be

834 funded by assessments against insurers and policyholders, unless

835 otherwise funded by the state. The program has a substantial

836 positive effect on the depopulation efforts of Citizens Property

837 Insurance Corporation since companies participating in the

838 program have removed over 199,000 policies from the corporation.

839 Companies participating in the program have issued a significant

840 number of new policies, thereby keeping an estimated 480,000 new

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841 policies out of the corporation.  
 842 Reviser's note.--Amended to confirm the substitution  
 843 by the editors of the word "insurance" for the word  
 844 "insurer" to conform to context.  
 845 Section 19. Paragraph (a) of subsection (2) of section  
 846 218.409, Florida Statutes, is amended to read:  
 847 218.409 Administration of the trust fund; creation of  
 848 advisory council.--  
 849 (2) (a) The trustees shall ensure that the board or a  
 850 professional money management firm administers the trust fund on  
 851 behalf of the participants. The board or a professional money  
 852 management firm shall have the power to invest such funds in  
 853 accordance with a written investment policy. The investment  
 854 policy shall be updated annually to conform to best investment  
 855 practices. The standard of prudence to be used by investment  
 856 officials shall be the fiduciary standards as set forth in s.  
 857 215.47(10) ~~215.47(9)~~, which shall be applied in the context of  
 858 managing an overall portfolio. Portfolio managers acting in  
 859 accordance with written procedures and an investment policy and  
 860 exercising due diligence shall be relieved of personal  
 861 responsibility for an individual security's credit risk or  
 862 market price changes, provided deviations from expectations are  
 863 reported in a timely fashion and the liquidity and the sale of  
 864 securities are carried out in accordance with the terms of this  
 865 part.  
 866 Reviser's note.--Amended to conform to the  
 867 redesignation of subunits of s. 215.47 by s. 3, ch.  
 868 2008-31, Laws of Florida.

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869 Section 20. Subsection (16) of section 253.03, Florida  
 870 Statutes, is amended to read:

871 253.03 Board of trustees to administer state lands; lands  
 872 enumerated.--

873 (16) The Board of Trustees of the Internal Improvement  
 874 Trust Fund, and the state through its agencies, may not control,  
 875 regulate, permit, or charge for any severed materials which are  
 876 removed from the area adjacent to an intake or discharge  
 877 structure pursuant to an exemption authorized in s.  
 878 403.813(1)(f) and (r) ~~403.813(2)(f) and (r)~~.

879 Reviser's note.--Amended to conform to the  
 880 redesignation of s. 403.813(2) as s. 403.813(1) by s.  
 881 4, ch. 2008-40, Laws of Florida.

882 Section 21. Paragraph (c) of subsection (11) of section  
 883 259.032, Florida Statutes, is amended to read:

884 259.032 Conservation and Recreation Lands Trust Fund;  
 885 purpose.--

886 (11)

887 (c) The Land Management Uniform Accounting Council shall  
 888 prepare and deliver a report on the methodology and formula for  
 889 allocating land management funds to the Acquisition and  
 890 Restoration Council. The Acquisition and Restoration Council  
 891 shall review, modify as appropriate, and submit the report to  
 892 the Board of Trustees of the Internal Improvement Trust Fund.  
 893 The board of trustees shall review, modify as appropriate, and  
 894 submit the report to the President of the Senate and the Speaker  
 895 of the House of Representatives no later than December 31, 2008,  
 896 which provides an interim management formula and a long-term



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897 management formula, and the methodologies used to develop the  
 898 formulas, which shall be used to allocate land management funds  
 899 provided for in paragraph (b) for interim and long-term  
 900 management of all lands managed pursuant to this chapter and for  
 901 associated contractual services. The methodology and formula for  
 902 interim management shall be based on the estimated land  
 903 acquisitions for the fiscal year in which the interim funds will  
 904 be expended. The methodology and formula for long-term  
 905 management shall recognize, but not be limited to, the  
 906 following:

907 1. The assignment of management intensity associated with  
 908 managed habitats and natural communities and the related  
 909 management activities to achieve land management goals provided  
 910 in s. 253.034(5) ~~253.054(5)~~ and subsection (10).

911 a. The acres of land that require minimal effort for  
 912 resource preservation or restoration.

913 b. The acres of land that require moderate effort for  
 914 resource preservation or restoration.

915 c. The acres of land that require significant effort for  
 916 resource preservation or restoration.

917 2. The assignment of management intensity associated with  
 918 public access, including, but not limited to:

919 a. The acres of land that are open to the public but offer  
 920 no more than minimally developed facilities;

921 b. The acres of land that have a high degree of public use  
 922 and offer highly developed facilities; and

923 c. The acres of land that are sites that have historic  
 924 significance, unique natural features, or a very high degree of

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925 public use.

926 3. The acres of land that have a secondary manager

927 contributing to the overall management effort.

928 4. The anticipated revenues generated from management of

929 the lands.

930 5. The impacts of, and needs created or addressed by,

931 multiple-use management strategies.

932 6. The acres of land that have infestations of nonnative

933 or invasive plants, animals, or fish.

934

935 In evaluating the management funding needs of lands based on the

936 above categories, the lead land managing agencies shall include

937 in their considerations the impacts of, and needs created or

938 addressed by, multiple-use management strategies. The funding

939 formulas for interim and long-term management proposed by the

940 agencies shall be reviewed by the Legislature during the 2009

941 regular legislative session. The Legislature may reject, modify,

942 or take no action relative to the proposed funding formulas. If

943 no action is taken, the funding formulas shall be used in the

944 allocation and distribution of funds provided in paragraph (b).

945 Reviser's note.--Amended to conform to the fact that

946 s. 253.054 does not exist; s. 253.034(5) relates to

947 land management goals.

948 Section 22. Paragraph (a) of subsection (2) of section

949 259.105, Florida Statutes, is amended to read:

950 259.105 The Florida Forever Act.--

951 (2) (a) The Legislature finds and declares that:

952 1. Land acquisition programs have provided tremendous

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953 financial resources for purchasing environmentally significant  
 954 lands to protect those lands from imminent development or  
 955 alteration, thereby ensuring present and future generations'  
 956 access to important waterways, open spaces, and recreation and  
 957 conservation lands.

958 2. The continued alteration and development of Florida's  
 959 natural and rural areas to accommodate the state's growing  
 960 population have contributed to the degradation of water  
 961 resources, the fragmentation and destruction of wildlife  
 962 habitats, the loss of outdoor recreation space, and the  
 963 diminishment of wetlands, forests, working landscapes, and  
 964 coastal open space.

965 3. The potential development of Florida's remaining  
 966 natural areas and escalation of land values require government  
 967 efforts to restore, bring under public protection, or acquire  
 968 lands and water areas to preserve the state's essential  
 969 ecological functions and invaluable quality of life.

970 4. It is essential to protect the state's ecosystems by  
 971 promoting a more efficient use of land, to ensure opportunities  
 972 for viable agricultural activities on working lands, and to  
 973 promote vital rural and urban communities that support and  
 974 produce development patterns consistent with natural resource  
 975 protection.

976 5. Florida's groundwater, surface waters, and springs are  
 977 under tremendous pressure due to population growth and economic  
 978 expansion and require special protection and restoration  
 979 efforts, including the protection of uplands and springsheds  
 980 that provide vital recharge to aquifer systems and are critical

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981 to the protection of water quality and water quantity of the  
 982 aquifers and springs. To ensure that sufficient quantities of  
 983 water are available to meet the current and future needs of the  
 984 natural systems and citizens of the state, and assist in  
 985 achieving the planning goals of the department and the water  
 986 management districts, water resource development projects on  
 987 public lands, where compatible with the resource values of and  
 988 management objectives for the lands, are appropriate.

989         6. The needs of urban, suburban, and small communities in  
 990 Florida for high-quality outdoor recreational opportunities,  
 991 greenways, trails, and open space have not been fully met by  
 992 previous acquisition programs. Through such programs as the  
 993 Florida Communities Trust and the Florida Recreation Development  
 994 Assistance Program, the state shall place additional emphasis on  
 995 acquiring, protecting, preserving, and restoring open space,  
 996 ecological greenways, and recreation properties within urban,  
 997 suburban, and rural areas where pristine natural communities or  
 998 water bodies no longer exist because of the proximity of  
 999 developed property.

1000         7. Many of Florida's unique ecosystems, such as the  
 1001 Florida Everglades, are facing ecological collapse due to  
 1002 Florida's burgeoning population growth and other economic  
 1003 activities. To preserve these valuable ecosystems for future  
 1004 generations, essential parcels of land must be acquired to  
 1005 facilitate ecosystem restoration.

1006         8. Access to public lands to support a broad range of  
 1007 outdoor recreational opportunities and the development of  
 1008 necessary infrastructure, where compatible with the resource

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1009 values of and management objectives for such lands, promotes an  
 1010 appreciation for Florida's natural assets and improves the  
 1011 quality of life.

1012 9. Acquisition of lands, in fee simple, less-than-fee  
 1013 interest, or other techniques shall be based on a comprehensive  
 1014 science-based assessment of Florida's natural resources which  
 1015 targets essential conservation lands by prioritizing all current  
 1016 and future acquisitions based on a uniform set of data and  
 1017 planned so as to protect the integrity and function of  
 1018 ecological systems and working landscapes, and provide multiple  
 1019 benefits, including preservation of fish and wildlife habitat,  
 1020 recreation space for urban and rural areas, and the restoration  
 1021 of natural water storage, flow, and recharge.

1022 10. The state has embraced performance-based program  
 1023 budgeting as a tool to evaluate the achievements of publicly  
 1024 funded agencies, build in accountability, and reward those  
 1025 agencies which are able to consistently achieve quantifiable  
 1026 goals. While previous and existing state environmental programs  
 1027 have achieved varying degrees of success, few of these programs  
 1028 can be evaluated as to the extent of their achievements,  
 1029 primarily because performance measures, standards, outcomes, and  
 1030 goals were not established at the outset. Therefore, the Florida  
 1031 Forever program shall be developed and implemented in the  
 1032 context of measurable state goals and objectives.

1033 11. The state must play a major role in the recovery and  
 1034 management of its imperiled species through the acquisition,  
 1035 restoration, enhancement, and management of ecosystems that can  
 1036 support the major life functions of such species. It is the

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1037 | intent of the Legislature to support local, state, and federal  
 1038 | programs that result in net benefit to imperiled species habitat  
 1039 | by providing public and private land owners meaningful  
 1040 | incentives for acquiring, restoring, managing, and repopulating  
 1041 | habitats for imperiled species. It is the further intent of the  
 1042 | Legislature that public lands, both existing and to be acquired,  
 1043 | identified by the lead land managing agency, in consultation  
 1044 | with the Florida Fish and Wildlife Conservation Commission for  
 1045 | animals or the Department of Agriculture and Consumer Services  
 1046 | for plants, as habitat or potentially restorable habitat for  
 1047 | imperiled species, be restored, enhanced, managed, and  
 1048 | repopulated as habitat for such species to advance the goals and  
 1049 | objectives of imperiled species management consistent with the  
 1050 | purposes for which such lands are acquired without restricting  
 1051 | other uses identified in the management plan. It is also the  
 1052 | intent of the Legislature that of the proceeds distributed  
 1053 | pursuant to subsection (3), additional consideration be given to  
 1054 | acquisitions that achieve a combination of conservation goals,  
 1055 | including the restoration, enhancement, management, or  
 1056 | repopulation of habitat for imperiled species. The Acquisition  
 1057 | and Restoration Council, in addition to the criteria in  
 1058 | subsection (9), shall give weight to projects that include  
 1059 | acquisition, restoration, management, or repopulation of habitat  
 1060 | for imperiled species. The term "imperiled species" as used in  
 1061 | this chapter and chapter 253, means plants and animals that are  
 1062 | federally listed under the Endangered Species Act, or state-  
 1063 | listed by the Fish and Wildlife Conservation Commission or the  
 1064 | Department of Agriculture and Consumer Services.

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1065 a. As part of the state's role, all state lands that have  
 1066 imperiled species habitat shall include as a consideration in  
 1067 management plan development the restoration, enhancement,  
 1068 management, and repopulation of such habitats. In addition, the  
 1069 lead land managing agency of such state lands may use fees  
 1070 received from public or private entities for projects to offset  
 1071 adverse impacts to imperiled species or their habitat in order  
 1072 to restore, enhance, manage, repopulate, or acquire land and to  
 1073 implement land management plans developed under s. 253.034 or a  
 1074 land management prospectus developed and implemented under this  
 1075 chapter. Such fees shall be deposited into a foundation or fund  
 1076 created by each land management agency under s. 379.223  
 1077 ~~372.0215~~, s. 589.012, or s. 259.032(11)(d), to be used solely to  
 1078 restore, manage, enhance, repopulate, or acquire imperiled  
 1079 species habitat.

1080 b. Where habitat or potentially restorable habitat for  
 1081 imperiled species is located on state lands, the Fish and  
 1082 Wildlife Conservation Commission and the Department of  
 1083 Agriculture and Consumer Services shall be included on any  
 1084 advisory group required under chapter 253, and the short-term  
 1085 and long-term management goals required under chapter 253 must  
 1086 advance the goals and objectives of imperiled species management  
 1087 consistent with the purposes for which the land was acquired  
 1088 without restricting other uses identified in the management  
 1089 plan.

1090 12. There is a need to change the focus and direction of  
 1091 the state's major land acquisition programs and to extend  
 1092 funding and bonding capabilities, so that future generations may

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1093 enjoy the natural resources of this state.

1094 Reviser's note.--Amended to conform to the

1095 redesignation of s. 372.0215 as s. 379.223 by s. 32,

1096 ch. 2008-247, Laws of Florida.

1097 Section 23. Paragraph (d) of subsection (9) of section

1098 259.1053, Florida Statutes, is amended to read:

1099 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;

1100 creation; membership; organization; meetings.--

1101 (9) POWERS AND DUTIES.--

1102 (d) The members may, with the written approval of the

1103 commission and in consultation with the department, designate

1104 hunting, fishing, and trapping zones and may establish

1105 additional periods when no hunting, fishing, or trapping shall

1106 be permitted for reasons of public safety, administration, and

1107 the protection and enhancement of nongame habitat and nongame

1108 species, as defined under s. 379.101 ~~372.001~~.

1109 Reviser's note.--Amended to conform to the repeal of

1110 s. 372.001 by s. 208, ch. 2008-247, Laws of Florida.

1111 The word "nongame" is now defined at s. 379.101.

1112 Section 24. Subsection (1), paragraph (e) of subsection

1113 (2), and paragraph (b) of subsection (3) of section 282.201,

1114 Florida Statutes, are amended to read:

1115 282.201 State data center system; agency duties and

1116 limitations.--A state data center system that includes all

1117 primary data centers, other nonprimary data centers, and

1118 computing facilities, and that provides an enterprise

1119 information technology service as defined in s. 282.0041, is

1120 established.



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1121 (1) INTENT.--The Legislature finds that the most efficient  
 1122 and effective means of providing quality utility data processing  
 1123 services to state agencies requires that computing resources be  
 1124 concentrated in quality facilities that provide the proper  
 1125 security, infrastructure, and staff resources to ensure that the  
 1126 state's data is maintained reliably and~~7~~ safely, and is  
 1127 recoverable in the event of a disaster. Efficiencies resulting  
 1128 from such consolidation include the increased ability to  
 1129 leverage technological expertise and~~7~~ hardware and software  
 1130 capabilities; increased savings through consolidated purchasing  
 1131 decisions; and the enhanced ability to deploy technology  
 1132 improvements and implement new policies consistently throughout  
 1133 the consolidated organization. Therefore it is the intent of the  
 1134 Legislature that agency data centers and computing facilities be  
 1135 consolidated into primary data centers to the maximum extent  
 1136 possible by 2019.

1137 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY  
 1138 DUTIES.--The Agency for Enterprise Information Technology shall:

1139 (e) Develop and establish policies by rule relating to the  
 1140 operation of the state data center system which must comply with  
 1141 applicable federal regulations, including 2 C.F.R. part 225 and  
 1142 45 C.F.R. The policies may address:

1143 1. Ensuring that financial information is captured and  
 1144 reported consistently and accurately.

1145 2. Requiring the establishment of service-level agreements  
 1146 executed between a data center and its customer entities for  
 1147 services provided.

1148 3. Requiring annual full cost recovery on an equitable

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1149 | rational basis. The cost-recovery methodology must ensure that  
 1150 | no service is subsidizing another service and may include  
 1151 | adjusting the subsequent year's rates as a means to recover  
 1152 | deficits or refund surpluses from a prior year.

1153 |         4. Requiring that any special assessment imposed to fund  
 1154 | expansion is based on a methodology that apportions the  
 1155 | assessment according to the proportional benefit to each  
 1156 | customer entity.

1157 |         5. Requiring that rebates be given when revenues have  
 1158 | exceeded costs, that rebates be applied to offset charges to  
 1159 | those customer entities that have subsidized the costs of other  
 1160 | customer entities, and that such rebates may be in the form of  
 1161 | credits against future billings.

1162 |         6. Requiring that all service-level agreements have a  
 1163 | contract term of up to 3 years, but may include an option to  
 1164 | renew for up to 3 additional years contingent on approval by the  
 1165 | board, and require at least a 180-day notice of termination.

1166 |         7. Designating any nonstate data centers as primary data  
 1167 | centers if the center:

1168 |             a. Has an established governance structure that represents  
 1169 | customer entities proportionally.

1170 |             b. Maintains an appropriate cost-allocation methodology  
 1171 | that accurately bills a customer entity based on the actual  
 1172 | direct and indirect costs to the customer entity and prohibits  
 1173 | the subsidization of one customer entity's costs by another  
 1174 | entity.

1175 |             c. Has sufficient raised floor space, cooling, and  
 1176 | redundant power capacity, including uninterruptible power supply

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1177 and backup power generation, to accommodate the computer  
 1178 processing platforms and support necessary to host the computing  
 1179 requirements of additional customer entities.

1180 (3) STATE AGENCY DUTIES.--

1181 (b) Each state agency shall submit to the Agency for  
 1182 Enterprise Information Technology information relating to its  
 1183 data centers and computing facilities as required in  
 1184 instructions issued by July 1 of each year by the Agency for  
 1185 Enterprise Information Technology. The information required may  
 1186 include:

- 1187 1. ~~The~~ Amount of floor space used and available.
- 1188 2. ~~The~~ Numbers and capacities of mainframes and servers.
- 1189 3. Storage and network capacity.
- 1190 4. Amount of power used and the available capacity.
- 1191 5. Estimated expenditures by service area, including  
 1192 hardware and software, numbers of full-time equivalent  
 1193 positions, personnel turnover, and position reclassifications.
- 1194 6. A list of contracts in effect for the fiscal year,  
 1195 including, but not limited to, contracts for hardware, software  
 1196 and maintenance, including the expiration date, the contract  
 1197 parties, and the cost of the contract.
- 1198 7. Service-level agreements by customer entity.

1199 Reviser's note.--Amended to improve sentence  
 1200 construction.

1201 Section 25. Paragraph (d) of subsection (4) of section  
 1202 288.1089, Florida Statutes, is amended to read:

1203 288.1089 Innovation Incentive Program.--

1204 (4) To qualify for review by the office, the applicant

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1205 must, at a minimum, establish the following to the satisfaction  
 1206 of Enterprise Florida, Inc., and the office:

1207 (d) For an alternative and renewable energy project in  
 1208 this state, the project must:

1209 1. Demonstrate a plan for significant collaboration with  
 1210 an institution of higher education;

1211 2. Provide the state, at a minimum, a break-even return on  
 1212 investment within a 20-year period;

1213 3. Include matching funds provided by the applicant or  
 1214 other available sources. This requirement may be waived if the  
 1215 office and the department determine that the merits of the  
 1216 individual project or the specific circumstances warrant such  
 1217 action;

1218 4. Be located in this state;

1219 5. Provide jobs that pay an estimated annual average wage  
 1220 that equals at least 130 percent of the average private sector  
 1221 wage. The average wage requirement may be waived if the office  
 1222 and the commission determine that the merits of the individual  
 1223 project or the specific circumstances warrant such action; and

1224 6. Meet one of the following criteria:

1225 a. Result in the creation of at least 35 direct, new jobs  
 1226 at the business.

1227 b. Have an activity or product that uses feedstock or  
 1228 other raw materials grown or produced in this state.

1229 c. Have a cumulative investment of at least \$50 million  
 1230 within a 5-year period.

1231 d. Address the technical feasibility of the technology,  
 1232 and the extent to which the proposed project has been

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1233 demonstrated to be technically feasible based on pilot project  
 1234 demonstrations, laboratory testing, scientific modeling, or  
 1235 engineering or chemical theory that supports the proposal.

1236 e. Include innovative technology and the degree to which  
 1237 the project or business incorporates an innovative new  
 1238 technology or an innovative application of an existing  
 1239 technology.

1240 f. Include production potential and the degree to which a  
 1241 project or business generates thermal, mechanical, or electrical  
 1242 energy by means of a renewable energy resource that has  
 1243 substantial long-term production potential. The project must, to  
 1244 the extent possible, quantify annual production potential in  
 1245 megawatts or kilowatts.

1246 g. Include and address energy efficiency and the degree to  
 1247 which a project demonstrates efficient use of energy, water, and  
 1248 material resources.

1249 h. Include project management and the ability of  
 1250 management to administer and ~~a~~ complete the business project.

1251 Reviser's note.--Amended to confirm the substitution  
 1252 by the editors of the word "and" for the word "a" to  
 1253 improve clarity.

1254 Section 26. Paragraphs (c), (d), (f), (h), and (k) of  
 1255 subsection (5) of section 288.8175, Florida Statutes, are  
 1256 amended to read:

1257 288.8175 Linkage institutes between postsecondary  
 1258 institutions in this state and foreign countries.--

1259 (5) The institutes are:

1260 (c) Florida Caribbean Institute (Florida International

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1261 University and Daytona Beach ~~Community~~ College).

1262 (d) Florida-Canada Institute (University of Central

1263 Florida and Palm Beach Community ~~Junior~~ College).

1264 (f) Florida-Japan Institute (University of South Florida,

1265 University of West Florida, and St. Petersburg ~~Community~~

1266 College).

1267 (h) Florida-Israel Institute (Florida Atlantic University

1268 and Broward ~~Community~~ College).

1269 (k) Florida-Mexico Institute (Florida International

1270 University and Polk ~~Community~~ College).

1271 Reviser's note.--Paragraph (5) (c) is amended to

1272 confirm the deletion of the word "Community" by the

1273 editors to conform to the renaming of Daytona Beach

1274 Community College as Daytona Beach College by s. 1,

1275 ch. 2008-52, Laws of Florida, and s. 5, ch. 2008-163,

1276 Laws of Florida. Paragraph (5) (d) is amended to

1277 substitute the word "Community" for the word "Junior"

1278 to conform to the renaming of Palm Beach Junior

1279 College as Palm Beach Community College by s. 64, ch.

1280 89-381, Laws of Florida. Paragraph (5) (f) is amended

1281 to conform to the present name of St. Petersburg

1282 College, as listed in s. 1000.21, created by s. 10,

1283 ch. 2002-387, Laws of Florida. Paragraphs (5) (h) and

1284 (k) are amended to delete the word "Community" from

1285 the names of Broward College and Polk College,

1286 respectively, pursuant to the name changes in s. 1,

1287 ch. 2008-52.

1288 Section 27. Subsection (2) of section 316.2128, Florida

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1289 Statutes, is amended to read:

1290 316.2128 Operation of motorized scooters and miniature  
1291 motorcycles; requirements for sales.--

1292 (2) Any person selling or offering a motorized scooter or  
1293 a miniature motorcycle for sale in violation of this section  
1294 ~~subsection~~ commits an unfair and deceptive trade practice as  
1295 defined in part II of chapter 501.

1296 Reviser's note.--Amended to conform to context; the  
1297 actions, violation of which constitute an unfair and  
1298 deceptive trade practice, are described in subsection  
1299 (1), and the section only has two subsections.

1300 Section 28. Subsection (4) of section 316.650, Florida  
1301 Statutes, is amended to read:

1302 316.650 Traffic citations.--

1303 (4) The chief administrative officer of every traffic  
1304 enforcement agency shall require the return to him or her of the  
1305 officer-agency copy of every traffic citation issued by an  
1306 officer under the chief administrative officer's supervision to  
1307 an alleged violator of any traffic law or ordinance and all  
1308 copies of every traffic citation that has been spoiled or upon  
1309 which any entry has been made and not issued to an alleged  
1310 violator. In the case of a traffic enforcement agency that has  
1311 an automated citation issuance system, the chief administrative  
1312 officer shall require the return of all electronic traffic  
1313 citation records.

1314 Reviser's note.--Amended to improve clarity.

1315 Section 29. Subsection (12) of section 319.001, Florida  
1316 Statutes, is amended to read:

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1317 319.001 Definitions.--As used in this chapter, the term:  
 1318 (12) "Used motor vehicle" means any motor vehicle that is  
 1319 not a "new motor vehicle" as defined in subsection (9) ~~(8)~~.  
 1320 Reviser's note.--Amended to conform to the  
 1321 redesignation of subsection (8) as subsection (9) by  
 1322 s. 15, ch. 2008-176, Laws of Florida.  
 1323 Section 30. Paragraph (b) of subsection (62) and paragraph  
 1324 (b) of subsection (65) of section 320.08058, Florida Statutes,  
 1325 are amended to read:  
 1326 320.08058 Specialty license plates.--  
 1327 (62) PROTECT FLORIDA SPRINGS LICENSE PLATES.--  
 1328 (b) The annual use fees shall be distributed to the  
 1329 Wildlife Foundation of Florida, Inc., a citizen support  
 1330 organization created pursuant to s. 379.223 ~~372.0215~~, which  
 1331 shall administer the fees as follows:  
 1332 1. Wildlife Foundation of Florida, Inc., shall retain the  
 1333 first \$60,000 of the annual use fees as direct reimbursement for  
 1334 administrative costs, startup costs, and costs incurred in the  
 1335 development and approval process.  
 1336 2. Thereafter, a maximum of 10 percent of the fees may be  
 1337 used for administrative costs directly associated with education  
 1338 programs, conservation, springs research, and grant  
 1339 administration of the foundation. A maximum of 15 percent of the  
 1340 fees may be used for continuing promotion and marketing of the  
 1341 license plate.  
 1342 3. At least 55 percent of the fees shall be available for  
 1343 competitive grants for targeted community-based springs research  
 1344 not currently available for state funding. The remaining 20



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1345 percent shall be directed toward community outreach programs  
 1346 aimed at implementing such research findings. The competitive  
 1347 grants shall be administered and approved by the board of  
 1348 directors of the Wildlife Foundation of Florida. The granting  
 1349 advisory committee shall be composed of nine members, including  
 1350 one representative from the Fish and Wildlife Conservation  
 1351 Commission, one representative from the Department of  
 1352 Environmental Protection, one representative from the Department  
 1353 of Health, one representative from the Department of Community  
 1354 Affairs, three citizen representatives, and two representatives  
 1355 from nonprofit stakeholder groups.

1356 4. The remaining funds shall be distributed with the  
 1357 approval of and accountability to the board of directors of the  
 1358 Wildlife Foundation of Florida, and shall be used to support  
 1359 activities contributing to education, outreach, and springs  
 1360 conservation.

1361 (65) FLORIDA TENNIS LICENSE PLATES.--

1362 (b) The department shall distribute the annual use fees to  
 1363 the Florida Sports Foundation, a direct-support organization of  
 1364 the Office of Tourism, Trade, and Economic Development. The  
 1365 license plate annual use fees shall be annually allocated as  
 1366 follows:

1367 1. Up to 5 percent of the proceeds from the annual use  
 1368 fees may be used by the Florida Sports Foundation to administer  
 1369 the license plate program.

1370 2. The United States Tennis Association Florida Section  
 1371 Foundation shall receive the first \$60,000 in proceeds from the  
 1372 annual use fees to reimburse it for startup costs,

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1373 administrative costs, and other costs it incurs in the  
 1374 development and approval process.

1375 3. Up to 5 percent of the proceeds from the annual use  
 1376 fees may be used for promoting and marketing the license plates.  
 1377 The remaining proceeds shall be available for grants by the  
 1378 United States Tennis Association Florida Section Foundation to  
 1379 nonprofit organizations to operate youth tennis programs and  
 1380 adaptive tennis programs for special populations of all ages,  
 1381 and for building, renovating, and maintaining public tennis  
 1382 courts.

1383 Reviser's note.--Paragraph (62)(b) is amended to  
 1384 conform to the redesignation of s. 372.0215 as s.  
 1385 379.223 by s. 32, ch. 2008-247, Laws of Florida.

