

Tab 1	SB 32 by Mayfield ; (Identical to H 07011) Florida Statutes				
Tab 2	SB 34 by Mayfield ; (Identical to H 07013) Florida Statutes				
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Tab 4	SB 38 by Mayfield ; (Identical to H 07017) Florida Statutes				
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Tab 7	SB 44 by Mayfield ; (Identical to H 07023) Florida Statutes				
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578558	A	S	RCS	RC, Trumbull	Delete L.570 - 572: 02/23 11:58 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Mayfield, Chair
Senator Perry, Vice Chair

MEETING DATE: Thursday, February 23, 2023

TIME: 9:30—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Mayfield, Chair; Senator Perry, Vice Chair; Senators Baxley, Book, Boyd, Brodeur, Broxson, Burgess, Burton, DiCeglie, Garcia, Hooper, Hutson, Jones, Osgood, Rodriguez, Rouson, Simon, Torres, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 32 Mayfield (Identical H 7011)	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation, etc. RC 02/23/2023 Favorable	Favorable Yeas 15 Nays 0
2	SB 34 Mayfield (Identical H 7013)	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2023 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. RC 02/23/2023 Favorable	Favorable Yeas 14 Nays 0
3	SB 36 Mayfield (Identical H 7015)	Florida Statutes; Amending provisions to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority, etc. RC 02/23/2023 Favorable	Favorable Yeas 15 Nays 0
4	SB 38 Mayfield (Identical H 7017)	Florida Statutes; Deleting provisions providing for apportionment of the districts of the State Senate and House of Representatives that have been superseded, etc. RC 02/23/2023 Favorable	Favorable Yeas 15 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Thursday, February 23, 2023, 9:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 40 Mayfield (Identical H 7019)	Florida Statutes; Adopting the Florida Statutes 2023 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2023 shall be effective immediately upon publication; providing that general laws enacted during the May 23-27, 2022, special session and prior thereto and not included in the Florida Statutes 2023 are repealed; providing that general laws enacted during the December 12-16, 2022, special session through the 2023 regular session are not repealed by this adoption act, etc. RC 02/23/2023 Favorable	Favorable Yeas 15 Nays 0
6	SB 42 Mayfield (Identical H 7021)	Florida Statutes; Amending provisions to conform to section 10 of chapter 2022-16, Laws of Florida, which directs the Division of Law Revision to prepare a reviser's bill to replace references to the term "Next Generation Sunshine State Standards" with the term "state academic standards" wherever the term appears in the Florida Statutes, etc. RC 02/23/2023 Favorable	Favorable Yeas 15 Nays 0
7	SB 44 Mayfield	Florida Statutes; Amending provisions to conform to section 7 of chapter 2022-70, Laws of Florida, which directs the Division of Law Revision to prepare a reviser's bill to replace references to the phrases "the Southern Association of Colleges and Schools," "the Commission on Colleges of the Southern Association of Colleges and Schools," and "the Southern Association of Colleges and Schools Commission on Colleges," wherever they occur in the Florida Statutes, with the phrase "an accrediting agency or association recognized by the database created and maintained by the United States Department of Education", etc. RC 02/23/2023 Favorable	Favorable Yeas 15 Nays 0
8	CS/SB 170 Community Affairs / Trumbull	Local Ordinances; Authorizing courts to assess and award reasonable attorney fees and costs and damages in certain civil actions filed against local governments; requiring a board of county commissioners to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance; requiring a county to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; requiring a governing body of a municipality to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance, etc. CA 02/08/2023 Fav/CS RC 02/23/2023 Fav/CS	Fav/CS Yeas 15 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Thursday, February 23, 2023, 9:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 32

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; delete obsolete, repealed, or superseded provisions; and revise statutory provisions to conform to directives of the Legislature. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

SB 32 is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; and revise statutory provisions to conform to directives of the Legislature. A reviser's bill cannot be amended except to delete a bill section.

This bill amends the following sections of the Florida Statutes: ss. 8.0001, 10.201, 11.45, 14.2019, 16.71, 16.713, 16.715, 20.03, 22.03, 23.21, 24.103, 28.2457, 39.0016, 39.101, 44.1011, 45.011, 61.046, 83.43, 83.803, 90.5015, 90.801, 97.021, 98.065, 101.019, 101.292, 101.69, 106.08, 110.123, 110.501, 112.044, 112.0455, 112.061, 112.19, 112.26, 112.3144, 112.3187, 112.352, 112.353, 112.361, 112.625, 116.34, 121.021, 121.051, 125.0104, 125.488, 159.47, 163.32051, 166.0484, 175.261, 185.221, 205.022, 215.5551, 216.011, 251.001, 252.35, 282.319, 287.012, 287.057, 288.101, 288.9625, 290.007, 295.0185, 295.061, 322.051, 322.21, 327.371, 327.4108, 331.303, 331.3101, 332.0075, 337.023, 348.0305, 373.0363, 377.814, 379.2273, 381.00319, 381.0065, 383.145, 394.4573, 394.459, 394.9086, 395.1041, 395.1065, 400.141, 401.23, 409.1465, 409.147, 409.1664, 409.2557, 409.2564, 409.912, 414.1251, 415.102, 440.02, 440.14, 440.151, 440.385, 440.525, 455.32, 456.048, 456.076, 468.603, 471.038, 491.003, 491.0045, 491.009, 497.260, 550.002, 550.01215, 550.2625, 553.895, 560.141, 624.36, 626.321, 626.9891, 695.031, 705.101, 718.501, 719.501, 720.304, 741.313, 744.2111, 766.105, 768.28,

796.07, 815.062, 907.044, 943.10, 943.13, 946.502, 951.23, 960.0021, 961.06, 985.26, 1000.21, 1001.11, 1001.60, 1002.01, 1002.20, 1002.3105, 1002.33, 1002.37, 1002.394, 1002.42, 1002.43, 1002.455, 1003.01, 1003.03, 1003.21, 1003.26, 1003.4282, 1003.485, 1003.52, 1003.573, 1003.575, 1004.22, 1004.43, 1004.447, 1004.648, 1004.6496, 1004.65, 1004.79, 1006.0626, 1006.07, 1006.1493, 1006.28, 1006.73, 1007.33, 1008.24, 1008.47, 1009.21, 1009.286, 1009.89, 1009.895, and 1012.2315, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, correct grammatical and typographical errors, and revise statutory provisions to conform to directives of the Legislature are submitted every year.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 8.0001, 10.201, 11.45, 14.2019, 16.71, 16.713, 16.715, 20.03, 22.03, 23.21, 24.103, 28.2457, 39.0016, 39.101, 44.1011, 45.011, 61.046, 83.43, 83.803, 90.5015, 90.801, 97.021, 98.065, 101.019, 101.292, 101.69, 106.08, 110.123, 110.501, 112.044, 112.0455, 112.061, 112.19, 112.26, 112.3144, 112.3187, 112.352, 112.353, 112.361, 112.625, 116.34, 121.021, 121.051, 125.0104, 125.488, 159.47, 163.32051, 166.0484, 175.261, 185.221, 205.022, 215.5551, 216.011, 251.001, 252.35, 282.319, 287.012, 287.057, 288.101, 288.9625, 290.007, 295.0185, 295.061, 322.051, 322.21, 327.371, 327.4108, 331.303, 331.3101, 332.0075, 337.023, 348.0305, 373.0363, 377.814, 379.2273, 381.00319, 381.0065, 383.145, 394.4573, 394.459, 394.9086, 395.1041, 395.1065, 400.141, 401.23, 409.1465, 409.147, 409.1664, 409.2557, 409.2564, 409.912, 414.1251, 415.102, 440.02, 440.14, 440.151, 440.385, 440.525, 455.32, 456.048, 456.076, 468.603, 471.038, 491.003, 491.0045, 491.009, 497.260, 550.002, 550.01215, 550.2625, 553.895, 560.141, 624.36, 626.321, 626.9891, 695.031, 705.101, 718.501, 719.501, 720.304, 741.313, 744.2111, 766.105, 768.28, 796.07, 815.062, 907.044, 943.10, 943.13, 946.502, 951.23, 960.0021, 961.06, 985.26, 1000.21, 1001.11, 1001.60, 1002.01, 1002.20, 1002.3105, 1002.33, 1002.37, 1002.394, 1002.42, 1002.43, 1002.455, 1003.01, 1003.03, 1003.21, 1003.26, 1003.4282, 1003.485, 1003.52, 1003.573, 1003.575, 1004.22, 1004.43, 1004.447, 1004.648, 1004.6496, 1004.65, 1004.79, 1006.0626, 1006.07, 1006.1493, 1006.28, 1006.73, 1007.33, 1008.24, 1008.47, 1009.21, 1009.286, 1009.89, 1009.895, and 1012.2315, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 8.0001, 10.201, 11.45, 14.2019, 16.71, 16.713, 16.715,
 4 20.03, 22.03, 23.21, 24.103, 28.2457, 39.0016, 39.101,
 5 44.1011, 45.011, 61.046, 83.43, 83.803, 90.5015,
 6 90.801, 97.021, 98.065, 101.019, 101.292, 101.69,
 7 106.08, 110.123, 110.501, 112.044, 112.0455, 112.061,
 8 112.19, 112.26, 112.3144, 112.3187, 112.352, 112.353,
 9 112.361, 112.625, 116.34, 121.021, 121.051, 125.0104,
 10 125.488, 159.47, 163.32051, 166.0484, 175.261,
 11 185.221, 205.022, 215.5551, 216.011, 251.001, 252.35,
 12 282.319, 287.012, 287.057, 288.101, 288.9625, 290.007,
 13 295.0185, 295.061, 322.051, 322.21, 327.371, 327.4108,
 14 331.303, 331.3101, 332.0075, 337.023, 348.0305,
 15 373.0363, 377.814, 379.2273, 381.00319, 381.0065,
 16 383.145, 394.4573, 394.459, 394.9086, 395.1041,
 17 395.1065, 400.141, 401.23, 409.1465, 409.147,
 18 409.1664, 409.2557, 409.2564, 409.912, 414.1251,
 19 415.102, 440.02, 440.14, 440.151, 440.385, 440.525,
 20 455.32, 456.048, 456.076, 468.603, 471.038, 491.003,
 21 491.0045, 491.009, 497.260, 550.002, 550.01215,
 22 550.2625, 553.895, 560.141, 624.36, 626.321, 626.9891,
 23 695.031, 705.101, 718.501, 719.501, 720.304, 741.313,
 24 744.2111, 766.105, 768.28, 796.07, 815.062, 907.044,
 25 943.10, 943.13, 946.502, 951.23, 960.0021, 961.06,
 26 985.26, 1000.21, 1001.11, 1001.60, 1002.01, 1002.20,
 27 1002.3105, 1002.33, 1002.37, 1002.394, 1002.42,
 28 1002.43, 1002.455, 1003.01, 1003.03, 1003.21, 1003.26,
 29 1003.4282, 1003.485, 1003.52, 1003.573, 1003.575,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 1004.22, 1004.43, 1004.447, 1004.648, 1004.6496,
 31 1004.65, 1004.79, 1006.0626, 1006.07, 1006.1493,
 32 1006.28, 1006.73, 1007.33, 1008.24, 1008.47, 1009.21,
 33 1009.286, 1009.89, 1009.895, and 1012.2315, F.S.;
 34 deleting provisions that have expired, have become
 35 obsolete, have had their effect, have served their
 36 purpose, or have been impliedly repealed or
 37 superseded; replacing incorrect cross-references and
 38 citations; correcting grammatical, typographical, and
 39 like errors; removing inconsistencies, redundancies,
 40 and unnecessary repetition in the statutes; and
 41 improving the clarity of the statutes and facilitating
 42 their correct interpretation; providing effective
 43 dates.

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

47 Section 1. Paragraph (b) of subsection (2) of section
 48 8.0001, Florida Statutes, is amended to read:

49 8.0001 Definitions.—In accordance with s. 8(a), Art. X of
 50 the State Constitution, the United States Decennial Census of
 51 2020 is the official census of the state for the purposes of
 52 congressional redistricting.

53 (2) As used in this chapter, the term:

54 (b) "Block equivalency file" describes a list of all blocks
 55 within the state and the congressional district number
 56 designated for each block. Blocks are listed by a 15-character
 57 number that combines the five-character county-level Federal
 58 Information Processing Standards (FIPS) code, the six-character

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tract number with leading zeros and an implied decimal, the single-character block group number, and the three-character block number.

Reviser's note.—Amended to confirm an editorial insertion to conform to the complete name of the standards and guidelines for federal computer systems that are developed by the National Institute of Standards and Technology.

Section 2. Paragraph (b) of subsection (3) of section 10.201, Florida Statutes, is amended to read:

10.201 Official census for apportionment; definitions.—

(3) As used in this joint resolution, the term:

(b) "Block equivalency file" describes a list of all blocks within the state and the representative or senatorial district number designated for each block. Blocks are listed by a 15-character number that combines the five-character county-level Federal Information Processing Standards System (FIPS) code, the six-character tract number with leading zeros and an implied decimal, the single-character block group number, and the three-character block number.

Reviser's note.—Amended to confirm an editorial substitution to conform to the correct name of the standards and guidelines for federal computer systems that are developed by the National Institute of Standards and Technology.

Section 3. Paragraph (k) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(k) Contact each district school board, as defined in s.

1003.01(7) ~~1003.01(1)~~, with the findings and recommendations

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contained within the Auditor General's previous operational audit report. The district school board shall provide the Auditor General with evidence of the initiation of corrective action within 45 days after the date it is requested by the Auditor General and evidence of completion of corrective action within 180 days after the date it is requested by the Auditor General. If the district school board fails to comply with the Auditor General's request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Reviser's note.—Amended to conform to the reordering of definitions in s. 1003.01 by this act.

Section 4. Subsection (5) of section 14.2019, Florida Statutes, is amended to read:

14.2019 Statewide Office for Suicide Prevention.—

(5) The First Responders Suicide Deterrence Task Force, a task force as defined in s. 20.03(5) ~~20.03(8)~~, is created adjunct to the Statewide Office for Suicide Prevention.

(a) The purpose of the task force is to make recommendations on how to reduce the incidence of suicide and attempted suicide among employed or retired first responders in the state.

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(b) The task force is composed of a representative of the statewide office and a representative of each of the following first responder organizations, nominated by the organization and appointed by the Secretary of Children and Families:

1. The Florida Professional Firefighters Association.
2. The Florida Police Benevolent Association.
3. The Florida State Lodge of the Fraternal Order of

Police.

4. The Florida Sheriffs Association.
5. The Florida Police Chiefs Association.
6. The Florida Fire Chiefs' Association.

(c) The task force shall elect a chair from among its membership. Except as otherwise provided, the task force shall operate in a manner consistent with s. 20.052.

(d) The task force shall identify or make recommendations on developing training programs and materials that would better enable first responders to cope with personal life stressors and stress related to their profession and foster an organizational culture that:

1. Promotes mutual support and solidarity among active and retired first responders.
2. Trains agency supervisors and managers to identify suicidal risk among active and retired first responders.
3. Improves the use and awareness of existing resources among active and retired first responders.
4. Educates active and retired first responders on suicide awareness and help-seeking.

(e) The task force shall identify state and federal public resources, funding and grants, first responder association

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resources, and private resources to implement identified training programs and materials.

(f) The task force shall report on its findings and recommendations for training programs and materials to deter suicide among active and retired first responders to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each July 1, ~~beginning in 2021, and~~ through 2023.

(g) This subsection is repealed July 1, 2023.

Reviser's note.—The introductory paragraph to subsection (5) is amended to conform to the reordering of definitions in s. 20.03 by this act. Paragraph (f) is amended to delete obsolete language.

Section 5. Paragraph (b) of subsection (3) of section 16.71, Florida Statutes, is amended to read:

16.71 Florida Gaming Control Commission; creation; meetings; membership.—

(3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.—

(b) The Governor may not solicit or request any nominations, recommendations, or communications about potential candidates for appointment to the commission from:

1. Any person that holds a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; an officer, official, or employee of such permitholder or licensee; or an ultimate equitable owner, as defined in s. 550.002(37) ~~550.002(36)~~, of such permitholder or licensee;

2. Any officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the

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175 state; a contractor or subcontractor of such tribe or an entity
 176 employed, licensed, or contracted by such tribe; or an ultimate
 177 equitable owner, as defined in s. 550.002(37) ~~550.002(36)~~, of
 178 such entity; or

179 3. Any registered lobbyist for the executive or legislative
 180 branch who represents any person or entity identified in
 181 subparagraph 1. or subparagraph 2.

182 Reviser's note.—Amended to conform to the reordering of
 183 definitions in s. 550.002 by this act.

184 Section 6. Paragraphs (a) and (b) of subsection (2) of
 185 section 16.713, Florida Statutes, are amended to read:

186 16.713 Florida Gaming Control Commission; appointment and
 187 employment restrictions.—

188 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
 189 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
 190 COMMISSION.—

191 (a) A person may not, for the 2 years immediately preceding
 192 the date of appointment to or employment with the commission and
 193 while appointed to or employed with the commission:

194 1. Hold a permit or license issued under chapter 550 or a
 195 license issued under chapter 551 or chapter 849; be an officer,
 196 official, or employee of such permitholder or licensee; or be an
 197 ultimate equitable owner, as defined in s. 550.002(37)
 198 ~~550.002(36)~~, of such permitholder or licensee;

199 2. Be an officer, official, employee, or other person with
 200 duties or responsibilities relating to a gaming operation owned
 201 by an Indian tribe that has a valid and active compact with the
 202 state; be a contractor or subcontractor of such tribe or an
 203 entity employed, licensed, or contracted by such tribe; or be an

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204 ultimate equitable owner, as defined in s. 550.002(37)
 205 ~~550.002(36)~~, of such entity;

206 3. Be a registered lobbyist for the executive or
 207 legislative branch, except while a commissioner or employee of
 208 the commission when officially representing the commission or
 209 unless the person registered as a lobbyist for the executive or
 210 legislative branch while employed by a state agency as defined
 211 in s. 110.107 during the normal course of his or her employment
 212 with such agency and he or she has not lobbied on behalf of any
 213 entity other than a state agency during the 2 years immediately
 214 preceding the date of his or her appointment to or employment
 215 with the commission; or

216 4. Be a bingo game operator or an employee of a bingo game
 217 operator.

218 (b) A person is ineligible for appointment to or employment
 219 with the commission if, within the 2 years immediately preceding
 220 such appointment or employment, he or she violated paragraph (a)
 221 or solicited or accepted employment with, acquired any direct or
 222 indirect interest in, or had any direct or indirect business
 223 association, partnership, or financial relationship with, or is
 224 a relative of:

225 1. Any person or entity who is an applicant, licensee, or
 226 registrant with the commission; or

227 2. Any officer, official, employee, or other person with
 228 duties or responsibilities relating to a gaming operation owned
 229 by an Indian tribe that has a valid and active compact with the
 230 state; any contractor or subcontractor of such tribe or an
 231 entity employed, licensed, or contracted by such tribe; or any
 232 ultimate equitable owner, as defined in s. 550.002(37)

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233 ~~550.002(36)~~, of such entity.

234

235 For the purposes of this subsection, the term "relative" means a
 236 spouse, father, mother, son, daughter, grandfather, grandmother,
 237 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
 238 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
 239 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
 240 stepbrother, stepsister, half-brother, or half-sister.

241 Reviser's note.—Amended to conform to the reordering of
 242 definitions in s. 550.002 by this act.

243 Section 7. Paragraphs (b) and (c) of subsection (2) of
 244 section 16.715, Florida Statutes, are amended to read:

245 16.715 Florida Gaming Control Commission standards of
 246 conduct; ex parte communications.—

247 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

248 (b) A commissioner may not, for the 2 years immediately
 249 following the date of resignation or termination from the
 250 commission:

251 1. Hold a permit or license issued under chapter 550, or a
 252 license issued under chapter 551 or chapter 849; be an officer,
 253 official, or employee of such permitholder or licensee; or be an
 254 ultimate equitable owner, as defined in s. 550.002(37)
 255 ~~550.002(36)~~, of such permitholder or licensee;

256 2. Accept employment by or compensation from a business
 257 entity that, directly or indirectly, owns or controls a person
 258 regulated by the commission; from a person regulated by the
 259 commission; from a business entity which, directly or
 260 indirectly, is an affiliate or subsidiary of a person regulated
 261 by the commission; or from a business entity or trade

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262 association that has been a party to a commission proceeding
 263 within the 2 years preceding the member's resignation or
 264 termination of service on the commission; or

265 3. Be a bingo game operator or an employee of a bingo game
 266 operator.

267 (c) A person employed by the commission may not, for the 2
 268 years immediately following the date of termination or
 269 resignation from employment with the commission:

270 1. Hold a permit or license issued under chapter 550, or a
 271 license issued under chapter 551 or chapter 849; be an officer,
 272 official, or employee of such permitholder or licensee; or be an
 273 ultimate equitable owner, as defined in s. 550.002(37)
 274 ~~550.002(36)~~, of such permitholder or licensee; or

275 2. Be a bingo game operator or an employee of a bingo game
 276 operator.

277 Reviser's note.—Amended to conform to the reordering of
 278 definitions in s. 550.002 by this act.

279 Section 8. Subsections (1) through (6) and (8) through (12)
 280 of section 20.03, Florida Statutes, are reordered and amended to
 281 read:

282 20.03 Definitions.—To provide uniform nomenclature
 283 throughout the structure of the executive branch, the following
 284 definitions apply:

285 (3)(1) "Cabinet" means collectively the Attorney General,
 286 the Chief Financial Officer, and the Commissioner of
 287 Agriculture, as specified in s. 4, Art. IV of the State
 288 Constitution.

289 (8)(2) "Department" means the principal administrative unit
 290 within the executive branch of state government.

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291 (9)~~(3)~~ "Examining and licensing board" means a board
 292 authorized to grant and revoke licenses to engage in regulated
 293 occupations.