1386 Paragraph (65)(b) is amended to conform to the  
 1387 complete name of the United State Tennis Association  
 1388 Florida Section Foundation as used elsewhere in  
 1389 subsection (65).

1390 Section 31. Paragraph (b) of subsection (4) of section  
 1391 323.001, Florida Statutes, is amended to read:

1392 323.001 Wrecker operator storage facilities; vehicle  
 1393 holds.--

1394 (4) The requirements for a written hold apply when the  
 1395 following conditions are present:

1396 (b) The officer has probable cause to believe the vehicle  
 1397 should be seized and forfeited under chapter 379 ~~370~~ or chapter  
 1398 ~~372~~;

1399 Reviser's note.--Amended to conform to the transfer of  
 1400 the material in chapters 370 and 372 to new chapter

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1401 379 by ch. 2008-247, Laws of Florida.

1402 Section 32. Subsection (1) of section 336.41, Florida

1403 Statutes, is amended to read:

1404 336.41 Counties; employing labor and providing road

1405 equipment; accounting; when competitive bidding required.--

1406 (1) The commissioners may employ labor and provide

1407 equipment as may be necessary, except as provided in subsection

1408 (4) ~~(3)~~, for constructing and opening of new roads or bridges

1409 and repair and maintenance of any existing roads and bridges.

1410 Reviser's note.--Amended to conform to the

1411 redesignation of subsection (3) as subsection (4) by

1412 s. 25, ch. 2008-191, Laws of Florida.

1413 Section 33. Subsection (1) of section 336.44, Florida

1414 Statutes, is amended to read:

1415 336.44 Counties; contracts for construction of roads;

1416 procedure; contractor's bond.--

1417 (1) The commissioners shall let the work on roads out on

1418 contract, in accordance with s. 336.41(4) ~~336.41(3)~~.

1419 Reviser's note.--Amended to conform to the

1420 redesignation of s. 336.41(3) as s. 336.41(4) by s.

1421 25, ch. 2008-191, Laws of Florida.

1422 Section 34. Subsection (2) of section 364.051, Florida

1423 Statutes, is amended to read:

1424 364.051 Price regulation.--

1425 (2) BASIC LOCAL TELECOMMUNICATIONS SERVICE.--~~Price~~

1426 ~~regulation of basic local telecommunications service shall~~

1427 ~~consist of the following:~~

1428 ~~(a) Effective January 1, 1996, the rates for basic local~~

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1429 ~~telecommunications service of each company subject to this~~  
 1430 ~~section shall be capped at the rates in effect on July 1, 1995,~~  
 1431 ~~and such rates shall not be increased prior to January 1, 2000.~~  
 1432 ~~However, the basic local telecommunications service rates of a~~  
 1433 ~~local exchange telecommunications company with more than 3~~  
 1434 ~~million basic local telecommunications service access lines in~~  
 1435 ~~service on July 1, 1995, shall not be increased prior to January~~  
 1436 ~~1, 2001.~~

1437 ~~(b) Upon the date of filing its election with the~~  
 1438 ~~commission, the rates for basic local telecommunications service~~  
 1439 ~~of a company that elects to become subject to this section shall~~  
 1440 ~~be capped at the rates in effect on that date and shall remain~~  
 1441 ~~capped as stated in paragraph (a).~~

1442 ~~(c) There shall be a flat-rate pricing option for basic~~  
 1443 ~~local telecommunications services, and mandatory measured~~  
 1444 ~~service for basic local telecommunications services shall not be~~  
 1445 ~~imposed.~~

1446 Reviser's note.--Amended to delete obsolete language  
 1447 establishing a rate cap effective prior to January 1,  
 1448 2000, or January 1, 2001, the end date for the cap  
 1449 depending on a company's number of basic local  
 1450 telecommunications service access lines as of July 1,  
 1451 1995.

1452 Section 35. Subsection (5) of section 373.118, Florida  
 1453 Statutes, is amended to read:

1454 373.118 General permits; delegation.--

1455 (5) The department shall adopt by rule one or more general  
 1456 permits for local governments to construct, operate, and

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1457 maintain public marina facilities, public mooring fields, public  
 1458 boat ramps, including associated courtesy docks, and associated  
 1459 parking facilities located in uplands. Such general permits  
 1460 adopted by rule shall include provisions to ensure compliance  
 1461 with part IV of this chapter, subsection (1), and the criteria  
 1462 necessary to include the general permits in a state programmatic  
 1463 general permit issued by the United States Army Corps of  
 1464 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-  
 1465 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
 1466 authorized under such general permits is exempt from review as a  
 1467 development of regional impact if the facility complies with the  
 1468 comprehensive plan of the applicable local government. Such  
 1469 facilities shall be consistent with the local government manatee  
 1470 protection plan required pursuant to chapter 379 ~~370~~ and shall  
 1471 obtain Clean Marina Program status prior to opening for  
 1472 operation and maintain that status for the life of the facility.  
 1473 Marinas and mooring fields authorized under any such general  
 1474 permit shall not exceed an area of 50,000 square feet over  
 1475 wetlands and other surface waters. All facilities permitted  
 1476 under this section shall be constructed, maintained, and  
 1477 operated in perpetuity for the exclusive use of the general  
 1478 public. The department shall initiate the rulemaking process  
 1479 within 60 days after the effective date of this act.

1480 Reviser's note.--Amended to conform to the transfer of  
 1481 material in former chapter 370 to chapter 379 by ch.  
 1482 2008-247, Laws of Florida.

1483 Section 36. Paragraphs (a) and (e) of subsection (3) of  
 1484 section 373.4145, Florida Statutes, are amended to read:

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1485 |           373.4145 Part IV permitting program within the  
 1486 | geographical jurisdiction of the Northwest Florida Water  
 1487 | Management District.--  
 1488 |           (3) The rules adopted under subsection (1), as applicable,  
 1489 | shall:  
 1490 |           (a) Incorporate the exemptions in ss. 373.406 and  
 1491 | 403.813(1) ~~403.813(2)~~.  
 1492 |           (e) Provide an exemption for the repair, stabilization, or  
 1493 | paving of county-maintained roads existing on or before January  
 1494 | 1, 2002, and the repair or replacement of bridges that are part  
 1495 | of the roadway consistent with the provisions of s.  
 1496 | 403.813(1)(t) ~~403.813(2)(t)~~, notwithstanding the provisions of  
 1497 | s. 403.813(1)(t)7. ~~403.813(2)(t)7.~~ requiring adoption of a  
 1498 | general permit applicable within the Northwest Florida Water  
 1499 | Management District and the repeal of such exemption upon the  
 1500 | adoption of a general permit.  
 1501 |           Reviser's note.--Amended to conform to the  
 1502 | redesignation of s. 403.813(2) as s. 403.813(1) by s.  
 1503 | 4, ch. 2008-40, Laws of Florida.  
 1504 |           Section 37. Section 374.977, Florida Statutes, is amended  
 1505 | to read:  
 1506 |           374.977 Inland navigation districts; manatee protection  
 1507 | speed zones, responsibility for sign posting.--The Fish and  
 1508 | Wildlife Conservation Commission shall assume the responsibility  
 1509 | for posting and maintaining regulatory markers for manatee  
 1510 | protection speed zones as posted by the inland navigation  
 1511 | districts pursuant to a rule adopted by the commission under s.  
 1512 | 379.2431(2) ~~370.12(2)~~. The Fish and Wildlife Conservation

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1513 Commission may apply to inland navigation districts for funding  
 1514 under s. 374.976 to assist with implementing its responsibility  
 1515 under this section for maintaining regulatory markers for  
 1516 manatee protection speed zones.

1517 Reviser's note.--Amended to conform to the  
 1518 redesignation of s. 370.12 as s. 379.2431 by s. 73,  
 1519 ch. 2008-247, Laws of Florida.

1520 Section 38. Subsection (1) of section 378.021, Florida  
 1521 Statutes, is amended to read:

1522 378.021 Master reclamation plan.--

1523 (1) The Department of Environmental Protection shall amend  
 1524 the master reclamation plan that provides guidelines for the  
 1525 reclamation of lands mined or disturbed by the severance of  
 1526 phosphate rock prior to July 1, 1975, which lands are not  
 1527 subject to mandatory reclamation under part II of chapter 211.  
 1528 In amending the master reclamation plan, the Department of  
 1529 Environmental Protection shall continue to conduct an onsite  
 1530 evaluation of all lands mined or disturbed by the severance of  
 1531 phosphate rock prior to July 1, 1975, which lands are not  
 1532 subject to mandatory reclamation under part II of chapter 211,  
 1533 ~~and shall consider the report and plan prepared by the Land Use~~  
 1534 ~~Advisory Committee under s. 378.011 and submitted to the former~~  
 1535 ~~Department of Natural Resources for adoption by rule on or~~  
 1536 ~~before July 1, 1979.~~ The master reclamation plan when amended by  
 1537 the Department of Environmental Protection shall be consistent  
 1538 with local government plans prepared pursuant to the Local  
 1539 Government Comprehensive Planning and Land Development  
 1540 Regulation Act.

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1541 Reviser's note.--Amended to conform to the repeal of  
 1542 s. 378.011, which created the Land Use Advisory  
 1543 Committee, by s. 24, ch. 2008-150, Laws of Florida.  
 1544 Section 39. Subsection (19) of section 378.403, Florida  
 1545 Statutes, is amended to read:  
 1546 378.403 Definitions.--As used in this part, the term:  
 1547 (19) "Wetlands" means any area as defined in s. 373.019,  
 1548 as delineated using the methodology adopted by rule and ratified  
 1549 pursuant to s. 373.421(1). For areas included in an approved  
 1550 conceptual reclamation plan or modification application  
 1551 submitted prior to July 1, 1994, wetlands means any area having  
 1552 dominant vegetation as defined and listed in rule 62-301.200 ~~67-~~  
 1553 ~~301.200~~, Florida Administrative Code, regardless of whether the  
 1554 area is within the department's jurisdiction or whether the  
 1555 water bodies are connected.  
 1556 Reviser's note.--Amended to correct an apparent error  
 1557 and facilitate correct interpretation. Rule 67-301.200  
 1558 does not exist; rule 62-301.200 relates to dominant  
 1559 vegetation.  
 1560 Section 40. Subsection (1) of section 379.2495, Florida  
 1561 Statutes, is amended to read:  
 1562 379.2495 Florida Ships-2-Reefs Program; matching grant  
 1563 requirements.--  
 1564 (1) The commission is authorized to establish the Florida  
 1565 Ships-2-Reefs Program, a matching grant program, for the  
 1566 securing and placement of United States Maritime Administration  
 1567 (MARAD) and United States Navy decommissioned vessels in state  
 1568 or federal waters seaward of the state to serve as artificial



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1569 reefs and, pursuant thereto, to make expenditures and enter into  
 1570 contracts with local governments and nonprofit corporations for  
 1571 the purpose of securing and placing MARAD and United States Navy  
 1572 decommissioned vessels as artificial reefs in state or federal  
 1573 waters seaward of the state pursuant to s. 379.249(8) ~~370.25(8)~~  
 1574 and performing the environmental preparation and cleaning  
 1575 requisite to the placement of a vessel as an artificial reef,  
 1576 which preparation and cleaning must meet the standards  
 1577 established in the 2006 publication, "National Guidance: Best  
 1578 Management Practices for Preparing Vessels Intended to Create  
 1579 Artificial Reefs," published jointly by the United States  
 1580 Environmental Protection Agency and the United States Maritime  
 1581 Administration. The commission shall have final approval of  
 1582 grants awarded through the program.

1583 Reviser's note.--Amended to conform to the  
 1584 redesignation of s. 370.25 as s. 379.249 by s. 81, ch.  
 1585 2008-247, Laws of Florida.

1586 Section 41. Paragraph (q) of subsection (2) of section  
 1587 379.353, Florida Statutes, is amended to read:

1588 379.353 Recreational licenses and permits; exemptions from  
 1589 fees and requirements.--

1590 (2) A hunting, freshwater fishing, or saltwater fishing  
 1591 license or permit is not required for:

1592 (q) Any resident recreationally freshwater fishing who  
 1593 holds a valid commercial fishing license issued under s.  
 1594 379.363(1)(a) ~~379.3625(1)(a)~~.

1595 Reviser's note.--Amended to correct an apparent error  
 1596 and facilitate correct interpretation. Prior to the

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1597 amendment to paragraph (2)(q) by s. 138, ch. 2008-247,  
 1598 Laws of Florida, the cross-reference was to s.  
 1599 372.65(1)(a), relating to resident commercial fishing  
 1600 licenses. Section 372.65 was redesignated as s.  
 1601 379.363 by s. 148, ch. 2008-247.  
 1602 Section 42. Subsection (8) of section 379.407, Florida  
 1603 Statutes, is amended to read:  
 1604 379.407 Administration; rules, publications, records;  
 1605 penalties; injunctions.--  
 1606 (8) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For  
 1607 purposes of imposing license or permit suspensions or  
 1608 revocations authorized by this chapter, the license or permit  
 1609 under which the violation was committed is subject to suspension  
 1610 or revocation by the commission. For purposes of assessing  
 1611 monetary civil or administrative penalties authorized by this  
 1612 chapter, the commercial harvester cited and subsequently  
 1613 receiving a judicial disposition of other than dismissal or  
 1614 acquittal in a court of law is subject to the monetary penalty  
 1615 assessment by the commission. However, if the licensee ~~license~~  
 1616 or permitholder of record is not the commercial harvester  
 1617 receiving the citation and judicial disposition, the license or  
 1618 permit may be suspended or revoked only after the licensee  
 1619 ~~license~~ or permitholder has been notified by the commission that  
 1620 the license or permit has been cited in a major violation and is  
 1621 now subject to suspension or revocation should the license or  
 1622 permit be cited for subsequent major violations.  
 1623 Reviser's note.--Amended to improve clarity and  
 1624 facilitate correct interpretation.

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1625 Section 43. Paragraph (a) of subsection (3) of section  
 1626 380.061, Florida Statutes, is amended to read:

1627 380.061 The Florida Quality Developments program.--

1628 (3) (a) To be eligible for designation under this program,  
 1629 the developer shall comply with each of the following  
 1630 requirements which is applicable to the site of a qualified  
 1631 development:

1632 1. Have donated or entered into a binding commitment to  
 1633 donate the fee or a lesser interest sufficient to protect, in  
 1634 perpetuity, the natural attributes of the types of land listed  
 1635 below. In lieu of the above requirement, the developer may enter  
 1636 into a binding commitment which runs with the land to set aside  
 1637 such areas on the property, in perpetuity, as open space to be  
 1638 retained in a natural condition or as otherwise permitted under  
 1639 this subparagraph. Under the requirements of this subparagraph,  
 1640 the developer may reserve the right to use such areas for the  
 1641 purpose of passive recreation that is consistent with the  
 1642 purposes for which the land was preserved.

1643 a. Those wetlands and water bodies throughout the state as  
 1644 would be delineated if the provisions of s. 373.4145(1) (b) were  
 1645 applied. The developer may use such areas for the purpose of  
 1646 site access, provided other routes of access are unavailable or  
 1647 impracticable; may use such areas for the purpose of stormwater  
 1648 or domestic sewage management and other necessary utilities to  
 1649 the extent that such uses are permitted pursuant to chapter 403;  
 1650 or may redesign or alter wetlands and water bodies within the  
 1651 jurisdiction of the Department of Environmental Protection which  
 1652 have been artificially created, if the redesign or alteration is

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1653 done so as to produce a more naturally functioning system.  
 1654       b. Active beach or primary and, where appropriate,  
 1655 secondary dunes, to maintain the integrity of the dune system  
 1656 and adequate public accessways to the beach. However, the  
 1657 developer may retain the right to construct and maintain  
 1658 elevated walkways over the dunes to provide access to the beach.  
 1659       c. Known archaeological sites determined to be of  
 1660 significance by the Division of Historical Resources of the  
 1661 Department of State.  
 1662       d. Areas known to be important to animal species  
 1663 designated as endangered or threatened animal species by the  
 1664 United States Fish and Wildlife Service or by the Fish and  
 1665 Wildlife Conservation Commission, for reproduction, feeding, or  
 1666 nesting; for traveling between such areas used for reproduction,  
 1667 feeding, or nesting; or for escape from predation.  
 1668       e. Areas known to contain plant species designated as  
 1669 endangered plant species by the Department of Agriculture and  
 1670 Consumer Services.  
 1671       2. Produce, or dispose of, no substances designated as  
 1672 hazardous or toxic substances by the United States Environmental  
 1673 Protection Agency or by the Department of Environmental  
 1674 Protection or the Department of Agriculture and Consumer  
 1675 Services. This subparagraph is not intended to apply to the  
 1676 production of these substances in nonsignificant amounts as  
 1677 would occur through household use or incidental use by  
 1678 businesses.  
 1679       3. Participate in a downtown reuse or redevelopment  
 1680 program to improve and rehabilitate a declining downtown area.

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1681           4. Incorporate no dredge and fill activities in, and no  
 1682 stormwater discharge into, waters designated as Class II,  
 1683 aquatic preserves, or Outstanding Florida Waters, except as  
 1684 activities in those waters are permitted pursuant to s.  
 1685 403.813(1) ~~403.813(2)~~ and the developer demonstrates that those  
 1686 activities meet the standards under Class II waters, Outstanding  
 1687 Florida Waters, or aquatic preserves, as applicable.

1688           5. Include open space, recreation areas, Xeriscape as  
 1689 defined in s. 373.185, and energy conservation and minimize  
 1690 impermeable surfaces as appropriate to the location and type of  
 1691 project.

1692           6. Provide for construction and maintenance of all onsite  
 1693 infrastructure necessary to support the project and enter into a  
 1694 binding commitment with local government to provide an  
 1695 appropriate fair-share contribution toward the offsite impacts  
 1696 which the development will impose on publicly funded facilities  
 1697 and services, except offsite transportation, and condition or  
 1698 phase the commencement of development to ensure that public  
 1699 facilities and services, except offsite transportation, will be  
 1700 available concurrent with the impacts of the development. For  
 1701 the purposes of offsite transportation impacts, the developer  
 1702 shall comply, at a minimum, with the standards of the state land  
 1703 planning agency's development-of-regional-impact transportation  
 1704 rule, the approved strategic regional policy plan, any  
 1705 applicable regional planning council transportation rule, and  
 1706 the approved local government comprehensive plan and land  
 1707 development regulations adopted pursuant to part II of chapter  
 1708 163.

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1709 7. Design and construct the development in a manner that  
 1710 is consistent with the adopted state plan, the applicable  
 1711 strategic regional policy plan, and the applicable adopted local  
 1712 government comprehensive plan.

1713 Reviser's note.--Amended to conform to the  
 1714 redesignation of s. 403.813(2) as s. 403.813(1) by s.  
 1715 4, ch. 2008-40, Laws of Florida.

1716 Section 44. Paragraph (d) of subsection (3) of section  
 1717 380.510, Florida Statutes, is amended to read:

1718 380.510 Conditions of grants and loans.--

1719 (3) In the case of a grant or loan for land acquisition,  
 1720 agreements shall provide all of the following:

1721 (d) If any essential term or condition of a grant or loan  
 1722 is violated, title to all interest in real property acquired  
 1723 with state funds shall be conveyed or revert to the Board of  
 1724 Trustees of the Internal Improvement Trust Fund. The trust shall  
 1725 treat such property in accordance with s. 380.508(4)(f)

1726 ~~380.508(4)(e)~~.

1727  
 1728 Any deed or other instrument of conveyance whereby a nonprofit  
 1729 organization or local government acquires real property under  
 1730 this section shall set forth the interest of the state. The  
 1731 trust shall keep at least one copy of any such instrument and  
 1732 shall provide at least one copy to the Board of Trustees of the  
 1733 Internal Improvement Trust Fund.

1734 Reviser's note.--Amended to conform to the  
 1735 redesignation of s. 380.508(4)(e) as s. 380.508(4)(f)  
 1736 by s. 23, ch. 2008-229, Laws of Florida.

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1737 Section 45. Section 381.0063, Florida Statutes, is amended  
 1738 to read:

1739 381.0063 Drinking water funds.--All fees and penalties  
 1740 received from suppliers of water pursuant to ss. 403.860(5) and  
 1741 403.861(7)(a) ~~403.861(8)~~ shall be deposited in the appropriate  
 1742 County Health Department Trust Fund to be used by the department  
 1743 to pay the costs of expenditures required pursuant to ss.  
 1744 381.0062 and 403.862(1)(c).

1745 Reviser's note.--Amended to conform to the amendment  
 1746 of s. 403.861(7) and (8) by s. 20, ch. 2008-150, Laws  
 1747 of Florida, which moved language that comprised former  
 1748 subsection (8) to paragraph (7)(a).

1749 Section 46. Paragraph (a) of subsection (6) of section  
 1750 403.087, Florida Statutes, is amended to read:

1751 403.087 Permits; general issuance; denial; revocation;  
 1752 prohibition; penalty.--

1753 (6)(a) The department shall require a processing fee in an  
 1754 amount sufficient, to the greatest extent possible, to cover the  
 1755 costs of reviewing and acting upon any application for a permit  
 1756 or request for site-specific alternative criteria or for an  
 1757 exemption from water quality criteria and to cover the costs of  
 1758 surveillance and other field services and related support  
 1759 activities associated with any permit or plan approval issued  
 1760 pursuant to this chapter. The department shall review the fees  
 1761 authorized under this chapter at least once every 5 years and  
 1762 shall adjust the fees upward, as necessary, within the fee caps  
 1763 established in this paragraph to reflect changes in the Consumer  
 1764 Price Index or similar inflation indicator. The department shall

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1765 establish by rule the inflation index to be used for this  
 1766 purpose. In the event of deflation, the department shall consult  
 1767 with the Executive Office of the Governor and the Legislature to  
 1768 determine whether downward fee adjustments are appropriate based  
 1769 on the current budget and appropriation considerations. However,  
 1770 when an application is received without the required fee, the  
 1771 department shall acknowledge receipt of the application and  
 1772 shall immediately return the unprocessed application to the  
 1773 applicant and shall take no further action until the application  
 1774 is received with the appropriate fee. The department shall adopt  
 1775 a schedule of fees by rule, subject to the following  
 1776 limitations:

- 1777 1. The fee for any of the following may not exceed
- 1778 \$32,500:
  - 1779 a. Hazardous waste, construction permit.
  - 1780 b. Hazardous waste, operation permit.
  - 1781 c. Hazardous waste, postclosure permit, or clean closure
  - 1782 plan approval.
  - 1783 d. Hazardous waste, corrective action permit.
- 1784 2. The permit fee for a drinking water construction or
- 1785 operation permit, not including the operation license fee
- 1786 required under s. 403.861(7), shall be at least \$500 and may not
- 1787 exceed \$15,000.
- 1788 3. The permit fee for a Class I injection well
- 1789 construction permit may not exceed \$12,500.
- 1790 4. The permit fee for any of the following permits may not
- 1791 exceed \$10,000:
  - 1792 a. Solid waste, construction permit.



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1793	b. Solid waste, operation permit.	
1794	c. Class I injection well, operation permit.	
1795	5. The permit fee for any of the following permits may not	
1796	exceed \$7,500:	
1797	a. Air pollution, construction permit.	
1798	b. Solid waste, closure permit.	
1799	c. Domestic waste residuals, construction or operation	
1800	permit.	
1801	d. Industrial waste, operation permit.	
1802	e. Industrial waste, construction permit.	
1803	6. The permit fee for any of the following permits may not	
1804	exceed \$5,000:	
1805	a. Domestic waste, operation permit.	
1806	b. Domestic waste, construction permit.	
1807	7. The permit fee for any of the following permits may not	
1808	exceed \$4,000:	
1809	a. Wetlands resource management--(dredge and fill and	
1810	mangrove alteration).	
1811	b. Hazardous waste, research and development permit.	
1812	c. Air pollution, operation permit, for sources not	
1813	subject to s. 403.0872.	
1814	d. Class III injection well, construction, operation, or	
1815	abandonment permits.	
1816	8. The permit fee for a drinking water distribution system	
1817	permit, including a general permit, shall be at least \$500 and	
1818	may not exceed \$1,000.	
1819	9. The permit fee for Class V injection wells,	
1820	construction, operation, and abandonment permits may not exceed	

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1821 | \$750.

1822 |       10. The permit fee for domestic waste collection system

1823 | permits may not exceed \$500.

1824 |       11. The permit fee for stormwater operation permits may

1825 | not exceed \$100.

1826 |       12. Except as provided in subparagraph 8., the general

1827 | permit fees for permits that require certification by a

1828 | registered professional engineer or professional geologist may

1829 | not exceed \$500, and the general permit fee for other permit

1830 | types may not exceed \$100.

1831 |       13. The fee for a permit issued pursuant to s. 403.816 is

1832 | \$5,000, and the fee for any modification of such permit

1833 | requested by the applicant is \$1,000.

1834 |       14. The regulatory program and surveillance fees for

1835 | facilities permitted pursuant to s. 403.088 or s. 403.0885, or

1836 | for facilities permitted pursuant to s. 402 of the Clean Water

1837 | Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the

1838 | department has been granted administrative authority, shall be

1839 | limited as follows:

1840 |       a. The fees for domestic wastewater facilities shall not

1841 | exceed \$7,500 annually. The department shall establish a sliding

1842 | scale of fees based on the permitted capacity and shall ensure

1843 | smaller domestic waste dischargers do not bear an inordinate

1844 | share of costs of the program.

1845 |       b. The annual fees for industrial waste facilities shall

1846 | not exceed \$11,500. The department shall establish a sliding

1847 | scale of fees based upon the volume, concentration, or nature of

1848 | the industrial waste discharge and shall ensure smaller

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1849 industrial waste dischargers do not bear an inordinate share of  
 1850 costs of the program.

1851 c. The department may establish a fee, not to exceed the  
 1852 amounts in subparagraphs 5. and 6. ~~4. and 5.~~, to cover  
 1853 additional costs of review required for permit modification or  
 1854 construction engineering plans.

1855 Reviser's note.--Amended to conform to the  
 1856 redesignation of subparagraphs (6)(a)4. and 5. as  
 1857 subparagraphs 5. and 6. by s. 19, ch. 2008-150, Laws  
 1858 of Florida.

1859 Section 47. Section 403.0871, Florida Statutes, is amended  
 1860 to read:

1861 403.0871 Florida Permit Fee Trust Fund.--There is  
 1862 established within the department a nonlapsing trust fund to be  
 1863 known as the "Florida Permit Fee Trust Fund." All funds received  
 1864 from applicants for permits pursuant to ss. 161.041, 161.053,  
 1865 161.0535, 403.087(6), and 403.861(7)(a) ~~403.861(8)~~ shall be  
 1866 deposited in the Florida Permit Fee Trust Fund and shall be used  
 1867 by the department with the advice and consent of the Legislature  
 1868 to supplement appropriations and other funds received by the  
 1869 department for the administration of its responsibilities under  
 1870 this chapter and chapter 161. In no case shall funds from the  
 1871 Florida Permit Fee Trust Fund be used for salary increases  
 1872 without the approval of the Legislature.

1873 Reviser's note.--Amended to conform to the amendment  
 1874 of s. 403.861(7) and (8) by s. 20, ch. 2008-150, Laws  
 1875 of Florida, which moved language that comprised former  
 1876 subsection (8) to paragraph (7)(a).

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1877 Section 48. Subsection (3) of section 403.511, Florida  
 1878 Statutes, is amended to read:  
 1879 403.511 Effect of certification.--  
 1880 (3) The certification and any order on land use and zoning  
 1881 issued under this act shall be in lieu of any license, permit,  
 1882 certificate, or similar document required by any state,  
 1883 regional, or local agency pursuant to, but not limited to,  
 1884 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,  
 1885 chapter 253, chapter 298, ~~chapter 370~~, chapter 373, chapter 376,  
 1886 chapter 379, chapter 380, chapter 381, chapter 387, chapter 403,  
 1887 except for permits issued pursuant to any federally delegated or  
 1888 approved permit program and except as provided in chapter 404 or  
 1889 the Florida Transportation Code, or 33 U.S.C. s. 1341.  
 1890 Reviser's note.--Amended to conform to the transfer of  
 1891 material in former chapter 370 to chapter 379 by ch.  
 1892 2008-247, Laws of Florida.  
 1893 Section 49. Paragraph (a) of subsection (7) of section  
 1894 403.5115, Florida Statutes, is amended to read:  
 1895 403.5115 Public notice.--  
 1896 (7)(a) A good faith effort shall be made by the proponent  
 1897 of an alternate corridor that includes a transmission line, as  
 1898 defined by s. 403.522(22), to provide direct written notice of  
 1899 the filing of an alternate corridor for certification by United  
 1900 States mail or hand delivery ~~of~~ of the filing no later than 30  
 1901 days after filing of the alternate corridor to all local  
 1902 landowners whose property, as noted in the most recent local  
 1903 government tax records, and residences, are located within one-  
 1904 quarter mile of the proposed boundaries of a transmission line

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1905	corridor that includes a transmission line as defined by s.	
1906	403.522(22).	
1907	Reviser's note.--Amended to delete repetitious	
1908	language and facilitate correct interpretation.	
1909	Section 50. Paragraph (a) of subsection (3) of section	
1910	403.531, Florida Statutes, is amended to read:	
1911	403.531 Effect of certification.--	
1912	(3) (a) The certification shall be in lieu of any license,	
1913	permit, certificate, or similar document required by any state,	
1914	regional, or local agency under, but not limited to, chapter	
1915	125, chapter 161, chapter 163, chapter 166, chapter 186, chapter	
1916	253, chapter 258, chapter 298, <del>chapter 370, chapter 372,</del> chapter	
1917	373, chapter 376, <u>chapter 379,</u> chapter 380, chapter 381, chapter	
1918	403, chapter 404, the Florida Transportation Code, or 33 U.S.C.	
1919	s. 1341.	
1920	Reviser's note.--Amended to conform to the transfer of	
1921	material in former chapters 370 and 372 to chapter 379	
1922	by ch. 2008-247, Laws of Florida.	
1923	Section 51. Paragraph (b) of subsection (1) of section	
1924	403.7264, Florida Statutes, is amended to read:	
1925	403.7264 Amnesty days for purging small quantities of	
1926	hazardous wastes.--Amnesty days are authorized by the state for	
1927	the purpose of purging small quantities of hazardous waste, free	
1928	of charge, from the possession of homeowners, farmers, schools,	
1929	state agencies, and small businesses. These entities have no	
1930	appropriate economically feasible mechanism for disposing of	
1931	their hazardous wastes at the present time. In order to raise	
1932	public awareness on this issue, provide an educational process,	

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1933 accommodate those entities which have a need to dispose of small  
 1934 quantities of hazardous waste, and preserve the waters of the  
 1935 state, amnesty days shall be carried out in the following  
 1936 manner:

1937 (1)

1938 (b) If a local government has established a local or  
 1939 regional hazardous waste collection center pursuant to s.  
 1940 403.7265(2) ~~403.7265(3)~~ and such center is in operation, the  
 1941 department and the local government may enter into a contract  
 1942 whereby the local government shall administer and supervise  
 1943 amnesty days. If a contract is entered into, the department  
 1944 shall provide to the local government, from funds appropriated  
 1945 to the department for amnesty days, an amount of money as  
 1946 determined by the department that is equal to the amount of  
 1947 money that would have been spent by the department to administer  
 1948 and supervise amnesty days in the local government's area. A  
 1949 local government that wishes to administer and supervise amnesty  
 1950 days shall notify the department at least 30 days prior to the  
 1951 beginning of the state fiscal year during which the amnesty days  
 1952 are scheduled to be held in the local government's area.

1953 Reviser's note.--Amended to conform to the  
 1954 redesignation of s. 403.7265(3) as s. 403.7265(2) by  
 1955 s. 26, ch. 2007-184, Laws of Florida.

1956 Section 52. Paragraph (t) of subsection (1) and subsection  
 1957 (2) of section 403.813, Florida Statutes, are amended to read:

1958 403.813 Permits issued at district centers; exceptions.--

1959 (1) A permit is not required under this chapter, chapter  
 1960 373, chapter 61-691, Laws of Florida, or chapter 25214 or

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1961 chapter 25270, 1949, Laws of Florida, for activities associated  
 1962 with the following types of projects; however, except as  
 1963 otherwise provided in this subsection, nothing in this  
 1964 subsection relieves an applicant from any requirement to obtain  
 1965 permission to use or occupy lands owned by the Board of Trustees  
 1966 of the Internal Improvement Trust Fund or any water management  
 1967 district in its governmental or proprietary capacity or from  
 1968 complying with applicable local pollution control programs  
 1969 authorized under this chapter or other requirements of county  
 1970 and municipal governments:

1971 (t) The repair, stabilization, or paving of existing  
 1972 county maintained roads and the repair or replacement of bridges  
 1973 that are part of the roadway, within the Northwest Florida Water  
 1974 Management District and the Suwannee River Water Management  
 1975 District, provided:

1976 1. The road and associated bridge were in existence and in  
 1977 use as a public road or bridge, and were maintained by the  
 1978 county as a public road or bridge on or before January 1, 2002;

1979 2. The construction activity does not realign the road or  
 1980 expand the number of existing traffic lanes of the existing  
 1981 road; however, the work may include the provision of safety  
 1982 shoulders, clearance of vegetation, and other work reasonably  
 1983 necessary to repair, stabilize, pave, or repave the road,  
 1984 provided that the work is constructed by generally accepted  
 1985 engineering standards;

1986 3. The construction activity does not expand the existing  
 1987 width of an existing vehicular bridge in excess of that  
 1988 reasonably necessary to properly connect the bridge with the

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1989	road being repaired, stabilized, paved, or repaved to safely	
1990	accommodate the traffic expected on the road, which may include	
1991	expanding the width of the bridge to match the existing	
1992	connected road. However, no debris from the original bridge	
1993	shall be allowed to remain in waters of the state, including	
1994	wetlands;	
1995	4. Best management practices for erosion control shall be	
1996	employed as necessary to prevent water quality violations;	
1997	5. Roadside swales or other effective means of stormwater	
1998	treatment must be incorporated as part of the project;	
1999	6. No more dredging or filling of wetlands or water of the	
2000	state is performed than that which is reasonably necessary to	
2001	repair, stabilize, pave, or repave the road or to repair or	
2002	replace the bridge, in accordance with generally accepted	
2003	engineering standards; and	
2004	7. Notice of intent to use the exemption is provided to	
2005	the department, if the work is to be performed within the	
2006	Northwest Florida Water Management District, or to the Suwannee	
2007	River Water Management District, if the work is to be performed	
2008	within the Suwannee River Water Management District, 30 days	
2009	prior to performing any work under the exemption.	
2010		
2011	Within 30 days after this act becomes a law, the department	
2012	shall initiate rulemaking to adopt a no fee general permit for	
2013	the repair, stabilization, or paving of existing roads that are	
2014	maintained by the county and the repair or replacement of	
2015	bridges that are part of the roadway where such activities do	
2016	not cause significant adverse impacts to occur individually or	



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2017 cumulatively. The general permit shall apply statewide and, with  
 2018 no additional rulemaking required, apply to qualified projects  
 2019 reviewed by the Suwannee River Water Management District, the  
 2020 St. Johns River Water Management District, the Southwest Florida  
 2021 Water Management District, and the South Florida Water  
 2022 Management District under the division of responsibilities  
 2023 contained in the operating agreements applicable to part IV of  
 2024 chapter 373. Upon adoption, this general permit shall, pursuant  
 2025 to the provisions of subsection (2) ~~(3)~~, supersede and replace  
 2026 the exemption in this paragraph.

2027 (2) The provisions of subsection (1) ~~(2)~~ are superseded by  
 2028 general permits established pursuant to ss. 373.118 and 403.814  
 2029 which include the same activities. Until such time as general  
 2030 permits are established, or should general permits be suspended  
 2031 or repealed, the exemptions under subsection (1) ~~(2)~~ shall  
 2032 remain or shall be reestablished in full force and effect.

2033 Reviser's note.--Amended to conform to the repeal of  
 2034 former subsection (1) by s. 4, ch. 2008-40, Laws of  
 2035 Florida.

2036 Section 53. Subsection (7) of section 403.862, Florida  
 2037 Statutes, is amended to read:

2038 403.862 Department of Health; public water supply duties  
 2039 and responsibilities; coordinated budget requests with  
 2040 department.--

2041 (7) Fees and penalties received from suppliers of water  
 2042 pursuant to ss. 403.860(3), (4), and (5) and 403.861(7)(a)  
 2043 ~~403.861(8)~~ in counties where county health departments have been  
 2044 approved by the department pursuant to paragraph (1)(c) shall be

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2045 deposited in the appropriate County Health Department Trust Fund  
 2046 to be used for the purposes stated in paragraph (1)(c).

2047 Reviser's note.--Amended to conform to the amendment  
 2048 of s. 403.861(7) and (8) by s. 20, ch. 2008-150, Laws  
 2049 of Florida, which moved language that comprised former  
 2050 subsection (8) to paragraph (7)(a).

2051 Section 54. Subsection (2) of section 403.890, Florida  
 2052 Statutes, is amended to read:

2053 403.890 Water Protection and Sustainability Program;  
 2054 intent; goals; purposes.--

2055 (2) Applicable beginning in the 2007-2008 fiscal year,  
 2056 revenues transferred from the Department of Revenue pursuant to  
 2057 s. 201.15(1)(c)2. ~~201.15(1)(d)2.~~ shall be deposited into the  
 2058 Water Protection and Sustainability Program Trust Fund in the  
 2059 Department of Environmental Protection. These revenues and any  
 2060 other additional revenues deposited into or appropriated to the  
 2061 Water Protection and Sustainability Program Trust Fund shall be  
 2062 distributed by the Department of Environmental Protection in the  
 2063 following manner:

2064 (a) Sixty-five percent to the Department of Environmental  
 2065 Protection for the implementation of an alternative water supply  
 2066 program as provided in s. 373.1961.

2067 (b) Twenty-two and five-tenths percent for the  
 2068 implementation of best management practices and capital project  
 2069 expenditures necessary for the implementation of the goals of  
 2070 the total maximum daily load program established in s. 403.067.  
 2071 Of these funds, 83.33 percent shall be transferred to the credit  
 2072 of the Department of Environmental Protection Water Quality

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2073 Assurance Trust Fund to address water quality impacts associated  
 2074 with nonagricultural nonpoint sources. Sixteen and sixty-seven  
 2075 hundredths percent of these funds shall be transferred to the  
 2076 Department of Agriculture and Consumer Services General  
 2077 Inspection Trust Fund to address water quality impacts  
 2078 associated with agricultural nonpoint sources. These funds shall  
 2079 be used for research, development, demonstration, and  
 2080 implementation of the total maximum daily load program under s.  
 2081 403.067, suitable best management practices or other measures  
 2082 used to achieve water quality standards in surface waters and  
 2083 water segments identified pursuant to s. 303(d) of the Clean  
 2084 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.  
 2085 Implementation of best management practices and other measures  
 2086 may include cost-share grants, technical assistance,  
 2087 implementation tracking, and conservation leases or other  
 2088 agreements for water quality improvement. The Department of  
 2089 Environmental Protection and the Department of Agriculture and  
 2090 Consumer Services may adopt rules governing the distribution of  
 2091 funds for implementation of capital projects, best management  
 2092 practices, and other measures. These funds shall not be used to  
 2093 abrogate the financial responsibility of those point and  
 2094 nonpoint sources that have contributed to the degradation of  
 2095 water or land areas. Increased priority shall be given by the  
 2096 department and the water management district governing boards to  
 2097 those projects that have secured a cost-sharing agreement  
 2098 allocating responsibility for the cleanup of point and nonpoint  
 2099 sources.  
 2100 (c) Twelve and five-tenths percent to the Department of

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2101 Environmental Protection for the Disadvantaged Small Community  
 2102 Wastewater Grant Program as provided in s. 403.1838.

2103 (d) On June 30, 2009, and every 24 months thereafter, the  
 2104 Department of Environmental Protection shall request the return  
 2105 of all unencumbered funds distributed pursuant to this section.  
 2106 These funds shall be deposited into the Water Protection and  
 2107 Sustainability Program Trust Fund and redistributed pursuant to  
 2108 the provisions of this section.

2109 Reviser's note.--Amended to conform to the  
 2110 redesignation of s. 201.15(1)(d)2. as s.

2111 201.15(1)(c)2. by s. 3, ch 2008-114, Laws of Florida.

2112 Section 55. Subsection (3) of section 403.9416, Florida  
 2113 Statutes, is amended to read:

2114 403.9416 Effect of certification.--

2115 (3) The certification shall be in lieu of any license,  
 2116 permit, certificate, or similar document required by any agency  
 2117 pursuant to, but not limited to, chapter 125, chapter 161,  
 2118 chapter 163, chapter 166, chapter 186, chapter 253, chapter 258,  
 2119 chapter 298, ~~chapter 370, chapter 372,~~ chapter 373, chapter 376,  
 2120 chapter 377, chapter 379, chapter 380, chapter 381, chapter 387,  
 2121 chapter 403, the Florida Transportation Code, or 33 U.S.C. s.  
 2122 1341. On certification, any license, easement, or other interest  
 2123 in state lands, except those the title to which is vested in the  
 2124 Board of Trustees of the Internal Improvement Trust Fund or a  
 2125 water management district created pursuant to chapter 373, shall  
 2126 be issued by the appropriate agency as a ministerial act. The  
 2127 applicant shall be required to seek any necessary interest in  
 2128 state lands the title to which is vested in the Board of

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2129 Trustees of the Internal Improvement Trust Fund from the board  
 2130 of trustees or from the governing board of the water management  
 2131 district before, during, or after the certification proceeding,  
 2132 and certification may be made contingent upon issuance of the  
 2133 appropriate interest in realty. However, neither the applicant  
 2134 nor any party to the certification proceeding may directly or  
 2135 indirectly raise or relitigate any matter which was or could  
 2136 have been an issue in the certification proceeding in any  
 2137 proceeding before the Board of Trustees of the Internal  
 2138 Improvement Trust Fund wherein the applicant is seeking a  
 2139 necessary interest in state lands, but the information presented  
 2140 in the certification proceeding shall be available for review by  
 2141 the board of trustees and its staff.

2142 Reviser's note.--Amended to conform to the transfer of  
 2143 material in former chapters 370 and 372 to chapter 379  
 2144 by ch. 2008-247, Laws of Florida.

2145 Section 56. Subsection (1) of section 409.2563, Florida  
 2146 Statutes, is reenacted, and paragraph (b) of subsection (2) of  
 2147 that section is amended to read:

2148 409.2563 Administrative establishment of child support  
 2149 obligations.--

2150 (1) DEFINITIONS.--As used in this section, the term:

2151 (a) "Administrative support order" means a final order  
 2152 rendered by or on behalf of the department pursuant to this  
 2153 section establishing or modifying the obligation of a parent to  
 2154 contribute to the support and maintenance of his or her child or  
 2155 children, which may include provisions for monetary support,  
 2156 retroactive support, health care, and other elements of support

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2157 pursuant to chapter 61.

2158 (b) "Caretaker relative" has the same meaning ascribed in  
2159 s. 414.0252(11).

2160 (c) "Filed" means a document has been received and  
2161 accepted for filing at the offices of the department by the  
2162 clerk or any authorized deputy clerk of the department. The date  
2163 of filing must be indicated on the face of the document by the  
2164 clerk or deputy clerk.

2165 (d) "Financial affidavit" means an affidavit or written  
2166 declaration as provided by s. 92.525(2) which shows an  
2167 individual's income, allowable deductions, net income, and other  
2168 information needed to calculate the child support guideline  
2169 amount under s. 61.30.

2170 (e) "Rendered" means that a signed written order is filed  
2171 with the clerk or any deputy clerk of the department and served  
2172 on the respondent. The date of filing must be indicated on the  
2173 face of the order at the time of rendition.

2174 (f) "Title IV-D case" means a case or proceeding in which  
2175 the department is providing child support services within the  
2176 scope of Title IV-D of the Social Security Act, 42 U.S.C. ss.  
2177 651 et seq.

2178 (g) "Retroactive support" means a child support obligation  
2179 established pursuant to s. 61.30(17).

2180  
2181 Other terms used in this section have the meanings ascribed in  
2182 ss. 61.046 and 409.2554.

2183 (2) PURPOSE AND SCOPE.--

2184 (b) The administrative procedure set forth in this section

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2185 concerns only the establishment of child support obligations.  
 2186 This section does not grant jurisdiction to the department or  
 2187 the Division of Administrative Hearings to hear or determine  
 2188 issues of dissolution of marriage, separation, alimony or  
 2189 spousal support, termination of parental rights, dependency,  
 2190 disputed paternity, except for a determination of paternity as  
 2191 provided in s. 409.256, or award of or change of time-sharing.  
 2192 This paragraph notwithstanding, the department and the Division  
 2193 of Administrative Hearings may make findings of fact that are  
 2194 necessary for a proper determination of a parent's support  
 2195 obligation as authorized by this section.

2196 Reviser's note.--Section 21, ch. 2008-61, Laws of  
 2197 Florida, amended paragraph (1)(a) without publishing  
 2198 the flush left language at the end of the subsection.  
 2199 Absent affirmative evidence of legislative intent to  
 2200 repeal it, subsection (1) is reenacted to confirm that  
 2201 the omission was not intended. Paragraph (2)(b) is  
 2202 amended to confirm the editorial insertion of the word  
 2203 "or" to improve clarity and correct sentence  
 2204 construction.

2205 Section 57. Paragraph (e) of subsection (4) of section  
 2206 409.2598, Florida Statutes, is amended to read:

2207 409.2598 License suspension proceeding to enforce support  
 2208 order.--

2209 (4) COMPLIANCE; REINSTATEMENT.--

2210 (e) Notwithstanding any other statutory provision, a  
 2211 notice from the court or the department shall reinstate to the  
 2212 obligor all licenses established in chapter 379 ~~chapters 370 and~~

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2213 | ~~372~~ that were valid at the time of suspension.

2214 |       Reviser's note.--Amended to conform to the transfer of

2215 |       material in former chapters 370 and 372 to chapter 379

2216 |       by ch. 2008-247, Laws of Florida.

2217 |       Section 58. Paragraph (b) of subsection (2) of section

2218 | 468.432, Florida Statutes, is amended to read:

2219 |       468.432 Licensure of community association managers and

2220 | community association management firms; exceptions.--

2221 |       (2) As of January 1, 2009, a community association

2222 | management firm or other similar organization responsible for

2223 | the management of more than 10 units or a budget of \$100,000 or

2224 | greater shall not engage or hold itself out to the public as

2225 | being able to engage in the business of community association

2226 | management in this state unless it is licensed by the department

2227 | as a community association management firm in accordance with

2228 | the provisions of this part.

2229 |       (b) Each applicant shall designate on its application a

2230 | licensed community association manager who shall be required to

2231 | respond to all inquiries ~~inquires~~ from and investigations by the

2232 | department or division.

2233 |       Reviser's note.--Amended to confirm the editorial

2234 | substitution of the word "inquiries" for the word

2235 | "inquires" to correct an apparent error.

2236 |       Section 59. Paragraph (a) of subsection (6) of section

2237 | 489.145, Florida Statutes, is amended to read:

2238 |       489.145 Guaranteed energy, water, and wastewater

2239 | performance savings contracting.--

2240 |       (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The



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2241 Department of Management Services, with the assistance of the  
 2242 Office of the Chief Financial Officer, shall, within available  
 2243 resources, provide technical content assistance to state  
 2244 agencies contracting for energy, water, and wastewater  
 2245 efficiency and conservation measures and engage in other  
 2246 activities considered appropriate by the department for  
 2247 promoting and facilitating guaranteed energy, water, and  
 2248 wastewater performance contracting by state agencies. The  
 2249 Department of Management Services shall review the investment-  
 2250 grade audit for each proposed project and certify that the cost  
 2251 savings are appropriate and sufficient for the term of the  
 2252 contract. The Office of the Chief Financial Officer, with the  
 2253 assistance of the Department of Management Services, shall,  
 2254 within available resources, develop model contractual and  
 2255 related documents for use by state agencies. Prior to entering  
 2256 into a guaranteed energy, water, and wastewater performance  
 2257 savings contract, any contract or lease for third-party  
 2258 financing, or any combination of such contracts, a state agency  
 2259 shall submit such proposed contract or lease to the Office of  
 2260 the Chief Financial Officer for review and approval. A proposed  
 2261 contract or lease shall include:

2262 (a) Supporting information required by s. 216.023(4)(a)9.  
 2263 in ss. 287.063(5) and 287.064(11). For contracts approved under  
 2264 this section, the criteria may, at ~~add~~ a minimum, include the  
 2265 specification of a benchmark cost of capital and minimum real  
 2266 rate of return on energy, water, or wastewater savings against  
 2267 which proposals shall be evaluated.

2268

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2269 The Office of the Chief Financial Officer shall not approve any  
 2270 contract submitted under this section from a state agency that  
 2271 does not meet the requirements of this section.

2272 Reviser's note.--Amended to confirm the editorial  
 2273 substitution of the word "at" for the word "add" to  
 2274 correct an apparent error.

2275 Section 60. Subsection (42) of section 499.003, Florida  
 2276 Statutes, is amended to read:

2277 499.003 Definitions of terms used in this part.--As used  
 2278 in this part, the term:

2279 (42) "Prescription drug" means a prescription, medicinal,  
 2280 or legend drug, including, but not limited to, finished dosage  
 2281 forms or active ingredients subject to, defined by, or described  
 2282 by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s.  
 2283 465.003(8), s. 499.007(13), or subsection (11), subsection (45)  
 2284 ~~(47)~~, or subsection (52) ~~(54)~~.

2285 Reviser's note.--Amended to confirm the editorial  
 2286 substitution of references to subsections (45) and  
 2287 (52) for references to subsections (47) and (54).

2288 Section 2, ch. 2008-207, Laws of Florida, amended s.  
 2289 499.003, but the amendment contained coding errors  
 2290 relating to subunit numbering.

2291 Section 61. Paragraph (n) of subsection (10) of section  
 2292 499.012, Florida Statutes, is amended to read:

2293 499.012 Permit application requirements.--

2294 (10) The department may deny an application for a permit  
 2295 or refuse to renew a permit for a prescription drug wholesale  
 2296 distributor or an out-of-state prescription drug wholesale

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2297 distributor if:  
 2298 (n) The applicant or any affiliated party receives,  
 2299 directly or indirectly, financial support and assistance from a  
 2300 person who has been found guilty of any violation of this part  
 2301 or chapter 465, chapter 501, or chapter 893, any rules adopted  
 2302 under ~~any of~~ this part or those chapters, any federal or state  
 2303 drug law, or any felony where the underlying facts related to  
 2304 drugs, regardless of whether the person has been pardoned, had  
 2305 her or his civil rights restored, or had adjudication withheld,  
 2306 other than through the ownership of stock in a publicly traded  
 2307 company or a mutual fund.

2308 Reviser's note.--Amended to confirm the editorial  
 2309 deletion of the words "any of" following the word  
 2310 "under" to facilitate correct interpretation.

2311 Section 62. Paragraph (d) of subsection (4) of section  
 2312 499.0121, Florida Statutes, is amended to read:

2313 499.0121 Storage and handling of prescription drugs;  
 2314 recordkeeping.--The department shall adopt rules to implement  
 2315 this section as necessary to protect the public health, safety,  
 2316 and welfare. Such rules shall include, but not be limited to,  
 2317 requirements for the storage and handling of prescription drugs  
 2318 and for the establishment and maintenance of prescription drug  
 2319 distribution records.

2320 (4) EXAMINATION OF MATERIALS AND RECORDS.--

2321 (d) Upon receipt, a wholesale distributor must review  
 2322 records required under this section for the acquisition of  
 2323 prescription drugs for accuracy and completeness, considering  
 2324 the total facts and circumstances surrounding the transactions

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2325 and the wholesale distributors involved. This includes  
 2326 authenticating each transaction listed on a pedigree paper, as  
 2327 defined in s. 499.003(36) ~~499.003(35)~~.

2328 Reviser's note.--Amended to correct an apparent error  
 2329 and conform to context. Section 2, ch. 2008-207, Laws  
 2330 of Florida, redesignated subunits of s. 499.003.

2331 Section 13, ch. 2008-207, amended s. 499.0121(4) (d) to  
 2332 change the reference to s. 499.003(31), which defined  
 2333 "pedigree paper", to s. 499.003(35). The term  
 2334 "pedigree paper" is now defined in s. 499.003(36).

2335 Section 63. Paragraph (a) of subsection (1) of section  
 2336 499.015, Florida Statutes, is amended to read:

2337 499.015 Registration of drugs, devices, and cosmetics;  
 2338 issuance of certificates of free sale.--

2339 (1) (a) Except for those persons exempted from the  
 2340 definition of manufacturer in s. 499.003(31) ~~499.003(32)~~, any  
 2341 person who manufactures, packages, repackages, labels, or  
 2342 relabels a drug, device, or cosmetic in this state must register  
 2343 such drug, device, or cosmetic biennially with the department;  
 2344 pay a fee in accordance with the fee schedule provided by s.  
 2345 499.041; and comply with this section. The registrant must list  
 2346 each separate and distinct drug, device, or cosmetic at the time  
 2347 of registration.

2348 Reviser's note.--Amended to correct an apparent error  
 2349 and conform to context. Section 2, ch. 2008-207, Laws  
 2350 of Florida, redesignated subunits of s. 499.003.

2351 Section 18, ch. 2008-207, amended s. 499.015(1) (a) to  
 2352 change a reference to s. 499.003(28), which defined

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2353 "manufacturer," to a reference to s. 499.003(32). The  
 2354 term "manufacturer" is now defined in s. 499.003(31).  
 2355 Section 64. Subsection (5) of section 500.12, Florida  
 2356 Statutes, is amended to read:  
 2357 500.12 Food permits; building permits.--  
 2358 (5) It is the intent of the Legislature to eliminate  
 2359 duplication of regulatory inspections of food. Regulatory and  
 2360 permitting authority over any food establishment is preempted to  
 2361 the department, except as provided in chapter 379 ~~chapters 370~~  
 2362 ~~and 372~~.  
 2363 (a) Food establishments or retail food stores that have  
 2364 ancillary food service activities shall be permitted and  
 2365 inspected by the department.  
 2366 (b) Food service establishments, as defined in s.  
 2367 381.0072, that have ancillary, prepackaged retail food sales  
 2368 shall be regulated by the Department of Health.  
 2369 (c) Public food service establishments, as defined in s.  
 2370 509.013, which have ancillary, prepackaged retail food sales  
 2371 shall be licensed and inspected by the Department of Business  
 2372 and Professional Regulation.  
 2373 (d) The department and the Department of Business and  
 2374 Professional Regulation shall cooperate to assure equivalency of  
 2375 inspection and enforcement and to share information on those  
 2376 establishments identified in paragraphs (a) and (c) and to  
 2377 address any other areas of potential duplication. The department  
 2378 and the Department of Business and Professional Regulation are  
 2379 authorized to adopt rules to enforce statutory requirements  
 2380 under their purview regarding foods.

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2381 Reviser's note.--Amended to conform to the transfer of  
 2382 chapters 370 and 372 to chapter 379 by ch. 2008-247,  
 2383 Laws of Florida.

2384 Section 65. Subsection (1) of section 553.885, Florida  
 2385 Statutes, is amended to read:

2386 553.885 Carbon monoxide alarm required.--

2387 (1) Every building, other than a hospital, an inpatient  
 2388 hospice facility, or a nursing home facility licensed by the  
 2389 Agency for Health Care Administration, for which a building  
 2390 permit is issued for new construction on or after July 1, 2008,  
 2391 and having a fossil-fuel-burning heater or appliance, a  
 2392 fireplace, or an attached garage shall have an approved  
 2393 operational carbon monoxide alarm installed within 10 feet of  
 2394 each room used for sleeping purposes. For a new hospital, an  
 2395 inpatient hospice facility, or a nursing home facility licensed  
 2396 by the Agency for Health Care Administration, an approved  
 2397 operational carbon monoxide detector shall be installed inside  
 2398 or directly outside of each room or area within the hospital or  
 2399 facility where ~~were~~ a fossil-fuel-burning heater, engine, or  
 2400 appliance is located. This detector shall be connected to the  
 2401 fire alarm system of the hospital or facility as a supervisory  
 2402 signal.

2403 Reviser's note.--Amended to confirm the editorial  
 2404 substitution of the word "where" for the word "were"  
 2405 to conform to context.

2406 Section 66. Section 553.975, Florida Statutes, is amended  
 2407 to read:

2408 553.975 Report to the Governor and Legislature.--The

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2409 Public Service Commission shall submit a biennial report to the  
 2410 Governor, the President of the Senate, and the Speaker of the  
 2411 House of Representatives, concurrent with the report required by  
 2412 s. 366.82(10) ~~366.82(4)~~, beginning in 1990. Such report shall  
 2413 include an evaluation of the effectiveness of these standards on  
 2414 energy conservation in this state.