294 (11)~~(4)~~ "Head of the department" means the individual under
 295 whom or the board under which direct administration of the
 296 department is placed by statute. Where direct administration of
 297 a department is placed under an officer or board appointed by
 298 and serving at the pleasure of the Governor, that officer or
 299 board remains subject to the Governor's supervision and
 300 direction.

301 (12)~~(5)~~ "Secretary" means an individual who is appointed by
 302 the Governor to head a department and who is not otherwise named
 303 in the State Constitution.

304 (10)~~(6)~~ "Executive director" means the chief administrative
 305 employee or officer of a department headed by a board or by the
 306 Governor and the Cabinet.

307 (5)~~(8)~~ "Committee" or "task force" means an advisory body
 308 created without specific statutory enactment for a time not to
 309 exceed 1 year or created by specific statutory enactment for a
 310 time not to exceed 3 years and appointed to study a specific
 311 problem and recommend a solution or policy alternative with
 312 respect to that problem. Its existence terminates upon the
 313 completion of its assignment.

314 (6)~~(9)~~ "Coordinating council" means an interdepartmental
 315 advisory body created by law to coordinate programs and
 316 activities for which one department has primary responsibility
 317 but in which one or more other departments have an interest.

318 (4)~~(10)~~ "Commission," unless otherwise required by the
 319 State Constitution, means a body created by specific statutory

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320 enactment within a department, the office of the Governor, or
 321 the Executive Office of the Governor and exercising limited
 322 quasi-legislative or quasi-judicial powers, or both,
 323 independently of the head of the department or the Governor.

324 (1)~~(11)~~ "Agency," as the context requires, means an
 325 official, officer, commission, authority, council, committee,
 326 department, division, bureau, board, section, or another unit or
 327 entity of government.

328 (2)~~(12)~~ "Board of trustees," except with reference to the
 329 board created in chapter 253, means a board created by specific
 330 statutory enactment and appointed to function adjunctively to a
 331 department, the Governor, or the Executive Office of the
 332 Governor to administer public property or a public program.
 333 Reviser's note.—Amended to place the definitions of the section
 334 in alphabetical order.

335 Section 9. Subsections (1), (4), and (5) of section 22.03,
 336 Florida Statutes, are reordered and amended to read:

337 22.03 Definitions.—Unless otherwise clearly required by the
 338 context, as used in ss. 22.01-22.10:

339 (5)~~(1)~~ "Unavailable" means either that a vacancy in office
 340 exists or that the lawful incumbent of the office is absent or
 341 unable to exercise the powers and discharge the duties of the
 342 office.

343 (1)~~(4)~~ "Attack" means any attack or series of attacks by an
 344 enemy of the United States causing, or which may cause,
 345 substantial damage or injury to civilian property or persons in
 346 the United States in any manner by sabotage or by the use of
 347 bombs, missiles, shellfire, or atomic, radiological, chemical,
 348 bacteriological, or biological means or other weapons or

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349 processes.

350 (4)~~(5)~~ "Political subdivision" includes counties, cities,
351 towns, villages, townships, districts, authorities, and other
352 public corporations and entities whether organized and existing
353 under charter or general law.

354 Reviser's note.—Amended to place the definitions of the section
355 in alphabetical order.

356 Section 10. Section 23.21, Florida Statutes, is reordered
357 and amended to read:

358 23.21 Definitions.—For purposes of this part:

359 (2)~~(1)~~ "Department" means a principal administrative unit
360 within the executive branch of state government as defined in
361 chapter 20 and includes the State Board of Administration, the
362 Executive Office of the Governor, the Fish and Wildlife
363 Conservation Commission, the Florida Commission on Offender
364 Review, the Agency for Health Care Administration, the State
365 Board of Education, the Board of Governors of the State
366 University System, the Justice Administrative Commission, the
367 capital collateral regional counsel, and separate budget
368 entities placed for administrative purposes within a department.

369 (3)~~(2)~~ "Paperwork burden" means the resources expended by
370 the entity providing information. Resources may include the
371 time, effort, or financial expenditure associated with reviewing
372 the instructions; acquiring, installing, and using technology to
373 obtain, compile, or report the information; searching data
374 sources; completing and reviewing the collected information; or
375 transmitting the required information to the requesting
376 department.

377 (1)~~(3)~~ "Collect information" means the obtaining, causing

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378 to be obtained, soliciting, or requiring the disclosure to third
379 parties of facts or opinions by or for a department, regardless
380 of form or format, calling for answers to identical questions
381 posed to, or identical reporting or recordkeeping requirements
382 imposed on, 10 or more persons, other than departments or
383 employees of this state.

384 Reviser's note.—Amended to place the definitions of the section
385 in alphabetical order.

386 Section 11. Subsections (2), (4), and (5) of section
387 24.103, Florida Statutes, are reordered and amended to read:

388 24.103 Definitions.—As used in this act:

389 (5)~~(2)~~ "Secretary" means the secretary of the department.

390 (2)~~(4)~~ "Major procurement" means a procurement for a
391 contract for the printing of tickets for use in any lottery
392 game, consultation services for the startup of the lottery, any
393 goods or services involving the official recording for lottery
394 game play purposes of a player's selections in any lottery game
395 involving player selections, any goods or services involving the
396 receiving of a player's selection directly from a player in any
397 lottery game involving player selections, any goods or services
398 involving the drawing, determination, or generation of winners
399 in any lottery game, the security report services provided for
400 in this act, or any goods and services relating to marketing and
401 promotion which exceed a value of \$25,000.

402 (4)~~(5)~~ "Retailer" means a person who sells lottery tickets
403 on behalf of the department pursuant to a contract.

404 Reviser's note.—Amended to place the definitions of the section
405 in alphabetical order.

406 Section 12. Subsection (2) of section 28.2457, Florida

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Statutes, is amended to read:

28.2457 Mandatory monetary assessments.—

~~(2) The clerks of the circuit court must collaborate with the state courts through the Florida Courts Technology Commission to prepare a plan to procure or develop a statewide electronic solution that will accurately identify all assessments mandated by statute. The plan must, at a minimum, address operational, technological, and fiscal considerations related to implementation of the electronic solution. The clerks must submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 1, 2022.~~

Reviser's note.—Amended to delete an obsolete provision; the referenced plan was submitted on January 1, 2022.

Section 13. Paragraph (b) of subsection (3) of section 39.0016, Florida Statutes, is amended to read:

39.0016 Education of abused, neglected, and abandoned children; agency agreements; children having or suspected of having a disability.—

(3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

(b)1. Each district school superintendent or dependency court must appoint a surrogate parent for a child known to the department who has or is suspected of having a disability, as defined in s. 1003.01(9) ~~1003.01(3)~~, when:

a. After reasonable efforts, no parent can be located; or

b. A court of competent jurisdiction over a child under this chapter has determined that no person has the authority under the Individuals with Disabilities Education Act, including the parent or parents subject to the dependency action, or that no person has the authority, willingness, or ability to serve as

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the educational decisionmaker for the child without judicial action.

2. A surrogate parent appointed by the district school superintendent or the court must be at least 18 years old and have no personal or professional interest that conflicts with the interests of the student to be represented. Neither the district school superintendent nor the court may appoint an employee of the Department of Education, the local school district, a community-based care provider, the Department of Children and Families, or any other public or private agency involved in the education or care of the child as appointment of those persons is prohibited by federal law. This prohibition includes group home staff and therapeutic foster parents. However, a person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process. The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child. Each person appointed as a surrogate parent must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the Department of Education to ensure adequate representation of the child.

3. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent. The district school superintendent must accept the appointment

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of the court if he or she has not previously appointed a surrogate parent. Similarly, the court must accept a surrogate parent duly appointed by a district school superintendent.

4. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody. Nothing in this paragraph or in rule shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

5. For a child known to the department, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school. At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decisionmaking purposes for that child.

6. The surrogate parent shall continue in the appointed role until one of the following occurs:

a. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.

b. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of the department.

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c. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.

d. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.

e. The superintendent of the school district in which the child is attending school, the Department of Education contract designee, or the court that appointed the surrogate determines that the appointed surrogate parent no longer adequately represents the child.

f. The child moves to a geographic location that is not reasonably accessible to the appointed surrogate.

7. The appointment and termination of appointment of a surrogate under this paragraph shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

8. The person appointed as a surrogate parent under this paragraph must:

a. Be acquainted with the child and become knowledgeable about his or her disability and educational needs.

b. Represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child.

c. Represent the interests and safeguard the rights of the child in educational decisions that affect the child.

9. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the

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523 same person is appointed by the court for such other purposes.

524 10. A person appointed as a surrogate parent shall enjoy
525 all of the procedural safeguards afforded a parent with respect
526 to the identification, evaluation, and educational placement of
527 a student with a disability or a student who is suspected of
528 having a disability.

529 11. A person appointed as a surrogate parent shall not be
530 held liable for actions taken in good faith on behalf of the
531 student in protecting the special education rights of the child.

532 Reviser's note.—Amended to conform to the reordering of
533 definitions in s. 1003.01 by this act.

534 Section 14. Paragraph (f) of subsection (3) of section
535 39.101, Florida Statutes, is amended to read:

536 39.101 Central abuse hotline.—The central abuse hotline is
537 the first step in the safety assessment and investigation
538 process.

539 (3) COLLECTION OF INFORMATION AND DATA.—The department
540 shall:

541 (f)1. Collect and analyze child-on-child sexual abuse
542 reports and include such information in the aggregate
543 statistical reports.

544 2. Collect and analyze, in separate statistical reports,
545 those reports of child abuse, sexual abuse, and juvenile sexual
546 abuse which are reported from or which occurred on or at:

- 547 a. School premises;
- 548 b. School transportation;
- 549 c. School-sponsored off-campus events;
- 550 d. A school readiness program provider determined to be
- 551 eligible under s. 1002.88;

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552 e. A private prekindergarten provider or a public school
553 prekindergarten provider, as those terms are defined in s.
554 1002.51(7) and (8), respectively;

555 f. A public K-12 school as described in s. 1000.04;

556 g. A private school as defined in s. 1002.01;

557 h. A Florida College System institution or a state
558 university, as those terms are defined in s. 1000.21(5) and (8)
559 ~~1000.21(3) and (6)~~, respectively; or

560 i. A school, as defined in s. 1005.02.

561 Reviser's note.—Amended to conform to the reordering of
562 definitions in s. 1000.21 by this act.

563 Section 15. Paragraphs (d) and (e) of subsection (2) of
564 section 44.1011, Florida Statutes, are reordered and amended to
565 read:

566 44.1011 Definitions.—As used in this chapter:

567 (2) "Mediation" means a process whereby a neutral third
568 person called a mediator acts to encourage and facilitate the
569 resolution of a dispute between two or more parties. It is an
570 informal and nonadversarial process with the objective of
571 helping the disputing parties reach a mutually acceptable and
572 voluntary agreement. In mediation, decisionmaking authority
573 rests with the parties. The role of the mediator includes, but
574 is not limited to, assisting the parties in identifying issues,
575 fostering joint problem solving, and exploring settlement
576 alternatives. "Mediation" includes:

577 (e)-(d) "Family mediation" which means mediation of family
578 matters, including married and unmarried persons, before and
579 after judgments involving dissolution of marriage; property
580 division; shared or sole parental responsibility; or child

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581 support, custody, and visitation involving emotional or
 582 financial considerations not usually present in other circuit
 583 civil cases. Negotiations in family mediation are primarily
 584 conducted by the parties. Counsel for each party may attend the
 585 mediation conference and privately communicate with their
 586 clients. However, presence of counsel is not required, and, in
 587 the discretion of the mediator, and with the agreement of the
 588 parties, mediation may proceed in the absence of counsel unless
 589 otherwise ordered by the court.

590 (d)(e) "Dependency or in need of services mediation," which
 591 means mediation of dependency, child in need of services, or
 592 family in need of services matters. Negotiations in dependency
 593 or in need of services mediation are primarily conducted by the
 594 parties. Counsel for each party may attend the mediation
 595 conference and privately communicate with their clients.
 596 However, presence of counsel is not required and, in the
 597 discretion of the mediator and with the agreement of the
 598 parties, mediation may proceed in the absence of counsel unless
 599 otherwise ordered by the court.

600 Reviser's note.—Amended to place the definitions in paragraphs
 601 (d) and (e) in alphabetical order.

602 Section 16. Section 45.011, Florida Statutes, is amended to
 603 read:

604 45.011 Definitions.—In all statutes about practice and
 605 procedure:

606 (1) "Bond with surety" means a bond with two good and
 607 sufficient sureties, each with unencumbered property not subject
 608 to any exemption afforded by law equal in value to the penal sum
 609 of the bond or a bond with a licensed surety company as surety

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610 or a cash deposit conditioned as for a bond.

611 (2) "Defendant" means any party against whom relief as
 612 referenced in subsection (3) is sought.

613 (3) "Plaintiff" means any party seeking affirmative relief
 614 whether plaintiff, counterclaimant, cross-claimant; or third-
 615 party plaintiff, counterclaimant or cross-claimant. ~~"defendant"~~
 616 ~~means any party against whom such relief is sought; "bond with~~
 617 ~~surety" means a bond with two good and sufficient sureties, each~~
 618 ~~with unencumbered property not subject to any exemption afforded~~
 619 ~~by law equal in value to the penal sum of the bond or a bond~~
 620 ~~with a licensed surety company as surety or a cash deposit~~
 621 ~~conditioned as for a bond.~~

622 Reviser's note.—Amended to place the definitions of the section
 623 in alphabetical order, to conform language in subsection
 624 (2) to the reordering of the definitions, and to improve
 625 the structure of the section.

626 Section 17. Subsections (21) and (22) of section 61.046,
 627 Florida Statutes, are reordered and amended to read:

628 61.046 Definitions.—As used in this chapter, the term:

629 (22)(21) "Support order" means a judgment, decree, or
 630 order, whether temporary or final, issued by a court of
 631 competent jurisdiction or administrative agency for the support
 632 and maintenance of a child which provides for monetary support,
 633 health care, arrearages, or past support. When the child support
 634 obligation is being enforced by the Department of Revenue, the
 635 term "support order" also means a judgment, decree, or order,
 636 whether temporary or final, issued by a court of competent
 637 jurisdiction for the support and maintenance of a child and the
 638 spouse or former spouse of the obligor with whom the child is

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639 living which provides for monetary support, health care,
 640 arrearages, or past support.
 641 (21)~~(22)~~ "Support," unless otherwise specified, means:
 642 (a) Child support and, when the child support obligation is
 643 being enforced by the Department of Revenue, spousal support or
 644 alimony for the spouse or former spouse of the obligor with whom
 645 the child is living.
 646 (b) Child support only in cases not being enforced by the
 647 Department of Revenue.
 648 Reviser's note.—Amended to place the definitions in subsections
 649 (21) and (22) in alphabetical order.
 650 Section 18. Subsections (1) through (13) and (15) through
 651 (17) of section 83.43, Florida Statutes, are reordered and
 652 amended to read:
 653 83.43 Definitions.—As used in this part, the following
 654 words and terms shall have the following meanings unless some
 655 other meaning is plainly indicated:
 656 (3)~~(1)~~ "Building, housing, and health codes" means any law,
 657 ordinance, or governmental regulation concerning health, safety,
 658 sanitation or fitness for habitation, or the construction,
 659 maintenance, operation, occupancy, use, or appearance, of any
 660 dwelling unit.
 661 (5)~~(2)~~ "Dwelling unit" means:
 662 (a) A structure or part of a structure that is rented for
 663 use as a home, residence, or sleeping place by one person or by
 664 two or more persons who maintain a common household.
 665 (b) A mobile home rented by a tenant.
 666 (c) A structure or part of a structure that is furnished,
 667 with or without rent, as an incident of employment for use as a

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668 home, residence, or sleeping place by one or more persons.
 669 (8)~~(3)~~ "Landlord" means the owner or lessor of a dwelling
 670 unit.
 671 (16)~~(4)~~ "Tenant" means any person entitled to occupy a
 672 dwelling unit under a rental agreement.
 673 (10)~~(5)~~ "Premises" means a dwelling unit and the structure
 674 of which it is a part and a mobile home lot and the appurtenant
 675 facilities and grounds, areas, facilities, and property held out
 676 for the use of tenants generally.
 677 (11)~~(6)~~ "Rent" means the periodic payments due the landlord
 678 from the tenant for occupancy under a rental agreement and any
 679 other payments due the landlord from the tenant as may be
 680 designated as rent in a written rental agreement.
 681 (12)~~(7)~~ "Rental agreement" means any written agreement,
 682 including amendments or addenda, or oral agreement for a
 683 duration of less than 1 year, providing for use and occupancy of
 684 premises.
 685 (7)~~(8)~~ "Good faith" means honesty in fact in the conduct or
 686 transaction concerned.
 687 (2)~~(9)~~ "Advance rent" means moneys paid to the landlord to
 688 be applied to future rent payment periods, but does not include
 689 rent paid in advance for a current rent payment period.
 690 (17)~~(10)~~ "Transient occupancy" means occupancy when it is
 691 the intention of the parties that the occupancy will be
 692 temporary.
 693 (4)~~(11)~~ "Deposit money" means any money held by the
 694 landlord on behalf of the tenant, including, but not limited to,
 695 damage deposits, security deposits, advance rent deposit, pet
 696 deposit, or any contractual deposit agreed to between landlord

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697 and tenant either in writing or orally.

698 (13)~~(12)~~ "Security deposits" means any moneys held by the
699 landlord as security for the performance of the rental
700 agreement, including, but not limited to, monetary damage to the
701 landlord caused by the tenant's breach of lease prior to the
702 expiration thereof.

703 (9)~~(13)~~ "Legal holiday" means holidays observed by the
704 clerk of the court.

705 (1)~~(15)~~ "Active duty" shall have the same meaning as
706 provided in s. 250.01.

707 (15)~~(16)~~ "State active duty" shall have the same meaning as
708 provided in s. 250.01.

709 (6)~~(17)~~ "Early termination fee" means any charge, fee, or
710 forfeiture that is provided for in a written rental agreement
711 and is assessed to a tenant when a tenant elects to terminate
712 the rental agreement, as provided in the agreement, and vacates
713 a dwelling unit before the end of the rental agreement. An early
714 termination fee does not include:

715 (a) Unpaid rent and other accrued charges through the end
716 of the month in which the landlord retakes possession of the
717 dwelling unit.

718 (b) Charges for damages to the dwelling unit.

719 (c) Charges associated with a rental agreement settlement,
720 release, buyout, or accord and satisfaction agreement.

721 Reviser's note.—Amended to place the definitions of the section
722 in alphabetical order.

723 Section 19. Section 83.803, Florida Statutes, is reordered
724 and amended to read:

725 83.803 Definitions.—As used in ss. 83.801-83.809:

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726 (5)~~(1)~~ "Self-service storage facility" means any real
727 property designed and used for the purpose of renting or leasing
728 individual storage space to tenants who are to have access to
729 such space for the purpose of storing and removing personal
730 property. No individual storage space may be used for
731 residential purposes. A self-service storage facility is not a
732 "warehouse" as that term is used in chapter 677. If an owner
733 issues any warehouse receipt, bill of lading, or other document
734 of title for the personal property stored, the owner and the
735 tenant shall be subject to the provisions of chapter 677, and
736 the provisions of this act shall not apply.

737 (4)~~(2)~~ "Self-contained storage unit" means any unit not
738 less than 200 cubic feet in size, including, but not limited to,
739 a trailer, box, or other shipping container, which is leased by
740 a tenant primarily for use as storage space whether the unit is
741 located at a facility owned or operated by the owner or at
742 another location designated by the tenant.

743 (2)~~(3)~~ "Owner" means the owner, operator, lessor, or
744 sublessor of a self-service storage facility or self-contained
745 storage unit or his or her agent or any other person authorized
746 by him or her to manage the facility or to receive rent from a
747 tenant under a rental agreement.

748 (6)~~(4)~~ "Tenant" means a person or the person's sublessee,
749 successor, or assign entitled to the use of storage space at a
750 self-service storage facility or in a self-contained unit, under
751 a rental agreement, to the exclusion of others.

752 (3)~~(5)~~ "Rental agreement" means any agreement or lease
753 which establishes or modifies terms, conditions, rules, or any
754 other provisions concerning the use and occupancy of a self-

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755 service storage facility or use of a self-contained storage
 756 unit.

757 (1)~~(6)~~ "Last known address" means the street address or
 758 post office box address provided by the tenant in the latest
 759 rental agreement or in a subsequent written change-of-address
 760 notice provided by hand delivery, first-class mail, or e-mail.
 761 Reviser's note.—Amended to place the definitions of the section
 762 in alphabetical order.

763 Section 20. Subsection (1) of section 90.5015, Florida
 764 Statutes, is reordered and amended to read:

765 90.5015 Journalist's privilege.—

766 (1) DEFINITIONS.—For purposes of this section, the term:

767 (b)~~(a)~~ "Professional journalist" means a person regularly
 768 engaged in collecting, photographing, recording, writing,
 769 editing, reporting, or publishing news, for gain or livelihood,
 770 who obtained the information sought while working as a salaried
 771 employee of, or independent contractor for, a newspaper, news
 772 journal, news agency, press association, wire service, radio or
 773 television station, network, or news magazine. Book authors and
 774 others who are not professional journalists, as defined in this
 775 paragraph, are not included in the provisions of this section.

776 (a)~~(b)~~ "News" means information of public concern relating
 777 to local, statewide, national, or worldwide issues or events.
 778 Reviser's note.—Amended to place the definitions in subsection
 779 (1) in alphabetical order.

780 Section 21. Subsection (1) of section 90.801, Florida
 781 Statutes, is reordered and amended to read:

782 90.801 Hearsay; definitions; exceptions.—

783 (1) The following definitions apply under this chapter:

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784 (c)~~(a)~~ A "statement" is:

785 1. An oral or written assertion; or

786 2. Nonverbal conduct of a person if it is intended by the
 787 person as an assertion.

788 (a)~~(b)~~ A "declarant" is a person who makes a statement.

789 (b)~~(e)~~ "Hearsay" is a statement, other than one made by the
 790 declarant while testifying at the trial or hearing, offered in
 791 evidence to prove the truth of the matter asserted.

792 Reviser's note.—Amended to place the definitions in subsection
 793 (1) in alphabetical order.

794 Section 22. Subsection (6) of section 97.021, Florida
 795 Statutes, is reordered and amended to read:

796 97.021 Definitions.—For the purposes of this code, except
 797 where the context clearly indicates otherwise, the term:

798 (6) "Ballot" or "official ballot" when used in reference
 799 to:

800 (b)~~(a)~~ "Marksense ballots" means that printed sheet of
 801 paper, used in conjunction with an electronic or
 802 electromechanical vote tabulation voting system, containing the
 803 names of candidates, or a statement of proposed constitutional
 804 amendments or other questions or propositions submitted to the
 805 electorate at any election, on which sheet of paper an elector
 806 casts his or her vote.

807 (a)~~(b)~~ "Electronic or electromechanical devices" means a
 808 ballot that is voted by the process of electronically
 809 designating, including by touchscreen, or marking with a marking
 810 device for tabulation by automatic tabulating equipment or data
 811 processing equipment.

812 Reviser's note.—Amended to place the definitions in subsection

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813 (6) in alphabetical order.

814 Section 23. Subsection (3) of section 98.065, Florida

815 Statutes, is amended to read:

816 98.065 Registration list maintenance programs.—

817 (3) Address confirmation requests sent pursuant to

818 paragraph (2) (a) and mail sent pursuant to paragraph (2) (b) ~~(b)~~

819 must be addressed to the voter's address of legal residence, not

820 including voters temporarily residing outside the county and

821 registered in the precinct designated by the supervisor pursuant

822 to s. 101.045(1). If a request is returned as undeliverable, any

823 other notification sent to the voter pursuant to subsection (5)

824 or s. 98.0655 must be addressed to the voter's mailing address

825 on file, if any.

826 Reviser's note.—Amended to correct a cross-reference. The

827 reference to paragraph (b) was added by s. 8, ch. 2022-73,

828 Laws of Florida; subsection (3) does not contain

829 paragraphs. Paragraph (2) (b), which relates to identifying

830 change-of-address information from returned nonforwardable

831 return-if-undeliverable mail sent to registered voters in a

832 county, appears to be relevant.

833 Section 24. Subsection (1) of section 101.019, Florida

834 Statutes, is amended to read:

835 101.019 Ranked-choice voting prohibited.—

836 (1) A ranked-choice voting method that allows voters to

837 rank candidates for an office in order of preference and has

838 ballots cast to be tabulated in multiple rounds following the

839 elimination of a candidate until a single candidate attains a

840 majority may not be used in determining the election or

841 nomination of any candidate to any local, state, or federal

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842 elective office in this state.

843 Reviser's note.—Amended to confirm an editorial insertion to

844 improve clarity.

845 Section 25. Subsections (2) and (3) of section 101.292,

846 Florida Statutes, are reordered and amended to read:

847 101.292 Definitions; ss. 101.292-101.295.—As used in ss.

848 101.292-101.295, the following terms shall have the following

849 meanings:

850 (3) (2) "Voting equipment" means electronic or

851 electromechanical voting systems, voting devices, and automatic

852 tabulating equipment as defined in s. 101.5603, as well as

853 materials, parts, or other equipment necessary for the operation

854 and maintenance of such systems and devices, the individual or

855 combined retail value of which is in excess of the threshold

856 amount for CATEGORY TWO purchases provided in s. 287.017.

857 (2) (3) "Purchase" means a contract for the purchase, lease,

858 rental, or other acquisition of voting equipment.

859 Reviser's note.—Amended to place the definitions in subsections

860 (2) and (3) in alphabetical order.

861 Section 26. Paragraph (a) of subsection (2) of section

862 101.69, Florida Statutes, is amended to read:

863 101.69 Voting in person; return of vote-by-mail ballot.—

864 (2) (a) The supervisor shall allow an elector who has

865 received a vote-by-mail ballot to physically return a voted

866 vote-by-mail ballot to the supervisor by placing the return mail

867 envelope containing his or her marked ballot in a secure ballot

868 intake station. Secure ballot intake stations shall be placed at

869 the main office of the supervisor, at each permanent branch

870 office of the supervisor which meets the criteria set forth in

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871 s. 101.657(1)(a) for branch offices used for early voting and
 872 which is open for at least the minimum number ~~amount~~ of hours
 873 prescribed by s. 98.015(4), and at each early voting site.
 874 Secure ballot intake stations may also be placed at any other
 875 site that would otherwise qualify as an early voting site under
 876 s. 101.657(1). Secure ballot intake stations must be
 877 geographically located so as to provide all voters in the county
 878 with an equal opportunity to cast a ballot, insofar as is
 879 practicable. Except for secure ballot intake stations at an
 880 office of the supervisor, a secure ballot intake station may
 881 only be used during the county's early voting hours of operation
 882 and must be monitored in person by an employee of the
 883 supervisor's office. A secure ballot intake station at an office
 884 of the supervisor must be continuously monitored in person by an
 885 employee of the supervisor's office when the secure ballot
 886 intake station is accessible for deposit of ballots.
 887 Reviser's note.—Amended to confirm an editorial insertion to
 888 improve clarity and an editorial substitution to conform to
 889 context.
 890 Section 27. Paragraph (a) of subsection (12) of section
 891 106.08, Florida Statutes, is amended to read:
 892 106.08 Contributions; limitations on.—
 893 (12)(a)1. For purposes of this subsection, the term
 894 "foreign national" means:
 895 a. A foreign government;
 896 b. A foreign political party;
 897 c. A foreign corporation, partnership, association,
 898 organization, or other combination of persons organized under
 899 the laws of or having its principal place of business in a

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900 foreign country;
 901 d. A person with foreign citizenship; or
 902 e. A person who is not a citizen or national of the United
 903 States and is not lawfully admitted to the United States for
 904 permanent residence.
 905 2. The term does not include:
 906 a. A person who is a dual citizen or dual national of the
 907 United States and a foreign country.
 908 b. A domestic subsidiary of a foreign corporation,
 909 partnership, association, organization, or other combination of
 910 persons organized under the laws of or having its principal
 911 place of business in a foreign country if:
 912 (I) The donations and disbursements used toward a
 913 contribution or an expenditure are derived entirely from funds
 914 generated by the subsidiary's operations in the United States;
 915 and
 916 (II) All decisions concerning donations and disbursements
 917 used toward a contribution or an expenditure are made by
 918 individuals who either hold United States citizenship or are
 919 permanent residents of the United States. For purposes of this
 920 sub-sub-subparagraph, decisions concerning donations and
 921 disbursements do not include decisions regarding the
 922 subsidiary's overall budget for contributions or expenditures in
 923 connection with an election.
 924 Reviser's note.—Amended to confirm an editorial insertion to
 925 improve clarity.
 926 Section 28. Paragraphs (k), (l), and (n) through (p) of
 927 subsection (2) of section 110.123, Florida Statutes, are
 928 reordered and amended to read:

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929 110.123 State group insurance program.—
 930 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the term:
 931 (1)~~(k)~~ "State agency" or "agency" means any branch,
 932 department, or agency of state government. "State agency" or
 933 "agency" includes any state university and the Division of
 934 Rehabilitation and Liquidation for purposes of this section
 935 only.
 936 (k)~~(j)~~ "Seasonal workers" has the same meaning as provided
 937 under 29 C.F.R. s. 500.20(s) (1).
 938 (p)~~(n)~~ "State-contracted HMO" means any health maintenance
 939 organization under contract with the department to participate
 940 in the state group insurance program.
 941 (n)~~(o)~~ "State group insurance program" or "programs" means
 942 the package of insurance plans offered to state officers and
 943 employees, retired state officers and employees, eligible former
 944 employees, and surviving spouses of deceased state officers,
 945 employees, and eligible former employees under this section,
 946 including the state group health insurance plan or plans, health
 947 maintenance organization plans, TRICARE supplemental insurance
 948 plans, and other plans required or authorized by law.
 949 (o)~~(p)~~ "State officer" means any constitutional state
 950 officer, any elected state officer paid by state warrant, or any
 951 appointed state officer who is commissioned by the Governor and
 952 who is paid by state warrant.
 953 Reviser's note.—Amended to place the definitions in subsection
 954 (2) in alphabetical order.
 955 Section 29. Section 110.501, Florida Statutes, is reordered
 956 and amended to read:
 957 110.501 Definitions.—As used in this act:

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958 (4)~~(j)~~ "Volunteer" means any person who, of his or her own
 959 free will, provides goods or services, or conveys an interest in
 960 or otherwise consents to the use of real property pursuant to
 961 chapter 260, to any state department or agency, or nonprofit
 962 organization, with no monetary or material compensation. A
 963 person registered and serving in Older American Volunteer
 964 Programs authorized by the Domestic Volunteer Service Act of
 965 1973, as amended (Pub. L. No. 93-113), shall also be defined as
 966 a volunteer and shall incur no civil liability as provided by s.
 967 768.1355. A volunteer shall be eligible for payment of volunteer
 968 benefits as specified in Pub. L. No. 93-113, this section, and
 969 s. 430.204.
 970 (3)~~(2)~~ "Regular-service volunteer" means any person engaged
 971 in specific voluntary service activities on an ongoing or
 972 continuous basis.
 973 (2)~~(3)~~ "Occasional-service volunteer" means any person who
 974 offers to provide a one-time or occasional voluntary service.
 975 (1)~~(4)~~ "Material donor" means any person who provides
 976 funds, materials, employment, or opportunities for clients of
 977 state departments or agencies, without monetary or material
 978 compensation.
 979 Reviser's note.—Amended to place the definitions of the section
 980 in alphabetical order.
 981 Section 30. Subsection (2) of section 112.044, Florida
 982 Statutes, is reordered and amended to read:
 983 112.044 Public employers, employment agencies, labor
 984 organizations; discrimination based on age prohibited;
 985 exceptions; remedy.—
 986 (2) DEFINITIONS.—For the purpose of this act:

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987 (b)~~(a)~~ "Employer" means the state or any county,
 988 municipality, or special district or any subdivision or agency
 989 thereof. This definition shall not apply to any law enforcement
 990 agency or firefighting agency in this state.

991 (c)~~(b)~~ "Employment agency" means any person, including any
 992 agent thereof, regularly undertaking, with or without
 993 compensation, to procure employees for an employer, including
 994 state and local employment services receiving federal
 995 assistance.

996 (a)~~(e)~~ "Employee" means an individual employed by any
 997 employer.

998 Reviser's note.—Amended to place the definitions in subsection
 999 (2) in alphabetical order.

1000 Section 31. Subsection (5) of section 112.0455, Florida
 1001 Statutes, is reordered and amended to read:

1002 112.0455 Drug-Free Workplace Act.—

1003 (5) DEFINITIONS.—Except where the context otherwise
 1004 requires, as used in this act:

1005 (c)~~(a)~~ "Drug" means alcohol, including distilled spirits,
 1006 wine, malt beverages, and intoxicating liquors; amphetamines;
 1007 cannabinoids; cocaine; phencyclidine (PCP); hallucinogens;
 1008 methaqualone; opiates; barbiturates; benzodiazepines; synthetic
 1009 narcotics; designer drugs; or a metabolite of any of the
 1010 substances listed herein.

1011 (d)~~(b)~~ "Drug test" or "test" means any chemical,
 1012 biological, or physical instrumental analysis administered for
 1013 the purpose of determining the presence or absence of a drug or
 1014 its metabolites.

1015 (h)~~(e)~~ "Initial drug test" means a sensitive, rapid, and

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1016 reliable procedure to identify negative and presumptive positive
 1017 specimens. All initial tests must use an immunoassay procedure
 1018 or an equivalent, or must use a more accurate scientifically
 1019 accepted method approved by the Agency for Health Care
 1020 Administration as more accurate technology becomes available in
 1021 a cost-effective form.

1022 (b)~~(d)~~ "Confirmation test," "confirmed test," or "confirmed
 1023 drug test" means a second analytical procedure used to identify
 1024 the presence of a specific drug or metabolite in a specimen. The
 1025 confirmation test must be different in scientific principle from
 1026 that of the initial test procedure. This confirmation method
 1027 must be capable of providing requisite specificity, sensitivity,
 1028 and quantitative accuracy.

1029 (a)~~(e)~~ "Chain of custody" refers to the methodology of
 1030 tracking specified materials or substances for the purpose of
 1031 maintaining control and accountability from initial collection
 1032 to final disposition for all such materials or substances and
 1033 providing for accountability at each stage in handling, testing,
 1034 storing specimens, and reporting of test results.

1035 (i)~~(f)~~ "Job applicant" means a person who has applied for a
 1036 position with an employer and has been offered employment
 1037 conditioned upon successfully passing a drug test.

1038 (e)~~(g)~~ "Employee" means a person who works for salary,
 1039 wages, or other remuneration for an employer.

1040 (g)~~(h)~~ "Employer" means an agency within state government
 1041 that employs individuals for salary, wages, or other
 1042 remuneration.

1043 (j)~~(i)~~ "Prescription or nonprescription medication" means a
 1044 drug or medication obtained pursuant to a prescription as

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defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

(k) ~~(j)~~ "Random testing" means a drug test conducted on employees who are selected through the use of a computer-generated random sample of an employer's employees.

(l) ~~(k)~~ "Reasonable suspicion drug testing" means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

4. Evidence that an individual has tampered with a drug test during employment with the current employer.

5. Information that an employee has caused, or contributed to, an accident while at work.

6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the

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employer's premises or while operating the employer's vehicle, machinery, or equipment.

(n) ~~(l)~~ "Specimen" means a tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites.

(f) ~~(m)~~ "Employee assistance program" means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

(m) ~~(n)~~ "Special risk" means employees who are required as a condition of employment to be certified under chapter 633 or chapter 943.

Reviser's note.—Amended to place the definitions in subsection (5) in alphabetical order.

Section 32. Subsection (2) of section 112.061, Florida Statutes, is reordered and amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(2) DEFINITIONS.—For the purposes of this section, the term, the following words shall have the meanings indicated:

(a) "Agency" or "public agency" means ~~any~~ office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

(b) "Agency head" or "head of the agency" means ~~the~~ highest policymaking authority of a public agency, as herein defined.

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1103 (j)~~(e)~~ "Officer" or "public officer" means -an individual
 1104 who in the performance of his or her official duties is vested
 1105 by law with sovereign powers of government and who is either
 1106 elected by the people, or commissioned by the Governor and has
 1107 jurisdiction extending throughout the state, or any person
 1108 lawfully serving instead of either of the foregoing two classes
 1109 of individuals as initial designee or successor.

1110 (h)~~(d)~~ "Employee" or "public employee" means -an
 1111 individual, whether commissioned or not, other than an officer
 1112 or authorized person as defined herein, who is filling a regular
 1113 or full-time authorized position and is responsible to an agency
 1114 head.

1115 (c)~~(e)~~ "Authorized person" means: -
 1116 1. A person other than a public officer or employee as
 1117 defined herein, whether elected or commissioned or not, who is
 1118 authorized by an agency head to incur travel expenses in the
 1119 performance of official duties.

1120 2. A person who is called upon by an agency to contribute
 1121 time and services as consultant or adviser.

1122 3. A person who is a candidate for an executive or
 1123 professional position.

1124 (n)~~(f)~~ "Traveler" means -a public officer, public employee,
 1125 or authorized person, when performing authorized travel.

1126 (l)~~(g)~~ "Travel expense," "traveling expenses," "necessary
 1127 expenses while traveling," "actual expenses while traveling," or
 1128 words of similar nature mean -the usual ordinary and incidental
 1129 expenditures necessarily incurred by a traveler.

1130 (g)~~(h)~~ "Common carrier" means -train, bus, commercial
 1131 airline operating scheduled flights, or rental cars of an

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1132 established rental car firm.

1133 (k)~~(i)~~ "Travel day" means -a period of 24 hours consisting
 1134 of four quarters of 6 hours each.

1135 (m)~~(j)~~ "Travel period" means -a period of time between the
 1136 time of departure and time of return.

1137 (d)~~(k)~~ "Class A travel" means -continuous travel of 24
 1138 hours or more away from official headquarters.

1139 (e)~~(l)~~ "Class B travel" means -continuous travel of less
 1140 than 24 hours which involves overnight absence from official
 1141 headquarters.

1142 (f)~~(m)~~ "Class C travel" means -travel for short or day
 1143 trips where the traveler is not away from his or her official
 1144 headquarters overnight.

1145 (i)~~(n)~~ "Foreign travel" means -travel outside the United
 1146 States.

1147 Reviser's note.-Amended to place the definitions in subsection
 1148 (2) in alphabetical order and to conform to Florida
 1149 Statutes style for defining terms.

1150 Section 33. Paragraphs (b) and (d) of subsection (1) of
 1151 section 112.19, Florida Statutes, are reordered and amended to
 1152 read:

1153 112.19 Law enforcement, correctional, and correctional
 1154 probation officers; death benefits.-

1155 (1) As used in this section, the term:

1156 (d)~~(b)~~ "Law enforcement, correctional, or correctional
 1157 probation officer" means any officer as defined in s. 943.10(14)
 1158 or employee of the state or any political subdivision of the
 1159 state, including any law enforcement officer, correctional
 1160 officer, correctional probation officer, state attorney

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1161 investigator, public defender investigator, or criminal conflict
 1162 and civil regional counsel investigator, whose duties require
 1163 such officer or employee to investigate, pursue, apprehend,
 1164 arrest, transport, or maintain custody of persons who are
 1165 charged with, suspected of committing, or convicted of a crime;
 1166 and the term includes any member of a bomb disposal unit whose
 1167 primary responsibility is the location, handling, and disposal
 1168 of explosive devices. The term also includes any full-time
 1169 officer or employee of the state or any political subdivision of
 1170 the state, certified pursuant to chapter 943, whose duties
 1171 require such officer to serve process or to attend a session of
 1172 a circuit or county court as bailiff.

1173 (b) ~~(d)~~ "Fresh pursuit" means the pursuit of a person who
 1174 has committed or is reasonably suspected of having committed a
 1175 felony, misdemeanor, traffic infraction, or violation of a
 1176 county or municipal ordinance. The term does not imply instant
 1177 pursuit, but pursuit without unreasonable delay.

1178 Reviser's note.—Amended to place the definitions in subsection
 1179 (1) in alphabetical order.

1180 Section 34. Section 112.26, Florida Statutes, is reordered
 1181 and amended to read:

1182 112.26 Definitions.—For the purposes of this part, ~~of~~
 1183 ~~chapter 112~~ the following words and phrases have the meanings
 1184 ascribed to them in this section:—

1185 (2) ~~(1)~~ "Sending agency" means any department or agency of
 1186 the federal government or a state government which sends any
 1187 employee thereof to another government agency under this part.

1188 (1) ~~(2)~~ "Receiving agency" means any department or agency of
 1189 the federal government or a state government which receives an

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1190 employee of another government under this part.

1191 Reviser's note.—Amended to improve sentence structure, conform
 1192 to Florida Statutes citation form, and place the
 1193 definitions of the section in alphabetical order.

1194 Section 35. Paragraph (a) of subsection (7) of section
 1195 112.3144, Florida Statutes, as amended by section 91 of chapter
 1196 2022-157, Laws of Florida, is amended to read:

1197 112.3144 Full and public disclosure of financial
 1198 interests.—

1199 (7) (a) Beginning January 1, 2023, a filer may not include
 1200 in a filing to the commission a federal income tax return or a
 1201 copy thereof; a social security number; a bank, mortgage, or
 1202 brokerage account number; a debit, charge, or credit card
 1203 number; a personal identification number; or a taxpayer
 1204 identification number. If a filer includes such information in
 1205 his or her filing, the information may be made available as part
 1206 of the official records of the commission available for public
 1207 inspection and copying unless redaction is requested by the
 1208 filer. The commission is not liable for the release of social
 1209 security numbers or bank account, debit, charge, or credit card
 1210 numbers included in a filing to the commission if the filer has
 1211 not requested redaction of such information.

1212 Reviser's note.—Amended to confirm an editorial insertion to
 1213 improve clarity.

1214 Section 36. Effective July 1, 2023, paragraph (a) of
 1215 subsection (7) of section 112.3144, Florida Statutes, as amended
 1216 by section 92 of chapter 2022-157, Laws of Florida, effective
 1217 July 1, 2023, is amended to read:

1218 112.3144 Full and public disclosure of financial

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1219 interests.-

1220 (7) (a) Beginning January 1, 2022, a filer may not include
 1221 in a filing to the commission a federal income tax return or a
 1222 copy thereof; a social security number; a bank, mortgage, or
 1223 brokerage account number; a debit, charge, or credit card
 1224 number; a personal identification number; or a taxpayer
 1225 identification number. If a filer includes such information in
 1226 his or her filing, the information may be made available as part
 1227 of the official records of the commission available for public
 1228 inspection and copying unless redaction is requested by the
 1229 filer. The commission is not liable for the release of social
 1230 security numbers or bank account, debit, charge, or credit card
 1231 numbers included in a filing to the commission if the filer has
 1232 not requested redaction of such information.

1233 Reviser's note.—Amended, effective July 1, 2023, to confirm an
 1234 editorial insertion in paragraph (7) (a), as amended by s.
 1235 92, ch. 2022-157, Laws of Florida, effective July 1, 2023,
 1236 to improve clarity.

1237 Section 37. Subsection (3) of section 112.3187, Florida
 1238 Statutes, is reordered and amended to read:
 1239 112.3187 Adverse action against employee for disclosing
 1240 information of specified nature prohibited; employee remedy and
 1241 relief.—

1242 (3) DEFINITIONS.—As used in this act, unless otherwise
 1243 specified, the following words or terms shall have the meanings
 1244 indicated:

1245 (b) ~~(a)~~ "Agency" means any state, regional, county, local,
 1246 or municipal government entity, whether executive, judicial, or
 1247 legislative; any official, officer, department, division,

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1248 bureau, commission, authority, or political subdivision therein;
 1249 or any public school, community college, or state university.