2415 Reviser's note.--Amended to conform to the  
 2416 redesignation of s. 366.82(4) as s. 366.82(10) by s.  
 2417 39, ch. 2008-227, Laws of Florida.

2418 Section 67. Subsection (4) of section 560.111, Florida  
 2419 Statutes, is amended to read:

2420 560.111 Prohibited acts.--

2421 (4) Any person who willfully violates any provision of s.  
 2422 560.403, s. 560.404, or s. 560.405, ~~or s. 560.407~~ commits a  
 2423 felony of the third degree, punishable as provided in s.  
 2424 775.082, s. 775.083, or s. 775.084.

2425 Reviser's note.--Amended to conform to the repeal of  
 2426 s. 560.407 by s. 55, ch. 2008-177, Laws of Florida.

2427 Section 68. Section 560.124, Florida Statutes, is amended  
 2428 to read:

2429 560.124 Sharing of information.--Any person may provide to  
 2430 a money services business, authorized vendor, law enforcement  
 2431 agency, prosecutorial agency, or appropriate regulator, or any  
 2432 money services business, authorized vendor, law enforcement  
 2433 agency, prosecutorial agency, or appropriate regulator may  
 2434 provide to any person, information about any person's known or  
 2435 suspected involvement in a violation of any state, federal, or  
 2436 foreign law, rule, or regulation relating to the business of a

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2437 money services business or deferred presentment ~~present~~ provider  
 2438 which has been reported to state, federal, or foreign  
 2439 authorities, and is not liable in any civil action for providing  
 2440 such information.

2441 Reviser's note.--Amended to confirm the editorial  
 2442 substitution of the word "presentment" for the word  
 2443 "present" to conform to context.

2444 Section 69. Paragraph (a) of subsection (1) of section  
 2445 560.141, Florida Statutes, is amended to read:

2446 560.141 License application.--

2447 (1) To apply for a license as a money services business  
 2448 under this chapter the applicant must:

2449 (a) Submit an application to the office on forms  
 2450 prescribed by rule which includes the following information:

2451 1. The legal name and address of the applicant, including  
 2452 any fictitious or trade names used by the applicant in the  
 2453 conduct of its business.

2454 2. The date of the applicant's formation and the state in  
 2455 which the applicant was formed, if applicable.

2456 3. The name, social security number, alien identification  
 2457 or taxpayer identification number, business and residence  
 2458 addresses, and employment history for the past 5 years for each  
 2459 officer, director, responsible person, the compliance officer,  
 2460 each controlling shareholder, and any other person who has a  
 2461 controlling interest in the money services business as provided  
 2462 in s. 560.127.

2463 4. A description of the organizational structure of the  
 2464 applicant, including the identity of any parent or subsidiary of



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2465 the applicant, and the disclosure of whether any parent or  
 2466 subsidiary is publicly traded.

2467 5. The applicant's history of operations in other states  
 2468 if applicable and a description of the money services business  
 2469 or deferred presentment provider activities proposed to be  
 2470 conducted by the applicant in this state.

2471 6. If the applicant or its parent is a publicly traded  
 2472 company, copies of all filings made by the applicant with the  
 2473 United States Securities and Exchange Commission, or with a  
 2474 similar regulator in a country other than the United States,  
 2475 within the preceding year.

2476 7. The location at which the applicant proposes to  
 2477 establish its principal place of business and any other  
 2478 location, including branch offices and authorized vendors  
 2479 operating in this state. For each branch office identified and  
 2480 each authorized vendor appointed, the applicant shall include  
 2481 the nonrefundable fee required by s. 560.143.

2482 8. The name and address of the clearing financial  
 2483 institution or financial institutions through which the  
 2484 applicant's payment instruments are drawn or through which the  
 2485 payment instruments are payable.

2486 9. The history of the applicant's material litigation,  
 2487 criminal convictions, pleas of nolo contendere, and cases of  
 2488 adjudication withheld.

2489 10. The history of material litigation, arrests, criminal  
 2490 convictions, pleas of nolo contendere, and cases of adjudication  
 2491 withheld for each executive officer, director, controlling  
 2492 shareholder, and responsible person.

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2493 11. The name of the registered agent in this state for  
 2494 service of process unless the applicant is a sole proprietor.

2495 12. Any other information specified in this chapter or by  
 2496 rule.

2497 Reviser's note.--Amended to confirm the editorial  
 2498 insertion of the word "and" after the word  
 2499 "shareholder" to improve clarity and facilitate  
 2500 correct interpretation.

2501 Section 70. Subsection (4) of section 560.142, Florida  
 2502 Statutes, is amended to read:

2503 560.142 License renewal.--

2504 (4) If a license or declaration of intent to engage in  
 2505 deferred presentment transactions expires, the license or  
 2506 declaration of intent may be reinstated only if a renewal  
 2507 application or declaration of intent, all required renewal fees,  
 2508 and any applicable late fees are received by the office within  
 2509 60 days after expiration. If not submitted within 60 days, the  
 2510 license or declaration of ~~on~~ intent expires and a new license  
 2511 application or declaration of intent must be filed with the  
 2512 office pursuant to this chapter.

2513 Reviser's note.--Amended to confirm the editorial  
 2514 substitution of the word "of" for the word "on" to  
 2515 improve clarity and facilitate correct interpretation.

2516 Section 71. Paragraph (a) of subsection (1) of section  
 2517 560.143, Florida Statutes, is amended to read:

2518 560.143 Fees.--

2519 (1) LICENSE APPLICATION FEES.--The applicable non-  
 2520 refundable fees must accompany an application for licensure:

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2521  
 2522 (a) ~~Under~~ Part II....\$375.  
 2523 Reviser's note.--Amended to confirm the editorial  
 2524 deletion of the word "under" to conform to context.  
 2525 Section 72. Subsection (2) of section 560.209, Florida  
 2526 Statutes, is amended to read:  
 2527 560.209 Net worth; corporate surety bond; collateral  
 2528 deposit in lieu of bond.--  
 2529 (2) A licensee must obtain an annual financial audit  
 2530 report, which must be submitted to the office within 120 days  
 2531 after the end of the licensee's fiscal year ~~end~~, as disclosed to  
 2532 the office. If the applicant is a wholly owned subsidiary of  
 2533 another corporation, the financial audit report on the parent  
 2534 corporation's financial statements shall satisfy this  
 2535 requirement.  
 2536 Reviser's note.--Amended to confirm the editorial  
 2537 deletion of the word "end" following the word "year"  
 2538 to improve clarity and facilitate correct  
 2539 interpretation.  
 2540 Section 73. Subsection (6) of section 560.404, Florida  
 2541 Statutes, is amended to read:  
 2542 560.404 Requirements for deferred presentment  
 2543 transactions.--  
 2544 (6) A deferred presentment provider or its affiliate may  
 2545 not charge fees that exceed 10 percent of the currency or  
 2546 payment instrument provided. However, a verification fee may be  
 2547 charged as provided in s. 560.309(8) ~~560.309(7)~~. The 10-percent  
 2548 fee may not be applied to the verification fee. A deferred

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2549 presentment provider may charge only those fees specifically  
 2550 authorized in this section.

2551 Reviser's note.--Amended to correct an apparent error  
 2552 and conform to context. Section 41, ch. 2008-177, Laws  
 2553 of Florida, redesignated subunits in s. 560.309.

2554 Section 45, ch. 2008-177, amended s. 560.404(6) to  
 2555 change a reference to s. 560.309(4), which referenced  
 2556 verification fees, to s. 560.309(7). Verification fees  
 2557 are now referenced in s. 560.309(8).

2558 Section 74. Subsection (2) of section 560.406, Florida  
 2559 Statutes, is amended to read:

2560 560.406 Worthless checks.--

2561 (2) If a check is returned to a deferred presentment  
 2562 provider from a payor financial institution due to insufficient  
 2563 funds, a closed account, or a stop-payment order, the deferred  
 2564 presentment provider may pursue all legally available civil  
 2565 remedies to collect the check, including, but not limited to,  
 2566 the imposition of all charges imposed on the deferred  
 2567 presentment provider by the financial institution. In its  
 2568 collection practices, a deferred presentment provider must  
 2569 comply with the prohibitions against harassment or abuse, false  
 2570 or misleading representations, and unfair practices that are  
 2571 contained in the Fair Debt Collections Practices Act, 15 U.S.C.  
 2572 ss. 1692d, 1692e, and 1692f. A violation of this act is a  
 2573 deceptive and unfair trade practice and constitutes a violation  
 2574 of the Deceptive and Unfair Trade Practices Act under part II of  
 2575 chapter 501. In addition, a deferred presentment provider must  
 2576 comply with the applicable provisions of the Consumer Collection

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2577 Practices Act under part VI of chapter 559, including s. 559.77.

2578 Reviser's note.--Amended to confirm the editorial  
 2579 insertion of the word "and" to improve clarity and  
 2580 facilitate correct interpretation.

2581 Section 75. Subsection (41) of section 570.07, Florida  
 2582 Statutes, is amended to read:

2583 570.07 Department of Agriculture and Consumer Services;  
 2584 functions, powers, and duties.--The department shall have and  
 2585 exercise the following functions, powers, and duties:

2586 (41) Notwithstanding the provisions of s. 287.057(23)  
 2587 ~~287.057(23)(a)~~ that require all agencies to use the online  
 2588 procurement system developed by the Department of Management  
 2589 Services, the department may continue to use its own online  
 2590 system. However, vendors utilizing such system shall be  
 2591 prequalified as meeting mandatory requirements and  
 2592 qualifications and shall remit fees pursuant to s. 287.057(23),  
 2593 and any rules implementing s. 287.057.

2594 Reviser's note.--Amended to correct a cross-reference.  
 2595 Section 287.057(23)(a) was split by s. 13, ch. 2008-  
 2596 116, Laws of Florida, to form s. 287.057(23)  
 2597 introductory paragraph and (23)(a).

2598 Section 76. Paragraph (g) of subsection (2) of section  
 2599 597.004, Florida Statutes, is amended to read:

2600 597.004 Aquaculture certificate of registration.--

2601 (2) RULES.--

2602 (g) Any alligator producer with an alligator farming  
 2603 license and permit to establish and operate an alligator farm  
 2604 shall be issued an aquaculture certificate of registration

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2605 | pursuant to this section. This chapter does not supersede the  
 2606 | authority under chapter 379 ~~372~~ to regulate alligator farms and  
 2607 | alligator farmers.

2608 |       Reviser's note.--Amended to conform to the transfer of  
 2609 |       chapter 372 to chapter 379 by ch. 2008-247, Laws of  
 2610 |       Florida.

2611 |       Section 77. Subsection (7), paragraph (a) of subsection  
 2612 | (8), and subsections (9) and (12) of section 597.010, Florida  
 2613 | Statutes, are amended to read:

2614 |       597.010 Shellfish regulation; leases.--

2615 |       (7) SURCHARGE FOR IMPROVEMENT OR REHABILITATION.--A  
 2616 | surcharge of \$10 per acre, or any fraction of an acre, per annum  
 2617 | shall be levied upon each lease, other than a perpetual lease  
 2618 | granted pursuant to former chapter 370 prior to 1985, and  
 2619 | deposited into the General Inspection Trust Fund. The purpose of  
 2620 | the surcharge is to provide a mechanism to have financial  
 2621 | resources immediately available for improvement of lease areas  
 2622 | and for cleanup and rehabilitation of abandoned or vacated lease  
 2623 | sites. The department is authorized to adopt rules necessary to  
 2624 | carry out the provisions of this subsection.

2625 |       (a) Moneys in the fund that are not needed currently for  
 2626 | cleanup and rehabilitation of abandoned or vacated lease sites  
 2627 | shall be deposited with the Chief Financial Officer to the  
 2628 | credit of the fund and may be invested in such manner as is  
 2629 | provided for by statute. Interest received on such investment  
 2630 | shall be credited to the fund.

2631 |       (b) Funds within the General Inspection Trust Fund from  
 2632 | receipts from the surcharge established in this section shall be

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2633 | disbursed for the following purposes and no others:  
 2634 |       1. Administrative expenses, personnel expenses, and  
 2635 | equipment costs of the department related to the improvement of  
 2636 | lease areas, the cleanup and rehabilitation of abandoned or  
 2637 | vacated aquaculture lease sites, and the enforcement of  
 2638 | provisions of this section.  
 2639 |       2. All costs involved in the improvement of lease areas  
 2640 | and the cleanup and rehabilitation of abandoned or vacated lease  
 2641 | sites.  
 2642 |       3. All costs and damages which are the proximate results  
 2643 | of lease abandonment or vacation.  
 2644 |       4. Reward payments made pursuant to s. 597.0045.  
 2645 |  
 2646 | The department shall recover to the use of the fund from the  
 2647 | person or persons abandoning or vacating the lease, jointly and  
 2648 | severally, all sums owed or expended from the fund.  
 2649 |       (8) CULTIVATION REQUIREMENTS.--  
 2650 |       (a) Effective cultivation shall consist of the growing of  
 2651 | the oysters or clams in a density suitable for commercial  
 2652 | harvesting over the amount of bottom prescribed by law. This  
 2653 | commercial density shall be accomplished by the planting of seed  
 2654 | oysters, shell, and cultch of various descriptions. The  
 2655 | department may stipulate in each individual lease contract the  
 2656 | types, shape, depth, size, and height of cultch materials on  
 2657 | lease bottoms according to the individual shape, depth,  
 2658 | location, and type of bottom of the proposed lease. Each lessee  
 2659 | leasing lands under the provisions of this section or s. 253.71  
 2660 | shall begin, within 1 year after the date of such lease, bona

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2661 fide cultivation of the same, and shall, by the end of the  
 2662 second year after the commencement of such lease, have placed  
 2663 under cultivation at least one-half of the leased area and shall  
 2664 each year thereafter place in cultivation at least one-fourth of  
 2665 the leased area until the whole, suitable for bedding of oysters  
 2666 or clams, shall have been put in cultivation. The cultivation  
 2667 requirements for perpetuity leases granted pursuant to former  
 2668 chapter 370 prior to 1985 under previously existing law shall  
 2669 comply with the conditions stated in the lease agreement, and  
 2670 the lessee or grantee is authorized to plant the leased or  
 2671 granted submerged land in both oysters and clams.

2672 (9) LEASES TRANSFERABLE, ETC.--The leases in chapter 253  
 2673 and former chapter 370 shall be inheritable and transferable, in  
 2674 whole or in part, and shall also be subject to mortgage, pledge,  
 2675 or hypothecation and shall be subject to seizure and sale for  
 2676 debts as any other property, rights, and credits in this state,  
 2677 and this provision shall also apply to all buildings,  
 2678 betterments, and improvements thereon. Leases granted under this  
 2679 section cannot be transferred, by sale or barter, in whole or in  
 2680 part, without the written, express approval of the department,  
 2681 and such a transferee shall pay a \$50 transfer fee before  
 2682 department approval may be given. Leases inherited or  
 2683 transferred will be valid only upon receipt of the transfer fee  
 2684 and approval by the department. The department shall keep proper  
 2685 indexes so that all original leases and all subsequent changes  
 2686 and transfers can be easily and accurately ascertained.

2687 (12) FRANKLIN COUNTY LEASES.--On and after the effective  
 2688 date of this section, the only leases available in Franklin



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2689 County shall be those issued pursuant to ss. 253.67-253.75;  
 2690 former chapter 370 leases shall no longer be available. The  
 2691 department shall require in the lease agreement such  
 2692 restrictions as it deems necessary to protect the environment,  
 2693 the existing leaseholders, and public fishery.

2694 Reviser's note.--Amended to confirm the editorial  
 2695 addition of the word "former" to provide a historical  
 2696 reference; chapter 370 was transferred to chapter 379  
 2697 by ch. 2008-247, Laws of Florida.

2698 Section 78. Paragraph (c) of subsection (1) of section  
 2699 624.4213, Florida Statutes, is amended to read:

2700 624.4213 Trade secret documents.--

2701 (1) If any person who is required to submit documents or  
 2702 other information to the office or department pursuant to the  
 2703 insurance code or by rule or order of the office, department, or  
 2704 commission claims that such submission contains a trade secret,  
 2705 such person may file with the office or department a notice of  
 2706 trade secret as provided in this section. Failure to do so  
 2707 constitutes a waiver of any claim by such person that the  
 2708 document or information is a trade secret.

2709 (c) In submitting a notice of trade secret to the office  
 2710 or department, the submitting party must include an affidavit  
 2711 certifying under oath to the truth of the following statements  
 2712 concerning all documents or information that are claimed to be  
 2713 trade secrets:

2714 1. [I consider/My company considers] this information a  
 2715 trade secret that has value and provides an advantage or an  
 2716 opportunity to obtain an advantage over those who do not know or

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2717 use it.  
 2718 2. [I have/My company has] taken measures to prevent the  
 2719 disclosure of the information to anyone other than ~~that~~ those  
 2720 who have been selected to have access for limited purposes, and  
 2721 [I intend/my company intends] to continue to take such measures.

2722 3. The information is not, and has not been, reasonably  
 2723 obtainable without [my/our] consent by other persons by use of  
 2724 legitimate means.

2725 4. The information is not publicly available elsewhere.  
 2726 Reviser's note.--Amended to confirm the editorial  
 2727 substitution of the word "than" for the word "that" to  
 2728 correct a typographical error.

2729 Section 79. Subsection (2) of section 626.8541, Florida  
 2730 Statutes, is amended to read:

2731 626.8541 Public adjuster apprentice.--

2732 (2) A public adjuster apprentice must work with a licensed  
 2733 and appointed public adjuster for a period of 12 months as set  
 2734 forth in this section, and must otherwise be ~~who otherwise is~~ in  
 2735 full compliance with this chapter, prior to being eligible for  
 2736 appointment as a licensed public adjuster.

2737 Reviser's note.--Amended to confirm the editorial  
 2738 substitution of the words "must otherwise be" for the  
 2739 words "who otherwise is" to improve clarity and  
 2740 facilitate correct interpretation.

2741 Section 80. Section 626.8796, Florida Statutes, is amended  
 2742 to read:

2743 626.8796 Public adjuster contracts; fraud statement.--All  
 2744 contracts for public adjuster services must be in writing and

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2745 must prominently display the following statement on the  
 2746 contract: "Pursuant to s. 817.234, Florida Statutes, any person  
 2747 who, with the intent to injure, defraud, or deceive any insurer  
 2748 or insured, prepares, presents, or causes to be presented a  
 2749 proof of loss or estimate of cost or repair of damaged property  
 2750 in support of a claim under an insurance policy knowing that the  
 2751 proof of loss or estimate of claim or repairs contains any  
 2752 false, incomplete, or misleading information concerning any fact  
 2753 or thing material to the claim commits a felony of the third  
 2754 degree, punishable as provided in s. 775.082, s. 775.083  
 2755 ~~775.803~~, or s. 775.084, Florida Statutes."

2756 Reviser's note.--Amended to confirm the editorial  
 2757 substitution of a reference to s. 775.083 for a  
 2758 reference to s. 775.803 to correct an apparent error.  
 2759 Section 775.803 does not exist; s. 775.083 provides  
 2760 for punishment for a third degree felony.

2761 Section 81. Section 626.8797, Florida Statutes, is amended  
 2762 to read:

2763 626.8797 Proof of loss; fraud statement.--All proof of  
 2764 loss statements must prominently display the following  
 2765 statement: "Pursuant to s. 817.234, Florida Statutes, any person  
 2766 who, with the intent to injure, defraud, or deceive any insurer  
 2767 or insured, prepares, presents, or causes to be presented a  
 2768 proof of loss or estimate of cost or repair of damaged property  
 2769 in support of a claim under an insurance policy knowing that the  
 2770 proof of loss or estimate of claim or repairs contains any  
 2771 false, incomplete, or misleading information concerning any fact  
 2772 or thing material to the claim commits a felony of the third

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2773 degree, punishable as provided in s. 775.082, s. 775.083  
 2774 ~~775.803~~, or s. 775.084, Florida Statutes."  
 2775 Reviser's note.--Amended to confirm the editorial  
 2776 substitution of a reference to s. 775.083 for a  
 2777 reference to s. 775.803 to correct an apparent error.  
 2778 Section 775.803 does not exist; s. 775.083 provides  
 2779 for punishment for a third degree felony.  
 2780 Section 82. Subsection (2) of section 627.0621, Florida  
 2781 Statutes, is amended to read:  
 2782 627.0621 Transparency in rate regulation.--  
 2783 (2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING  
 2784 INFORMATION.--With respect to any rate filing made on or after  
 2785 July 1, 2008, the office shall provide the following information  
 2786 on a publicly accessible Internet website:  
 2787 (a) The overall rate change requested by the insurer.  
 2788 (b) All assumptions made by the office's actuaries.  
 2789 (c) A statement describing any assumptions or methods that  
 2790 deviate from the actuarial standards of practice of the Casualty  
 2791 Actuarial Society or the American Academy of Actuaries,  
 2792 including an explanation of the nature, rationale, and effect of  
 2793 the deviation.  
 2794 (d) All recommendations made by any office actuary who  
 2795 reviewed the rate filing.  
 2796 (e) Certification by the office's actuary that, based on  
 2797 the actuary's knowledge, his or her recommendations are  
 2798 consistent with accepted actuarial principles.  
 2799 (f) The overall rate change approved by the office.  
 2800 Reviser's note.--Amended to confirm the editorial

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2801 insertion of the word "or" to improve clarity and  
 2802 facilitate correct interpretation.  
 2803 Section 83. Paragraph (c) of subsection (1) of section  
 2804 627.0628, Florida Statutes, is amended to read:  
 2805 627.0628 Florida Commission on Hurricane Loss Projection  
 2806 Methodology; public records exemption; public meetings  
 2807 exemption.--  
 2808 (1) LEGISLATIVE FINDINGS AND INTENT.--  
 2809 (c) It is the intent of the Legislature to create the  
 2810 Florida Commission on Hurricane Loss Projection Methodology as a  
 2811 panel of experts to provide the most actuarially sophisticated  
 2812 guidelines and standards for projection of hurricane losses  
 2813 possible, given the current state of actuarial science. It is  
 2814 the further intent of the Legislature that such standards and  
 2815 guidelines must be used by the State Board of Administration in  
 2816 developing reimbursement premium rates for the Florida Hurricane  
 2817 Catastrophe Fund, and, subject to paragraph (3) (d) ~~(3) (e)~~, must  
 2818 be used by insurers in rate filings under s. 627.062 unless the  
 2819 way in which such standards and guidelines were applied by the  
 2820 insurer was erroneous, as shown by a preponderance of the  
 2821 evidence.  
 2822 Reviser's note.--Amended to conform to the  
 2823 redesignation of paragraph (3) (c) as paragraph (3) (d)  
 2824 by s. 11, ch. 2008-66, Laws of Florida.  
 2825 Section 84. Subsection (2) of section 627.351, Florida  
 2826 Statutes, is reenacted to read:  
 2827 627.351 Insurance risk apportionment plans.--  
 2828 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

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2829 (a) Agreements may be made among property insurers with  
 2830 respect to the equitable apportionment among them of insurance  
 2831 which may be afforded applicants who are in good faith entitled  
 2832 to, but are unable to procure, such insurance through ordinary  
 2833 methods; and such insurers may agree among themselves on the use  
 2834 of reasonable rate modifications for such insurance. Such  
 2835 agreements and rate modifications shall be subject to the  
 2836 applicable provisions of this chapter.

2837 (b) The department shall require all insurers holding a  
 2838 certificate of authority to transact property insurance on a  
 2839 direct basis in this state, other than joint underwriting  
 2840 associations and other entities formed pursuant to this section,  
 2841 to provide windstorm coverage to applicants from areas  
 2842 determined to be eligible pursuant to paragraph (c) who in good  
 2843 faith are entitled to, but are unable to procure, such coverage  
 2844 through ordinary means; or it shall adopt a reasonable plan or  
 2845 plans for the equitable apportionment or sharing among such  
 2846 insurers of windstorm coverage, which may include formation of  
 2847 an association for this purpose. As used in this subsection, the  
 2848 term "property insurance" means insurance on real or personal  
 2849 property, as defined in s. 624.604, including insurance for  
 2850 fire, industrial fire, allied lines, farmowners multiperil,  
 2851 homeowners' multiperil, commercial multiperil, and mobile homes,  
 2852 and including liability coverages on all such insurance, but  
 2853 excluding inland marine as defined in s. 624.607(3) and  
 2854 excluding vehicle insurance as defined in s. 624.605(1)(a) other  
 2855 than insurance on mobile homes used as permanent dwellings. The  
 2856 department shall adopt rules that provide a formula for the

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2857 recovery and repayment of any deferred assessments.

2858 1. For the purpose of this section, properties eligible

2859 for such windstorm coverage are defined as dwellings, buildings,

2860 and other structures, including mobile homes which are used as

2861 dwellings and which are tied down in compliance with mobile home

2862 tie-down requirements prescribed by the Department of Highway

2863 Safety and Motor Vehicles pursuant to s. 320.8325, and the

2864 contents of all such properties. An applicant or policyholder is

2865 eligible for coverage only if an offer of coverage cannot be

2866 obtained by or for the applicant or policyholder from an

2867 admitted insurer at approved rates.

2868 2.a.

2869 (I) All insurers required to be members of such

2870 association shall participate in its writings, expenses, and

2871 losses. Surplus of the association shall be retained for the

2872 payment of claims and shall not be distributed to the member

2873 insurers. Such participation by member insurers shall be in the

2874 proportion that the net direct premiums of each member insurer

2875 written for property insurance in this state during the

2876 preceding calendar year bear to the aggregate net direct

2877 premiums for property insurance of all member insurers, as

2878 reduced by any credits for voluntary writings, in this state

2879 during the preceding calendar year. For the purposes of this

2880 subsection, the term "net direct premiums" means direct written

2881 premiums for property insurance, reduced by premium for

2882 liability coverage and for the following if included in allied

2883 lines: rain and hail on growing crops; livestock; association

2884 direct premiums booked; National Flood Insurance Program direct

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2885 premiums; and similar deductions specifically authorized by the  
 2886 plan of operation and approved by the department. A member's  
 2887 participation shall begin on the first day of the calendar year  
 2888 following the year in which it is issued a certificate of  
 2889 authority to transact property insurance in the state and shall  
 2890 terminate 1 year after the end of the calendar year during which  
 2891 it no longer holds a certificate of authority to transact  
 2892 property insurance in the state. The commissioner, after review  
 2893 of annual statements, other reports, and any other statistics  
 2894 that the commissioner deems necessary, shall certify to the  
 2895 association the aggregate direct premiums written for property  
 2896 insurance in this state by all member insurers.

2897 (II) Effective July 1, 2002, the association shall operate  
 2898 subject to the supervision and approval of a board of governors  
 2899 who are the same individuals that have been appointed by the  
 2900 Treasurer to serve on the board of governors of the Citizens  
 2901 Property Insurance Corporation.

2902 (III) The plan of operation shall provide a formula  
 2903 whereby a company voluntarily providing windstorm coverage in  
 2904 affected areas will be relieved wholly or partially from  
 2905 apportionment of a regular assessment pursuant to sub-sub-  
 2906 subparagraph d.(I) or sub-sub-subparagraph d.(II).

2907 (IV) A company which is a member of a group of companies  
 2908 under common management may elect to have its credits applied on  
 2909 a group basis, and any company or group may elect to have its  
 2910 credits applied to any other company or group.

2911 (V) There shall be no credits or relief from apportionment  
 2912 to a company for emergency assessments collected from its



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2913 | policyholders under sub-sub-subparagraph d.(III).  
 2914 |       (VI) The plan of operation may also provide for the award  
 2915 | of credits, for a period not to exceed 3 years, from a regular  
 2916 | assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-  
 2917 | subparagraph d.(II) as an incentive for taking policies out of  
 2918 | the Residential Property and Casualty Joint Underwriting  
 2919 | Association. In order to qualify for the exemption under this  
 2920 | sub-sub-subparagraph, the take-out plan must provide that at  
 2921 | least 40 percent of the policies removed from the Residential  
 2922 | Property and Casualty Joint Underwriting Association cover risks  
 2923 | located in Miami-Dade, Broward, and Palm Beach Counties or at  
 2924 | least 30 percent of the policies so removed cover risks located  
 2925 | in Miami-Dade, Broward, and Palm Beach Counties and an  
 2926 | additional 50 percent of the policies so removed cover risks  
 2927 | located in other coastal counties, and must also provide that no  
 2928 | more than 15 percent of the policies so removed may exclude  
 2929 | windstorm coverage. With the approval of the department, the  
 2930 | association may waive these geographic criteria for a take-out  
 2931 | plan that removes at least the lesser of 100,000 Residential  
 2932 | Property and Casualty Joint Underwriting Association policies or  
 2933 | 15 percent of the total number of Residential Property and  
 2934 | Casualty Joint Underwriting Association policies, provided the  
 2935 | governing board of the Residential Property and Casualty Joint  
 2936 | Underwriting Association certifies that the take-out plan will  
 2937 | materially reduce the Residential Property and Casualty Joint  
 2938 | Underwriting Association's 100-year probable maximum loss from  
 2939 | hurricanes. With the approval of the department, the board may  
 2940 | extend such credits for an additional year if the insurer

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2941 guarantees an additional year of renewability for all policies  
 2942 removed from the Residential Property and Casualty Joint  
 2943 Underwriting Association, or for 2 additional years if the  
 2944 insurer guarantees 2 additional years of renewability for all  
 2945 policies removed from the Residential Property and Casualty  
 2946 Joint Underwriting Association.