1250 (c) ~~(b)~~ "Employee" means a person who performs services for,
 1251 and under the control and direction of, or contracts with, an
 1252 agency or independent contractor for wages or other
 1253 remuneration.

1254 (a) ~~(e)~~ "Adverse personnel action" means the discharge,
 1255 suspension, transfer, or demotion of any employee or the
 1256 withholding of bonuses, the reduction in salary or benefits, or
 1257 any other adverse action taken against an employee within the
 1258 terms and conditions of employment by an agency or independent
 1259 contractor.

1260 (e) ~~(d)~~ "Independent contractor" means a person, other than
 1261 an agency, engaged in any business and who enters into a
 1262 contract, including a provider agreement, with an agency.

1263 (d) ~~(e)~~ "Gross mismanagement" means a continuous pattern of
 1264 managerial abuses, wrongful or arbitrary and capricious actions,
 1265 or fraudulent or criminal conduct which may have a substantial
 1266 adverse economic impact.

1267 Reviser's note.—Amended to place the definitions in subsection
 1268 (3) in alphabetical order.

1269 Section 38. Subsections (1) through (5), (7), and (8) of
 1270 section 112.352, Florida Statutes, are reordered and amended to
 1271 read:

1272 112.352 Definitions.—The following words and phrases as
 1273 used in this act shall have the following meaning unless a
 1274 different meaning is required by the context:

1275 (3) ~~(1)~~ "Funds" shall mean the special trust funds in the
 1276 State Treasury created under each of the retirement laws covered

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1277 by this act.

1278 (5)~~(2)~~ "Retired member" shall mean any person who had both
1279 attained age 65 and retired prior to January 1, 1966, and is
1280 receiving benefits under any of the following systems:

1281 (a) State and County Officers and Employees Retirement
1282 System, created by authority of chapter 122.

1283 (b) Supreme Court Justices, District Courts of Appeal
1284 Judges and Circuit Judges Retirement System, created by
1285 authority of former chapter 123.

1286 (c) Teachers' Retirement System of the state, created by
1287 authority of chapter 238; or

1288 (d) Highway Patrol Pension Trust Fund, created by authority
1289 of chapter 321.

1290 (4)~~(3)~~ "Joint annuitant" means any person named by a
1291 retired member under the applicable system to receive any
1292 retirement benefits due and payable from the system after the
1293 member's death.

1294 (8)~~(4)~~ "System" shall mean any of the retirement systems
1295 specified in subsection (5) ~~(2)~~.

1296 (7)~~(5)~~ "Social security benefit" shall mean the monthly
1297 primary insurance amount, computed in accordance with the Social
1298 Security Act from which is derived the monthly benefit amount,
1299 which the retired member is receiving, entitled to receive, or
1300 would be entitled to receive upon application to the Social
1301 Security Administration, without taking into account any earned
1302 income which would cause a reduction in such amount. For
1303 purposes of this act, the social security benefit of:

1304 (a) A retired member who is not insured under the Social
1305 Security Act shall be zero, and

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1306 (b) A deceased retired member who was insured under the
1307 Social Security Act shall be the primary insurance amount from
1308 which is derived the monthly benefit amount which the member was
1309 receiving or entitled to receive in the month immediately
1310 preceding his or her date of death.

1311 (2)~~(7)~~ "Department" means the Department of Management
1312 Services.

1313 (1)~~(8)~~ "Base year" means the year in which a retired member
1314 actually retired from a system or the year in which the member
1315 attained age 65, if later.

1316 Reviser's note.—Amended to place the definitions of the section
1317 in alphabetical order and to conform a cross-reference.

1318 Section 39. Section 112.353, Florida Statutes, is amended
1319 to read:

1320 112.353 Purpose of act.—The purpose of this act is to
1321 provide a supplement to the monthly retirement benefits being
1322 paid to, or with respect to, retired members under the
1323 retirement systems specified in s. 112.352(5) ~~112.352(2)~~ and any
1324 permanently and totally disabled retired member who became thus
1325 disabled in the line of duty and while performing the duties
1326 incident to his or her employment, such supplement to be
1327 approximately equal to the excess of the increase in social
1328 security benefits that the retired member would have received
1329 had he or she been covered for maximum benefits under the Social
1330 Security Act at age 65 or at date of retirement, whichever is
1331 later, over the amount of increase he or she has previously
1332 received or is entitled to receive by virtue of coverage under
1333 the Social Security Act.

1334 Reviser's note.—Amended to conform to the reordering of

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1335 definitions in s. 112.352 by this act.

1336 Section 40. Paragraphs (a), (b), and (d) through (g) of
1337 subsection (2) of section 112.361, Florida Statutes, are
1338 reordered and amended, and subsection (3) of that section is
1339 amended to read:

1340 112.361 Additional and updated supplemental retirement
1341 benefits.—

1342 (2) DEFINITIONS.—As used in this section, unless a
1343 different meaning is required by the context:

1344 (b)~~(a)~~ "Funds" means the special trust funds in the State
1345 Treasury created under each of the retirement laws covered by
1346 this section.

1347 (d)~~(b)~~ "Retired member" means any person:

1348 1. Who either:

1349 a. Had both attained age 65 and retired for reasons other
1350 than disability prior to January 1, 1968; or

1351 b. Had retired because of disability prior to January 1,
1352 1968, and who, if he or she had been covered under the Social
1353 Security Act, would have been eligible for disability benefits
1354 under Title II of the Social Security Act; and

1355 2. Who is receiving benefits under any of the following
1356 systems:

1357 a. State and County Officers and Employees Retirement
1358 System created by authority of chapter 122;

1359 b. Supreme Court Justices, District Courts of Appeal Judges
1360 and Circuit Judges Retirement System created by authority of
1361 former chapter 123;

1362 c. Teachers' Retirement System of the state created by
1363 authority of chapter 238; or

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1364 d. Highway Patrol Pension Trust Fund created by authority
1365 of chapter 321.

1366

1367 In addition, "retired member" includes any state official or
1368 state employee who retired prior to January 1, 1958, and is
1369 receiving benefits by authority of s. 112.05.

1370 (g)~~(d)~~ "System" means any of the retirement systems
1371 specified in paragraph (d) ~~(b)~~, including that pursuant to s.
1372 112.05.

1373 (f)~~(e)~~ "Social security benefit" means the monthly primary
1374 insurance amount, computed in accordance with the Social
1375 Security Act, from which is derived the monthly benefit amount
1376 which the retired member is receiving, entitled to receive, or
1377 would be entitled to receive upon application to the Social
1378 Security Administration, without taking into account any earned
1379 income which would cause a reduction in such amount. For
1380 purposes of this section:

1381 1. The social security benefit of a retired member who is
1382 not insured under the Social Security Act shall be zero, and

1383 2. The social security benefit of a deceased retired member
1384 who was insured under the Social Security Act shall be the
1385 primary insurance amount from which is derived the monthly
1386 benefit amount which the member was receiving or entitled to
1387 receive in the month immediately preceding his or her date of
1388 death.

1389 (e)~~(f)~~ "Retirement benefit" means the monthly benefit which
1390 a retired member or joint annuitant is receiving from a system.

1391 (a)~~(g)~~ "Department" means the Department of Management
1392 Services.

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1393 (3) PURPOSE OF SECTION.—The purpose of this section is to
 1394 provide a supplement to the monthly retirement benefits being
 1395 paid to, or with respect to, retired members under the
 1396 retirement systems specified in paragraph (2) (d) ~~(2) (b)~~, such
 1397 supplement to be approximately equal to the excess of the
 1398 increase in social security benefits that the retired member
 1399 would have received as a result of the 1967 amendments to the
 1400 Social Security Act had he or she been covered for maximum
 1401 benefits under the Social Security Act at age 65 or at date of
 1402 retirement, whichever is later, over the amount of increase he
 1403 or she has previously received or is entitled to receive as a
 1404 result of the 1967 amendments to the Social Security Act by
 1405 virtue of coverage under the Social Security Act.
 1406 Reviser's note.—Amended to place the definitions in subsection
 1407 (2) in alphabetical order and to conform cross-references.
 1408 Section 41. Section 112.625, Florida Statutes, is reordered
 1409 and amended to read:
 1410 112.625 Definitions.—As used in this act:
 1411 (8) (1) "Retirement system or plan" means any employee
 1412 pension benefit plan supported in whole or in part by public
 1413 funds, provided such plan is not:
 1414 (a) An employee benefit plan described in s. 4(a) of the
 1415 Employee Retirement Income Security Act of 1974, which is not
 1416 exempt under s. 4(b)(1) of such act;
 1417 (b) A plan which is unfunded and is maintained by an
 1418 employer primarily for the purpose of providing deferred
 1419 compensation for a select group of management or highly
 1420 compensated employees;
 1421 (c) A coverage agreement entered into pursuant to s. 218 of

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1422 the Social Security Act;
 1423 (d) An individual retirement account or an individual
 1424 retirement annuity within the meaning of s. 408, or a retirement
 1425 bond within the meaning of s. 409, of the Internal Revenue Code
 1426 of 1954;
 1427 (e) A plan described in s. 401(d) of the Internal Revenue
 1428 Code of 1954; or
 1429 (f) An individual account consisting of an annuity contract
 1430 described in s. 403(b) of the Internal Revenue Code of 1954.
 1431 (6) (2) "Plan administrator" means the person so designated
 1432 by the terms of the instrument or instruments, ordinance, or
 1433 statute under which the plan is operated. If no plan
 1434 administrator has been designated, the plan sponsor shall be
 1435 considered the plan administrator.
 1436 (2) (3) "Enrolled actuary" means an actuary who is enrolled
 1437 under Subtitle C of Title III of the Employee Retirement Income
 1438 Security Act of 1974 and who is a member of the Society of
 1439 Actuaries or the American Academy of Actuaries.
 1440 (1) (4) "Benefit increase" means a change or amendment in
 1441 the plan design or benefit structure which results in increased
 1442 benefits for plan members or beneficiaries.
 1443 (3) (5) "Governmental entity" means the state, for the
 1444 Florida Retirement System, and the county, municipality, special
 1445 district, or district school board which is the employer of the
 1446 member of a local retirement system or plan.
 1447 (5) (6) "Pension or retirement benefit" means any benefit,
 1448 including a disability benefit, paid to a member or beneficiary
 1449 of a retirement system or plan as defined in subsection (8) (1).
 1450 (9) (7) "Statement value" means the value of assets in

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1451 accordance with s. 302(c)(2) of the Employee Retirement Income
 1452 Security Act of 1974 and as permitted under regulations
 1453 prescribed by the Secretary of the Treasury as amended by Pub.
 1454 L. No. 100-203, as such sections are in effect on August 16,
 1455 2006. Assets for which a fair market value is not provided shall
 1456 be excluded from the assets used in the determination of annual
 1457 funding cost.

1458 (4)(b) "Named fiduciary," "board," or "board of trustees"
 1459 means the person or persons so designated by the terms of the
 1460 instrument or instruments, ordinance, or statute under which the
 1461 plan is operated.

1462 (7)(a) "Plan sponsor" means the local governmental entity
 1463 that has established or that may establish a local retirement
 1464 system or plan.

1465 Reviser's note.—Amended to place the definitions of the section
 1466 in alphabetical order and to conform a cross-reference.

1467 Section 42. Paragraphs (a), (b), (d), and (e) of subsection
 1468 (2) of section 116.34, Florida Statutes, are reordered and
 1469 amended to read:

1470 116.34 Facsimile signatures.—

1471 (2) DEFINITIONS.—As used in this section:

1472 (e)(a) "Public security" means a bond, note, certificate of
 1473 indebtedness, or other obligation for the payment of money,
 1474 issued by this state or by any of its departments, agencies,
 1475 public bodies, or other instrumentalities or by any of its
 1476 political subdivisions.

1477 (d)(b) "Instrument of payment" means a check, draft,
 1478 warrant, or order for the payment, delivery, or transfer of
 1479 funds.

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1480 (a)(d) "Authorized officer" means any official of this
 1481 state or any of its departments, agencies, public bodies, or
 1482 other instrumentalities or any of its political subdivisions
 1483 whose signature to a public security, instrument of conveyance
 1484 or instrument of payment is required or permitted.

1485 (b)(e) "Facsimile signature" means a reproduction by
 1486 engraving, imprinting, stamping, or other means of the manual
 1487 signature of an authorized officer.

1488 Reviser's note.—Amended to place the definitions in subsection
 1489 (2) in alphabetical order.

1490 Section 43. Paragraph (a) of subsection (52) and paragraph
 1491 (a) of subsection (53) of section 121.021, Florida Statutes, are
 1492 amended to read:

1493 121.021 Definitions.—The following words and phrases as
 1494 used in this chapter have the respective meanings set forth
 1495 unless a different meaning is plainly required by the context:

1496 (52) "Regularly established position" means:

1497 (a) With respect to a state employer, a position that is
 1498 authorized and established pursuant to law and is compensated
 1499 from a salaries and benefits appropriation pursuant to s.
 1500 216.011(1)(rr) ~~216.011(1)(mm)~~, or an established position that
 1501 is authorized pursuant to s. 216.262(1)(a) and (b) and is
 1502 compensated from a salaries account as provided in s.

1503 216.011(1)(ss) ~~216.011(1)(nn)~~.

1504 (53) "Temporary position" means:

1505 (a) With respect to a state employer, a position that is
 1506 compensated from an other personal services (OPS) account as
 1507 provided in s. 216.011(1)(jj) ~~216.011(1)(dd)~~.

1508 Reviser's note.—Amended to conform cross-references to the

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1509 reordering of definitions in s. 216.011(1) by this act.
 1510 Section 44. Paragraph (c) of subsection (2) and subsection
 1511 (8) of section 121.051, Florida Statutes, are amended to read:
 1512 121.051 Participation in the system.—
 1513 (2) OPTIONAL PARTICIPATION.—
 1514 (c) Employees of public community colleges or charter
 1515 technical career centers sponsored by public community colleges,
 1516 designated in s. 1000.21(5) ~~1000.21(3)~~, who are members of the
 1517 Regular Class of the Florida Retirement System and who comply
 1518 with the criteria set forth in this paragraph and s. 1012.875
 1519 may, in lieu of participating in the Florida Retirement System,
 1520 elect to withdraw from the system altogether and participate in
 1521 the State Community College System Optional Retirement Program
 1522 provided by the employing agency under s. 1012.875.
 1523 1.a. Through June 30, 2001, the cost to the employer for
 1524 benefits under the optional retirement program equals the normal
 1525 cost portion of the employer retirement contribution which would
 1526 be required if the employee were a member of the pension plan's
 1527 Regular Class, plus the portion of the contribution rate
 1528 required by s. 112.363(8) which would otherwise be assigned to
 1529 the Retiree Health Insurance Subsidy Trust Fund.
 1530 b. Effective July 1, 2001, through June 30, 2011, each
 1531 employer shall contribute on behalf of each member of the
 1532 optional program an amount equal to 10.43 percent of the
 1533 employee's gross monthly compensation. The employer shall deduct
 1534 an amount for the administration of the program.
 1535 c. Effective July 1, 2011, through June 30, 2012, each
 1536 member shall contribute an amount equal to the employee
 1537 contribution required under s. 121.71(3). The employer shall

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1538 contribute on behalf of each program member an amount equal to
 1539 the difference between 10.43 percent of the employee's gross
 1540 monthly compensation and the employee's required contribution
 1541 based on the employee's gross monthly compensation.
 1542 d. Effective July 1, 2012, each member shall contribute an
 1543 amount equal to the employee contribution required under s.
 1544 121.71(3). The employer shall contribute on behalf of each
 1545 program member an amount equal to the difference between 8.15
 1546 percent of the employee's gross monthly compensation and the
 1547 employee's required contribution based on the employee's gross
 1548 monthly compensation.
 1549 e. The employer shall contribute an additional amount to
 1550 the Florida Retirement System Trust Fund equal to the unfunded
 1551 actuarial accrued liability portion of the Regular Class
 1552 contribution rate.
 1553 2. The decision to participate in the optional retirement
 1554 program is irrevocable as long as the employee holds a position
 1555 eligible for participation, except as provided in subparagraph
 1556 3. Any service creditable under the Florida Retirement System is
 1557 retained after the member withdraws from the system; however,
 1558 additional service credit in the system may not be earned while
 1559 a member of the optional retirement program.
 1560 3. An employee who has elected to participate in the
 1561 optional retirement program shall have one opportunity, at the
 1562 employee's discretion, to transfer from the optional retirement
 1563 program to the pension plan of the Florida Retirement System or
 1564 to the investment plan established under part II of this
 1565 chapter, subject to the terms of the applicable optional
 1566 retirement program contracts.

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1567 a. If the employee chooses to move to the investment plan,
 1568 any contributions, interest, and earnings creditable to the
 1569 employee under the optional retirement program are retained by
 1570 the employee in the optional retirement program, and the
 1571 applicable provisions of s. 121.4501(4) govern the election.

1572 b. If the employee chooses to move to the pension plan of
 1573 the Florida Retirement System, the employee shall receive
 1574 service credit equal to his or her years of service under the
 1575 optional retirement program.

1576 (I) The cost for such credit is the amount representing the
 1577 present value of the employee's accumulated benefit obligation
 1578 for the affected period of service. The cost shall be calculated
 1579 as if the benefit commencement occurs on the first date the
 1580 employee becomes eligible for unreduced benefits, using the
 1581 discount rate and other relevant actuarial assumptions that were
 1582 used to value the Florida Retirement System Pension Plan
 1583 liabilities in the most recent actuarial valuation. The
 1584 calculation must include any service already maintained under
 1585 the pension plan in addition to the years under the optional
 1586 retirement program. The present value of any service already
 1587 maintained must be applied as a credit to total cost resulting
 1588 from the calculation. The division must ensure that the transfer
 1589 sum is prepared using a formula and methodology certified by an
 1590 enrolled actuary.

1591 (II) The employee must transfer from his or her optional
 1592 retirement program account and from other employee moneys as
 1593 necessary, a sum representing the present value of the
 1594 employee's accumulated benefit obligation immediately following
 1595 the time of such movement, determined assuming that attained

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1596 service equals the sum of service in the pension plan and
 1597 service in the optional retirement program.

1598 4. Participation in the optional retirement program is
 1599 limited to employees who satisfy the following eligibility
 1600 criteria:

1601 a. The employee is otherwise eligible for membership or
 1602 renewed membership in the Regular Class of the Florida
 1603 Retirement System, as provided in s. 121.021(11) and (12) or s.
 1604 121.122.

1605 b. The employee is employed in a full-time position
 1606 classified in the Accounting Manual for Florida's College System
 1607 as:

1608 (I) Instructional; or

1609 (II) Executive Management, Instructional Management, or
 1610 Institutional Management and the community college determines
 1611 that recruiting to fill a vacancy in the position is to be
 1612 conducted in the national or regional market, and the duties and
 1613 responsibilities of the position include the formulation,
 1614 interpretation, or implementation of policies, or the
 1615 performance of functions that are unique or specialized within
 1616 higher education and that frequently support the mission of the
 1617 community college.

1618 c. The employee is employed in a position not included in
 1619 the Senior Management Service Class of the Florida Retirement
 1620 System as described in s. 121.055.

1621 5. Members of the program are subject to the same
 1622 reemployment limitations, renewed membership provisions, and
 1623 forfeiture provisions applicable to regular members of the
 1624 Florida Retirement System under ss. 121.091(9), 121.122, and

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121.091(5), respectively. A member who receives a program distribution funded by employer and required employee contributions is deemed to be retired from a state-administered retirement system if the member is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment shall be enrolled in the optional retirement program retroactive to the first day of eligible employment. The employer and employee retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer and employee retirement contributions paid from the effective date through the month of the employee plan change must be transferred to the community college to the employee's optional

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program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any member of the optional retirement program who has service credit in the pension plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the pension plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon transfer, all service credit previously earned under the pension plan during this period is nullified for purposes of entitlement to a future benefit under the pension plan.

(8) DIVISION OF REHABILITATION AND LIQUIDATION EMPLOYEES MEMBERSHIP.—Effective July 1, 1994, the regular receivership employees of the Division of Rehabilitation and Liquidation of the Department of Financial Services who are assigned to established positions and are subject to established rules and regulations regarding discipline, pay, classification, and time and attendance are hereby declared to be state employees within the meaning of this chapter and shall be compulsory members in compliance with this chapter, the provisions of s. 216.011(1)(jj)2. ~~216.011(1)(dd)2.~~, notwithstanding. Employment performed before July 1, 1994, as such a receivership employee may be claimed as creditable retirement service upon payment by the employee or employer of contributions required in s. 121.081(1), as applicable for the period claimed.

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1683 Reviser's note.—Paragraph (2)(c) is amended to conform to the
 1684 reordering of definitions in s. 1000.21 by this act.
 1685 Subsection (8) is amended to conform to the reordering of
 1686 definitions in s. 216.011(1) by this act.
 1687 Section 45. Paragraph (b) of subsection (9) of section
 1688 125.0104, Florida Statutes, is amended to read:
 1689 125.0104 Tourist development tax; procedure for levying;
 1690 authorized uses; referendum; enforcement.—
 1691 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
 1692 other powers and duties provided for agencies created for the
 1693 purpose of tourism promotion by a county levying the tourist
 1694 development tax, such agencies are authorized and empowered to:
 1695 (b) Pay by advancement or reimbursement, or a combination
 1696 thereof, the costs of per diem and incidental expenses of
 1697 officers and employees of the agency and other authorized
 1698 persons, for foreign travel at the current rates as specified in
 1699 the federal publication "Standardized Regulations (Government
 1700 Civilians, Foreign Areas)." The provisions of this paragraph
 1701 shall apply for any officer or employee of the agency traveling
 1702 in foreign countries for the purposes of promoting tourism and
 1703 travel to the county, if such travel expenses are approved and
 1704 certified by the agency head from whose funds the traveler is
 1705 paid. As used in this paragraph, the term "authorized person"
 1706 shall have the same meaning as provided in s. 112.061(2)(c)
 1707 ~~112.061(2)(e)~~. With the exception of provisions concerning rates
 1708 of payment for per diem, the provisions of s. 112.061 are
 1709 applicable to the travel described in this paragraph. As used in
 1710 this paragraph, "foreign travel" means all travel outside the
 1711 United States. Persons traveling in foreign countries pursuant

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1712 to this subsection shall not be entitled to reimbursements or
 1713 advancements pursuant to s. 112.061(6)(a)2.
 1714 Reviser's note.—Amended to conform to the reordering of
 1715 definitions in s. 112.061(2) by this act.
 1716 Section 46. Subsection (1) of section 125.488, Florida
 1717 Statutes, is amended to read:
 1718 125.488 Ordinances, regulations, and policies concerning
 1719 temporary underground power panels.—
 1720 (1) A county may not enact any ordinance, regulation, or
 1721 policy that prevents or has the effect of preventing an electric
 1722 utility, as defined in s. 366.02(4) ~~366.02(2)~~, from installing a
 1723 temporary underground power panel if the temporary underground
 1724 power panel meets the requirements of Article 590 of the
 1725 National Electrical Code, 2020 edition, during the construction
 1726 and installation of the temporary underground power panel. After
 1727 the county has conducted an inspection of the temporary
 1728 underground power panel, the county may not require a subsequent
 1729 inspection of the temporary underground power panel as a
 1730 condition of issuance of the certificate of occupancy.
 1731 Reviser's note.—Amended to conform to the renumbering of s.
 1732 366.04(2) as s. 366.04(4) by s. 27, ch. 2022-4, Laws of
 1733 Florida.
 1734 Section 47. Paragraph (k) of subsection (1) of section
 1735 159.47, Florida Statutes, is amended to read:
 1736 159.47 Powers of the authority.—
 1737 (1) The authority is authorized and empowered:
 1738 (k) To pay by advancement or reimbursement, or a
 1739 combination thereof, the costs of per diem of members or
 1740 employees of the authority and other authorized persons, for

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1741 foreign travel at the current rates as specified in the federal
 1742 publication "Standardized Regulations (Government Civilians,
 1743 Foreign Areas)," and incidental expenses as provided in s.
 1744 112.061. The provisions of this paragraph shall apply for any
 1745 member or employee of the authority traveling in foreign
 1746 countries for the purpose of promoting economic or industrial
 1747 development of the county, if such travel expenses are approved
 1748 and certified by the agency head from whose funds the traveler
 1749 is paid. As used in this paragraph, the term "authorized person"
 1750 has the same meaning as provided in s. 112.061(2)(c)
 1751 ~~112.061(2)(c)~~. With the exception of provisions concerning rates
 1752 of payment for per diem, the provisions of s. 112.061 are
 1753 applicable to the travel described in this subsection. As used
 1754 in this paragraph, "foreign travel" means all travel outside the
 1755 United States. Persons traveling in foreign countries pursuant
 1756 to this section shall not be entitled to reimbursements or
 1757 advancements pursuant to s. 112.061(6)(a)2.
 1758 Reviser's note.—Amended to conform to the reordering of
 1759 definitions in s. 112.061(2) by this act.
 1760 Section 48. Paragraph (b) of subsection (1) of section
 1761 163.32051, Florida Statutes, is amended to read:
 1762 163.32051 Floating solar facilities.—
 1763 (1)
 1764 (b) The Legislature finds that siting floating solar
 1765 facilities on wastewater treatment ponds, abandoned limerock
 1766 mine areas, stormwater treatment ponds, reclaimed water ponds,
 1767 and other water storage reservoirs are beneficial uses of those
 1768 areas for many reasons, including the fact that the water has a
 1769 cooling effect on the solar panels, which can boost power

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1770 production, and the fact that the panels help decrease the
 1771 amount of water lost to evaporation and the formation of harmful
 1772 algal blooms.
 1773 Reviser's note.—Amended to confirm an editorial insertion to
 1774 improve clarity.
 1775 Section 49. Subsection (1) of section 166.0484, Florida
 1776 Statutes, is amended to read:
 1777 166.0484 Ordinances, regulations, and policies concerning
 1778 temporary underground power panels.—
 1779 (1) A municipality may not enact any ordinance, regulation,
 1780 or policy that prevents or has the effect of preventing an
 1781 electric utility, as defined in s. 366.02(4) ~~366.02(2)~~, from
 1782 installing a temporary underground power panel if the temporary
 1783 underground power panel meets the requirements of Article 590 of
 1784 the National Electrical Code, 2020 edition, during the
 1785 construction and installation of the temporary underground power
 1786 panel. After the municipality has conducted an inspection of the
 1787 temporary underground power panel, the municipality may not
 1788 require a subsequent inspection of the temporary underground
 1789 power panel as a condition of issuance of the certificate of
 1790 occupancy.
 1791 Reviser's note.—Amended to conform to the renumbering of s.
 1792 366.04(2) as s. 366.04(4) by s. 27, ch. 2022-4, Laws of
 1793 Florida.
 1794 Section 50. Paragraph (b) of subsection (2) of section
 1795 175.261, Florida Statutes, is amended to read:
 1796 175.261 Annual report to Division of Retirement; actuarial
 1797 valuations.—For any municipality, special fire control district,
 1798 chapter plan, local law municipality, local law special fire

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control district, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(2) With respect to local law plans:

(b) In addition to annual reports provided under paragraph (a), an actuarial valuation of the retirement plan must be made at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. Such valuation shall be prepared by an enrolled actuary, subject to the following conditions:

1. The assets shall be valued as provided in s. 112.625(9) ~~112.625(7)~~.

2. The cost of the actuarial valuation must be paid by the individual firefighters' retirement fund or by the sponsoring municipality or special fire control district.

3. A report of the valuation, including actuarial assumptions and type and basis of funding, shall be made to the division within 3 months after the date of valuation. If any benefits are insured with a commercial insurance company, the report must include a statement of the relationship of the retirement plan benefits to the insured benefits, the name of the insurer, the basis of premium rates, and the mortality table, interest rate, and method used in valuing the retirement benefits.

Reviser's note.—Amended to conform to the reordering of definitions in s. 112.625 by this act.

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Section 51. Paragraph (b) of subsection (2) of section 185.221, Florida Statutes, is amended to read:

185.221 Annual report to Division of Retirement; actuarial valuations.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(2) With respect to local law plans:

(b) In addition to annual reports provided under paragraph (a), an actuarial valuation of the retirement plan must be made at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. Such valuation shall be prepared by an enrolled actuary, subject to the following conditions:

1. The assets shall be valued as provided in s. 112.625(9) ~~112.625(7)~~.

2. The cost of the actuarial valuation must be paid by the individual police officer's retirement trust fund or by the sponsoring municipality.

3. A report of the valuation, including actuarial assumptions and type and basis of funding, shall be made to the division within 3 months after the date of the valuation. If any benefits are insured with a commercial insurance company, the report must include a statement of the relationship of the retirement plan benefits to the insured benefits, the name of the insurer, the basis of premium rates, and the mortality

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1857 table, interest rate, and method used in valuing the retirement
 1858 benefits.
 1859 Reviser's note.—Amended to conform to the reordering of
 1860 definitions in s. 112.625 by this act.
 1861 Section 52. Paragraphs (a) and (c) of subsection (1) and
 1862 subsections (2) through (4), (8), and (9) of section 205.022,
 1863 Florida Statutes, are reordered and amended to read:
 1864 205.022 Definitions.—When used in this chapter, the
 1865 following terms and phrases shall have the meanings ascribed to
 1866 them in this section, except when the context clearly indicates
 1867 a different meaning:
 1868 (1) "Business," "profession," and "occupation" do not
 1869 include the customary religious, charitable, or educational
 1870 activities of nonprofit religious, nonprofit charitable, and
 1871 nonprofit educational institutions in this state, which
 1872 institutions are more particularly defined and limited as
 1873 follows:
 1874 (c)~~(a)~~ "Religious institutions" means churches and
 1875 ecclesiastical or denominational organizations or established
 1876 physical places for worship in this state at which nonprofit
 1877 religious services and activities are regularly conducted and
 1878 carried on, and also means church cemeteries.
 1879 (a)~~(e)~~ "Charitable institutions" means only nonprofit
 1880 corporations operating physical facilities in this state at
 1881 which are provided charitable services, a reasonable percentage
 1882 of which are without cost to those unable to pay.
 1883 (8)~~(2)~~ "Receipt" means the document that is issued by the
 1884 local governing authority which bears the words "Local Business
 1885 Tax Receipt" and evidences that the person in whose name the

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1886 document is issued has complied with the provisions of this
 1887 chapter relating to the business tax.
 1888 (2)~~(3)~~ "Classification" means the method by which a
 1889 business or group of businesses is identified by size or type,
 1890 or both.
 1891 (3)~~(4)~~ "Enterprise zone" means an area designated as an
 1892 enterprise zone pursuant to s. 290.0065. This subsection expires
 1893 on the date specified in s. 290.016 for the expiration of the
 1894 Florida Enterprise Zone Act.
 1895 (9)~~(8)~~ "Taxpayer" means any person liable for taxes imposed
 1896 under the provisions of this chapter; any agent required to file
 1897 and pay any taxes imposed hereunder; and the heirs, successors,
 1898 assignees, and transferees of any such person or agent.
 1899 (4)~~(9)~~ "Independent contractor" has the same meaning as
 1900 provided in s. 440.02(18)(d)1.a. and b ~~440.02(15)(d)1.a. and b.~~
 1901 Reviser's note.—Paragraphs (1)(a) and (c) and subsections (2)
 1902 through (4), (8), and (9) are amended to place the
 1903 definitions of the section in alphabetical order.
 1904 Subsection (9) is further amended to conform to the
 1905 reordering of definitions in s. 440.02 by this act.
 1906 Section 53. Paragraph (a) of subsection (5) of section
 1907 215.5551, Florida Statutes, is amended to read:
 1908 215.5551 Reinsurance to Assist Policyholders program.—
 1909 (5) INSURER QUALIFICATION.—
 1910 (a) An insurer is not eligible to participate in the RAP
 1911 program if the board receives a notice from the Commissioner of
 1912 Insurance Regulation which certifies that the insurer is in an
 1913 unsound financial condition no later than:
 1914 1. June 15, 2022, for RAP insurers that participate during

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1915 the 2022-2023 contract year; or
 1916 2. February 1, 2023, for RAP insurers subject to
 1917 participation deferral under subsection (6) that ~~and~~ participate
 1918 during the 2023-2024 contract year.
 1919 Reviser's note.—Amended to confirm an editorial substitution to
 1920 improve clarity and facilitate correct interpretation.
 1921 Section 54. Subsection (1) of section 216.011, Florida
 1922 Statutes, is reordered and amended, and paragraph (c) of
 1923 subsection (3) of that section is amended to read:
 1924 216.011 Definitions.—
 1925 (1) For the purpose of fiscal affairs of the state,
 1926 appropriations acts, legislative budgets, and approved budgets,
 1927 each of the following terms has the meaning indicated:
 1928 (b) ~~(a)~~ "Annual salary rate" means the monetary compensation
 1929 authorized to be paid a position on an annualized basis. The
 1930 term does not include moneys authorized for benefits associated
 1931 with the position.
 1932 (c) ~~(b)~~ "Appropriation" means a legal authorization to make
 1933 expenditures for specific purposes within the amounts authorized
 1934 by law.
 1935 (d) ~~(e)~~ "Appropriations act" means the authorization of the
 1936 Legislature, based upon legislative budgets or based upon
 1937 legislative findings of the necessity for an authorization when
 1938 no legislative budget is filed, for the expenditure of amounts
 1939 of money by an agency, the judicial branch, or the legislative
 1940 branch for stated purposes in the performance of the functions
 1941 it is authorized by law to perform. The categories contained in
 1942 the appropriations act include, but are not limited to:
 1943 1. Data processing services.

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1944 2. Expenses.
 1945 3. Fixed capital outlay.
 1946 4. Food products.
 1947 5. Grants and aids.
 1948 6. Grants and aids to local governments and nonstate
 1949 entities—fixed capital outlay.
 1950 7. Lump-sum appropriations.
 1951 8. Operating capital outlay.
 1952 9. Other personal services.
 1953 10. Salaries and benefits.
 1954 11. Special categories.
 1955 (e) ~~(d)~~ "Authorized position" means a position included in
 1956 an approved budget. In counting the number of authorized
 1957 positions, part-time positions shall be converted to full-time
 1958 equivalents.
 1959 (f) ~~(e)~~ "Baseline data" means indicators of a state agency's
 1960 current performance level, pursuant to guidelines established by
 1961 the Executive Office of the Governor, in consultation with
 1962 legislative appropriations and appropriate substantive
 1963 committees.
 1964 (g) ~~(f)~~ "Budget entity" means a unit or function at the
 1965 lowest level to which funds are specifically appropriated in the
 1966 appropriations act. "Budget entity" and "service" have the same
 1967 meaning.
 1968 (i) ~~(g)~~ "Chairs of the legislative appropriations
 1969 committees" means the chairs of the committees of the Senate and
 1970 the House of Representatives responsible for producing the
 1971 General Appropriations Act.
 1972 (j) ~~(h)~~ "Consultation" means communication to allow

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1973 government officials and agencies to deliberate and to seek and
1974 provide advice in an open and forthright manner.

1975 (k)~~(j)~~ "Continuing appropriation" means an appropriation
1976 automatically renewed without further legislative action, period
1977 after period, until altered or revoked by the Legislature.

1978 (l)~~(j)~~ "Data processing services" means the appropriation
1979 category used to fund electronic data processing services
1980 provided by state agencies or the judicial branch, which
1981 services include, but are not limited to, systems design,
1982 software development, or time-sharing by other governmental
1983 units or budget entities.

1984 (m)~~(k)~~ "Disbursement" means the payment of an expenditure.

1985 (n)~~(l)~~ "Disincentive" means a sanction as described in s.
1986 216.163.

1987 (o)~~(m)~~ "Expenditure" means the creation or incurring of a
1988 legal obligation to disburse money.

1989 (p)~~(n)~~ "Expense" means the appropriation category used to
1990 fund the usual, ordinary, and incidental expenditures by an
1991 agency or the judicial branch, including such items as
1992 commodities, supplies of a consumable nature, current
1993 obligations, and fixed charges, and excluding expenditures
1994 classified as operating capital outlay. Payments to other funds
1995 or local, state, or federal agencies may be included in this
1996 category.

1997 (q)~~(o)~~ "Fiscal year of the state" means a period of time
1998 beginning July 1 and ending on the following June 30, both dates
1999 inclusive.

2000 (r)~~(p)~~ "Fixed capital outlay" means the appropriation
2001 category used to fund real property (land, buildings, including

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2002 appurtenances, fixtures and fixed equipment, structures, etc.),
2003 including additions, replacements, major repairs, and
2004 renovations to real property which materially extend its useful
2005 life or materially improve or change its functional use and
2006 including furniture and equipment necessary to furnish and
2007 operate a new or improved facility, when appropriated by the
2008 Legislature in the fixed capital outlay appropriation category.

2009 (s)~~(q)~~ "Food products" means the appropriation category
2010 used to fund food consumed and purchased in state-run facilities
2011 that provide housing to individuals.

2012 (t)~~(r)~~ "Grants and aids" means the appropriation category
2013 used to fund contributions to units of government or nonstate
2014 entities to be used for one or more specified purposes or
2015 activities. Funds appropriated to units of government and
2016 nonprofit entities under this category may be advanced.

2017 (u)~~(s)~~ "Grants and aids to local governments and nonstate
2018 entities-fixed capital outlay" means the appropriation category
2019 used to fund:

2020 1. Grants to local units of governments or nonstate
2021 entities for the acquisition of real property (land, buildings,
2022 including appurtenances, fixtures and fixed equipment,
2023 structures, etc.); additions, replacements, major repairs, and
2024 renovations to real property which materially extend its useful
2025 life or materially improve or change its functional use; and
2026 operating capital outlay necessary to furnish and operate a new
2027 or improved facility; and

2028 2. Grants to local units of government for their respective
2029 infrastructure and growth management needs related to local
2030 government comprehensive plans.

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Funds appropriated to local units of government and nonprofit organizations under this category may be advanced in part or in whole.

(v)~~(t)~~ "Incentive" means a mechanism, as described in s. 216.163, for recognizing the achievement of performance standards or for motivating performance that exceeds performance standards.

(x)~~(u)~~ "Independent judgment" means an evaluation of actual needs made separately and apart from the legislative budget request of any other agency or of the judicial branch, or any assessments by the Governor. Such evaluation shall not be limited by revenue estimates of the Revenue Estimating Conference.

(y)~~(v)~~ "Judicial branch" means all officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, and the Judicial Qualifications Commission.

(aa)~~(w)~~ "Legislative branch" means the various officers, committees, and other units of the legislative branch of state government.

(bb)~~(x)~~ "Legislative budget instructions" means the annual set of instructions developed to assist agencies in submitting budget requests to the Legislature and to generate information necessary for budgetary decisionmaking. Such instructions may include program-based performance budget instructions.

(cc)~~(y)~~ "Legislative budget request" means a request to the Legislature, filed pursuant to s. 216.023, or supplemental detailed requests filed with the Legislature, for the amounts of

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money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.

(ee)~~(z)~~ "Long-range program plan" means a plan developed pursuant to s. 216.013.

(ff)~~(aa)~~ "Lump-sum appropriation" means the appropriation category used to fund a specific activity or project which must be transferred to one or more appropriation categories for expenditure.

(hh)~~(bb)~~ "Operating capital outlay" means the appropriation category used to fund equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature under s. 273.025.

(ii)~~(ee)~~ "Original approved budget" means the approved plan of operation of an agency or of the judicial branch consistent with the General Appropriations Act or special appropriations acts.

(jj)~~(dd)~~ "Other personal services" means the appropriation category used to fund the compensation for services rendered by a person who is not filling an established position. This definition includes, but is not limited to, services of temporary employees, student or graduate assistants, persons on fellowships, part-time academic employees, board members, and consultants and other services specifically budgeted by each agency, or by the judicial branch, in this category. In distinguishing between payments to be made from salaries and benefits appropriations and other-personal-services appropriations:

1. Those persons filling established positions shall be

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2089 paid from salaries and benefits appropriations and those persons
 2090 performing services for a state agency or for the judicial
 2091 branch, but who are not filling established positions, shall be
 2092 paid from other-personal-services appropriations.

2093 2. Those persons paid from salaries and benefits
 2094 appropriations shall be state officers or employees and shall be
 2095 eligible for membership in a state retirement system and those
 2096 paid from other-personal-services appropriations shall not be
 2097 eligible for such membership.

2098 (kk)~~(ee)~~ "Outcome" means an indicator of the actual impact
 2099 or public benefit of a program.

2100 (ll)~~(ff)~~ "Output" means the actual service or product
 2101 delivered by a state agency.

2102 (gg) "Mandatory reserve" means the reduction of an
 2103 appropriation by the Governor or the Legislative Budget
 2104 Commission due to an anticipated deficit in a fund, pursuant to
 2105 s. 216.221. Action may not be taken to restore a mandatory
 2106 reserve either directly or indirectly.

2107 (h)~~(hh)~~ "Budget reserve" means the withholding, as
 2108 authorized by the Legislature, of an appropriation, or portion
 2109 thereof. The need for a budget reserve may exist until certain
 2110 conditions set by the Legislature are met by the affected
 2111 agency, or such need may exist due to financial or program
 2112 changes that have occurred since, and were unforeseen at the
 2113 time of, passage of the General Appropriations Act.

2114 (mm)~~(ii)~~ "Performance measure" means a quantitative or
 2115 qualitative indicator used to assess state agency performance.

2116 (nn)~~(jj)~~ "Program" means a set of services and activities
 2117 undertaken in accordance with a plan of action organized to

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2118 realize identifiable goals and objectives based on legislative
 2119 authorization.

2120 (oo)~~(kk)~~ "Program component" means an aggregation of
 2121 generally related objectives which, because of their special
 2122 character, related workload, and interrelated output, can
 2123 logically be considered an entity for purposes of organization,
 2124 management, accounting, reporting, and budgeting.

2125 (pp)~~(ll)~~ "Proviso" means language that qualifies or
 2126 restricts a specific appropriation and which can be logically
 2127 and directly related to the specific appropriation.

2128 (rr)~~(mm)~~ "Salaries and benefits" means the appropriation
 2129 category used to fund the monetary or cash-equivalent
 2130 compensation for work performed by state employees for a
 2131 specific period of time. Benefits shall be as provided by law.

2132 (ss)~~(nn)~~ "Salary" means the cash compensation for services
 2133 rendered for a specific period of time.

2134 (uu)~~(oo)~~ "Special category" means the appropriation
 2135 category used to fund amounts appropriated for a specific need
 2136 or classification of expenditures.

2137 (vv)~~(pp)~~ "Standard" means the level of performance of an
 2138 outcome or output.

2139 (ww)~~(qq)~~ "State agency" or "agency" means any official,
 2140 officer, commission, board, authority, council, committee, or
 2141 department of the executive branch of state government. For
 2142 purposes of this chapter and chapter 215, "state agency" or
 2143 "agency" includes, but is not limited to, state attorneys,
 2144 public defenders, criminal conflict and civil regional counsel,
 2145 capital collateral regional counsel, the Justice Administrative
 2146 Commission, the Florida Housing Finance Corporation, and the

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2147 Florida Public Service Commission. Solely for the purposes of
 2148 implementing s. 19(h), Art. III of the State Constitution, the
 2149 terms "state agency" or "agency" include the judicial branch.

2150 (a)~~(f)~~ "Activity" means a unit of work that has
 2151 identifiable starting and ending points, consumes resources, and
 2152 produces outputs.