2947       b. Assessments to pay deficits in the association under  
 2948 this subparagraph shall be included as an appropriate factor in  
 2949 the making of rates as provided in s. 627.3512.

2950       c. The Legislature finds that the potential for unlimited  
 2951 deficit assessments under this subparagraph may induce insurers  
 2952 to attempt to reduce their writings in the voluntary market, and  
 2953 that such actions would worsen the availability problems that  
 2954 the association was created to remedy. It is the intent of the  
 2955 Legislature that insurers remain fully responsible for paying  
 2956 regular assessments and collecting emergency assessments for any  
 2957 deficits of the association; however, it is also the intent of  
 2958 the Legislature to provide a means by which assessment  
 2959 liabilities may be amortized over a period of years.

2960       d.

2961       (I) When the deficit incurred in a particular calendar  
 2962 year is 10 percent or less of the aggregate statewide direct  
 2963 written premium for property insurance for the prior calendar  
 2964 year for all member insurers, the association shall levy an  
 2965 assessment on member insurers in an amount equal to the deficit.

2966       (II) When the deficit incurred in a particular calendar  
 2967 year exceeds 10 percent of the aggregate statewide direct  
 2968 written premium for property insurance for the prior calendar

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2969 | year for all member insurers, the association shall levy an  
 2970 | assessment on member insurers in an amount equal to the greater  
 2971 | of 10 percent of the deficit or 10 percent of the aggregate  
 2972 | statewide direct written premium for property insurance for the  
 2973 | prior calendar year for member insurers. Any remaining deficit  
 2974 | shall be recovered through emergency assessments under sub-sub-  
 2975 | subparagraph (III).

2976 |         (III) Upon a determination by the board of directors that  
 2977 | a deficit exceeds the amount that will be recovered through  
 2978 | regular assessments on member insurers, pursuant to sub-sub-  
 2979 | subparagraph (I) or sub-sub-subparagraph (II), the board shall  
 2980 | levy, after verification by the department, emergency  
 2981 | assessments to be collected by member insurers and by  
 2982 | underwriting associations created pursuant to this section which  
 2983 | write property insurance, upon issuance or renewal of property  
 2984 | insurance policies other than National Flood Insurance policies  
 2985 | in the year or years following levy of the regular assessments.  
 2986 | The amount of the emergency assessment collected in a particular  
 2987 | year shall be a uniform percentage of that year's direct written  
 2988 | premium for property insurance for all member insurers and  
 2989 | underwriting associations, excluding National Flood Insurance  
 2990 | policy premiums, as annually determined by the board and  
 2991 | verified by the department. The department shall verify the  
 2992 | arithmetic calculations involved in the board's determination  
 2993 | within 30 days after receipt of the information on which the  
 2994 | determination was based. Notwithstanding any other provision of  
 2995 | law, each member insurer and each underwriting association  
 2996 | created pursuant to this section shall collect emergency

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2997 assessments from its policyholders without such obligation being  
 2998 affected by any credit, limitation, exemption, or deferment. The  
 2999 emergency assessments so collected shall be transferred directly  
 3000 to the association on a periodic basis as determined by the  
 3001 association. The aggregate amount of emergency assessments  
 3002 levied under this sub-sub-subparagraph in any calendar year may  
 3003 not exceed the greater of 10 percent of the amount needed to  
 3004 cover the original deficit, plus interest, fees, commissions,  
 3005 required reserves, and other costs associated with financing of  
 3006 the original deficit, or 10 percent of the aggregate statewide  
 3007 direct written premium for property insurance written by member  
 3008 insurers and underwriting associations for the prior year, plus  
 3009 interest, fees, commissions, required reserves, and other costs  
 3010 associated with financing the original deficit. The board may  
 3011 pledge the proceeds of the emergency assessments under this sub-  
 3012 sub-subparagraph as the source of revenue for bonds, to retire  
 3013 any other debt incurred as a result of the deficit or events  
 3014 giving rise to the deficit, or in any other way that the board  
 3015 determines will efficiently recover the deficit. The emergency  
 3016 assessments under this sub-sub-subparagraph shall continue as  
 3017 long as any bonds issued or other indebtedness incurred with  
 3018 respect to a deficit for which the assessment was imposed remain  
 3019 outstanding, unless adequate provision has been made for the  
 3020 payment of such bonds or other indebtedness pursuant to the  
 3021 document governing such bonds or other indebtedness. Emergency  
 3022 assessments collected under this sub-sub-subparagraph are not  
 3023 part of an insurer's rates, are not premium, and are not subject  
 3024 to premium tax, fees, or commissions; however, failure to pay

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3025 | the emergency assessment shall be treated as failure to pay  
 3026 | premium.

3027 |       (IV) Each member insurer's share of the total regular  
 3028 | assessments under sub-sub-subparagraph (I) or sub-sub-  
 3029 | subparagraph (II) shall be in the proportion that the insurer's  
 3030 | net direct premium for property insurance in this state, for the  
 3031 | year preceding the assessment bears to the aggregate statewide  
 3032 | net direct premium for property insurance of all member  
 3033 | insurers, as reduced by any credits for voluntary writings for  
 3034 | that year.

3035 |       (V) If regular deficit assessments are made under sub-sub-  
 3036 | subparagraph (I) or sub-sub-subparagraph (II), or by the  
 3037 | Residential Property and Casualty Joint Underwriting Association  
 3038 | under sub-subparagraph (6) (b)3.a. or sub-subparagraph  
 3039 | (6) (b)3.b., the association shall levy upon the association's  
 3040 | policyholders, as part of its next rate filing, or by a separate  
 3041 | rate filing solely for this purpose, a market equalization  
 3042 | surcharge in a percentage equal to the total amount of such  
 3043 | regular assessments divided by the aggregate statewide direct  
 3044 | written premium for property insurance for member insurers for  
 3045 | the prior calendar year. Market equalization surcharges under  
 3046 | this sub-sub-subparagraph are not considered premium and are not  
 3047 | subject to commissions, fees, or premium taxes; however, failure  
 3048 | to pay a market equalization surcharge shall be treated as  
 3049 | failure to pay premium.

3050 |       e. The governing body of any unit of local government, any  
 3051 | residents of which are insured under the plan, may issue bonds  
 3052 | as defined in s. 125.013 or s. 166.101 to fund an assistance

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3053 | program, in conjunction with the association, for the purpose of  
 3054 | defraying deficits of the association. In order to avoid  
 3055 | needless and indiscriminate proliferation, duplication, and  
 3056 | fragmentation of such assistance programs, any unit of local  
 3057 | government, any residents of which are insured by the  
 3058 | association, may provide for the payment of losses, regardless  
 3059 | of whether or not the losses occurred within or outside of the  
 3060 | territorial jurisdiction of the local government. Revenue bonds  
 3061 | may not be issued until validated pursuant to chapter 75, unless  
 3062 | a state of emergency is declared by executive order or  
 3063 | proclamation of the Governor pursuant to s. 252.36 making such  
 3064 | findings as are necessary to determine that it is in the best  
 3065 | interests of, and necessary for, the protection of the public  
 3066 | health, safety, and general welfare of residents of this state  
 3067 | and the protection and preservation of the economic stability of  
 3068 | insurers operating in this state, and declaring it an essential  
 3069 | public purpose to permit certain municipalities or counties to  
 3070 | issue bonds as will provide relief to claimants and  
 3071 | policyholders of the association and insurers responsible for  
 3072 | apportionment of plan losses. Any such unit of local government  
 3073 | may enter into such contracts with the association and with any  
 3074 | other entity created pursuant to this subsection as are  
 3075 | necessary to carry out this paragraph. Any bonds issued under  
 3076 | this sub-subparagraph shall be payable from and secured by  
 3077 | moneys received by the association from assessments under this  
 3078 | subparagraph, and assigned and pledged to or on behalf of the  
 3079 | unit of local government for the benefit of the holders of such  
 3080 | bonds. The funds, credit, property, and taxing power of the

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3081 state or of the unit of local government shall not be pledged  
 3082 for the payment of such bonds. If any of the bonds remain unsold  
 3083 60 days after issuance, the department shall require all  
 3084 insurers subject to assessment to purchase the bonds, which  
 3085 shall be treated as admitted assets; each insurer shall be  
 3086 required to purchase that percentage of the unsold portion of  
 3087 the bond issue that equals the insurer's relative share of  
 3088 assessment liability under this subsection. An insurer shall not  
 3089 be required to purchase the bonds to the extent that the  
 3090 department determines that the purchase would endanger or impair  
 3091 the solvency of the insurer. The authority granted by this sub-  
 3092 subparagraph is additional to any bonding authority granted by  
 3093 subparagraph 6.

3094 3. The plan shall also provide that any member with a  
 3095 surplus as to policyholders of \$20 million or less writing 25  
 3096 percent or more of its total countrywide property insurance  
 3097 premiums in this state may petition the department, within the  
 3098 first 90 days of each calendar year, to qualify as a limited  
 3099 apportionment company. The apportionment of such a member  
 3100 company in any calendar year for which it is qualified shall not  
 3101 exceed its gross participation, which shall not be affected by  
 3102 the formula for voluntary writings. In no event shall a limited  
 3103 apportionment company be required to participate in any  
 3104 apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I)  
 3105 or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds  
 3106 \$50 million after payment of available plan funds in any  
 3107 calendar year. However, a limited apportionment company shall  
 3108 collect from its policyholders any emergency assessment imposed

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3109 | under sub-sub-subparagraph 2.d.(III). The plan shall provide  
 3110 | that, if the department determines that any regular assessment  
 3111 | will result in an impairment of the surplus of a limited  
 3112 | apportionment company, the department may direct that all or  
 3113 | part of such assessment be deferred. However, there shall be no  
 3114 | limitation or deferment of an emergency assessment to be  
 3115 | collected from policyholders under sub-sub-subparagraph  
 3116 | 2.d.(III).

3117 |         4. The plan shall provide for the deferment, in whole or  
 3118 | in part, of a regular assessment of a member insurer under sub-  
 3119 | sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but  
 3120 | not for an emergency assessment collected from policyholders  
 3121 | under sub-sub-subparagraph 2.d.(III), if, in the opinion of the  
 3122 | commissioner, payment of such regular assessment would endanger  
 3123 | or impair the solvency of the member insurer. In the event a  
 3124 | regular assessment against a member insurer is deferred in whole  
 3125 | or in part, the amount by which such assessment is deferred may  
 3126 | be assessed against the other member insurers in a manner  
 3127 | consistent with the basis for assessments set forth in sub-sub-  
 3128 | subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

3129 |         5.a. The plan of operation may include deductibles and  
 3130 | rules for classification of risks and rate modifications  
 3131 | consistent with the objective of providing and maintaining funds  
 3132 | sufficient to pay catastrophe losses.

3133 |         b. It is the intent of the Legislature that the rates for  
 3134 | coverage provided by the association be actuarially sound and  
 3135 | not competitive with approved rates charged in the admitted  
 3136 | voluntary market such that the association functions as a



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3137 residual market mechanism to provide insurance only when the  
 3138 insurance cannot be procured in the voluntary market. The plan  
 3139 of operation shall provide a mechanism to assure that, beginning  
 3140 no later than January 1, 1999, the rates charged by the  
 3141 association for each line of business are reflective of approved  
 3142 rates in the voluntary market for hurricane coverage for each  
 3143 line of business in the various areas eligible for association  
 3144 coverage.

3145 c. The association shall provide for windstorm coverage on  
 3146 residential properties in limits up to \$10 million for  
 3147 commercial lines residential risks and up to \$1 million for  
 3148 personal lines residential risks. If coverage with the  
 3149 association is sought for a residential risk valued in excess of  
 3150 these limits, coverage shall be available to the risk up to the  
 3151 replacement cost or actual cash value of the property, at the  
 3152 option of the insured, if coverage for the risk cannot be  
 3153 located in the authorized market. The association must accept a  
 3154 commercial lines residential risk with limits above \$10 million  
 3155 or a personal lines residential risk with limits above \$1  
 3156 million if coverage is not available in the authorized market.  
 3157 The association may write coverage above the limits specified in  
 3158 this subparagraph with or without facultative or other  
 3159 reinsurance coverage, as the association determines appropriate.

3160 d. The plan of operation must provide objective criteria  
 3161 and procedures, approved by the department, to be uniformly  
 3162 applied for all applicants in determining whether an individual  
 3163 risk is so hazardous as to be uninsurable. In making this  
 3164 determination and in establishing the criteria and procedures,

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3165 | the following shall be considered:

3166 |       (I) Whether the likelihood of a loss for the individual  
3167 | risk is substantially higher than for other risks of the same  
3168 | class; and

3169 |       (II) Whether the uncertainty associated with the  
3170 | individual risk is such that an appropriate premium cannot be  
3171 | determined.

3172 |

3173 | The acceptance or rejection of a risk by the association  
3174 | pursuant to such criteria and procedures must be construed as  
3175 | the private placement of insurance, and the provisions of  
3176 | chapter 120 do not apply.

3177 |       e. If the risk accepts an offer of coverage through the  
3178 | market assistance program or through a mechanism established by  
3179 | the association, either before the policy is issued by the  
3180 | association or during the first 30 days of coverage by the  
3181 | association, and the producing agent who submitted the  
3182 | application to the association is not currently appointed by the  
3183 | insurer, the insurer shall:

3184 |       (I) Pay to the producing agent of record of the policy,  
3185 | for the first year, an amount that is the greater of the  
3186 | insurer's usual and customary commission for the type of policy  
3187 | written or a fee equal to the usual and customary commission of  
3188 | the association; or

3189 |       (II) Offer to allow the producing agent of record of the  
3190 | policy to continue servicing the policy for a period of not less  
3191 | than 1 year and offer to pay the agent the greater of the  
3192 | insurer's or the association's usual and customary commission

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3193 | for the type of policy written.

3194 |

3195 | If the producing agent is unwilling or unable to accept  
 3196 | appointment, the new insurer shall pay the agent in accordance  
 3197 | with sub-sub-subparagraph (I). Subject to the provisions of s.  
 3198 | 627.3517, the policies issued by the association must provide  
 3199 | that if the association obtains an offer from an authorized  
 3200 | insurer to cover the risk at its approved rates under either a  
 3201 | standard policy including wind coverage or, if consistent with  
 3202 | the insurer's underwriting rules as filed with the department, a  
 3203 | basic policy including wind coverage, the risk is no longer  
 3204 | eligible for coverage through the association. Upon termination  
 3205 | of eligibility, the association shall provide written notice to  
 3206 | the policyholder and agent of record stating that the  
 3207 | association policy must be canceled as of 60 days after the date  
 3208 | of the notice because of the offer of coverage from an  
 3209 | authorized insurer. Other provisions of the insurance code  
 3210 | relating to cancellation and notice of cancellation do not apply  
 3211 | to actions under this sub-subparagraph.

3212 |       f. When the association enters into a contractual  
 3213 | agreement for a take-out plan, the producing agent of record of  
 3214 | the association policy is entitled to retain any unearned  
 3215 | commission on the policy, and the insurer shall:

3216 |       (I) Pay to the producing agent of record of the  
 3217 | association policy, for the first year, an amount that is the  
 3218 | greater of the insurer's usual and customary commission for the  
 3219 | type of policy written or a fee equal to the usual and customary  
 3220 | commission of the association; or

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3221 (II) Offer to allow the producing agent of record of the  
 3222 association policy to continue servicing the policy for a period  
 3223 of not less than 1 year and offer to pay the agent the greater  
 3224 of the insurer's or the association's usual and customary  
 3225 commission for the type of policy written.

3226  
 3227 If the producing agent is unwilling or unable to accept  
 3228 appointment, the new insurer shall pay the agent in accordance  
 3229 with sub-sub-subparagraph (I).

3230 6.a. The plan of operation may authorize the formation of  
 3231 a private nonprofit corporation, a private nonprofit  
 3232 unincorporated association, a partnership, a trust, a limited  
 3233 liability company, or a nonprofit mutual company which may be  
 3234 empowered, among other things, to borrow money by issuing bonds  
 3235 or by incurring other indebtedness and to accumulate reserves or  
 3236 funds to be used for the payment of insured catastrophe losses.  
 3237 The plan may authorize all actions necessary to facilitate the  
 3238 issuance of bonds, including the pledging of assessments or  
 3239 other revenues.

3240 b. Any entity created under this subsection, or any entity  
 3241 formed for the purposes of this subsection, may sue and be sued,  
 3242 may borrow money; issue bonds, notes, or debt instruments;  
 3243 pledge or sell assessments, market equalization surcharges and  
 3244 other surcharges, rights, premiums, contractual rights,  
 3245 projected recoveries from the Florida Hurricane Catastrophe  
 3246 Fund, other reinsurance recoverables, and other assets as  
 3247 security for such bonds, notes, or debt instruments; enter into  
 3248 any contracts or agreements necessary or proper to accomplish

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3249 such borrowings; and take other actions necessary to carry out  
 3250 the purposes of this subsection. The association may issue bonds  
 3251 or incur other indebtedness, or have bonds issued on its behalf  
 3252 by a unit of local government pursuant to subparagraph (6)(p)2.,  
 3253 in the absence of a hurricane or other weather-related event,  
 3254 upon a determination by the association subject to approval by  
 3255 the department that such action would enable it to efficiently  
 3256 meet the financial obligations of the association and that such  
 3257 financings are reasonably necessary to effectuate the  
 3258 requirements of this subsection. Any such entity may accumulate  
 3259 reserves and retain surpluses as of the end of any association  
 3260 year to provide for the payment of losses incurred by the  
 3261 association during that year or any future year. The association  
 3262 shall incorporate and continue the plan of operation and  
 3263 articles of agreement in effect on the effective date of chapter  
 3264 76-96, Laws of Florida, to the extent that it is not  
 3265 inconsistent with chapter 76-96, and as subsequently modified  
 3266 consistent with chapter 76-96. The board of directors and  
 3267 officers currently serving shall continue to serve until their  
 3268 successors are duly qualified as provided under the plan. The  
 3269 assets and obligations of the plan in effect immediately prior  
 3270 to the effective date of chapter 76-96 shall be construed to be  
 3271 the assets and obligations of the successor plan created herein.  
 3272 c. In recognition of s. 10, Art. I of the State  
 3273 Constitution, prohibiting the impairment of obligations of  
 3274 contracts, it is the intent of the Legislature that no action be  
 3275 taken whose purpose is to impair any bond indenture or financing  
 3276 agreement or any revenue source committed by contract to such

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3277 | bond or other indebtedness issued or incurred by the association  
 3278 | or any other entity created under this subsection.

3279 |         7. On such coverage, an agent's remuneration shall be that  
 3280 | amount of money payable to the agent by the terms of his or her  
 3281 | contract with the company with which the business is placed.  
 3282 | However, no commission will be paid on that portion of the  
 3283 | premium which is in excess of the standard premium of that  
 3284 | company.

3285 |         8. Subject to approval by the department, the association  
 3286 | may establish different eligibility requirements and operational  
 3287 | procedures for any line or type of coverage for any specified  
 3288 | eligible area or portion of an eligible area if the board  
 3289 | determines that such changes to the eligibility requirements and  
 3290 | operational procedures are justified due to the voluntary market  
 3291 | being sufficiently stable and competitive in such area or for  
 3292 | such line or type of coverage and that consumers who, in good  
 3293 | faith, are unable to obtain insurance through the voluntary  
 3294 | market through ordinary methods would continue to have access to  
 3295 | coverage from the association. When coverage is sought in  
 3296 | connection with a real property transfer, such requirements and  
 3297 | procedures shall not provide for an effective date of coverage  
 3298 | later than the date of the closing of the transfer as  
 3299 | established by the transferor, the transferee, and, if  
 3300 | applicable, the lender.

3301 |         9. Notwithstanding any other provision of law:

3302 |         a. The pledge or sale of, the lien upon, and the security  
 3303 | interest in any rights, revenues, or other assets of the  
 3304 | association created or purported to be created pursuant to any

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3305 financing documents to secure any bonds or other indebtedness of  
 3306 the association shall be and remain valid and enforceable,  
 3307 notwithstanding the commencement of and during the continuation  
 3308 of, and after, any rehabilitation, insolvency, liquidation,  
 3309 bankruptcy, receivership, conservatorship, reorganization, or  
 3310 similar proceeding against the association under the laws of  
 3311 this state or any other applicable laws.

3312 b. No such proceeding shall relieve the association of its  
 3313 obligation, or otherwise affect its ability to perform its  
 3314 obligation, to continue to collect, or levy and collect,  
 3315 assessments, market equalization or other surcharges, projected  
 3316 recoveries from the Florida Hurricane Catastrophe Fund,  
 3317 reinsurance recoverables, or any other rights, revenues, or  
 3318 other assets of the association pledged.

3319 c. Each such pledge or sale of, lien upon, and security  
 3320 interest in, including the priority of such pledge, lien, or  
 3321 security interest, any such assessments, emergency assessments,  
 3322 market equalization or renewal surcharges, projected recoveries  
 3323 from the Florida Hurricane Catastrophe Fund, reinsurance  
 3324 recoverables, or other rights, revenues, or other assets which  
 3325 are collected, or levied and collected, after the commencement  
 3326 of and during the pendency of or after any such proceeding shall  
 3327 continue unaffected by such proceeding.

3328 d. As used in this subsection, the term "financing  
 3329 documents" means any agreement, instrument, or other document  
 3330 now existing or hereafter created evidencing any bonds or other  
 3331 indebtedness of the association or pursuant to which any such  
 3332 bonds or other indebtedness has been or may be issued and

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3333 pursuant to which any rights, revenues, or other assets of the  
 3334 association are pledged or sold to secure the repayment of such  
 3335 bonds or indebtedness, together with the payment of interest on  
 3336 such bonds or such indebtedness, or the payment of any other  
 3337 obligation of the association related to such bonds or  
 3338 indebtedness.

3339 e. Any such pledge or sale of assessments, revenues,  
 3340 contract rights or other rights or assets of the association  
 3341 shall constitute a lien and security interest, or sale, as the  
 3342 case may be, that is immediately effective and attaches to such  
 3343 assessments, revenues, contract, or other rights or assets,  
 3344 whether or not imposed or collected at the time the pledge or  
 3345 sale is made. Any such pledge or sale is effective, valid,  
 3346 binding, and enforceable against the association or other entity  
 3347 making such pledge or sale, and valid and binding against and  
 3348 superior to any competing claims or obligations owed to any  
 3349 other person or entity, including policyholders in this state,  
 3350 asserting rights in any such assessments, revenues, contract, or  
 3351 other rights or assets to the extent set forth in and in  
 3352 accordance with the terms of the pledge or sale contained in the  
 3353 applicable financing documents, whether or not any such person  
 3354 or entity has notice of such pledge or sale and without the need  
 3355 for any physical delivery, recordation, filing, or other action.

3356 f. There shall be no liability on the part of, and no  
 3357 cause of action of any nature shall arise against, any member  
 3358 insurer or its agents or employees, agents or employees of the  
 3359 association, members of the board of directors of the  
 3360 association, or the department or its representatives, for any



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3361 | action taken by them in the performance of their duties or  
 3362 | responsibilities under this subsection. Such immunity does not  
 3363 | apply to actions for breach of any contract or agreement  
 3364 | pertaining to insurance, or any willful tort.

3365 | (c) The provisions of paragraph (b) are applicable only  
 3366 | with respect to:

3367 | 1. Those areas that were eligible for coverage under this  
 3368 | subsection on April 9, 1993; or

3369 | 2. Any county or area as to which the department, after  
 3370 | public hearing, finds that the following criteria exist:

3371 | a. Due to the lack of windstorm insurance coverage in the  
 3372 | county or area so affected, economic growth and development is  
 3373 | being deterred or otherwise stifled in such county or area,  
 3374 | mortgages are in default, and financial institutions are unable  
 3375 | to make loans;

3376 | b. The county or area so affected is enforcing the  
 3377 | structural requirements of the Florida Building Code, as defined  
 3378 | in s. 553.73, for new construction and has included adequate  
 3379 | minimum floor elevation requirements for structures in areas  
 3380 | subject to inundation; and

3381 | c. Extending windstorm insurance coverage to such county  
 3382 | or area is consistent with and will implement and further the  
 3383 | policies and objectives set forth in applicable state laws,  
 3384 | rules, and regulations governing coastal management, coastal  
 3385 | construction, comprehensive planning, beach and shore  
 3386 | preservation, barrier island preservation, coastal zone  
 3387 | protection, and the Coastal Zone Protection Act of 1985.

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3389 The department shall consider reports of the Florida Building  
 3390 Commission when evaluating building code enforcement. Any time  
 3391 after the department has determined that the criteria referred  
 3392 to in this subparagraph do not exist with respect to any county  
 3393 or area of the state, it may, after a subsequent public hearing,  
 3394 declare that such county or area is no longer eligible for  
 3395 windstorm coverage through the plan.

3396 (d) For the purpose of evaluating whether the criteria of  
 3397 paragraph (c) are met, such criteria shall be applied as the  
 3398 situation would exist if policies had not been written by the  
 3399 Florida Residential Property and Casualty Joint Underwriting  
 3400 Association and property insurance for such policyholders was  
 3401 not available.

3402 (e)1. Notwithstanding the provisions of subparagraph (c)2.  
 3403 or paragraph (d), eligibility shall not be extended to any area  
 3404 that was not eligible on March 1, 1997, except that the  
 3405 department may act with respect to any petition on which a  
 3406 hearing was held prior to May 9, 1997.

3407 2. Notwithstanding the provisions of subparagraph 1., the  
 3408 following area is eligible for coverage under this subsection  
 3409 effective July 1, 2002: the area within Port Canaveral which is  
 3410 bordered on the south by the City of Cape Canaveral, bordered on  
 3411 the west by the Banana River, and bordered on the north by  
 3412 United States Government property.

3413 (f) As used in this subsection, the term "department"  
 3414 means the former Department of Insurance.

3415 Reviser's note.--Section 13, ch. 2008-66, Laws of  
 3416 Florida, amended subsection (2) without publishing

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3417 paragraphs (a) and (c)-(f). Absent affirmative  
 3418 evidence of legislative intent to repeal the omitted  
 3419 paragraphs, subsection (2) is reenacted to confirm the  
 3420 omission was not intended.

3421 Section 85. Section 627.35193, Florida Statutes, is  
 3422 amended to read:

3423 627.35193 Consumer reporting agency request for claims  
 3424 data from Citizens Property Insurance Corporation.--Upon the  
 3425 request of a consumer reporting agency, as defined by the  
 3426 federal Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.,  
 3427 which consumer reporting agency is in ~~on~~ compliance with the  
 3428 confidentiality requirements of such act, the Citizens Property  
 3429 Insurance Corporation shall electronically report claims data  
 3430 and histories to such consumer reporting agency which maintains  
 3431 a database of similar data for use in connection with the  
 3432 underwriting of insurance involving a consumer.

3433 Reviser's note.--Amended to confirm the editorial  
 3434 substitution of the word "in" for the word "on" to  
 3435 correct a typographical error.