2153 (gg)~~(ss)~~ "Qualified expenditure category" means the
 2154 appropriations category used to fund specific activities and
 2155 projects which must be transferred to one or more appropriation
 2156 categories for expenditure upon recommendation by the Governor
 2157 or Chief Justice, as appropriate, and subject to approval by the
 2158 Legislative Budget Commission. The Legislature by law may
 2159 provide that a specific portion of the funds appropriated in
 2160 this category be transferred to one or more appropriation
 2161 categories without approval by the commission and may provide
 2162 that requirements or contingencies be satisfied prior to the
 2163 transfer.

2164 (w)~~(tt)~~ "Incurred obligation" means a legal obligation for
 2165 goods or services that have been contracted for, referred to as
 2166 an encumbrance in the state's financial system, or received or
 2167 incurred by the state and referred to as a payable in the
 2168 state's financial system.

2169 (tt)~~(uu)~~ "Salary rate reserve" means the withholding of a
 2170 portion of the annual salary rate for a specific purpose.

2171 (z)~~(vv)~~ "Lease or lease-purchase of equipment" means the
 2172 appropriations category used to fund the lease or lease-purchase
 2173 of equipment, fixtures, and other tangible personal property.

2174 (dd)~~(ww)~~ "Long-range financial outlook" means a document
 2175 issued by the Legislative Budget Commission based on a 3-year

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2176 forecast of revenues and expenditures.

2177 (3) For purposes of this chapter, the term:

2178 (c) "Statutorily authorized entity" means any entity
 2179 primarily acting as an instrumentality of the state, any
 2180 regulatory or governing body, or any other governmental or
 2181 quasi-governmental organization that receives, disburses,
 2182 expends, administers, awards, recommends expenditure of,
 2183 handles, manages, or has custody or control of funds
 2184 appropriated by the Legislature and:

2185 1. Is created, organized, or specifically authorized to be
 2186 created or established by general law; or

2187 2. Assists a department, as defined in s. 20.03(8)
 2188 ~~20.03(2)~~, or other unit of state government in providing
 2189 programs or services on a statewide basis with a statewide
 2190 service area or population.

2191 Reviser's note.—Subsection (1) is amended to place the
 2192 definitions in alphabetical order. Paragraph (3)(c) is
 2193 amended to conform to the reordering of definitions in s.
 2194 20.03 by this act.

2195 Section 55. Paragraphs (b) through (e) of subsection (2),
 2196 paragraph (c) of subsection (6), and paragraph (c) of subsection
 2197 (8) of section 251.001, Florida Statutes, are amended to read:

2198 251.001 Florida State Guard Act.—

2199 (2) DEFINITIONS.—As used in this section:

2200 (b) The term "department" means the Department of Military
 2201 Affairs.

2202 (c) The term "officer" means an officer commissioned by the
 2203 Governor.

2204 (d) The term "organized guard" means an organized military

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2205 force that is authorized by law.

2206 (e) The term "warrant officer" means a technical specialist
2207 commissioned as a warrant officer by the Governor.

2208 (6) ACTIVATION OF THE FLORIDA STATE GUARD.—

2209 (c) The Florida State Guard shall be deactivated by the
2210 expiration of the order of activation or by a separate order by
2211 the Governor deactivating the Florida State Guard.

2212 (8) EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
2213 LIABILITY, AND WORKERS' COMPENSATION.—

2214 (c) While activated or in training, members of the Florida
2215 State Guard are considered volunteers for the state, as defined
2216 in s. 440.02(18)(d)6. ~~440.02(15)(d)6.~~, and are entitled to
2217 workers' compensation protections pursuant to chapter 440.

2218 Reviser's note.—Paragraphs (2)(b) through (e) are amended to
2219 confirm editorial insertions to conform to paragraph
2220 (2)(a), which begins with the words "The terms." Paragraph
2221 (6)(c) is amended to confirm an editorial insertion to
2222 improve clarity. Paragraph (8)(c) is amended to conform to
2223 the reordering of definitions in s. 440.02 by this act.

2224 Section 56. Paragraph (u) of subsection (2) of section
2225 252.35, Florida Statutes, is amended to read:

2226 252.35 Emergency management powers; Division of Emergency
2227 Management.—

2228 (2) The division is responsible for carrying out the
2229 provisions of ss. 252.31-252.90. In performing its duties, the
2230 division shall:

2231 (u) Acquire and maintain a supply of personal protective
2232 equipment owned by the state for use by state agencies and to
2233 assist local governments and the private sector, when determined

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2234 to be necessary by the State Coordinating Officer, in meeting
2235 safety needs during a declared emergency. The division shall
2236 conduct regular inventories of the supply, which must include
2237 projections of the need for additional personal protective
2238 equipment, as assessed by each governmental agency, to maintain
2239 the supply and replace expired items. The division shall
2240 maintain and replace the equipment on a standardized schedule
2241 that recognizes equipment expiration and obsolescence. This
2242 paragraph is subject to appropriation. The ~~initial~~ inventory
2243 must be reported annually by December 31, ~~2021~~, to the Governor,
2244 the President of the Senate, the Speaker of the House of
2245 Representatives, and the Chief Justice of the Supreme Court ~~and,~~
2246 ~~thereafter, the inventory must be reported by each December 31~~
2247 ~~to those officers.~~

2248 Reviser's note.—Amended to delete obsolete language.

2249 Section 57. Subsections (11) and (12) of section 282.319,
2250 Florida Statutes, are amended to read:

2251 282.319 Florida Cybersecurity Advisory Council.—

2252 (11) ~~Beginning June 30, 2022, and~~ Each June 30 ~~thereafter,~~
2253 the council shall submit to the President of the Senate and the
2254 Speaker of the House of Representatives any legislative
2255 recommendations considered necessary by the council to address
2256 cybersecurity.

2257 (12) ~~Beginning December 1, 2022, and~~ Each December 1
2258 ~~thereafter,~~ the council shall submit to the Governor, the
2259 President of the Senate, and the Speaker of the House of
2260 Representatives a comprehensive report that includes data,
2261 trends, analysis, findings, and recommendations for state and
2262 local action regarding ransomware incidents. At a minimum, the

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2263 report must include:

2264 (a) Descriptive statistics including the amount of ransom
2265 requested, the duration of the ransomware incident, and the
2266 overall monetary cost to taxpayers of the ransomware incident.

2267 (b) A detailed statistical analysis of the circumstances
2268 that led to the ransomware incident which does not include the
2269 name of the state agency, county, or municipality; network
2270 information; or system identifying information.

2271 (c) A detailed statistical analysis of the level of
2272 cybersecurity employee training and frequency of data backup for
2273 the state agency, county, or municipality that reported the
2274 ransomware incident.

2275 (d) Specific issues identified with current policies,
2276 procedures, rules, or statutes and recommendations to address
2277 such issues.

2278 (e) Any other recommendations to prevent ransomware
2279 incidents.

2280 Reviser's note.—Amended to delete obsolete language.

2281 Section 58. Subsection (20) of section 287.012, Florida
2282 Statutes, is amended to read:

2283 287.012 Definitions.—As used in this part, the term:

2284 (20) "Outsource" means the process of contracting with a
2285 vendor to provide a service as defined in s. 216.011(1)(g)
2286 ~~216.011(1)(f)~~, in whole or in part, or an activity as defined in
2287 s. 216.011(1)(a) ~~216.011(1)(f)~~, while a state agency retains
2288 the responsibility and accountability for the service or
2289 activity and there is a transfer of management responsibility
2290 for the delivery of resources and the performance of those
2291 resources.

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2292 Reviser's note.—Amended to conform to the reordering of

2293 definitions in s. 216.011(1) by this act.

2294 Section 59. Paragraph (c) of subsection (3) and subsection
2295 (18) of section 287.057, Florida Statutes, are amended to read:

2296 287.057 Procurement of commodities or contractual
2297 services.—

2298 (3) If the purchase price of commodities or contractual
2299 services exceeds the threshold amount provided in s. 287.017 for
2300 CATEGORY TWO, purchase of commodities or contractual services
2301 may not be made without receiving competitive sealed bids,
2302 competitive sealed proposals, or competitive sealed replies
2303 unless:

2304 (c) Commodities or contractual services available only from
2305 a single source may be excepted from the competitive-
2306 solicitation requirements. If an agency believes that
2307 commodities or contractual services are available only from a
2308 single source, the agency shall electronically post a
2309 description of the commodities or contractual services sought
2310 for at least 15 business days. The description must include a
2311 request that prospective vendors provide information regarding
2312 their ability to supply the commodities or contractual services
2313 described. If it is determined in writing by the agency, after
2314 reviewing any information received from prospective vendors that
2315 the commodities or contractual services are available only from
2316 a single source, the agency shall provide notice of its intended
2317 decision to enter a single-source purchase contract in the
2318 manner specified in s. 120.57(3). Each agency shall report all
2319 such actions to the department on a quarterly basis in a manner
2320 and form prescribed by the department, and the department shall

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2321 report such information to the Governor, the President of the
 2322 Senate, and the Speaker of the House of Representatives no later
 2323 than ~~January 1, 2022, and~~ each January 1 thereafter.

2324 (18) Any person who supervises contract administrators or
 2325 contract or grant managers that meet criteria for certification
 2326 in subsection (15) shall annually complete public procurement
 2327 training for supervisors within 12 months after appointment to
 2328 the supervisory position. The department is responsible for
 2329 establishing and disseminating the training course content
 2330 required for supervisors ~~and training shall commence no later~~
 2331 ~~than July 1, 2022.~~

2332 Reviser's note.—Amended to delete obsolete language.

2333 Section 60. Paragraph (c) of subsection (2) of section
 2334 288.101, Florida Statutes, is amended to read:

2335 288.101 Florida Job Growth Grant Fund.—

2336 (2) The department and Enterprise Florida, Inc., may
 2337 identify projects, solicit proposals, and make funding
 2338 recommendations to the Governor, who is authorized to approve:

2339 (c) Workforce training grants to support programs at state
 2340 colleges and state technical centers that provide participants
 2341 with transferable, sustainable workforce skills applicable to
 2342 more than a single employer, and for equipment associated with
 2343 these programs. The department shall work with CareerSource
 2344 Florida, Inc., to ensure programs are offered to the public
 2345 based on criteria established by the state college or state
 2346 technical center and do not exclude applicants who are
 2347 unemployed or underemployed.

2348 Reviser's note.—Amended to confirm an editorial insertion to
 2349 conform to the full name of CareerSource Florida, Inc.

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2350 Section 61. Paragraph (b) of subsection (2) and paragraph
 2351 (h) of subsection (10) of section 288.9625, Florida Statutes,
 2352 are amended to read:

2353 288.9625 Institute for Commercialization of Florida
 2354 Technology.—

2355 (2) The purpose of the institute is to assist, without any
 2356 financial support or specific appropriations from the state, in
 2357 the commercialization of products developed by the research and
 2358 development activities of an innovation business, including, but
 2359 not limited to, those defined in s. 288.1089. The institute
 2360 shall fulfill its purpose in the best interests of the state.

2361 The institute:

2362 (b) Is not an agency within the meaning of s. 20.03(1)
 2363 ~~20.03(11);~~

2364 (10) The private fund manager:

2365 (h) Is not an agency within the meaning of s. 20.03(1)
 2366 ~~20.03(11).~~

2367 Reviser's note.—Amended to conform to the reordering of
 2368 definitions in s. 20.03 by this act.

2369 Section 62. Subsection (8) of section 290.007, Florida
 2370 Statutes, is amended to read:

2371 290.007 State incentives available in enterprise zones.—The
 2372 following incentives are provided by the state to encourage the
 2373 revitalization of enterprise zones:

2374 (8) Notwithstanding any law to the contrary, the Public
 2375 Service Commission may allow public utilities and
 2376 telecommunications companies to grant discounts of up to 50
 2377 percent on tariffed rates for services to small businesses
 2378 located in an enterprise zone designated pursuant to s.

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2379 290.0065. Such discounts may be granted for a period not to
 2380 exceed 5 years. For purposes of this subsection, the term
 2381 "public utility" has the same meaning as in s. 366.02(8)
 2382 ~~366.02(1)~~ and the term "telecommunications company" has the same
 2383 meaning as in s. 364.02(13).
 2384 Reviser's note.—Amended to conform to the reordering of
 2385 definitions in s. 366.02 by s. 27, ch. 2022-4, Laws of
 2386 Florida.
 2387 Section 63. Subsection (2) of section 295.0185, Florida
 2388 Statutes, is amended to read:
 2389 295.0185 Children of deceased or disabled military
 2390 personnel who die or become disabled in Operation Enduring
 2391 Freedom or Operation Iraqi Freedom; educational opportunity.—
 2392 (2) Sections 295.03-295.05 and 1009.40 shall apply.
 2393 Reviser's note.—Amended to confirm an editorial insertion to
 2394 conform to usage in this chapter.
 2395 Section 64. Subsection (7) of section 295.061, Florida
 2396 Statutes, is amended to read:
 2397 295.061 Active duty servicemembers; death benefits.—
 2398 (7) Benefits provided under subsection (2) or subsection
 2399 (3) shall be paid from the General Revenue Fund. ~~Beginning in~~
 2400 ~~the 2019-2020 fiscal year and continuing~~ Each fiscal year
 2401 ~~thereafter~~, a sum sufficient to pay such benefits is
 2402 appropriated from the General Revenue Fund to the Department of
 2403 Financial Services for the purposes of paying such benefits.
 2404 Reviser's note.—Amended to delete obsolete language.
 2405 Section 65. Subsection (10) of section 322.051, Florida
 2406 Statutes, is amended to read:
 2407 322.051 Identification cards.—

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2408 (10) Notwithstanding any other provision of this section or
 2409 s. 322.21 to the contrary, the department shall issue an
 2410 identification card at no charge to a person who is 80 years of
 2411 age or ~~or~~ older and whose driving privilege is denied due to
 2412 failure to pass a vision test administered pursuant to s.
 2413 322.18(5).
 2414 Reviser's note.—Amended to confirm an editorial substitution to
 2415 conform to context.
 2416 Section 66. Paragraph (f) of subsection (1) of section
 2417 322.21, Florida Statutes, is amended to read:
 2418 322.21 License fees; procedure for handling and collecting
 2419 fees.—
 2420 (1) Except as otherwise provided herein, the fee for:
 2421 (f) An original, renewal, or replacement identification
 2422 card issued pursuant to s. 322.051 is \$25.
 2423 1. An applicant who meets any of the following criteria is
 2424 exempt from the fee under this paragraph for an original,
 2425 renewal, or replacement identification card:
 2426 a. The applicant presents a valid Florida voter's
 2427 registration card to the department and attests that he or she
 2428 is experiencing a financial hardship.
 2429 b. The applicant presents evidence satisfactory to the
 2430 department that he or she is homeless as defined in s.
 2431 414.0252(7).
 2432 c. The applicant presents evidence satisfactory to the
 2433 department that his or her annual income is at or below 100
 2434 percent of the federal poverty level.
 2435 d. The applicant is a juvenile offender who is in the
 2436 custody or under the supervision of the Department of Juvenile

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2437 Justice, who is receiving services pursuant to s. 985.461, and
 2438 whose identification card is issued by the department's mobile
 2439 issuing units.

2440 2. Pursuant to s. 322.051(10), an applicant who is 80 years
 2441 of age or ~~or~~ older and whose driving privilege is denied due to
 2442 failure to pass a vision test administered pursuant to s.
 2443 322.18(5) is exempt from the fee under this paragraph for an
 2444 original identification card.

2445 3. Funds collected from fees for original, renewal, or
 2446 replacement identification cards shall be distributed as
 2447 follows:

2448 a. For an original identification card issued pursuant to
 2449 s. 322.051, the fee shall be deposited into the General Revenue
 2450 Fund.

2451 b. For a renewal identification card issued pursuant to s.
 2452 322.051, \$6 shall be deposited into the Highway Safety Operating
 2453 Trust Fund, and \$19 shall be deposited into the General Revenue
 2454 Fund.

2455 c. For a replacement identification card issued pursuant to
 2456 s. 322.051, \$9 shall be deposited into the Highway Safety
 2457 Operating Trust Fund, and \$16 shall be deposited into the
 2458 General Revenue Fund. Beginning July 1, 2015, or upon completion
 2459 of the transition of the driver license issuance services, if
 2460 the replacement identification card is issued by the tax
 2461 collector, the tax collector shall retain the \$9 that would
 2462 otherwise be deposited into the Highway Safety Operating Trust
 2463 Fund and the remaining revenues shall be deposited into the
 2464 General Revenue Fund.

2465 Reviser's note.—Amended to confirm an editorial substitution to

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2466 conform to context.

2467 Section 67. Paragraph (c) of subsection (1) of section
 2468 327.371, Florida Statutes, is amended to read:

2469 327.371 Human-powered vessels regulated.—

2470 (1) A person may operate a human-powered vessel within the
 2471 boundaries of the marked channel of the Florida Intracoastal
 2472 Waterway as defined in s. 327.02:

2473 (c) When participating in practices or competitions for
 2474 interscholastic, intercollegiate, intramural, or club rowing
 2475 teams affiliated with an educational institution identified in
 2476 s. 1000.21, s. 1002.01(2), s. 1003.01(17) ~~1003.01(2)~~, s.
 2477 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
 2478 the marked channel is not suitable for such practice or
 2479 competition. The teams must use their best efforts to make use
 2480 of the adjacent area outside of the marked channel. The
 2481 commission must be notified in writing of the details of any
 2482 such competition, and the notification must include, but need
 2483 not be limited to, the date, time, and location of the
 2484 competition.

2485 Reviser's note.—Amended to conform to the reordering of
 2486 definitions in s. 1003.01 by this act.

2487 Section 68. Subsection (1) of section 327.4108, Florida
 2488 Statutes, is amended to read:

2489 327.4108 Anchoring of vessels in anchoring limitation
 2490 areas.—

2491 (1) The following densely populated urban areas, which have
 2492 narrow state waterways, residential docking facilities, and
 2493 significant recreational boating traffic, are designated as and
 2494 shall be considered to be grandfathered-in anchoring limitation

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2495 areas, within which a person may not anchor a vessel at any time
 2496 during the period between one-half hour after sunset and one-
 2497 half hour before sunrise, except as provided in subsections (4)
 2498 and (5) ~~(3) and (4)~~:

2499 (a) The section of Middle River lying between Northeast
 2500 21st Court and the Intracoastal Waterway in Broward County.

2501 (b) Sunset Lake in Miami-Dade County.

2502 (c) The sections of Biscayne Bay in Miami-Dade County lying
 2503 between:

2504 1. Rivo Alto Island and Di Lido Island.

2505 2. San Marino Island and San Marco Island.

2506 3. San Marco Island and Biscayne Island.

2507 Reviser's note.—Amended to confirm an editorial substitution to
 2508 conform to the redesignation of subsections by s. 1, ch.
 2509 2021-192, Laws of Florida.

2510 Section 69. Subsections (18) through (21) of section

2511 331.303, Florida Statutes, are reordered and amended to read:

2512 331.303 Definitions.—

2513 (19)~~(18)~~ "Spaceport territory" means the geographical area
 2514 designated in s. 331.304 and as amended or changed in accordance
 2515 with s. 331.329.

2516 (20)~~(19)~~ "Spaceport user" means any person who uses the
 2517 facilities or services of any spaceport; and, for the purposes
 2518 of any exemptions or rights granted under this act, the
 2519 spaceport user shall be deemed a spaceport user only during the
 2520 time period in which the person has in effect a contract,
 2521 memorandum of understanding, or agreement with the spaceport,
 2522 and such rights and exemptions shall be granted with respect to
 2523 transactions relating only to spaceport projects.

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2524 (21)~~(20)~~ "Travel expenses" means the actual, necessary, and
 2525 reasonable costs of transportation, meals, lodging, and
 2526 incidental expenses normally incurred by a traveler, which costs
 2527 are defined and prescribed by rules adopted by Space Florida,
 2528 subject to approval by the Chief Financial Officer.

2529 (18)~~(21)~~ "Spaceport discretionary capacity improvement
 2530 projects" means capacity improvements that enhance space
 2531 transportation capacity at spaceports that have had one or more
 2532 orbital or suborbital flights during the previous calendar year
 2533 or have an agreement in writing for installation of one or more
 2534 regularly scheduled orbital or suborbital flights upon the
 2535 commitment of funds for stipulated spaceport capital
 2536 improvements.