3436 Section 86. Paragraph (a) of subsection (5) of section  
 3437 627.736, Florida Statutes, is amended to read:

3438 627.736 Required personal injury protection benefits;  
 3439 exclusions; priority; claims.--

3440 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.--

3441 (a)1. Any physician, hospital, clinic, or other person or  
 3442 institution lawfully rendering treatment to an injured person  
 3443 for a bodily injury covered by personal injury protection  
 3444 insurance may charge the insurer and injured party only a

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3445 reasonable amount pursuant to this section for the services and  
 3446 supplies rendered, and the insurer providing such coverage may  
 3447 pay for such charges directly to such person or institution  
 3448 lawfully rendering such treatment, if the insured receiving such  
 3449 treatment or his or her guardian has countersigned the properly  
 3450 completed invoice, bill, or claim form approved by the office  
 3451 upon which such charges are to be paid for as having actually  
 3452 been rendered, to the best knowledge of the insured or his or  
 3453 her guardian. In no event, however, may such a charge be in  
 3454 excess of the amount the person or institution customarily  
 3455 charges for like services or supplies. With respect to a  
 3456 determination of whether a charge for a particular service,  
 3457 treatment, or otherwise is reasonable, consideration may be  
 3458 given to evidence of usual and customary charges and payments  
 3459 accepted by the provider involved in the dispute, and  
 3460 reimbursement levels in the community and various federal and  
 3461 state medical fee schedules applicable to automobile and other  
 3462 insurance coverages, and other information relevant to the  
 3463 reasonableness of the reimbursement for the service, treatment,  
 3464 or supply.

3465         2. The insurer may limit reimbursement to 80 percent of  
 3466 the following schedule of maximum charges:

3467             a. For emergency transport and treatment by providers  
 3468 licensed under chapter 401, 200 percent of Medicare.

3469             b. For emergency services and care provided by a hospital  
 3470 licensed under chapter 395, 75 percent of the hospital's usual  
 3471 and customary charges.

3472             c. For emergency services and care as defined by s.

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3473 395.002(9) provided in a facility licensed under chapter 395  
 3474 rendered by a physician or dentist, and related hospital  
 3475 inpatient services rendered by a physician or dentist, the usual  
 3476 and customary charges in the community.

3477 d. For hospital inpatient services, other than emergency  
 3478 services and care, 200 percent of the Medicare Part A  
 3479 prospective payment applicable to the specific hospital  
 3480 providing the inpatient services.

3481 e. For hospital outpatient services, other than emergency  
 3482 services and care, 200 percent of the Medicare Part A Ambulatory  
 3483 Payment Classification for the specific hospital providing the  
 3484 outpatient services.

3485 f. For all other medical services, supplies, and care, 200  
 3486 percent of the allowable amount under the participating  
 3487 physicians schedule of Medicare Part B. However, if such  
 3488 services, supplies, or care is not reimbursable under Medicare  
 3489 Part B, the insurer may limit reimbursement to 80 percent of the  
 3490 maximum reimbursable allowance under workers' compensation, as  
 3491 determined under s. 440.13 and rules adopted thereunder which  
 3492 are in effect at the time such services, supplies, or care is  
 3493 provided. Services, supplies, or care that is not reimbursable  
 3494 under Medicare or workers' compensation is not required to be  
 3495 reimbursed by the insurer.

3496 3. For purposes of subparagraph 2., the applicable fee  
 3497 schedule or payment limitation under Medicare is the fee  
 3498 schedule or payment limitation in effect at the time the  
 3499 services, supplies, or care was rendered and for the area in  
 3500 which such services were rendered, except that it may not be

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3501 less than the allowable amount under the participating  
 3502 physicians schedule of Medicare Part B for 2007 for medical  
 3503 services, supplies, and care subject to Medicare Part B.

3504 4. Subparagraph 2. does not allow the insurer to apply any  
 3505 limitation on the number of treatments or other utilization  
 3506 limits that apply under Medicare or workers' compensation. An  
 3507 insurer that applies the allowable payment limitations of  
 3508 subparagraph 2. must reimburse a provider who lawfully provided  
 3509 care or treatment under the scope of his or her license,  
 3510 regardless of whether such provider would be entitled to  
 3511 reimbursement under Medicare due to restrictions or limitations  
 3512 on the types or discipline of health care providers who may be  
 3513 reimbursed for particular procedures or procedure codes.

3514 5. If an insurer limits payment as authorized by  
 3515 subparagraph 2., the person providing such services, supplies,  
 3516 or care may not bill or attempt to collect from the insured any  
 3517 amount in excess of such limits, except for amounts that are not  
 3518 covered by the insured's personal injury protection coverage due  
 3519 to the coinsurance amount or maximum policy limits.

3520 Reviser's note.--Amended to confirm the editorial  
 3521 insertion of the word "of" to improve clarity and  
 3522 facilitate correct interpretation.

3523 Section 87. Paragraph (j) of subsection (11) of section  
 3524 718.111, Florida Statutes, is amended to read:

3525 718.111 The association.--

3526 (11) INSURANCE.--In order to protect the safety, health,  
 3527 and welfare of the people of the State of Florida and to ensure  
 3528 consistency in the provision of insurance coverage to

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3529 condominiums and their unit owners, this subsection applies to  
 3530 every residential condominium in the state, regardless of the  
 3531 date of its declaration of condominium. It is the intent of the  
 3532 Legislature to encourage lower or stable insurance premiums for  
 3533 associations described in this subsection.

3534 (j) Any portion of the condominium property required to be  
 3535 insured by the association against casualty loss pursuant to  
 3536 paragraph (f) which is damaged by casualty shall be  
 3537 reconstructed, repaired, or replaced as necessary by the  
 3538 association as a common expense. All hazard insurance  
 3539 deductibles, uninsured losses, and other damages in excess of  
 3540 hazard insurance coverage under the hazard insurance policies  
 3541 maintained by the association are a common expense of the  
 3542 condominium, except that:

3543 1. A unit owner is responsible for the costs of repair or  
 3544 replacement of any portion of the condominium property not paid  
 3545 by insurance proceeds, if such damage is caused by intentional  
 3546 conduct, negligence, or failure to comply with the terms of the  
 3547 declaration or the rules of the association by a unit owner, the  
 3548 members of his or her family, unit occupants, tenants, guests,  
 3549 or invitees, without compromise of the subrogation rights of any  
 3550 insurer as set forth in paragraph (g).

3551 2. The provisions of subparagraph 1. regarding the  
 3552 financial responsibility of a unit owner for the costs of  
 3553 repairing or replacing other portions of the condominium  
 3554 property also apply to the costs of repair or replacement of  
 3555 personal property of other unit owners or the association, as  
 3556 well as other property, whether real or personal, which the unit

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3557 owners are required to insure under paragraph (g).

3558 3. To the extent the cost of repair or reconstruction for  
 3559 which the unit owner is responsible under this paragraph is  
 3560 reimbursed to the association by insurance proceeds, and, to the  
 3561 extent the association has collected the cost of such repair or  
 3562 reconstruction from the unit owner, the association shall  
 3563 reimburse the unit owner without the waiver of any rights of  
 3564 subrogation.

3565 4. The association is not obligated to pay for ~~repair or~~  
 3566 reconstruction or repairs of casualty losses as a common expense  
 3567 if the casualty losses were known or should have been known to a  
 3568 unit owner and were not reported to the association until after  
 3569 the insurance claim of the association for that casualty was  
 3570 settled or resolved with finality, or denied on the basis that  
 3571 it was untimely filed.

3572 Reviser's note.--Amended to improve clarity and  
 3573 correct sentence construction.

3574 Section 88. Paragraph (o) of subsection (2) of section  
 3575 718.112, Florida Statutes, is amended to read:

3576 718.112 Bylaws.--

3577 (2) REQUIRED PROVISIONS.--The bylaws shall provide for the  
 3578 following and, if they do not do so, shall be deemed to include  
 3579 the following:

3580 (o) Director or officer offenses.--A director or officer  
 3581 charged with a felony theft or embezzlement offense involving  
 3582 the association's funds or property shall be removed from  
 3583 office, creating a vacancy in the office to be filled according  
 3584 to law. While such director or officer has such criminal charge



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3585 pending, he or she may not be appointed or elected to a position  
 3586 as a director or officer. However, should the charges be  
 3587 resolved without a finding of guilt, the director or ~~of~~ officer  
 3588 shall be reinstated for the remainder of his or her term of  
 3589 office, if any.

3590 Reviser's note.--Amended to confirm the substitution  
 3591 of the word "or" for the word "of" by the editors.

3592 Section 89. Subsection (7) of section 718.113, Florida  
 3593 Statutes, is amended to read:

3594 718.113 Maintenance; limitation upon improvement; display  
 3595 of flag; hurricane shutters; display of religious decorations.--

3596 (7) An association may not refuse the request of a unit  
 3597 owner for a reasonable accommodation for the attachment on the  
 3598 mantel or frame of the door of the unit owner of a religious  
 3599 object not to exceed 3 inches wide, 6 inches high, and 1.5  
 3600 inches deep.

3601 Reviser's note.--Amended to confirm the insertion of  
 3602 the word "of" by the editors.

3603 Section 90. Paragraph (d) of subsection (1) of section  
 3604 718.501, Florida Statutes, is amended to read:

3605 718.501 Authority, responsibility, and duties of Division  
 3606 of Florida Condominiums, Timeshares, and Mobile Homes.--

3607 (1) The Division of Florida Condominiums, Timeshares, and  
 3608 Mobile Homes of the Department of Business and Professional  
 3609 Regulation, referred to as the "division" in this part, has the  
 3610 power to enforce and ensure compliance with the provisions of  
 3611 this chapter and rules relating to the development,  
 3612 construction, sale, lease, ownership, operation, and management

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3613 of residential condominium units. In performing its duties, the  
 3614 division has complete jurisdiction to investigate complaints and  
 3615 enforce compliance with the provisions of this chapter with  
 3616 respect to associations that are still under developer control  
 3617 and complaints against developers involving improper turnover or  
 3618 failure to turnover, pursuant to s. 718.301. However, after  
 3619 turnover has occurred, the division shall only have jurisdiction  
 3620 to investigate complaints related to financial issues,  
 3621 elections, and unit owner access to association records pursuant  
 3622 to s. 718.111(12).

3623 (d) Notwithstanding any remedies available to unit owners  
 3624 and associations, if the division has reasonable cause to  
 3625 believe that a violation of any provision of this chapter or  
 3626 related rule has occurred, the division may institute  
 3627 enforcement proceedings in its own name against any developer,  
 3628 association, officer, or member of the board of administration,  
 3629 or its assignees or agents, as follows:

3630 1. The division may permit a person whose conduct or  
 3631 actions may be under investigation to waive formal proceedings  
 3632 and enter into a consent proceeding whereby orders, rules, or  
 3633 letters of censure or warning, whether formal or informal, may  
 3634 be entered against the person.

3635 2. The division may issue an order requiring the  
 3636 developer, association, developer-designated officer, or  
 3637 developer-designated member of the board of administration,  
 3638 developer-designated assignees or agents, community association  
 3639 manager, or community association management firm to cease and  
 3640 desist from the unlawful practice and take such affirmative

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3641 action as in the judgment of the division will carry out the  
 3642 purposes of this chapter. If the division finds that a  
 3643 developer, association, officer, or member of the board of  
 3644 administration, or its assignees or agents, is violating or is  
 3645 about to violate any provision of this chapter, any rule adopted  
 3646 or order issued by the division, or any written agreement  
 3647 entered into with the division, and presents an immediate danger  
 3648 to the public requiring an immediate final order, it may issue  
 3649 an emergency cease and desist order reciting with particularity  
 3650 the facts underlying such findings. The emergency cease and  
 3651 desist order is effective for 90 days. If the division begins  
 3652 nonemergency cease and desist proceedings, the emergency cease  
 3653 and desist order remains effective until the conclusion of the  
 3654 proceedings under ss. 120.569 and 120.57.

3655 3. If a developer fails to pay any restitution determined  
 3656 by the division to be owed, plus any accrued interest at the  
 3657 highest rate permitted by law, within 30 days after expiration  
 3658 of any appellate time period of a final order requiring payment  
 3659 of restitution or the conclusion of any appeal thereof,  
 3660 whichever is later, the division shall bring an action in  
 3661 circuit or county court on behalf of any association, class of  
 3662 unit owners, lessees, or purchasers for restitution, declaratory  
 3663 relief, injunctive relief, or any other available remedy. The  
 3664 division may also temporarily revoke its acceptance of the  
 3665 filing for the developer to which the restitution relates until  
 3666 payment of restitution is made.

3667 4. The division may petition the court for the appointment  
 3668 of a receiver or conservator. If appointed, the receiver or

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3669 conservator may take action to implement the court order to  
 3670 ensure the performance of the order and to remedy any breach  
 3671 thereof. In addition to all other means provided by law for the  
 3672 enforcement of an injunction or temporary restraining order, the  
 3673 circuit court may impound or sequester the property of a party  
 3674 defendant, including books, papers, documents, and related  
 3675 records, and allow the examination and use of the property by  
 3676 the division and a court-appointed receiver or conservator.

3677         5. The division may apply to the circuit court for an  
 3678 order of restitution whereby the defendant in an action brought  
 3679 pursuant to subparagraph 4. shall be ordered to make restitution  
 3680 of those sums shown by the division to have been obtained by the  
 3681 defendant in violation of this chapter. Such restitution shall,  
 3682 at the option of the court, be payable to the conservator or  
 3683 receiver appointed pursuant to subparagraph 4. or directly to  
 3684 the persons whose funds or assets were obtained in violation of  
 3685 this chapter.

3686         6. The division may impose a civil penalty against a  
 3687 developer or association, or its assignee or agent, for any  
 3688 violation of this chapter or a rule adopted under this chapter.  
 3689 The division may impose a civil penalty individually against any  
 3690 officer or board member who willfully and knowingly violates a  
 3691 provision of this chapter, adopted rule, or a final order of the  
 3692 division; may order the removal of such individual as an officer  
 3693 or from the board of administration or as an officer of the  
 3694 association; and may prohibit such individual from serving as an  
 3695 officer or on the board of a community association for a period  
 3696 of time. The term "willfully and knowingly" means that the

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3697 | division informed the officer or board member that his or her  
 3698 | action or intended action violates this chapter, a rule adopted  
 3699 | under this chapter, or a final order of the division and that  
 3700 | the officer or board member refused to comply with the  
 3701 | requirements of this chapter, a rule adopted under this chapter,  
 3702 | or a final order of the division. The division, prior to  
 3703 | initiating formal agency action under chapter 120, shall afford  
 3704 | the officer or board member an opportunity to voluntarily comply  
 3705 | with this chapter, a rule adopted under this chapter, or a final  
 3706 | order of the division. An officer or board member who complies  
 3707 | within 10 days is not subject to a civil penalty. A penalty may  
 3708 | be imposed on the basis of each day of continuing violation, but  
 3709 | in no event shall the penalty for any offense exceed \$5,000. By  
 3710 | January 1, 1998, the division shall adopt, by rule, penalty  
 3711 | guidelines applicable to possible violations or to categories of  
 3712 | violations of this chapter or rules adopted by the division. The  
 3713 | guidelines must specify a meaningful range of civil penalties  
 3714 | for each such violation of the statute and rules and must be  
 3715 | based upon the harm caused by the violation, the repetition of  
 3716 | the violation, and upon such other factors deemed relevant by  
 3717 | the division. For example, the division may consider whether the  
 3718 | violations were committed by a developer or owner-controlled  
 3719 | association, the size of the association, and other factors. The  
 3720 | guidelines must designate the possible mitigating or aggravating  
 3721 | circumstances that justify a departure from the range of  
 3722 | penalties provided by the rules. It is the legislative intent  
 3723 | that minor violations be distinguished from those which endanger  
 3724 | the health, safety, or welfare of the condominium residents or

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3725 other persons and that such guidelines provide reasonable and  
 3726 meaningful notice to the public of likely penalties that may be  
 3727 imposed for proscribed conduct. This subsection does not limit  
 3728 the ability of the division to informally dispose of  
 3729 administrative actions or complaints by stipulation, agreed  
 3730 settlement, or consent order. All amounts collected shall be  
 3731 deposited with the Chief Financial Officer to the credit of the  
 3732 Division of Florida Condominiums, Timeshares, and Mobile Homes  
 3733 Trust Fund. If a developer fails to pay the civil penalty and  
 3734 the amount deemed to be owed to the association, the division  
 3735 shall issue an order directing that such developer cease and  
 3736 desist from further operation until such time as the civil  
 3737 penalty is paid or may pursue enforcement of the penalty in a  
 3738 court of competent jurisdiction. If an association fails to pay  
 3739 the civil penalty, the division shall pursue enforcement in a  
 3740 court of competent jurisdiction, and the order imposing the  
 3741 civil penalty or the cease and desist order will not become  
 3742 effective until 20 days after the date of such order. Any action  
 3743 commenced by the division shall be brought in the county in  
 3744 which the division has its executive offices or in the county  
 3745 where the violation occurred.

3746         7. If a unit owner presents the division with proof that  
 3747 the unit owner has requested access to official records in  
 3748 writing by certified mail, and that after 10 days the unit owner  
 3749 again made the same request for access to official records in  
 3750 writing by certified mail, and that more than 10 days has  
 3751 elapsed since the second request and the association has still  
 3752 failed or refused to provide access to official records as

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3753 required by this chapter, the division shall issue a subpoena  
 3754 requiring production of the requested records where the records  
 3755 are kept pursuant to s. 718.112.

3756 8. In addition to subparagraph 6., the division may seek  
 3757 the imposition of a civil penalty through the circuit court for  
 3758 any violation for which the division may issue a notice to show  
 3759 cause under paragraph (r) ~~(q)~~. The civil penalty shall be at  
 3760 least \$500 but no more than \$5,000 for each violation. The court  
 3761 may also award to the prevailing party court costs and  
 3762 reasonable attorney's fees and, if the division prevails, may  
 3763 also award reasonable costs of investigation.

3764 Reviser's note.--Amended to confirm the substitution  
 3765 of a reference to "paragraph (r)" for a reference to  
 3766 "paragraph (q)" by the editors to conform to the  
 3767 compilation of the 2008 Florida Statutes.

3768 Section 91. Paragraph (a) of subsection (2) of section  
 3769 718.503, Florida Statutes, is amended to read:

3770 718.503 Developer disclosure prior to sale; nondeveloper  
 3771 unit owner disclosure prior to sale; voidability.--

3772 (2) NONDEVELOPER DISCLOSURE.--

3773 (a) Each unit owner who is not a developer as defined by  
 3774 this chapter shall comply with the provisions of this subsection  
 3775 prior to the sale of his or her unit. Each prospective purchaser  
 3776 who has entered into a contract for the purchase of a  
 3777 condominium unit is entitled, at the seller's expense, to a  
 3778 current copy of the declaration of condominium, articles of  
 3779 incorporation of the association, bylaws and rules of the  
 3780 association, financial information required by s. 718.111, and

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3781 the document entitled "Frequently Asked Questions and Answers"  
 3782 required by s. 718.504. On and after January 1, 2009, the  
 3783 prospective purchaser shall also be entitled to receive from the  
 3784 seller a copy of a governance form. Such form shall be provided  
 3785 by the division summarizing governance of condominium  
 3786 associations. In addition to such other information as the  
 3787 division considers helpful to a prospective purchaser in  
 3788 understanding association governance, the governance form shall  
 3789 address the following subjects:

3790 1. The role of the board in conducting the day-to-day  
 3791 affairs of the association on behalf of, and in the best  
 3792 interests of, the owners.

3793 2. The board's responsibility to provide advance notice of  
 3794 board and membership meetings.

3795 3. The rights of owners to attend and speak at board and  
 3796 membership meetings.

3797 4. The responsibility of the board and of owners with  
 3798 respect to maintenance of the condominium property.

3799 5. The responsibility of the board and owners to abide by  
 3800 the condominium documents, this chapter, rules adopted by the  
 3801 division, and reasonable rules adopted by the board.

3802 6. Owners' rights to inspect and copy association records  
 3803 and the limitations on such rights.

3804 7. Remedies available to owners with respect to actions by  
 3805 the board which may be abusive or beyond the board's power and  
 3806 authority.

3807 8. The right of the board to hire a property management  
 3808 firm, subject to its own primary responsibility for such



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3809 management.

3810 9. The responsibility of owners with regard to payment of  
 3811 regular or special assessments necessary for the operation of  
 3812 the property and the potential consequences of failure to pay  
 3813 such assessments.

3814 10. The voting rights of owners.

3815 11. Rights and obligations of the board in enforcement of  
 3816 rules in the condominium documents and rules adopted by the  
 3817 board.

3818  
 3819 The governance form shall also include the following statement  
 3820 in conspicuous type: "This publication is intended as an  
 3821 informal educational overview of condominium governance. In the  
 3822 event of a conflict, the provisions of chapter 718, Florida  
 3823 Statutes, rules adopted by the Division of Florida ~~Land Sales,~~  
 3824 Condominiums, Timeshares, and Mobile Homes of the Department of  
 3825 Business and Professional Regulation, the provisions of the  
 3826 condominium documents, and reasonable rules adopted by the  
 3827 condominium association's board of administration prevail over  
 3828 the contents of this publication."

3829 Reviser's note.--Amended to confirm the redesignation  
 3830 of the Division of Florida Land Sales, Condominiums,  
 3831 and Mobile Homes as the Division of Florida  
 3832 Condominiums, Timeshares, and Mobile Homes by s. 8,  
 3833 ch. 2008-240, Laws of Florida.

3834 Section 92. Subsection (1) of section 828.25, Florida  
 3835 Statutes, is amended to read:

3836 828.25 Administration; rules; inspection; fees.--

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3837 (1) The department shall administer the provisions of ss.  
 3838 828.22-828.26. It shall adopt and may from time to time revise  
 3839 rules, which rules must conform substantially to and must not be  
 3840 less restrictive than the rules and regulations promulgated by  
 3841 the Secretary of Agriculture of the United States pursuant to  
 3842 the federal Humane Methods of Slaughter Act of 1958, Pub. L. No.  
 3843 85-765, 72 Stat. 862, and any amendments thereto.

3844 Reviser's note.--Amended to conform to the correct  
 3845 name of the federal Humane Methods of Slaughter Act of  
 3846 1958.

3847 Section 93. Paragraph (c) of subsection (1) of section  
 3848 937.021, Florida Statutes, is amended to read:

3849 937.021 Missing child and missing adult reports.--

3850 (1) Law enforcement agencies in this state shall adopt  
 3851 written policies that specify the procedures to be used to  
 3852 investigate reports of missing children and missing adults. The  
 3853 policies must ensure that cases involving missing children and  
 3854 adults are investigated promptly using appropriate resources.  
 3855 The policies must include:

3856 (c) Standards for maintaining and clearing computer data  
 3857 of information concerning a missing child or ~~and~~ missing adult  
 3858 which is stored in the Florida Crime Information Center and the  
 3859 National Crime Information Center. The standards must require,  
 3860 at a minimum, a monthly review of each case and a determination  
 3861 of whether the case should be maintained in the database.

3862 Reviser's note.--Amended to substitute the word "or"  
 3863 for the word "and" to conform to usage in the  
 3864 remainder of the section.

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3865 Section 94. Section 1000.36, Florida Statutes, is amended  
 3866 to read:

3867 1000.36 Interstate Compact on Educational Opportunity for  
 3868 Military Children.--The Governor is authorized and directed to  
 3869 execute the Interstate Compact on Educational Opportunity for  
 3870 Military Children on behalf of this state with any other state  
 3871 or states legally joining therein in the form substantially as  
 3872 follows:

3873 Interstate Compact on Educational  
 3874 Opportunity for Military Children

3875  
 3876 ARTICLE I  
 3877

3878 PURPOSE.--It is the purpose of this compact to remove  
 3879 barriers to educational success imposed on children of military  
 3880 families because of frequent moves and deployment of their  
 3881 parents by:

3882 A. Facilitating the timely enrollment of children of  
 3883 military families and ensuring that they are not placed at a  
 3884 disadvantage due to difficulty in the transfer of education  
 3885 records from the previous school district or variations in  
 3886 entrance or age requirements.

3887 B. Facilitating the student placement process through  
 3888 which children of military families are not disadvantaged by  
 3889 variations in attendance requirements, scheduling, sequencing,  
 3890 grading, course content, or assessment.

3891 C. Facilitating the qualification and eligibility for  
 3892 enrollment, educational programs, and participation in



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3921 D. "Deployment" means the period 1 month before the  
 3922 service members' departure from their home station on military  
 3923 orders through 6 months after return to their home station.

3924 E. "Educational records" or "education records" means  
 3925 those official records, files, and data directly related to a  
 3926 student and maintained by the school or local education agency,  
 3927 including, but not limited to, records encompassing all the  
 3928 material kept in the student's cumulative folder such as general  
 3929 identifying data, records of attendance and of academic work  
 3930 completed, records of achievement and results of evaluative  
 3931 tests, health data, disciplinary status, test protocols, and  
 3932 individualized education programs.

3933 F. "Extracurricular activities" means a voluntary activity  
 3934 sponsored by the school or local education agency or an  
 3935 organization sanctioned by the local education agency.  
 3936 Extracurricular activities include, but are not limited to,  
 3937 preparation for and involvement in public performances,  
 3938 contests, athletic competitions, demonstrations, displays, and  
 3939 club activities.

3940 G. "Interstate Commission on Educational Opportunity for  
 3941 Military Children" means the commission that is created under  
 3942 Article IX of this compact, which is generally referred to as  
 3943 the Interstate Commission.

3944 H. "Local education agency" means a public authority  
 3945 legally constituted by the state as an administrative agency to  
 3946 provide control of, and direction for, kindergarten through 12th  
 3947 grade public educational institutions.

3948 I. "Member state" means a state that has enacted this

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3949 compact.

3950 J. "Military installation" means a base, camp, post,  
 3951 station, yard, center, homeport facility for any ship, or other  
 3952 activity under the jurisdiction of the Department of Defense,  
 3953 including any leased facility, which is located within any of  
 3954 the several states, the District of Columbia, the Commonwealth  
 3955 of Puerto Rico, the United States Virgin Islands, Guam, American  
 3956 Samoa, the Northern Marianas Islands, and any other United  
 3957 States Territory. The term does not include any facility used  
 3958 primarily for civil works, rivers and harbors projects, or flood  
 3959 control projects.

3960 K. "Nonmember state" means a state that has not enacted  
 3961 this compact.

3962 L. "Receiving state" means the state to which a child of a  
 3963 military family is sent, brought, or caused to be sent or  
 3964 brought.

3965 M. "Rule" means a written statement by the Interstate  
 3966 Commission adopted under Article XII of this compact which is of  
 3967 general applicability, implements, interprets, or prescribes a  
 3968 policy or provision of the compact, or an organizational,  
 3969 procedural, or practice requirement of the Interstate  
 3970 Commission, and has the force and effect of statutory law in a  
 3971 member state, and includes the amendment, repeal, or suspension  
 3972 of an existing rule.

3973 N. "Sending state" means the state from which a child of a  
 3974 military family is sent, brought, or caused to be sent or  
 3975 brought.

3976 O. "State" means a state of the United States, the

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3977 District of Columbia, the Commonwealth of Puerto Rico, the  
 3978 United States Virgin Islands, Guam, American Samoa, the Northern  
 3979 Marianas Islands, and any other United States Territory.

3980 P. "Student" means the child of a military family for whom  
 3981 the local education agency receives public funding and who is  
 3982 formally enrolled in kindergarten through 12th grade.

3983 Q. "Transition" means:

3984 1. The formal and physical process of transferring from  
 3985 school to school; or

3986 2. The period of time in which a student moves from one  
 3987 school in the sending state to another school in the receiving  
 3988 state.

3989 R. "Uniformed services" means the Army, Navy, Air Force,  
 3990 Marine Corps, Coast Guard as well as the Commissioned Corps of  
 3991 the National Oceanic and Atmospheric Administration, and Public  
 3992 Health Services.

3993 S. "Veteran" means a person who served in the uniformed  
 3994 services and who was discharged or released therefrom under  
 3995 conditions other than dishonorable.

3996

3997 ARTICLE III

3998

3999 APPLICABILITY.--

4000 A. Except as otherwise provided in Section C, this compact  
 4001 applies to the children of:

4002 1. Active duty members of the uniformed services,  
 4003 including members of the National Guard and Reserve on active-  
 4004 duty orders pursuant to 10 U.S.C. ss. 1209 and 1211;





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4033 records by a school in the receiving state, that school shall  
 4034 enroll and appropriately place the student based on the  
 4035 information provided in the unofficial records pending  
 4036 validation by the official records, as quickly as possible.

4037 B. Simultaneous with the enrollment and conditional  
 4038 placement of the student, the school in the receiving state  
 4039 shall request the student's official education record from the  
 4040 school in the sending state. Upon receipt of the request, the  
 4041 school in the sending state shall process and furnish the  
 4042 official education records to the school in the receiving state  
 4043 within 10 days or within such time as is reasonably determined  
 4044 under the rules adopted by the Interstate Commission.

4045 C. Compact states must give 30 days from the date of  
 4046 enrollment or within such time as is reasonably determined under  
 4047 the rules adopted by the Interstate Commission for students to  
 4048 obtain any immunization required by the receiving state. For a  
 4049 series of immunizations, initial vaccinations must be obtained  
 4050 within 30 days or within such time as is reasonably determined  
 4051 under the rules promulgated by the Interstate Commission.

4052 D. Students shall be allowed to continue their enrollment  
 4053 at grade level in the receiving state commensurate with their  
 4054 grade level, including kindergarten, from a local education  
 4055 agency in the sending state at the time of transition,  
 4056 regardless of age. A student who has satisfactorily completed  
 4057 the prerequisite grade level in the local education agency in  
 4058 the sending state is eligible for enrollment in the next highest  
 4059 grade level in the receiving state, regardless of age. A student  
 4060 transferring after the start of the school year in the receiving

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4061 state shall enter the school in the receiving state on their  
 4062 validated level from an accredited school in the sending state.

4063

4064 ARTICLE V

4065

4066 PLACEMENT AND ATTENDANCE.--

4067 A. If a student transfers before or during the school  
 4068 year, the receiving state school shall initially honor placement  
 4069 of the student in educational courses based on the student's  
 4070 enrollment in the sending state school or educational  
 4071 assessments conducted at the school in the sending state if the  
 4072 courses are offered. Course placement includes, but is not  
 4073 limited to, Honors, International Baccalaureate, Advanced  
 4074 Placement, vocational, technical, and career pathways courses.  
 4075 Continuing the student's academic program from the previous  
 4076 school and promoting placement in academically and career  
 4077 challenging courses should be paramount when considering  
 4078 placement. A school in the receiving state is not precluded from  
 4079 performing subsequent evaluations to ensure appropriate  
 4080 placement and continued enrollment of the student in the  
 4081 courses.

4082 B. The receiving state school must initially honor  
 4083 placement of the student in educational programs based on  
 4084 current educational assessments conducted at the school in the  
 4085 sending state or participation or placement in like programs in  
 4086 the sending state. Such programs include, but are not limited  
 4087 to:

- 4088 1. Gifted and talented programs; and

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4089 2. English as a second language (ESL).

4090

4091 A school in the receiving state is not precluded from performing  
4092 subsequent evaluations to ensure appropriate placement and  
4093 continued enrollment of the student in the courses.

4094 C. A receiving state must initially provide comparable  
4095 services to a student with disabilities based on his or her  
4096 current individualized education program (IEP) in compliance  
4097 with the requirements of the Individuals with Disabilities  
4098 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving  
4099 state must make reasonable accommodations and modifications to  
4100 address the needs of incoming students with disabilities,  
4101 subject to an existing section 504 or title II plan, to provide  
4102 the student with equal access to education, in compliance with  
4103 the provisions of Section 504 of the Rehabilitation Act, 29  
4104 U.S.C.A. s. 794, and with title II of the Americans with  
4105 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the  
4106 receiving state is not precluded from performing subsequent  
4107 evaluations to ensure appropriate placement and continued  
4108 enrollment of the student in the courses.

4109 D. Local education agency administrative officials may  
4110 waive course or program prerequisites, or other preconditions  
4111 for placement in courses or programs offered under the  
4112 jurisdiction of the local education agency.

4113 E. A student whose parent or legal guardian is an active-  
4114 duty member of the uniformed services and has been called to  
4115 duty for, is on leave from, or immediately returned from  
4116 deployment to, a combat zone or combat support posting shall be

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4117 | granted additional excused absences at the discretion of the  
 4118 | local education agency superintendent to visit with his or her  
 4119 | parent or legal guardian relative to such leave or deployment of  
 4120 | the parent or guardian.

4121 |

4122 | ARTICLE VI

4123 |

4124 | ELIGIBILITY.--

4125 | A. When considering the eligibility of a child for  
 4126 | enrolling in a school:

4127 | 1. A special power of attorney relative to the  
 4128 | guardianship of a child of a military family and executed under  
 4129 | applicable law is sufficient for the purposes of enrolling the  
 4130 | child in school and for all other actions requiring parental  
 4131 | participation and consent.

4132 | 2. A local education agency is prohibited from charging  
 4133 | local tuition to a transitioning military child placed in the  
 4134 | care of a noncustodial parent or other person standing in loco  
 4135 | parentis who lives in a school's jurisdiction different from  
 4136 | that of the custodial parent.

4137 | 3. A transitioning military child, placed in the care of a  
 4138 | noncustodial parent or other person standing in loco parentis  
 4139 | who lives in a school's jurisdiction different from that of the  
 4140 | custodial parent, may continue to attend the school in which he  
 4141 | or she was enrolled while residing with the custodial parent.

4142 | B. State and local education agencies must facilitate the  
 4143 | opportunity for transitioning military children's inclusion in  
 4144 | extracurricular activities, regardless of application deadlines,

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4145 | to the extent they are otherwise qualified.

4146 |

4147 | ARTICLE VII

4148 |

4149 | GRADUATION.--In order to facilitate the on-time graduation  
 4150 | of children of military families, states and local education  
 4151 | agencies shall incorporate the following procedures:

4152 | A. Local education agency administrative officials shall  
 4153 | waive specific courses required for graduation if similar  
 4154 | coursework has been satisfactorily completed in another local  
 4155 | education agency or shall provide reasonable justification for  
 4156 | denial. If a waiver is not granted to a student who would  
 4157 | qualify to graduate from the sending school, the local education  
 4158 | agency must provide an alternative means of acquiring required  
 4159 | coursework so that graduation may occur on time.

4160 | B. States shall accept exit or end-of-course exams  
 4161 | required for graduation from the sending state; national norm-  
 4162 | referenced achievement tests; or alternative testing, in lieu of  
 4163 | testing requirements for graduation in the receiving state. If  
 4164 | these alternatives cannot be accommodated by the receiving state  
 4165 | for a student transferring in his or her senior year, then the  
 4166 | provisions of Article VII, Section C shall apply.

4167 | C. If a military student transfers at the beginning of or  
 4168 | during his or her senior year and is not eligible to graduate  
 4169 | from the receiving local education agency after all alternatives  
 4170 | have been considered, the sending and receiving local education  
 4171 | agencies must ensure the receipt of a diploma from the sending  
 4172 | local education agency, if the student meets the graduation

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4173 requirements of the sending local education agency. If one of  
 4174 the states in question is not a member of this compact, the  
 4175 member state shall use its best efforts to facilitate the on-  
 4176 time graduation of the student in accordance with Sections A and  
 4177 B of this Article.

4178  
 4179 ARTICLE VIII  
 4180

4181 STATE COORDINATION.--Each member state shall, through the  
 4182 creation of a state council or use of an existing body or board,  
 4183 provide for the coordination among its agencies of government,  
 4184 local education agencies, and military installations concerning  
 4185 the state's participation in, and compliance with, this compact  
 4186 and Interstate Commission activities.

4187 A. Each member state may determine the membership of its  
 4188 own state council, but the membership must include at least: the  
 4189 state superintendent of education, the superintendent of a  
 4190 school district that has a high concentration of military  
 4191 children, a representative from a military installation, one  
 4192 representative each from the legislative and executive branches  
 4193 of government, and other offices and stakeholder groups the  
 4194 state council deems appropriate. A member state that does not  
 4195 have a school district deemed to contain a high concentration of  
 4196 military children may appoint a superintendent from another  
 4197 school district to represent local education agencies on the  
 4198 state council.

4199 B. The state council of each member state shall appoint or  
 4200 designate a military family education liaison to assist military

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4201 families and the state in facilitating the implementation of  
 4202 this compact.

4203 C. The compact commissioner responsible for the  
 4204 administration and management of the state's participation in  
 4205 the compact shall be appointed by the Governor or as otherwise  
 4206 determined by each member state.

4207 D. The compact commissioner and the military family  
 4208 education liaison shall be ex officio members of the state  
 4209 council, unless either is already a full voting member of the  
 4210 state council.

4211

4212 ARTICLE IX

4213

4214 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR  
 4215 MILITARY CHILDREN.--The member states hereby create the  
 4216 "Interstate Commission on Educational Opportunity for Military  
 4217 Children." The activities of the Interstate Commission are the  
 4218 formation of public policy and are a discretionary state  
 4219 function. The Interstate Commission shall:

4220 A. Be a body corporate and joint agency of the member  
 4221 states and shall have all the responsibilities, powers, and  
 4222 duties set forth herein, and such additional powers as may be  
 4223 conferred upon it by a subsequent concurrent action of the  
 4224 respective legislatures of the member states in accordance with  
 4225 the terms of this compact.

4226 B. Consist of one Interstate Commission voting  
 4227 representative from each member state who shall be that state's  
 4228 compact commissioner.

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4229 1. Each member state represented at a meeting of the  
4230 Interstate Commission is entitled to one vote.

4231 2. A majority of the total member states shall constitute  
4232 a quorum for the transaction of business, unless a larger quorum  
4233 is required by the bylaws of the Interstate Commission.

4234 3. A representative shall not delegate a vote to another  
4235 member state. In the event the compact commissioner is unable to  
4236 attend a meeting of the Interstate Commission, the Governor or  
4237 state council may delegate voting authority to another person  
4238 from their state for a specified meeting.

4239 4. The bylaws may provide for meetings of the Interstate  
4240 Commission to be conducted by telecommunication or electronic  
4241 communication.

4242 C. Consist of ex officio, nonvoting representatives who  
4243 are members of interested organizations. The ex officio members,  
4244 as defined in the bylaws, may include, but not be limited to,  
4245 members of the representative organizations of military family  
4246 advocates, local education agency officials, parent and teacher  
4247 groups, the United States Department of Defense, the Education  
4248 Commission of the States, the Interstate Agreement on the  
4249 Qualification of Educational Personnel, and other interstate  
4250 compacts affecting the education of children of military  
4251 members.

4252 D. Meet at least once each calendar year. The chairperson  
4253 may call additional meetings and, upon the request of a simple  
4254 majority of the member states, shall call additional meetings.

4255 E. Establish an executive committee, whose members shall  
4256 include the officers of the Interstate Commission and such other



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4257 members of the Interstate Commission as determined by the  
 4258 bylaws. Members of the executive committee shall serve a 1-year  
 4259 term. Members of the executive committee are entitled to one  
 4260 vote each. The executive committee shall have the power to act  
 4261 on behalf of the Interstate Commission, with the exception of  
 4262 rulemaking, during periods when the Interstate Commission is not  
 4263 in session. The executive committee shall oversee the day-to-day  
 4264 activities of the administration of the compact, including  
 4265 enforcement and compliance with the compact, its bylaws and  
 4266 rules, and other such duties as deemed necessary. The United  
 4267 States Department of Defense shall serve as an ex officio,  
 4268 nonvoting member of the executive committee.

4269 F. Establish bylaws and rules that provide for conditions  
 4270 and procedures under which the Interstate Commission shall make  
 4271 its information and official records available to the public for  
 4272 inspection or copying. The Interstate Commission may exempt from  
 4273 disclosure information or official records to the extent they  
 4274 would adversely affect personal privacy rights or proprietary  
 4275 interests.

4276 G. Give public notice of all meetings and all meetings  
 4277 shall be open to the public, except as set forth in the rules or  
 4278 as otherwise provided in the compact. The Interstate Commission  
 4279 and its committees may close a meeting, or portion thereof,  
 4280 where it determines by two-thirds vote that an open meeting  
 4281 would be likely to:

- 4282 1. Relate solely to the Interstate Commission's internal
- 4283 personnel practices and procedures;
- 4284 2. Disclose matters specifically exempted from disclosure

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4285 | by federal and state statute;

4286 |       3. Disclose trade secrets or commercial or financial

4287 | information which is privileged or confidential;

4288 |       4. Involve accusing a person of a crime, or formally

4289 | censuring a person;

4290 |       5. Disclose information of a personal nature where

4291 | disclosure would constitute a clearly unwarranted invasion of

4292 | personal privacy;

4293 |       6. Disclose investigative records compiled for law

4294 | enforcement purposes; or

4295 |       7. Specifically relate to the Interstate Commission's

4296 | participation in a civil action or other legal proceeding.

4297 |       H. For a meeting, or portion of a meeting, closed pursuant

4298 | to this provision, the Interstate Commission's legal counsel or

4299 | designee shall certify that the meeting may be closed and shall

4300 | reference each relevant exemptible provision. The Interstate

4301 | Commission shall keep minutes which shall fully and clearly

4302 | describe all matters discussed in a meeting and shall provide a

4303 | full and accurate summary of actions taken, and the reasons

4304 | therefor, including a description of the views expressed and the

4305 | record of a roll call vote. All documents considered in

4306 | connection with an action shall be identified in such minutes.

4307 | All minutes and documents of a closed meeting shall remain under

4308 | seal, subject to release by a majority vote of the Interstate

4309 | Commission.

4310 |       I. The Interstate Commission shall collect standardized

4311 | data concerning the educational transition of the children of

4312 | military families under this compact as directed through its



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4341 D. Enforce compliance with the compact provisions, the  
 4342 rules adopted by the Interstate Commission, and the bylaws,  
 4343 using all necessary and proper means, including, but not limited  
 4344 to, the use of judicial process.

4345 E. Establish and maintain offices that shall be located  
 4346 within one or more of the member states.

4347 F. Purchase and maintain insurance and bonds.

4348 G. Borrow, accept, hire, or contract for services of  
 4349 personnel.

4350 H. Establish and appoint committees, including, but not  
 4351 limited to, an executive committee as required by Article IX,  
 4352 Section E, which shall have the power to act on behalf of the  
 4353 Interstate Commission in carrying out its powers and duties  
 4354 hereunder.

4355 I. Elect or appoint such officers, attorneys, employees,  
 4356 agents, or consultants, and to fix their compensation, define  
 4357 their duties, and determine their qualifications; and to  
 4358 establish the Interstate Commission's personnel policies and  
 4359 programs relating to conflicts of interest, rates of  
 4360 compensation, and qualifications of personnel.

4361 J. Accept any and all donations and grants of money,  
 4362 equipment, supplies, materials, and services, and to receive,  
 4363 utilize, and dispose of it.

4364 K. Lease, purchase, accept contributions or donations of,  
 4365 or otherwise to own, hold, improve, or use any property, real,  
 4366 personal, or mixed.

4367 L. Sell, convey, mortgage, pledge, lease, exchange,  
 4368 abandon, or otherwise dispose of any property, real, personal,

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4369 or mixed.

4370 M. Establish a budget and make expenditures.

4371 N. Adopt a seal and bylaws governing the management and  
 4372 operation of the Interstate Commission.

4373 O. Report annually to the legislatures, governors,  
 4374 judiciary, and state councils of the member states concerning  
 4375 the activities of the Interstate Commission during the preceding  
 4376 year. Such reports shall also include any recommendations that  
 4377 may have been adopted by the Interstate Commission.

4378 P. Coordinate education, training, and public awareness  
 4379 regarding the compact, its implementation, and operation for  
 4380 officials and parents involved in such activity.

4381 Q. Establish uniform standards for the reporting,  
 4382 collecting, and exchanging of data.

4383 R. Maintain corporate books and records in accordance with  
 4384 the bylaws.

4385 S. Perform such functions as may be necessary or  
 4386 appropriate to achieve the purposes of this compact.

4387 T. Provide for the uniform collection and sharing of  
 4388 information between and among member states, schools, and  
 4389 military families under this compact.

4391 ARTICLE XI

4393 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

4394 A. The Interstate Commission shall, by a majority of the  
 4395 members present and voting, within 12 months after the first  
 4396 Interstate Commission meeting, adopt bylaws to govern its

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4397 | conduct as may be necessary or appropriate to carry out the  
 4398 | purposes of the compact, including, but not limited to:  
 4399 |       1. Establishing the fiscal year of the Interstate  
 4400 | Commission;  
 4401 |       2. Establishing an executive committee and such other  
 4402 | committees as may be necessary;  
 4403 |       3. Providing for the establishment of committees and for  
 4404 | governing any general or specific delegation of authority or  
 4405 | function of the Interstate Commission;  
 4406 |       4. Providing reasonable procedures for calling and  
 4407 | conducting meetings of the Interstate Commission and ensuring  
 4408 | reasonable notice of each such meeting;  
 4409 |       5. Establishing the titles and responsibilities of the  
 4410 | officers and staff of the Interstate Commission;  
 4411 |       6. Providing a mechanism for concluding the operations of  
 4412 | the Interstate Commission and the return of surplus funds that  
 4413 | may exist upon the termination of the compact after the payment  
 4414 | and reserving of all of its debts and obligations.  
 4415 |       7. Providing "start up" rules for initial administration  
 4416 | of the compact.  
 4417 |       B. The Interstate Commission shall, by a majority of the  
 4418 | members, elect annually from among its members a chairperson, a  
 4419 | vice chairperson, and a treasurer, each of whom shall have such  
 4420 | authority and duties as may be specified in the bylaws. The  
 4421 | chairperson or, in the chairperson's absence or disability, the  
 4422 | vice chairperson shall preside at all meetings of the Interstate  
 4423 | Commission. The officers so elected shall serve without  
 4424 | compensation or remuneration from the Interstate Commission;

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4425 provided that, subject to the availability of budgeted funds,  
 4426 the officers shall be reimbursed for ordinary and necessary  
 4427 costs and expenses incurred by them in the performance of their  
 4428 responsibilities as officers of the Interstate Commission.

4429 C. The executive committee has the authority and duties as  
 4430 may be set forth in the bylaws, including, but not limited to:

4431 1. Managing the affairs of the Interstate Commission in a  
 4432 manner consistent with the bylaws and purposes of the Interstate  
 4433 Commission;

4434 2. Overseeing an organizational structure within, and  
 4435 appropriate procedures for, the Interstate Commission to provide  
 4436 for the adoption of rules, operating procedures, and  
 4437 administrative and technical support functions; and

4438 3. Planning, implementing, and coordinating communications  
 4439 and activities with other state, federal, and local government  
 4440 organizations in order to advance the goals of the Interstate  
 4441 Commission.

4442 D. The executive committee may, subject to the approval of  
 4443 the Interstate Commission, appoint or retain an executive  
 4444 director for such period, upon such terms and conditions and for  
 4445 such compensation, as the Interstate Commission may deem  
 4446 appropriate. The executive director shall serve as secretary to  
 4447 the Interstate Commission but is not a member of the Interstate  
 4448 Commission. The executive director shall hire and supervise such  
 4449 other persons as may be authorized by the Interstate Commission.

4450 E. The Interstate Commission's executive director and its  
 4451 employees are immune from suit and liability, either personally  
 4452 or in their official capacity, for a claim for damage to or loss

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4453 of property or personal injury or other civil liability caused  
 4454 or arising out of, or relating to, an actual or alleged act,  
 4455 error, or omission that occurred, or that such person had a  
 4456 reasonable basis for believing occurred, within the scope of  
 4457 Interstate Commission employment, duties, or responsibilities,  
 4458 provided that the person is not protected from suit or liability  
 4459 for damage, loss, injury, or liability caused by the intentional  
 4460 or willful and wanton misconduct of the person.

4461 1. The liability of the Interstate Commission's executive  
 4462 director and employees or Interstate Commission representatives,  
 4463 acting within the scope of the person's employment or duties,  
 4464 for acts, errors, or omissions occurring within the person's  
 4465 state may not exceed the limits of liability set forth under the  
 4466 constitution and laws of that state for state officials,  
 4467 employees, and agents. The Interstate Commission is considered  
 4468 to be an instrumentality of the states for the purposes of any  
 4469 such action. This subsection does not protect the person from  
 4470 suit or liability for damage, loss, injury, or liability caused  
 4471 by the intentional or willful and wanton misconduct of the  
 4472 person.

4473 2. The Interstate Commission shall defend the executive  
 4474 director and its employees and, subject to the approval of the  
 4475 Attorney General or other appropriate legal counsel of the  
 4476 member state represented by an Interstate Commission  
 4477 representative, shall defend an Interstate Commission  
 4478 representative in any civil action seeking to impose liability  
 4479 arising out of an actual or alleged act, error, or omission that  
 4480 occurred within the scope of Interstate Commission employment,







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4537 and shall take all actions necessary and appropriate to  
 4538 effectuate the compact's purposes and intent. The provisions of  
 4539 this compact and the rules adopted under it have the force and  
 4540 effect of statutory law.

4541 B. All courts shall take judicial notice of the compact  
 4542 and its adopted rules in any judicial or administrative  
 4543 proceeding in a member state pertaining to the subject matter of  
 4544 this compact which may affect the powers, responsibilities, or  
 4545 actions of the Interstate Commission.

4546 C. The Interstate Commission is entitled to receive all  
 4547 service of process in any such proceeding, and has standing to  
 4548 intervene in the proceeding for all purposes. Failure to provide  
 4549 service of process to the Interstate Commission renders a  
 4550 judgment or order void as to the Interstate Commission, this  
 4551 compact, or its adopted rules.

4552 D. If the Interstate Commission determines that a member  
 4553 state has defaulted in the performance of its obligations or  
 4554 responsibilities under this compact, or the bylaws or the  
 4555 adopted rules, the Interstate Commission shall:

4556 1. Provide written notice to the defaulting state and  
 4557 other member states of the nature of the default, the means of  
 4558 curing the default, and any action taken by the Interstate  
 4559 Commission. The Interstate Commission must specify the  
 4560 conditions by which the defaulting state must cure its default.

4561 2. Provide remedial training and specific technical  
 4562 assistance regarding the default.

4563 3. If the defaulting state fails to cure the default,  
 4564 terminate the defaulting state from the compact upon an

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4565 affirmative vote of a majority of the member states and all  
 4566 rights, privileges, and benefits conferred by this compact shall  
 4567 be terminated from the effective date of termination. A cure of  
 4568 the default does not relieve the offending state of obligations  
 4569 or liabilities incurred during the period of the default.

4570 E. Suspension or termination of membership in the compact  
 4571 may not be imposed on a member until all other means of securing  
 4572 compliance have been exhausted. Notice of the intent to suspend  
 4573 or terminate membership must be given by the Interstate  
 4574 Commission to the Governor, the majority and minority leaders of  
 4575 the defaulting state's legislature, and each of the member  
 4576 states.

4577 F. A state that has been suspended or terminated is  
 4578 responsible for all assessments, obligations, and liabilities  
 4579 incurred through the effective date of suspension or  
 4580 termination, including obligations, the performance of which  
 4581 extends beyond the effective date of suspension or termination.

4582 G. The remaining member states of the Interstate  
 4583 Commission do not bear any costs arising from a state that has  
 4584 been found to be in default or that has been suspended or  
 4585 terminated from the compact, unless otherwise mutually agreed  
 4586 upon in writing between the Interstate Commission and the  
 4587 defaulting state.

4588 H. A defaulting state may appeal the action of the  
 4589 Interstate Commission by petitioning the United States District  
 4590 Court for the District of Columbia or the federal district where  
 4591 the Interstate Commission has its principal offices. The  
 4592 prevailing party shall be awarded all costs of such litigation,

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4593 including reasonable attorney's fees.

4594 I. The Interstate Commission shall attempt, upon the  
 4595 request of a member state, to resolve disputes that are subject  
 4596 to the compact and that may arise among member states and  
 4597 between member and nonmember states. The Interstate Commission  
 4598 shall promulgate a rule providing for both mediation and binding  
 4599 dispute resolution for disputes as appropriate.

4600 1. The Interstate Commission, in the reasonable exercise  
 4601 of its discretion, shall enforce the provisions and rules of  
 4602 this compact.

4603 2. The Interstate Commission may, by majority vote of the  
 4604 members, initiate legal action in the United States District  
 4605 Court for the District of Columbia or, at the discretion of the  
 4606 Interstate Commission, in the federal district where the  
 4607 Interstate Commission has its principal offices to enforce  
 4608 compliance with the provisions of the compact, or its  
 4609 promulgated rules and bylaws, against a member state in default.  
 4610 The relief sought may include both injunctive relief and  
 4611 damages. In the event judicial enforcement is necessary, the  
 4612 prevailing party shall be awarded all costs of such litigation,  
 4613 including reasonable attorney's fees.

4614 3. The remedies herein are not the exclusive remedies of  
 4615 the Interstate Commission. The Interstate Commission may avail  
 4616 itself of any other remedies available under state law or the  
 4617 regulation of a profession.

4618

4619 ARTICLE XIV

4620

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4621 FINANCING OF THE INTERSTATE COMMISSION.--

4622 A. The Interstate Commission shall pay, or provide for the  
 4623 payment of, the reasonable expenses of its establishment,  
 4624 organization, and ongoing activities.

4625 B. The Interstate Commission may levy on and collect an  
 4626 annual assessment from each member state to cover the cost of  
 4627 the operations and activities of the Interstate Commission and  
 4628 its staff which must be in a total amount sufficient to cover  
 4629 the Interstate Commission's annual budget as approved each year.  
 4630 The aggregate annual assessment amount shall be allocated based  
 4631 upon a formula to be determined by the Interstate Commission,  
 4632 which shall adopt a rule binding upon all member states.

4633 C. The Interstate Commission may not incur any obligation  
 4634 of any kind before securing the funds adequate to meet the  
 4635 obligation and the Interstate Commission may not pledge the  
 4636 credit of any of the member states, except by and with the  
 4637 permission of the member state.

4638 D. The Interstate Commission shall keep accurate accounts  
 4639 of all receipts and disbursements. The receipts and  
 4640 disbursements of the Interstate Commission are subject to audit  
 4641 and accounting procedures established under its bylaws. However,  
 4642 all receipts and disbursements of funds handled by the  
 4643 Interstate Commission shall be audited yearly by a certified or  
 4644 licensed public accountant, and the report of the audit shall be  
 4645 included in and become part of the annual report of the  
 4646 Interstate Commission.

4647

4648 ARTICLE XV

BILL

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YEAR

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MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.--

A. Any state is eligible to become a member state.

B. The compact shall take effect and be binding upon legislative enactment of the compact into law by not less than 10 of the states. The effective date shall be no earlier than December 1, 2007. Thereafter, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis before adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. An amendment does not become effective and binding upon the Interstate Commission and the member states until the amendment is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION.--

A. Once in effect, the compact continues in force and remains binding upon each and every member state, provided that a member state may withdraw from the compact, specifically repealing the statute that enacted the compact into law.

1. Withdrawal from the compact occurs when a statute repealing its membership is enacted by the state, but does not take effect until 1 year after the effective date of the statute

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4677 and until written notice of the withdrawal has been given by the  
 4678 withdrawing state to the Governor of each other member state.

4679 2. The withdrawing state must immediately notify the  
 4680 chairperson of the Interstate Commission in writing upon the  
 4681 introduction of legislation repealing this compact in the  
 4682 withdrawing state. The Interstate Commission shall notify the  
 4683 other member states of the withdrawing state's intent to  
 4684 withdraw within 60 days after its receipt thereof.

4685 3. A withdrawing state is responsible for all assessments,  
 4686 obligations, and liabilities incurred through the effective date  
 4687 of withdrawal, including obligations, the performance of which  
 4688 extend beyond the effective date of withdrawal.

4689 4. Reinstatement following withdrawal of a member state  
 4690 shall occur upon the withdrawing state reenacting the compact or  
 4691 upon such later date as determined by the Interstate Commission.

4692 B. This compact shall dissolve effective upon the date of  
 4693 the withdrawal or default of the member state which reduces the  
 4694 membership in the compact to one member state.

4695 C. Upon the dissolution of this compact, the compact  
 4696 becomes void and has no further force or effect, and the  
 4697 business and affairs of the Interstate Commission shall be  
 4698 concluded and surplus funds shall be distributed in accordance  
 4699 with the bylaws.

4700

4701 ARTICLE XVII

4702

4703 SEVERABILITY AND CONSTRUCTION.--

4704 A. The provisions of this compact shall be severable, and





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4733 Section 95. Subsection (1) of section 1001.395, Florida  
 4734 Statutes, as amended by section 1 of chapter 2009-3, Laws of  
 4735 Florida, is amended to read:

4736 1001.395 District school board members; compensation.--

4737 (1) Each member of the district school board shall receive  
 4738 a base salary, the amounts indicated in this section, based on  
 4739 the population of the county the district school board member  
 4740 serves. In addition, compensation shall be made for population  
 4741 increments over the minimum for each population group, which  
 4742 shall be determined by multiplying the population in excess of  
 4743 the minimum for the group times the group rate. The product of  
 4744 such calculation shall be added to the base salary to determine  
 4745 the adjusted base salary. The adjusted base salaries of district  
 4746 school board members shall be increased annually as provided for  
 4747 in s. 145.19.