2537 Reviser's note.—Amended to place the definitions in subsections
 2538 (18) through (21) in alphabetical order.

2539 Section 70. Subsection (1) of section 331.3101, Florida
 2540 Statutes, is amended to read:

2541 331.3101 Space Florida; travel and entertainment expenses.—

2542 (1) Notwithstanding the provisions of s. 112.061, Space
 2543 Florida shall adopt rules by which it may make expenditures by
 2544 advancement or reimbursement, or a combination thereof, to Space
 2545 Florida officers and employees; reimburse business clients,
 2546 guests, and authorized persons as defined in s. 112.061(2)(c)
 2547 ~~112.061(2)(e)~~; and make direct payments to third-party vendors:

2548 (a) For travel expenses of such business clients, guests,
 2549 and authorized persons incurred by Space Florida in connection
 2550 with the performance of its statutory duties, and for travel
 2551 expenses incurred by state officials and state employees while
 2552 accompanying such business clients, guests, or authorized

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2553 persons or when authorized by the board or its designee.
 2554 (b) For entertainment expenses of such guests, business
 2555 clients, and authorized persons incurred by Space Florida in
 2556 connection with the performance of its statutory duties, and for
 2557 entertainment expenses incurred for Space Florida officials and
 2558 employees when such expenses are incurred while in the physical
 2559 presence of such business clients, guests, or authorized
 2560 persons.
 2561 Reviser's note.—Amended to conform to the reordering of
 2562 definitions in s. 112.061(2) by this act.
 2563 Section 71. Subsection (5) of section 332.0075, Florida
 2564 Statutes, is amended to read:
 2565 332.0075 Commercial service airports; transparency and
 2566 accountability; penalty.—
 2567 (5) (a) ~~Beginning November 1, 2021, and~~ Each November 1
 2568 ~~thereafter~~, the governing body of each commercial service
 2569 airport shall submit the following information to the
 2570 department:
 2571 1. Its approved budget for the current fiscal year.
 2572 2. Any financial reports submitted to the Federal Aviation
 2573 Administration during the previous calendar year.
 2574 3. A link to its website.
 2575 4. A statement, verified as provided in s. 92.525, that it
 2576 has complied with part III of chapter 112, chapter 287, and this
 2577 section.
 2578 (b) The department shall review the information submitted
 2579 by the governing body of the commercial service airport and
 2580 posted on the airport's website to determine the accuracy of
 2581 such information. ~~Beginning January 15, 2022, and~~ Each January

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2582 15 ~~thereafter~~, the department shall submit to the Governor, the
 2583 President of the Senate, and the Speaker of the House of
 2584 Representatives a report summarizing commercial service airport
 2585 compliance with this section.
 2586 Reviser's note.—Amended to delete obsolete language.
 2587 Section 72. Section 337.023, Florida Statutes, is amended
 2588 to read:
 2589 337.023 Sale of building; acceptance of replacement
 2590 building.—Notwithstanding the provisions of s. 216.292(4)(c)
 2591 ~~216.292(2)(b)2~~, if the department sells a building, the
 2592 department may accept the construction of a replacement
 2593 building, in response to a request for proposals, totally or
 2594 partially in lieu of cash, and may do so without a specific
 2595 legislative appropriation. Such action is subject to the
 2596 approval of the Executive Office of the Governor, and is subject
 2597 to the notice, review, and objection procedures under s.
 2598 216.177. The replacement building shall be consistent with the
 2599 current and projected needs of the department as agreed upon by
 2600 the department and the Department of Management Services.
 2601 Reviser's note.—Amended to correct a cross-reference to conform
 2602 to the location of the referenced subject matter at the
 2603 time s. 337.023 was created by s. 51, ch. 97-278, Laws of
 2604 Florida. Section 216.292(4)(b), Florida Statutes 1997,
 2605 related to a request for transfer of excess funds when the
 2606 appropriated money for the named fixed capital outlay
 2607 project was found to be more than needed to complete the
 2608 project. That language is currently found at s.
 2609 216.292(4)(c).
 2610 Section 73. Paragraph (c) of subsection (1) of section

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2611 348.0305, Florida Statutes, is amended to read:

2612 348.0305 Ethics requirements.—

2613 (1) Notwithstanding any other provision of law to the
2614 contrary, members and employees of the agency are subject to
2615 part III of chapter 112. As used in this section, the term:

2616 (c) "Lobbyist" means a person who is employed and receives
2617 payment, or who contracts for economic consideration, to lobby
2618 or a person who is principally employed for governmental affairs
2619 by another person or entity to lobby on behalf of such person or
2620 entity. The term does not include a person who:

2621 1. Represents a client in a judicial proceeding or in a
2622 formal administrative proceeding before the agency.

2623 2. Is an officer or employee of any governmental entity
2624 acting in the normal course of his or her duties.

2625 3. Consults under contract with the agency and communicates
2626 with the agency regarding issues related to the scope of
2627 services in his or her contract.

2628 4. Is an expert witness who is retained or employed by an
2629 employer, principal, or client to provide only scientific,
2630 technical, or other specialized information provided in agenda
2631 materials or testimony only in public hearings, provided the
2632 expert identifies such employer, principal, or client at such
2633 hearing.

2634 5. Seeks to procure a contract that is less than \$20,000 or
2635 a contract pursuant to s. 287.056.

2636 Reviser's note.—Amended to improve clarity.

2637 Section 74. Subsection (5) of section 373.0363, Florida
2638 Statutes, is amended to read:

2639 373.0363 Southern Water Use Caution Area Recovery

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2640 Strategy.—

2641 (5) As part of the consolidated annual report required
2642 pursuant to s. 373.036(7), the district may include:

2643 (a) A summary of the conditions of the Southern Water Use
2644 Caution Area, including the status of the components of the
2645 West-Central Florida Water Restoration Action Plan.

2646 (b) An annual accounting of the expenditure of funds. The
2647 accounting must, at a minimum, provide details of expenditures
2648 separately by plan component and any subparts of a plan
2649 component, and include specific information about amount and use
2650 of funds from federal, state, and local government sources. In
2651 detailing the use of these funds, the district shall indicate
2652 those funds that are designated to meet requirements for
2653 matching funds.

2654 Reviser's note.—Amended to improve clarity.

2655 Section 75. Paragraph (b) of subsection (2) of section
2656 377.814, Florida Statutes, is amended to read:

2657 377.814 Municipal Solid Waste-to-Energy Program.—

2658 (2) DEFINITIONS.—For purposes of this section, the term:

2659 (b) "Municipal solid waste-to-energy facility" means a
2660 publicly owned facility that uses an enclosed device using
2661 controlled combustion to thermally break down solid waste to an
2662 ash residue that contains little or no combustible material and
2663 that produces electricity, steam, or other energy as a result.
2664 The term does not include facilities that primarily burn fuels
2665 other than solid waste even if such facilities also burn some
2666 solid waste as a fuel supplement. The term also does not include
2667 facilities that primarily burn vegetative, agricultural, or
2668 silvicultural wastes, bagasse, clean dry wood, methane or other

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landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 76. Paragraph (d) of subsection (2) of section 379.2273, Florida Statutes, is amended to read:

379.2273 Florida Red Tide Mitigation and Technology Development Initiative; Initiative Technology Advisory Council.—

(2) The Florida Red Tide Mitigation and Technology Development Initiative is established as a partnership between the Fish and Wildlife Research Institute within the commission and Mote Marine Laboratory.

(d) ~~Beginning January 15, 2021, and~~ Each January 15 ~~thereafter~~ until its expiration, the initiative shall submit a report that contains an overview of its accomplishments to date and priorities for subsequent years to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Fish and Wildlife Conservation Commission.

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

Section 77. Paragraph (c) of subsection (1) of section 381.00319, Florida Statutes, is amended to read:

381.00319 Prohibition on COVID-19 vaccination mandates for students.—

(1) For purposes of this section, the term:

(c) "Parent" has the same meaning as in s. 1000.21(6) ~~1000.21(5)~~.

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Reviser's note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 78. Paragraph (e) of subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location,

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2727 and installation conditions or repair of an onsite sewage
 2728 treatment and disposal system remains the same, a construction
 2729 or repair permit for the onsite sewage treatment and disposal
 2730 system may be transferred to another person, if the transferee
 2731 files, within 60 days after the transfer of ownership, an
 2732 amended application providing all corrected information and
 2733 proof of ownership of the property. A fee is not associated with
 2734 the processing of this supplemental information. A person may
 2735 not contract to construct, modify, alter, repair, service,
 2736 abandon, or maintain any portion of an onsite sewage treatment
 2737 and disposal system without being registered under part III of
 2738 chapter 489. A property owner who personally performs
 2739 construction, maintenance, or repairs to a system serving his or
 2740 her own owner-occupied single-family residence is exempt from
 2741 registration requirements for performing such construction,
 2742 maintenance, or repairs on that residence, but is subject to all
 2743 permitting requirements. A municipality or political subdivision
 2744 of the state may not issue a building or plumbing permit for any
 2745 building that requires the use of an onsite sewage treatment and
 2746 disposal system unless the owner or builder has received a
 2747 construction permit for such system from the department. A
 2748 building or structure may not be occupied and a municipality,
 2749 political subdivision, or any state or federal agency may not
 2750 authorize occupancy until the department approves the final
 2751 installation of the onsite sewage treatment and disposal system.
 2752 A municipality or political subdivision of the state may not
 2753 approve any change in occupancy or tenancy of a building that
 2754 uses an onsite sewage treatment and disposal system until the
 2755 department has reviewed the use of the system with the proposed

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2756 change, approved the change, and amended the operating permit.
 2757 (e) The department shall adopt rules relating to the
 2758 location of onsite sewage treatment and disposal systems,
 2759 including establishing setback distances, to prevent groundwater
 2760 contamination and surface water contamination and to preserve
 2761 the public health. ~~The rulemaking process for such rules must be~~
 2762 ~~completed by July 1, 2022, and the department shall notify the~~
 2763 ~~Division of Law Revision of the date such rules take effect.~~ The
 2764 rules must consider conventional and enhanced nutrient-reducing
 2765 onsite sewage treatment and disposal system designs, impaired or
 2766 degraded water bodies, domestic wastewater and drinking water
 2767 infrastructure, potable water sources, nonpotable wells,
 2768 stormwater infrastructure, the onsite sewage treatment and
 2769 disposal system remediation plans developed pursuant to s.
 2770 403.067(7)(a)9.b., nutrient pollution, and the recommendations
 2771 of the onsite sewage treatment and disposal systems technical
 2772 advisory committee established pursuant to s. 381.00652. The
 2773 rules must also allow a person to apply for and receive a
 2774 variance from a rule requirement upon demonstration that the
 2775 requirement would cause an undue hardship and granting the
 2776 variance would not cause or contribute to the exceedance of a
 2777 total maximum daily load.
 2778 Reviser's note.—Amended to confirm the deletion of obsolete
 2779 language to conform to the Department of Environmental
 2780 Protection's notification to the Division of Law Revision
 2781 that the rules became effective June 21, 2022.
 2782 Section 79. Paragraph (k) of subsection (3) of section
 2783 383.145, Florida Statutes, is amended to read:
 2784 383.145 Newborn and infant hearing screening.—

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2785 (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE
 2786 COVERAGE; REFERRAL FOR ONGOING SERVICES.—
 2787 (k) The initial procedure for screening the hearing of the
 2788 newborn or infant and any medically necessary follow-up
 2789 reevaluations leading to diagnosis shall be a covered benefit
 2790 for Medicaid patients covered by a fee-for-service program. For
 2791 Medicaid patients enrolled in HMOs, providers shall be
 2792 reimbursed directly by the Medicaid Program Office at the
 2793 Medicaid rate. This service may not be considered a covered
 2794 service for the purposes of establishing the payment rate for
 2795 Medicaid HMOs. All health insurance policies and health
 2796 maintenance organizations as provided under ss. 627.6416,
 2797 627.6579, and 641.31(30), except for supplemental policies that
 2798 only provide coverage for specific diseases, hospital indemnity,
 2799 or Medicare supplement, or to the supplemental policies ~~polices~~,
 2800 shall compensate providers for the covered benefit at the
 2801 contracted rate. Nonhospital-based providers are eligible to
 2802 bill Medicaid for the professional and technical component of
 2803 each procedure code.
 2804 Reviser's note.—Amended to confirm an editorial substitution to
 2805 conform to context.
 2806 Section 80. Section 394.4573, Florida Statutes, is amended
 2807 to read:
 2808 394.4573 Coordinated system of care; annual assessment;
 2809 essential elements; measures of performance; system improvement
 2810 grants; reports.—On or before December 1 of each year, the
 2811 department shall submit to the Governor, the President of the
 2812 Senate, and the Speaker of the House of Representatives an
 2813 assessment of the behavioral health services in this state. The

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2814 assessment shall consider, at a minimum, the extent to which
 2815 designated receiving systems function as no-wrong-door models,
 2816 the availability of treatment and recovery services that use
 2817 recovery-oriented and peer-involved approaches, the availability
 2818 of less-restrictive services, and the use of evidence-informed
 2819 practices. The assessment shall also consider the availability
 2820 of and access to coordinated specialty care programs and
 2821 identify any gaps in the availability of and access to such
 2822 programs in the state. The department's assessment shall
 2823 consider, at a minimum, the needs assessments conducted by the
 2824 managing entities pursuant to s. 394.9082(5). ~~Beginning in 2017,~~
 2825 The department shall compile and include in the report all plans
 2826 submitted by managing entities pursuant to s. 394.9082(8) and
 2827 the department's evaluation of each plan.
 2828 (1) As used in this section:
 2829 (a) "Care coordination" means the implementation of
 2830 deliberate and planned organizational relationships and service
 2831 procedures that improve the effectiveness and efficiency of the
 2832 behavioral health system by engaging in purposeful interactions
 2833 with individuals who are not yet effectively connected with
 2834 services to ensure service linkage. Examples of care
 2835 coordination activities include development of referral
 2836 agreements, shared protocols, and information exchange
 2837 procedures. The purpose of care coordination is to enhance the
 2838 delivery of treatment services and recovery supports and to
 2839 improve outcomes among priority populations.
 2840 (b) "Case management" means those direct services provided
 2841 to a client in order to assess his or her needs, plan or arrange
 2842 services, coordinate service providers, link the service system

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2843 to a client, monitor service delivery, and evaluate patient
 2844 outcomes to ensure the client is receiving the appropriate
 2845 services.

2846 (c) "Coordinated system of care" means the full array of
 2847 behavioral and related services in a region or community offered
 2848 by all service providers, whether participating under contract
 2849 with the managing entity or by another method of community
 2850 partnership or mutual agreement.

2851 (d) "No-wrong-door model" means a model for the delivery of
 2852 acute care services to persons who have mental health or
 2853 substance use disorders, or both, which optimizes access to
 2854 care, regardless of the entry point to the behavioral health
 2855 care system.

2856 (2) The essential elements of a coordinated system of care
 2857 include:

2858 (a) Community interventions, such as prevention, primary
 2859 care for behavioral health needs, therapeutic and supportive
 2860 services, crisis response services, and diversion programs.

2861 (b) A designated receiving system that consists of one or
 2862 more facilities serving a defined geographic area and
 2863 responsible for assessment and evaluation, both voluntary and
 2864 involuntary, and treatment or triage of patients who have a
 2865 mental health or substance use disorder, or co-occurring
 2866 disorders.

2867 1. A county or several counties shall plan the designated
 2868 receiving system using a process that includes the managing
 2869 entity and is open to participation by individuals with
 2870 behavioral health needs and their families, service providers,
 2871 law enforcement agencies, and other parties. The county or

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2872 counties, in collaboration with the managing entity, shall
 2873 document the designated receiving system through written
 2874 memoranda of agreement or other binding arrangements. The county
 2875 or counties and the managing entity shall complete the plan and
 2876 implement the designated receiving system by July 1, 2017, and
 2877 the county or counties and the managing entity shall review and
 2878 update, as necessary, the designated receiving system at least
 2879 once every 3 years.

2880 2. To the extent permitted by available resources, the
 2881 designated receiving system shall function as a no-wrong-door
 2882 model. The designated receiving system may be organized in any
 2883 manner which functions as a no-wrong-door model that responds to
 2884 individual needs and integrates services among various
 2885 providers. Such models include, but are not limited to:

2886 a. A central receiving system that consists of a designated
 2887 central receiving facility that serves as a single entry point
 2888 for persons with mental health or substance use disorders, or
 2889 co-occurring disorders. The central receiving facility shall be
 2890 capable of assessment, evaluation, and triage or treatment or
 2891 stabilization of persons with mental health or substance use
 2892 disorders, or co-occurring disorders.

2893 b. A coordinated receiving system that consists of multiple
 2894 entry points that are linked by shared data systems, formal
 2895 referral agreements, and cooperative arrangements for care
 2896 coordination and case management. Each entry point shall be a
 2897 designated receiving facility and shall, within existing
 2898 resources, provide or arrange for necessary services following
 2899 an initial assessment and evaluation.

2900 c. A tiered receiving system that consists of multiple

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entry points, some of which offer only specialized or limited services. Each service provider shall be classified according to its capabilities as either a designated receiving facility or another type of service provider, such as a triage center, a licensed detoxification facility, or an access center. All participating service providers shall, within existing resources, be linked by methods to share data, formal referral agreements, and cooperative arrangements for care coordination and case management.

An accurate inventory of the participating service providers which specifies the capabilities and limitations of each provider and its ability to accept patients under the designated receiving system agreements and the transportation plan developed pursuant to this section shall be maintained and made available at all times to all first responders in the service area.

(c) Transportation in accordance with a plan developed under s. 394.462.

(d) Crisis services, including mobile response teams, crisis stabilization units, addiction receiving facilities, and detoxification facilities.

(e) Case management. Each case manager or person directly supervising a case manager who provides Medicaid-funded targeted case management services shall hold a valid certification from a department-approved credentialing entity as defined in s. 397.311(10) by July 1, 2017, and, thereafter, within 6 months after hire.

(f) Care coordination that involves coordination with other

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local systems and entities, public and private, which are involved with the individual, such as primary care, child welfare, behavioral health care, and criminal and juvenile justice organizations.

(g) Outpatient services.

(h) Residential services.

(i) Hospital inpatient care.

(j) Aftercare and other postdischarge services.

(k) Medication-assisted treatment and medication management.

(l) Recovery support, including, but not limited to, the use of peer specialists to assist in the individual's recovery from a substance use disorder or mental illness; support for competitive employment, educational attainment, independent living skills development, family support and education, wellness management, and self-care; and assistance in obtaining housing that meets the individual's needs. Such housing may include mental health residential treatment facilities, limited mental health assisted living facilities, adult family care homes, and supportive housing. Housing provided using state funds must provide a safe and decent environment free from abuse and neglect.

(m) Care plans shall assign specific responsibility for initial and ongoing evaluation of the supervision and support needs of the individual and the identification of housing that meets such needs. For purposes of this paragraph, the term "supervision" means oversight of and assistance with compliance with the clinical aspects of an individual's care plan.

(n) Coordinated specialty care programs.

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2959 (3) Subject to a specific appropriation by the Legislature,
 2960 the department may award system improvement grants to managing
 2961 entities based on a detailed plan to enhance services in
 2962 accordance with the no-wrong-door model as defined in subsection
 2963 (1) and to address specific needs identified in the assessment
 2964 prepared by the department pursuant to this section. Such a
 2965 grant must be awarded through a performance-based contract that
 2966 links payments to the documented and measurable achievement of
 2967 system improvements.

2968 Reviser's note.—Amended to delete obsolete language.

2969 Section 81. Paragraph (d) of subsection (5) of section
 2970 394.459, Florida Statutes, is amended to read:

2971 394.459 Rights of patients.—

2972 (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

2973 (d) If a patient's right to communicate with outside
 2974 persons; receive, send, or mail sealed, unopened correspondence;
 2975 or receive visitors is restricted by the facility, written
 2976 notice of such restriction and the reasons for the restriction
 2977 shall be served on the patient, the patient's attorney, and the
 2978 patient's guardian, guardian advocate, or representative. ~~A~~ A
 2979 qualified professional must document any restriction within 24
 2980 hours, and such restriction shall be recorded on the patient's
 2981 clinical record with the reasons therefor. The restriction of a
 2982 patient's right to communicate or to receive visitors shall be
 2983 reviewed at least every 3 days. The right to communicate or
 2984 receive visitors shall not be restricted as a means of
 2985 punishment. Nothing in this paragraph shall be construed to
 2986 limit the provisions of paragraph (e).

2987 Reviser's note.—Amended to improve sentence structure.

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2988 Section 82. Subsection (1) of section 394.9086, Florida
 2989 Statutes, is amended to read:

2990 394.9086 Commission on Mental Health and Substance Abuse.—

2991 (1) CREATION.—The Commission on Mental Health and Substance
 2992 Abuse, a commission as defined in s. 20.03(4) ~~20-03(10)~~, is
 2993 created adjunct to the department. The department shall provide
 2994 administrative and staff support services relating to the
 2995 functions of the commission.

2996 Reviser's note.—Amended to conform to the reordering of
 2997 definitions in s. 20.03 by this act.

2998 Section 83. Subsection (2) and paragraph (d) of subsection
 2999 (3) of section 395.1041, Florida Statutes, are amended to read:

3000 395.1041 Access to and ensurance of emergency services;
 3001 transfers; patient rights; diversion programs; reports of
 3002 controlled substance overdoses.—

3003 (2) INVENTORY OF HOSPITAL EMERGENCY SERVICES.—The agency
 3004 shall establish and maintain an inventory of hospitals with
 3005 emergency services. The inventory shall list all services within
 3006 the service capability of the hospital, and such services shall
 3007 appear on the face of the hospital license. Each hospital having
 3008 emergency services shall notify the agency of its service
 3009 capability in the manner and form prescribed by the agency. The
 3010 agency shall use the inventory to assist emergency medical
 3011 services providers and others in locating appropriate emergency
 3012 medical care. The inventory shall also be made available to the
 3013 general public. ~~On or before August 1, 1992, the agency shall~~
 3014 ~~request that each hospital identify the services which are~~
 3015 ~~within its service capability. On or before November 1, 1992,~~
 3016 ~~the agency shall notify each hospital of the service capability~~

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to be included in the inventory. The hospital has 15 days from the date of receipt to respond to the notice. By December 1, 1992, the agency shall publish a final inventory. Each hospital shall reaffirm its service capability when its license is renewed and shall notify the agency of the addition of a new service or the termination of a service prior to a change in its service capability.

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(d)1. Every hospital shall ensure the provision of services within the service capability of the hospital, at all times, either directly or indirectly through an arrangement with another hospital, through an arrangement with one or more physicians, or as otherwise made through prior arrangements. A hospital may enter into an agreement with another hospital for purposes of meeting its service capability requirement, and appropriate compensation or other reasonable conditions may be negotiated for these backup services.

2. If any arrangement requires the provision of emergency medical transportation, such arrangement must be made in consultation with the applicable provider and may not require the emergency medical service provider to provide transportation that is outside the routine service area of that provider or in a manner that impairs the ability of the emergency medical service provider to timely respond to prehospital emergency calls.

3. A hospital shall not be required to ensure service capability at all times as required in subparagraph 1. if, prior to the receiving of any patient needing such service capability,

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such hospital has demonstrated to the agency that it lacks the ability to ensure such capability and it has exhausted all reasonable efforts to ensure such capability through backup arrangements. In reviewing a hospital's demonstration of lack of ability to ensure service capability, the agency shall consider factors relevant to the particular case, including the following:

a. Number and proximity of hospitals with the same service capability.

b. Number, type, credentials, and privileges of specialists.

c. Frequency of procedures.

d. Size of hospital.