4748

4749

Pop. Group	County Pop.	Range	Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	9,999	\$5,000	\$0.08330
II	10,000	49,999	5,833	0.020830

4756

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4757	III	50,000	99,999	6,666	0.016680
4758					
4759	IV	100,000	199,999	7,500	0.008330
4760					
4761	V	200,000	399,999	8,333	0.004165
4762					
4763	VI	400,000	999,999	9,166	0.001390
4764					
4765	VII	1,000,000		10,000	0.000000
4766					
4767					

~~District school board member salaries negotiated on or after November of 2006 shall remain in effect up to the date of the 2007-2008 calculation provided pursuant to s. 145.19.~~

Reviser's note.--Amended to delete a provision that has served its purpose.

Section 96. Paragraph (e) of subsection (4) of section 1002.36, Florida Statutes, is amended to read:

1002.36 Florida School for the Deaf and the Blind.--

(4) BOARD OF TRUSTEES.--

(e) The board of trustees is invested with full power and authority to:

1. Appoint a president, faculty, teachers, and other

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4780 employees and remove the same as in its judgment may be best and  
 4781 fix their compensation.

4782 2. Procure professional services, such as medical, mental  
 4783 health, architectural, and engineering.

4784 3. Procure legal services without the prior written  
 4785 approval of the Attorney General.

4786 4. Determine eligibility of students and procedure for  
 4787 admission.

4788 5. Provide for the students of the school necessary  
 4789 bedding, clothing, food, and medical attendance and such other  
 4790 things as may be proper for the health and comfort of the  
 4791 students without cost to their parents, except that the board of  
 4792 trustees may set tuition and other fees for nonresidents.

4793 6. Provide for the proper keeping of accounts and records  
 4794 and for budgeting of funds.

4795 7. Enter into contracts.

4796 8. Sue and be sued.

4797 9. Secure public liability insurance.

4798 10. Do and perform every other matter or thing requisite  
 4799 to the proper management, maintenance, support, and control of  
 4800 the school at the highest efficiency economically possible, the  
 4801 board of trustees taking into consideration the purposes of the  
 4802 establishment.

4803 11. Receive gifts, donations, and bequests of money or  
 4804 property, real or personal, tangible or intangible, from any  
 4805 person, firm, corporation, or other legal entity. However, the  
 4806 board of trustees may not obligate the state to any expenditure  
 4807 or policy that is not specifically authorized by law. If the

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4808 bill of sale, will, trust indenture, deed, or other legal  
 4809 conveyance specifies terms and conditions concerning the use of  
 4810 such money or property, the board of trustees shall observe such  
 4811 terms and conditions.

4812 12. Deposit outside the State Treasury such moneys as are  
 4813 received as gifts, donations, or bequests and may disburse and  
 4814 expend such moneys, upon its own warrant, for the use and  
 4815 benefit of the Florida School for the Deaf and the Blind and its  
 4816 students, as the board of trustees deems to be in the best  
 4817 interest of the school and its students. Such money or property  
 4818 shall not constitute or be considered a part of any legislative  
 4819 appropriation.

4820 13. Sell or convey by bill of sale, deed, or other legal  
 4821 instrument any property, real or personal, received as a gift,  
 4822 donation, or bequest, upon such terms and conditions as the  
 4823 board of trustees deems to be in the best interest of the school  
 4824 and its students.

4825 14. Invest such moneys in securities enumerated under s.  
 4826 215.47(1), (2)(c), (3), (4), and (10) ~~215.47(1), (2)(e), (3),~~  
 4827 ~~(4), and (9)~~, and in The Common Fund, an Investment Management  
 4828 Fund exclusively for nonprofit educational institutions.

4829 Reviser's note.--Amended to conform to the renumbering  
 4830 of subsections resulting from the addition of a new  
 4831 subsection (7) by s. 3, ch. 2008-31, Laws of Florida.

4832 Section 97. Subsection (4) of section 1006.035, Florida  
 4833 Statutes, is amended to read:

4834 1006.035 Dropout reentry and mentor project.--

4835 (4) In each of the four locations, the project shall

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4836 identify 15 high-achieving minority students to serve as one-on-  
 4837 one mentors to the students who are being reentered in school.  
 4838 An alumnus of Bethune-Cookman University College, Florida  
 4839 Memorial University College, Edward Waters College, or Florida  
 4840 Agricultural and Mechanical University shall be assigned to each  
 4841 pair of students. Student mentors and alumni must serve as role  
 4842 models and resource people for the students who are being  
 4843 reentered in school.

4844 Reviser's note.--Amended to conform to the correct  
 4845 names of Bethune-Cookman University and Florida  
 4846 Memorial University.

4847 Section 98. Subsection (1) of section 1006.59, Florida  
 4848 Statutes, is amended to read:

4849 1006.59 The Historically Black College and University  
 4850 Library Improvement Program.--

4851 (1) It is the intent of the Legislature to enhance the  
 4852 quality of the libraries at Florida Agricultural and Mechanical  
 4853 University, Bethune-Cookman University College, Edward Waters  
 4854 College, and Florida Memorial University College.

4855 Reviser's note.--Amended to conform to the correct  
 4856 names of Bethune-Cookman University and Florida  
 4857 Memorial University.

4858 Section 99. Paragraph (c) of subsection (3) of section  
 4859 1008.22, Florida Statutes, is amended to read:

4860 1008.22 Student assessment program for public schools.--

4861 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 4862 design and implement a statewide program of educational  
 4863 assessment that provides information for the improvement of the

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4864 operation and management of the public schools, including  
 4865 schools operating for the purpose of providing educational  
 4866 services to youth in Department of Juvenile Justice programs.  
 4867 The commissioner may enter into contracts for the continued  
 4868 administration of the assessment, testing, and evaluation  
 4869 programs authorized and funded by the Legislature. Contracts may  
 4870 be initiated in 1 fiscal year and continue into the next and may  
 4871 be paid from the appropriations of either or both fiscal years.  
 4872 The commissioner is authorized to negotiate for the sale or  
 4873 lease of tests, scoring protocols, test scoring services, and  
 4874 related materials developed pursuant to law. Pursuant to the  
 4875 statewide assessment program, the commissioner shall:  
 4876 (c) Develop and implement a student achievement testing  
 4877 program known as the Florida Comprehensive Assessment Test  
 4878 (FCAT) as part of the statewide assessment program to measure a  
 4879 student's content knowledge and skills in reading, writing,  
 4880 science, and mathematics. Other content areas may be included as  
 4881 directed by the commissioner. Comprehensive assessments of  
 4882 reading and mathematics shall be administered annually in grades  
 4883 3 through 10. Comprehensive assessments of writing and science  
 4884 shall be administered at least once at the elementary, middle,  
 4885 and high school levels. End-of-course assessments for a subject  
 4886 may be administered in addition to the comprehensive assessments  
 4887 required for that subject under this paragraph. An end-of-course  
 4888 assessment must be rigorous, statewide, standardized, and  
 4889 developed or approved by the department. The content knowledge  
 4890 and skills assessed by comprehensive and end-of-course  
 4891 assessments must be aligned to the core curricular content

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4892 established in the Sunshine State Standards. The commissioner  
 4893 may select one or more nationally developed comprehensive  
 4894 examinations, which may include, but need not be limited to,  
 4895 examinations for a College Board Advanced Placement course,  
 4896 International Baccalaureate course, or Advanced International  
 4897 Certificate of Education course or industry-approved  
 4898 examinations to earn national industry certifications as defined  
 4899 in s. 1003.492, for use as end-of-course assessments under this  
 4900 paragraph, if the commissioner determines that the content  
 4901 knowledge and skills assessed by the examinations meet or exceed  
 4902 the grade level expectations for the core curricular content  
 4903 established for the course in the Next Generation Sunshine State  
 4904 Standards. The commissioner may collaborate with the American  
 4905 Diploma Project in the adoption or development of rigorous end-  
 4906 of-course assessments that are aligned to the Next Generation  
 4907 Sunshine State Standards. The testing program must be designed  
 4908 as follows:

- 4909 1. The tests shall measure student skills and competencies  
 4910 adopted by the State Board of Education as specified in  
 4911 paragraph (a). The tests must measure and report student  
 4912 proficiency levels of all students assessed in reading, writing,  
 4913 mathematics, and science. The commissioner shall provide for the  
 4914 tests to be developed or obtained, as appropriate, through  
 4915 contracts and project agreements with private vendors, public  
 4916 vendors, public agencies, postsecondary educational  
 4917 institutions, or school districts. The commissioner shall obtain  
 4918 input with respect to the design and implementation of the  
 4919 testing program from state educators, assistive technology



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4920 | experts, and the public.

4921 |         2. The testing program shall be composed of criterion-

4922 | referenced tests that shall, to the extent determined by the

4923 | commissioner, include test items that require the student to

4924 | produce information or perform tasks in such a way that the core

4925 | content knowledge and skills he or she uses can be measured.

4926 |         3. Beginning with the 2008-2009 school year, the

4927 | commissioner shall discontinue administration of the selected-

4928 | response test items on the comprehensive assessments of writing.

4929 | Beginning with the 2012-2013 school year, the comprehensive

4930 | assessments of writing shall be composed of a combination of

4931 | selected-response test items, short-response performance tasks,

4932 | and extended-response performance tasks, which shall measure a

4933 | student's content knowledge of writing, including, but not

4934 | limited to, paragraph and sentence structure, sentence

4935 | construction, grammar and usage, punctuation, capitalization,

4936 | spelling, parts of speech, verb tense, irregular verbs, subject-

4937 | verb agreement, and noun-pronoun agreement.

4938 |         4. A score shall be designated for each subject area

4939 | tested, below which score a student's performance is deemed

4940 | inadequate. The school districts shall provide appropriate

4941 | remedial instruction to students who score below these levels.

4942 |         5. Except as provided in s. 1003.428(8)(b) or s.

4943 | 1003.43(11)(b), students must earn a passing score on the grade

4944 | 10 assessment test described in this paragraph or attain

4945 | concordant scores as described in subsection (10) ~~(9)~~ in

4946 | reading, writing, and mathematics to qualify for a standard high

4947 | school diploma. The State Board of Education shall designate a

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4948 | passing score for each part of the grade 10 assessment test. In  
 4949 | establishing passing scores, the state board shall consider any  
 4950 | possible negative impact of the test on minority students. The  
 4951 | State Board of Education shall adopt rules which specify the  
 4952 | passing scores for the grade 10 FCAT. Any such rules, which have  
 4953 | the effect of raising the required passing scores, shall apply  
 4954 | only to students taking the grade 10 FCAT for the first time  
 4955 | after such rules are adopted by the State Board of Education.

4956 |         6. Participation in the testing program is mandatory for  
 4957 | all students attending public school, including students served  
 4958 | in Department of Juvenile Justice programs, except as otherwise  
 4959 | prescribed by the commissioner. If a student does not  
 4960 | participate in the statewide assessment, the district must  
 4961 | notify the student's parent and provide the parent with  
 4962 | information regarding the implications of such nonparticipation.  
 4963 | A parent must provide signed consent for a student to receive  
 4964 | classroom instructional accommodations that would not be  
 4965 | available or permitted on the statewide assessments and must  
 4966 | acknowledge in writing that he or she understands the  
 4967 | implications of such instructional accommodations. The State  
 4968 | Board of Education shall adopt rules, based upon recommendations  
 4969 | of the commissioner, for the provision of test accommodations  
 4970 | for students in exceptional education programs and for students  
 4971 | who have limited English proficiency. Accommodations that negate  
 4972 | the validity of a statewide assessment are not allowable in the  
 4973 | administration of the FCAT. However, instructional  
 4974 | accommodations are allowable in the classroom if included in a  
 4975 | student's individual education plan. Students using

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4976 | instructional accommodations in the classroom that are not  
 4977 | allowable as accommodations on the FCAT may have the FCAT  
 4978 | requirement waived pursuant to the requirements of s.  
 4979 | 1003.428(8)(b) or s. 1003.43(11)(b).

4980 |         7. A student seeking an adult high school diploma must  
 4981 | meet the same testing requirements that a regular high school  
 4982 | student must meet.

4983 |         8. District school boards must provide instruction to  
 4984 | prepare students to demonstrate proficiency in the core  
 4985 | curricular content established in the Next Generation Sunshine  
 4986 | State Standards adopted under s. 1003.41, including the core  
 4987 | content knowledge and skills necessary for successful grade-to-  
 4988 | grade progression and high school graduation. If a student is  
 4989 | provided with instructional accommodations in the classroom that  
 4990 | are not allowable as accommodations in the statewide assessment  
 4991 | program, as described in the test manuals, the district must  
 4992 | inform the parent in writing and must provide the parent with  
 4993 | information regarding the impact on the student's ability to  
 4994 | meet expected proficiency levels in reading, writing, and  
 4995 | mathematics. The commissioner shall conduct studies as necessary  
 4996 | to verify that the required core curricular content is part of  
 4997 | the district instructional programs.

4998 |         9. District school boards must provide opportunities for  
 4999 | students to demonstrate an acceptable level of performance on an  
 5000 | alternative standardized assessment approved by the State Board  
 5001 | of Education following enrollment in summer academies.

5002 |         10. The Department of Education must develop, or select,  
 5003 | and implement a common battery of assessment tools that will be

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5004 used in all juvenile justice programs in the state. These tools  
 5005 must accurately measure the core curricular content established  
 5006 in the Sunshine State Standards.

5007 11. For students seeking a special diploma pursuant to s.  
 5008 1003.438, the Department of Education must develop or select and  
 5009 implement an alternate assessment tool that accurately measures  
 5010 the core curricular content established in the Sunshine State  
 5011 Standards for students with disabilities under s. 1003.438.

5012 12. The Commissioner of Education shall establish  
 5013 schedules for the administration of statewide assessments and  
 5014 the reporting of student test results. The commissioner shall,  
 5015 by August 1 of each year, notify each school district in writing  
 5016 and publish on the department's Internet website the testing and  
 5017 reporting schedules for, at a minimum, the school year following  
 5018 the upcoming school year. The testing and reporting schedules  
 5019 shall require that:

5020 a. There is the latest possible administration of  
 5021 statewide assessments and the earliest possible reporting to the  
 5022 school districts of student test results which is feasible  
 5023 within available technology and specific appropriations;  
 5024 however, test results must be made available no later than the  
 5025 final day of the regular school year for students.

5026 b. Beginning with the 2010-2011 school year, a  
 5027 comprehensive statewide assessment of writing is not  
 5028 administered earlier than the week of March 1 and a  
 5029 comprehensive statewide assessment of any other subject is not  
 5030 administered earlier than the week of April 15.

5031 c. A statewide standardized end-of-course assessment is

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5032 administered within the last 2 weeks of the course.  
 5033  
 5034 The commissioner may, based on collaboration and input from  
 5035 school districts, design and implement student testing programs,  
 5036 for any grade level and subject area, necessary to effectively  
 5037 monitor educational achievement in the state, including the  
 5038 measurement of educational achievement of the Sunshine State  
 5039 Standards for students with disabilities. Development and  
 5040 refinement of assessments shall include universal design  
 5041 principles and accessibility standards that will prevent any  
 5042 unintended obstacles for students with disabilities while  
 5043 ensuring the validity and reliability of the test. These  
 5044 principles should be applicable to all technology platforms and  
 5045 assistive devices available for the assessments. The field  
 5046 testing process and psychometric analyses for the statewide  
 5047 assessment program must include an appropriate percentage of  
 5048 students with disabilities and an evaluation or determination of  
 5049 the effect of test items on such students.

5050 Reviser's note.--Amended to confirm the editorial  
 5051 substitution of a reference to subsection (10) for a  
 5052 reference to subsection (9) to conform to the  
 5053 redesignation of subsection (9) as subsection (10) by  
 5054 s. 18, ch. 2008-235, Laws of Florida.

5055 Section 100. Paragraph (a) of subsection (3) of section  
 5056 1008.34, Florida Statutes, is amended to read:

5057 1008.34 School grading system; school report cards;  
 5058 district grade.--

5059 (3) DESIGNATION OF SCHOOL GRADES.--

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5060 (a) Each school that has students who are tested and  
 5061 included in the school grading system shall receive a school  
 5062 grade, except as follows:

5063 1. A school shall not receive a school grade if the number  
 5064 of its students tested and included in the school grading system  
 5065 is less ~~are fewer~~ than the minimum sample size necessary, based  
 5066 on accepted professional practice, for statistical reliability  
 5067 and prevention of the unlawful release of personally  
 5068 identifiable student data under s. 1002.22 or 20 U.S.C. s.  
 5069 1232g.

5070 2. An alternative school may choose to receive a school  
 5071 grade under this section or a school improvement rating under s.  
 5072 1008.341.

5073 3. A school that serves any combination of students in  
 5074 kindergarten through grade 3 which does not receive a school  
 5075 grade because its students are not tested and included in the  
 5076 school grading system shall receive the school grade designation  
 5077 of a K-3 feeder pattern school identified by the Department of  
 5078 Education and verified by the school district. A school feeder  
 5079 pattern exists if at least 60 percent of the students in the  
 5080 school serving a combination of students in kindergarten through  
 5081 grade 3 are scheduled to be assigned to the graded school.

5082 Reviser's note.--Amended to confirm the substitution  
 5083 by the editors of the words "is less" for the words  
 5084 "are fewer" to improve clarity and facilitate correct  
 5085 interpretation.

5086 Section 101. Subsection (2) of section 1008.341, Florida  
 5087 Statutes, is amended to read:

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5088 | 1008.341 School improvement rating for alternative  
 5089 | schools.--

5090 | (2) SCHOOL IMPROVEMENT RATING.--An alternative school that  
 5091 | provides dropout prevention and academic intervention services  
 5092 | pursuant to s. 1003.53 shall receive a school improvement rating  
 5093 | pursuant to this section. However, an alternative school shall  
 5094 | not receive a school improvement rating if the number of its  
 5095 | students for whom student performance data is available for the  
 5096 | current year and previous year is less ~~are fewer~~ than the  
 5097 | minimum sample size necessary, based on accepted professional  
 5098 | practice, for statistical reliability and prevention of the  
 5099 | unlawful release of personally identifiable student data under  
 5100 | s. 1002.22 or 20 U.S.C. s. 1232g. The school improvement rating  
 5101 | shall identify an alternative school as having one of the  
 5102 | following ratings defined according to rules of the State Board  
 5103 | of Education:

5104 | (a) "Improving" means the students attending the school  
 5105 | are making more academic progress than when the students were  
 5106 | served in their home schools.

5107 | (b) "Maintaining" means the students attending the school  
 5108 | are making progress equivalent to the progress made when the  
 5109 | students were served in their home schools.

5110 | (c) "Declining" means the students attending the school  
 5111 | are making less academic progress than when the students were  
 5112 | served in their home schools.

5113 |  
 5114 | The school improvement rating shall be based on a comparison of  
 5115 | student performance data for the current year and previous year.

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5116 Schools that improve at least one level or maintain an  
 5117 "improving" rating pursuant to this section are eligible for  
 5118 school recognition awards pursuant to s. 1008.36.

5119 Reviser's note.--Amended to confirm the substitution  
 5120 by the editors of the words "is less" for the words  
 5121 "are fewer" to improve clarity and facilitate correct  
 5122 interpretation.

5123 Section 102. Subsection (5) of section 1008.345, Florida  
 5124 Statutes, is amended to read:

5125 1008.345 Implementation of state system of school  
 5126 improvement and education accountability.--

5127 (5) The commissioner shall report to the Legislature and  
 5128 recommend changes in state policy necessary to foster school  
 5129 improvement and education accountability. Included in the report  
 5130 shall be a list of the schools, including schools operating for  
 5131 the purpose of providing educational services to youth in  
 5132 Department of Juvenile Justice programs, for which district  
 5133 school boards have developed assistance and intervention plans  
 5134 and an analysis of the various strategies used by the school  
 5135 boards. School reports shall be distributed pursuant to this  
 5136 subsection and s. 1001.42(18)(e) ~~1001.42(16)(e)~~ and according to  
 5137 rules adopted by the State Board of Education.

5138 Reviser's note.--Amended to conform to the renumbering  
 5139 of subsections by s. 9, ch. 2008-108, Laws of Florida.

5140 Section 103. Subsection (1) and paragraph (a) of  
 5141 subsection (5) of section 1009.73, Florida Statutes, are amended  
 5142 to read:

5143 1009.73 Mary McLeod Bethune Scholarship Program.--



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5144 (1) There is established the Mary McLeod Bethune  
 5145 Scholarship Program to be administered by the Department of  
 5146 Education pursuant to this section and rules of the State Board  
 5147 of Education. The program shall provide matching grants for  
 5148 private sources that raise money for scholarships to be awarded  
 5149 to students who attend Florida Agricultural and Mechanical  
 5150 University, Bethune-Cookman University College, Edward Waters  
 5151 College, or Florida Memorial University College.

5152 (5) (a) In order to be eligible to receive a scholarship  
 5153 pursuant to this section, an applicant must:

5154 1. Meet the general eligibility requirements set forth in  
 5155 s. 1009.40.

5156 2. Be accepted at Florida Agricultural and Mechanical  
 5157 University, Bethune-Cookman University College, Edward Waters  
 5158 College, or Florida Memorial University College.

5159 3. Enroll as a full-time undergraduate student.

5160 4. Earn a 3.0 grade point average on a 4.0 scale, or the  
 5161 equivalent, for high school subjects creditable toward a  
 5162 diploma.

5163 Reviser's note.--Amended to conform to the correct  
 5164 names of Bethune-Cookman University and Florida  
 5165 Memorial University.

5166 Section 104. Paragraph (b) of subsection (1), paragraphs  
 5167 (d), (h), and (i) of subsection (2), paragraphs (f) and (g) of  
 5168 subsection (6), and paragraph (b) of subsection (7) of section  
 5169 1012.56, Florida Statutes, are amended to read:

5170 1012.56 Educator certification requirements.--

5171 (1) APPLICATION.--Each person seeking certification

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5172 | pursuant to this chapter shall submit a completed application  
 5173 | containing the applicant's social security number to the  
 5174 | Department of Education and remit the fee required pursuant to  
 5175 | s. 1012.59 and rules of the State Board of Education. Pursuant  
 5176 | to the federal Personal Responsibility and Work Opportunity  
 5177 | Reconciliation Act of 1996, each party is required to provide  
 5178 | his or her social security number in accordance with this  
 5179 | section. Disclosure of social security numbers obtained through  
 5180 | this requirement is limited to the purpose of administration of  
 5181 | the Title IV-D program of the Social Security Act for child  
 5182 | support enforcement. Pursuant to s. 120.60, the department shall  
 5183 | issue within 90 calendar days after the stamped receipted date  
 5184 | of the completed application:

5185 |         (b) If the applicant meets the requirements and if  
 5186 | requested by an employing school district or an employing  
 5187 | private school with a professional education competence  
 5188 | demonstration program pursuant to paragraphs (6) (f) and (8) (b)  
 5189 | ~~(5) (f) and (7) (b)~~, a temporary certificate covering the  
 5190 | classification, level, and area for which the applicant is  
 5191 | deemed qualified and an official statement of status of  
 5192 | eligibility; or

5193 |  
 5194 | The statement of status of eligibility must advise the applicant  
 5195 | of any qualifications that must be completed to qualify for  
 5196 | certification. Each statement of status of eligibility is valid  
 5197 | for 3 years after its date of issuance, except as provided in  
 5198 | paragraph (2) (d).

5199 |         (2) ELIGIBILITY CRITERIA.--To be eligible to seek

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5200 certification, a person must:

5201 (d) Submit to background screening in accordance with

5202 subsection (10) ~~(9)~~. If the background screening indicates a

5203 criminal history or if the applicant acknowledges a criminal

5204 history, the applicant's records shall be referred to the

5205 investigative section in the Department of Education for review

5206 and determination of eligibility for certification. If the

5207 applicant fails to provide the necessary documentation requested

5208 by the department within 90 days after the date of the receipt

5209 of the certified mail request, the statement of eligibility and

5210 pending application shall become invalid.

5211 (h) Demonstrate mastery of subject area knowledge,

5212 pursuant to subsection (5) ~~(4)~~.

5213 (i) Demonstrate mastery of professional preparation and

5214 education competence, pursuant to subsection (6) ~~(5)~~.

5215 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION

5216 COMPETENCE.--Acceptable means of demonstrating mastery of

5217 professional preparation and education competence are:

5218 (f) Completion of professional preparation courses as

5219 specified in state board rule, successful completion of a

5220 professional education competence demonstration program pursuant

5221 to paragraph (8) (b) ~~(7) (b)~~, and achievement of a passing score

5222 on the professional education competency examination required by

5223 state board rule;

5224 (g) Successful completion of a professional preparation

5225 alternative certification and education competency program,

5226 outlined in paragraph (8) (a) ~~(7) (a)~~; or

5227 (7) TYPES AND TERMS OF CERTIFICATION.--

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5228 (b) The department shall issue a temporary certificate to  
 5229 any applicant who completes the requirements outlined in  
 5230 paragraphs (2) (a)-(f) and completes the subject area content  
 5231 requirements specified in state board rule or demonstrates  
 5232 mastery of subject area knowledge pursuant to subsection (5) ~~(4)~~  
 5233 and holds an accredited degree or a degree approved by the  
 5234 Department of Education at the level required for the subject  
 5235 area specialization in state board rule.

5236  
 5237 Each temporary certificate is valid for 3 school fiscal years  
 5238 and is nonrenewable. However, the requirement in paragraph  
 5239 (2) (g) must be met within 1 calendar year of the date of  
 5240 employment under the temporary certificate. Individuals who are  
 5241 employed under contract at the end of the 1 calendar year time  
 5242 period may continue to be employed through the end of the school  
 5243 year in which they have been contracted. A school district shall  
 5244 not employ, or continue the employment of, an individual in a  
 5245 position for which a temporary certificate is required beyond  
 5246 this time period if the individual has not met the requirement  
 5247 of paragraph (2) (g). The State Board of Education shall adopt  
 5248 rules to allow the department to extend the validity period of a  
 5249 temporary certificate for 2 years when the requirements for the  
 5250 professional certificate, not including the requirement in  
 5251 paragraph (2) (g), were not completed due to the serious illness  
 5252 or injury of the applicant or other extraordinary extenuating  
 5253 circumstances. The department shall reissue the temporary  
 5254 certificate for 2 additional years upon approval by the  
 5255 Commissioner of Education. A written request for reissuance of

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5256 the certificate shall be submitted by the district school  
 5257 superintendent, the governing authority of a university lab  
 5258 school, the governing authority of a state-supported school, or  
 5259 the governing authority of a private school.

5260 Reviser's note.--Amended to conform to the renumbering  
 5261 of subunits by s. 25, ch. 2008-235, Laws of Florida.

5262 Section 105. Paragraph (a) of subsection (4) of section  
 5263 1012.795, Florida Statutes, is amended to read:

5264 1012.795 Education Practices Commission; authority to  
 5265 discipline.--

5266 (4) (a) An educator certificate that has been suspended  
 5267 under this section is automatically reinstated at the end of the  
 5268 suspension period, provided the certificate did not expire  
 5269 during the period of suspension. If the certificate expired  
 5270 during the period of suspension, the holder of the former  
 5271 certificate may secure a new certificate by making application  
 5272 therefor and by meeting the certification requirements of the  
 5273 state board current at the time of the application for the new  
 5274 certificate. An educator certificate suspended pursuant to  
 5275 paragraph (1) (i) ~~(1) (h)~~ may be reinstated only upon notice from  
 5276 the court or the Department of Revenue that the party has  
 5277 complied with the terms of the support order, subpoena, order to  
 5278 show cause, or written agreement.

5279 Reviser's note.--Amended to conform to the  
 5280 redesignation of paragraph (1) (h) as paragraph (1) (i)  
 5281 by s. 32, ch. 2008-108, Laws of Florida.

5282 Section 106. Subsection (6) of section 1013.12, Florida  
 5283 Statutes, is amended to read:

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5284 1013.12 Casualty, safety, sanitation, and firesafety  
 5285 standards and inspection of property.--  
 5286 (6) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon  
 5287 failure of the board to take corrective action within the time  
 5288 designated in the plan of action to correct any firesafety  
 5289 deficiency noted under paragraph (2) (d) ~~(2) (e)~~ or paragraph  
 5290 (3) (c), the local fire official shall immediately report the  
 5291 deficiency to the State Fire Marshal, who shall have enforcement  
 5292 authority with respect to educational and ancillary plants and  
 5293 educational facilities as provided in chapter 633 for any other  
 5294 building or structure.  
 5295 Reviser's note.--Amended to conform to the  
 5296 redesignation of paragraph (2) (c) as paragraph (2) (d)  
 5297 by s. 29, ch. 2008-235, Laws of Florida.  
 5298 Section 107. This act shall take effect on the 60th day  
 5299 after adjournment sine die of the session of the Legislature in  
 5300 which enacted.