4. The agency shall publish proposed rules implementing a reasonable exemption procedure ~~by November 1, 1992. Subparagraph 1. shall become effective upon the effective date of said rules or January 31, 1993, whichever is earlier. For a period not to exceed 1 year from the effective date of subparagraph 1., a hospital requesting an exemption shall be deemed to be exempt from offering the service until the agency initially acts to deny or grant the original request. The agency has 45 days from the date of receipt of the request to approve or deny the request. After the first year from the effective date of subparagraph 1., if the agency fails to initially act within the time period, the hospital is deemed to be exempt from offering the service until the agency initially acts to deny the request.~~ Reviser's note.—Amended to delete obsolete language.

Section 84. Subsection (5) of section 395.1065, Florida Statutes, is amended to read:

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3075 395.1065 Criminal and administrative penalties;
 3076 moratorium.—
 3077 (5) The agency shall impose a fine of \$500 for each
 3078 instance of the facility's failure to provide the information
 3079 required by rules adopted pursuant to s. 395.1055(1)(g)
 3080 ~~395.1055(1)(f)~~.
 3081 Reviser's note.—Amended to correct an erroneous cross-reference
 3082 in the amendment by s. 15, ch. 2022-5, Laws of Florida.
 3083 Section 85. Paragraph (r) of subsection (1) of section
 3084 400.141, Florida Statutes, is amended to read:
 3085 400.141 Administration and management of nursing home
 3086 facilities.—
 3087 (1) Every licensed facility shall comply with all
 3088 applicable standards and rules of the agency and shall:
 3089 (r) Maintain in the medical record for each resident a
 3090 daily chart of direct care services provided to the resident.
 3091 The direct care staff caring for the resident must complete this
 3092 record by the end of his or her shift. This record must indicate
 3093 assistance with activities of daily living, assistance with
 3094 eating, and assistance with drinking, and must record each
 3095 offering of nutrition and hydration for those residents whose
 3096 plan of care or assessment indicates a risk for malnutrition or
 3097 dehydration.
 3098 Reviser's note.—Amended to confirm the editorial reinsertion of
 3099 the word "and," which was deleted as part of the amendment
 3100 by s. 5, ch. 2022-61, Laws of Florida, for clarity.
 3101 Section 86. Subsection (20) of section 401.23, Florida
 3102 Statutes, is amended to read:
 3103 401.23 Definitions.—As used in this part, the term:

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3104 (20) "Physician" means a practitioner who is licensed under
 3105 the provisions of chapter 458 or chapter 459. For the purpose of
 3106 providing medical direction ~~subsection (14)~~ for the treatment of
 3107 patients immediately before or during transportation to a United
 3108 States Department of Veterans Affairs medical facility,
 3109 "physician" also means a practitioner employed by the United
 3110 States Department of Veterans Affairs.
 3111 Reviser's note.—Amended to confirm an editorial deletion to
 3112 correct an apparent coding error in s. 1, ch. 2022-35, Laws
 3113 of Florida.
 3114 Section 87. Paragraph (c) of subsection (3) of section
 3115 409.1465, Florida Statutes, is amended to read:
 3116 409.1465 Grants to address the needs of fathers.—
 3117 (3) The department shall prioritize applicants for a grant
 3118 specified under subsection (2) based on:
 3119 (c) Applicant involvement, current and historical,
 3120 ~~involvement~~ in the community being served.
 3121 Reviser's note.—Amended to improve clarity.
 3122 Section 88. Paragraph (b) of subsection (7) of section
 3123 409.147, Florida Statutes, is amended to read:
 3124 409.147 Children's initiatives.—
 3125 (7) CHILDREN'S INITIATIVE CORPORATION.—
 3126 (b) The Ounce of ~~Prevention~~ must provide technical
 3127 assistance to the corporation to facilitate achievement of the
 3128 plans created under subsection (6).
 3129 Reviser's note.—Amended to confirm an editorial deletion to
 3130 conform to paragraph (3)(b) of this section, which defines
 3131 the term "Ounce" as meaning the Ounce of Prevention Fund of
 3132 Florida, Inc.

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3133 Section 89. Subsection (2) of section 409.1664, Florida
3134 Statutes, is amended to read:

3135 409.1664 Adoption benefits for qualifying adoptive
3136 employees of state agencies, veterans, servicemembers, and law
3137 enforcement officers.—

3138 (2) A qualifying adoptive employee, veteran, or
3139 servicemember who adopts a child within the child welfare system
3140 who is difficult to place as described in s. 409.166(2)(d)2. is
3141 eligible to receive a lump-sum monetary benefit in the amount of
3142 \$10,000 per such child, subject to applicable taxes. A law
3143 enforcement officer who adopts a child within the child welfare
3144 system who is difficult to place as ~~has special needs~~ described
3145 in s. 409.166(2)(d)2. ~~409.166(2)(a)2.~~ is eligible to receive a
3146 lump-sum monetary benefit in the amount of \$25,000 per such
3147 child, subject to applicable taxes. A qualifying adoptive
3148 employee, veteran, or servicemember who adopts a child within
3149 the child welfare system who is not difficult to place as
3150 described in s. 409.166(2)(d)2. is eligible to receive a lump-
3151 sum monetary benefit in the amount of \$5,000 per such child,
3152 subject to applicable taxes. A law enforcement officer who
3153 adopts a child within the child welfare system who is not
3154 difficult to place as ~~does not have special needs~~ described in
3155 s. 409.166(2)(d)2. ~~409.166(2)(a)2.~~ is eligible to receive a
3156 lump-sum monetary benefit in the amount of \$10,000 per each such
3157 child, subject to applicable taxes. A qualifying adoptive
3158 employee of a charter school or the Florida Virtual School may
3159 retroactively apply for the monetary benefit provided in this
3160 subsection if such employee was employed by a charter school or
3161 the Florida Virtual School when he or she adopted a child within

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3162 the child welfare system pursuant to chapter 63 on or after July
3163 1, 2015. A veteran or servicemember may apply for the monetary
3164 benefit provided in this subsection if he or she is domiciled in
3165 this state and adopts a child within the child welfare system
3166 pursuant to chapter 63 on or after July 1, 2020. A law
3167 enforcement officer may apply for the monetary benefit provided
3168 in this subsection if he or she is domiciled in this state and
3169 adopts a child within the child welfare system pursuant to
3170 chapter 63 on or after July 1, 2022.

3171 (a) Benefits paid to a qualifying adoptive employee who is
3172 a part-time employee must be prorated based on the qualifying
3173 adoptive employee's full-time equivalency at the time of
3174 applying for the benefits.

3175 (b) Monetary benefits awarded under this subsection are
3176 limited to one award per adopted child within the child welfare
3177 system.

3178 (c) The payment of a lump-sum monetary benefit for adopting
3179 a child within the child welfare system under this section is
3180 subject to a specific appropriation to the department for such
3181 purpose.

3182 Reviser's note.—Amended to confirm editorial substitutions
3183 required to compile amendments by s. 3, ch. 2022-23, Laws
3184 of Florida, and s. 5, ch. 2022-55, Laws of Florida.

3185 Section 90. Subsections (3) and (4) of section 409.2557,
3186 Florida Statutes, are amended to read:

3187 409.2557 State agency for administering child support
3188 enforcement program.—

3189 (3) ~~SPECIFIC RULEMAKING AUTHORITY.~~—The department has the
3190 authority to adopt rules pursuant to ss. 120.536(1) and 120.54

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3191 to implement all laws administered by the department in its
 3192 capacity as the Title IV-D agency for this state including, but
 3193 not limited to, the following:

- 3194 (a) Background screening of department employees and
- 3195 applicants, including criminal records checks;
- 3196 (b) Confidentiality and retention of department records;
- 3197 access to records; record requests;
- 3198 (c) Department trust funds;
- 3199 (d) Federal funding procedures;
- 3200 (e) Agreements with law enforcement and other state
- 3201 agencies; National Crime Information Center (NCIC) access;
- 3202 Parent Locator Service access;
- 3203 (f) Written agreements entered into between the department
- 3204 and support obligors in establishment, enforcement, and
- 3205 modification proceedings;
- 3206 (g) Procurement of services by the department, pilot
- 3207 programs, and demonstration projects;
- 3208 (h) Management of cases by the department involving any
- 3209 documentation or procedures required by federal or state law,
- 3210 including, but not limited to, cooperation; review and
- 3211 adjustment; audits; interstate actions; diligent efforts for
- 3212 service of process;
- 3213 (i) Department procedures for orders for genetic testing;
- 3214 subpoenas to establish, enforce, or modify orders; increasing
- 3215 the amount of monthly obligations to secure delinquent support;
- 3216 suspending or denying driver and professional licenses and
- 3217 certificates; fishing and hunting license suspensions;
- 3218 suspending vehicle and vessel registrations; screening
- 3219 applicants for new or renewal licenses, registrations, or

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- 3220 certificates; income deduction; credit reporting and accessing;
- 3221 tax refund intercepts; passport denials; liens; financial
- 3222 institution data matches; expedited procedures; medical support;
- 3223 and all other responsibilities of the department as required by
- 3224 state or federal law;
- 3225 (j) Collection and disbursement of support and alimony
- 3226 payments by the department as required by federal law;
- 3227 collection of genetic testing costs and other costs awarded by
- 3228 the court;
- 3229 (k) Report information to and receive information from
- 3230 other agencies and entities;
- 3231 (l) Provide location services, including accessing from and
- 3232 reporting to federal and state agencies;
- 3233 (m) Privatizing location, establishment, enforcement,
- 3234 modification, and other functions;
- 3235 (n) State case registry;
- 3236 (o) State disbursement unit;
- 3237 (p) Administrative proceedings to establish paternity or
- 3238 establish paternity and child support, orders to appear for
- 3239 genetic testing, and administrative proceedings to establish
- 3240 child support obligations; and
- 3241 (q) All other responsibilities of the department as
- 3242 required by state or federal law.
- 3243 (4) The department shall establish on its website a
- 3244 dedicated web page that provides information to obligors who
- 3245 have difficulty paying child support due to economic hardship.
- 3246 There must be a link to such web page on the main child support
- 3247 web page. The web page must be in plain language and include, at
- 3248 a minimum, information on how an obligor can modify a child

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3249 support order, information on how to access services from
 3250 CareerSource Florida, Inc., and the organizations awarded grants
 3251 under s. 409.25996, and a link to the website for CareerSource
 3252 Florida, Inc.
 3253 Reviser's note.—Subsection (3) is amended to conform to the fact
 3254 that all other subsections in s. 409.2557 do not have
 3255 subsection catchlines. Subsection (4) is amended to confirm
 3256 the editorial insertion of the word "Inc." to conform to
 3257 the full name of the corporation.
 3258 Section 91. Paragraph (c) of subsection (9) of section
 3259 409.2564, Florida Statutes, is amended to read:
 3260 409.2564 Actions for support.—
 3261 (9)
 3262 (c) All written notices provided to an obligor regarding
 3263 delinquent support must include information on how the obligor
 3264 can access the web page required under s. 409.2557(4) and how to
 3265 access services through CareerSource Florida, Inc., and the
 3266 organizations that are awarded grants under s. 409.25996.
 3267 Reviser's note.—Amended to confirm the editorial insertion of
 3268 the word "Inc." to conform to the full name of the
 3269 corporation.
 3270 Section 92. Paragraph (a) of subsection (5) of section
 3271 409.912, Florida Statutes, is amended to read:
 3272 409.912 Cost-effective purchasing of health care.—The
 3273 agency shall purchase goods and services for Medicaid recipients
 3274 in the most cost-effective manner consistent with the delivery
 3275 of quality medical care. To ensure that medical services are
 3276 effectively utilized, the agency may, in any case, require a
 3277 confirmation or second physician's opinion of the correct

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3278 diagnosis for purposes of authorizing future services under the
 3279 Medicaid program. This section does not restrict access to
 3280 emergency services or poststabilization care services as defined
 3281 in 42 C.F.R. s. 438.114. Such confirmation or second opinion
 3282 shall be rendered in a manner approved by the agency. The agency
 3283 shall maximize the use of prepaid per capita and prepaid
 3284 aggregate fixed-sum basis services when appropriate and other
 3285 alternative service delivery and reimbursement methodologies,
 3286 including competitive bidding pursuant to s. 287.057, designed
 3287 to facilitate the cost-effective purchase of a case-managed
 3288 continuum of care. The agency shall also require providers to
 3289 minimize the exposure of recipients to the need for acute
 3290 inpatient, custodial, and other institutional care and the
 3291 inappropriate or unnecessary use of high-cost services. The
 3292 agency shall contract with a vendor to monitor and evaluate the
 3293 clinical practice patterns of providers in order to identify
 3294 trends that are outside the normal practice patterns of a
 3295 provider's professional peers or the national guidelines of a
 3296 provider's professional association. The vendor must be able to
 3297 provide information and counseling to a provider whose practice
 3298 patterns are outside the norms, in consultation with the agency,
 3299 to improve patient care and reduce inappropriate utilization.
 3300 The agency may mandate prior authorization, drug therapy
 3301 management, or disease management participation for certain
 3302 populations of Medicaid beneficiaries, certain drug classes, or
 3303 particular drugs to prevent fraud, abuse, overuse, and possible
 3304 dangerous drug interactions. The Pharmaceutical and Therapeutics
 3305 Committee shall make recommendations to the agency on drugs for
 3306 which prior authorization is required. The agency shall inform

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3307 the Pharmaceutical and Therapeutics Committee of its decisions
 3308 regarding drugs subject to prior authorization. The agency is
 3309 authorized to limit the entities it contracts with or enrolls as
 3310 Medicaid providers by developing a provider network through
 3311 provider credentialing. The agency may competitively bid single-
 3312 source-provider contracts if procurement of goods or services
 3313 results in demonstrated cost savings to the state without
 3314 limiting access to care. The agency may limit its network based
 3315 on the assessment of beneficiary access to care, provider
 3316 availability, provider quality standards, time and distance
 3317 standards for access to care, the cultural competence of the
 3318 provider network, demographic characteristics of Medicaid
 3319 beneficiaries, practice and provider-to-beneficiary standards,
 3320 appointment wait times, beneficiary use of services, provider
 3321 turnover, provider profiling, provider licensure history,
 3322 previous program integrity investigations and findings, peer
 3323 review, provider Medicaid policy and billing compliance records,
 3324 clinical and medical record audits, and other factors. Providers
 3325 are not entitled to enrollment in the Medicaid provider network.
 3326 The agency shall determine instances in which allowing Medicaid
 3327 beneficiaries to purchase durable medical equipment and other
 3328 goods is less expensive to the Medicaid program than long-term
 3329 rental of the equipment or goods. The agency may establish rules
 3330 to facilitate purchases in lieu of long-term rentals in order to
 3331 protect against fraud and abuse in the Medicaid program as
 3332 defined in s. 409.913. The agency may seek federal waivers
 3333 necessary to administer these policies.

3334 (5)(a) The agency shall implement a Medicaid prescribed-
 3335 drug spending-control program that includes the following

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3336 components:

3337 1. A Medicaid preferred drug list, which shall be a listing
 3338 of cost-effective therapeutic options recommended by the
 3339 Medicaid Pharmacy and Therapeutics Committee established
 3340 pursuant to s. 409.91195 and adopted by the agency for each
 3341 therapeutic class on the preferred drug list. At the discretion
 3342 of the committee, and when feasible, the preferred drug list
 3343 should include at least two products in a therapeutic class. The
 3344 agency may post the preferred drug list and updates to the list
 3345 on an Internet website without following the rulemaking
 3346 procedures of chapter 120. Antiretroviral agents are excluded
 3347 from the preferred drug list. The agency shall also limit the
 3348 amount of a prescribed drug dispensed to no more than a 34-day
 3349 supply unless the drug products' smallest marketed package is
 3350 greater than a 34-day supply, or the drug is determined by the
 3351 agency to be a maintenance drug in which case a 100-day maximum
 3352 supply may be authorized. The agency may seek any federal
 3353 waivers necessary to implement these cost-control programs and
 3354 to continue participation in the federal Medicaid rebate
 3355 program, or alternatively to negotiate state-only manufacturer
 3356 rebates. The agency may adopt rules to administer this
 3357 subparagraph. The agency shall continue to provide unlimited
 3358 contraceptive drugs and items. The agency must establish
 3359 procedures to ensure that:

3360 a. There is a response to a request for prior authorization
 3361 by telephone or other telecommunication device within 24 hours
 3362 after receipt of a request for prior authorization; and

3363 b. A 72-hour supply of the drug prescribed is provided in
 3364 an emergency or when the agency does not provide a response

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within 24 hours as required by sub-subparagraph a.

2. A provider of prescribed drugs is reimbursed in an amount not to exceed the lesser of the actual acquisition cost based on the Centers for Medicare and Medicaid Services National Average Drug Acquisition Cost pricing files plus a professional dispensing fee, the wholesale acquisition cost plus a professional dispensing fee, the state maximum allowable cost plus a professional dispensing fee, or the usual and customary charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give

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special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment if it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

5. The agency shall develop and implement a program that requires Medicaid practitioners who issue written prescriptions for medicinal drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by prescribers who issue written prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs

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3423 at a level below 15.1 percent, the manufacturer must provide a
 3424 supplemental rebate to the state in an amount necessary to
 3425 achieve a 15.1-percent rebate level.

3426 7. The agency may establish a preferred drug list as
 3427 described in this subsection, and, pursuant to the establishment
 3428 of such preferred drug list, negotiate supplemental rebates from
 3429 manufacturers that are in addition to those required by Title
 3430 XIX of the Social Security Act and at no less than 14 percent of
 3431 the average manufacturer price as defined in 42 U.S.C. s. 1936
 3432 on the last day of a quarter unless the federal or supplemental
 3433 rebate, or both, equals or exceeds 29 percent. There is no upper
 3434 limit on the supplemental rebates the agency may negotiate. The
 3435 agency may determine that specific products, brand-name or
 3436 generic, are competitive at lower rebate percentages. Agreement
 3437 to pay the minimum supplemental rebate percentage guarantees a
 3438 manufacturer that the Medicaid Pharmaceutical and Therapeutics
 3439 Committee will consider a product for inclusion on the preferred
 3440 drug list. However, a pharmaceutical manufacturer is not
 3441 guaranteed placement on the preferred drug list by simply paying
 3442 the minimum supplemental rebate. Agency decisions will be made
 3443 on the clinical efficacy of a drug and recommendations of the
 3444 Medicaid Pharmaceutical and Therapeutics Committee, as well as
 3445 the price of competing products minus federal and state rebates.
 3446 The agency may contract with an outside agency or contractor to
 3447 conduct negotiations for supplemental rebates. For the purposes
 3448 of this section, the term "supplemental rebates" means cash
 3449 rebates. Value-added programs as a substitution for supplemental
 3450 rebates are prohibited. The agency may seek any federal waivers
 3451 to implement this initiative.

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3452 8.a. The agency may implement a Medicaid behavioral drug
 3453 management system. The agency may contract with a vendor that
 3454 has experience in operating behavioral drug management systems
 3455 to implement this program. The agency may seek federal waivers
 3456 to implement this program.

3457 b. The agency, in conjunction with the Department of
 3458 Children and Families, may implement the Medicaid behavioral
 3459 drug management system that is designed to improve the quality
 3460 of care and behavioral health prescribing practices based on
 3461 best practice guidelines, improve patient adherence to
 3462 medication plans, reduce clinical risk, and lower prescribed
 3463 drug costs and the rate of inappropriate spending on Medicaid
 3464 behavioral drugs. The program may include the following
 3465 elements:

3466 (I) Provide for the development and adoption of best
 3467 practice guidelines for behavioral health-related drugs such as
 3468 antipsychotics, antidepressants, and medications for treating
 3469 bipolar disorders and other behavioral conditions; translate
 3470 them into practice; review behavioral health prescribers and
 3471 compare their prescribing patterns to a number of indicators
 3472 that are based on national standards; and determine deviations
 3473 from best practice guidelines.

3474 (II) Implement processes for providing feedback to and
 3475 educating prescribers using best practice educational materials
 3476 and peer-to-peer consultation.

3477 (III) Assess Medicaid beneficiaries who are outliers in
 3478 their use of behavioral health drugs with regard to the numbers
 3479 and types of drugs taken, drug dosages, combination drug
 3480 therapies, and other indicators of improper use of behavioral

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3481 health drugs.

3482 (IV) Alert prescribers to patients who fail to refill
3483 prescriptions in a timely fashion, are prescribed multiple same-
3484 class behavioral health drugs, and may have other potential
3485 medication problems.

3486 (V) Track spending trends for behavioral health drugs and
3487 deviation from best practice guidelines.

3488 (VI) Use educational and technological approaches to
3489 promote best practices, educate consumers, and train prescribers
3490 in the use of practice guidelines.

3491 (VII) Disseminate electronic and published materials.

3492 (VIII) Hold statewide and regional conferences.

3493 (IX) Implement a disease management program with a model
3494 quality-based medication component for severely mentally ill
3495 individuals and emotionally disturbed children who are high
3496 users of care.

3497 9. The agency shall implement a Medicaid prescription drug
3498 management system.

3499 a. The agency may contract with a vendor that has
3500 experience in operating prescription drug management systems in
3501 order to implement this system. Any management system that is
3502 implemented in accordance with this subparagraph must rely on
3503 cooperation between physicians and pharmacists to determine
3504 appropriate practice patterns and clinical guidelines to improve
3505 the prescribing, dispensing, and use of drugs in the Medicaid
3506 program. The agency may seek federal waivers to implement this
3507 program.

3508 b. The drug management system must be designed to improve
3509 the quality of care and prescribing practices based on best

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3510 practice guidelines, improve patient adherence to medication
3511 plans, reduce clinical risk, and lower prescribed drug costs and
3512 the rate of inappropriate spending on Medicaid prescription
3513 drugs. The program must:

3514 (I) Provide for the adoption of best practice guidelines
3515 for the prescribing and use of drugs in the Medicaid program,
3516 including translating best practice guidelines into practice;
3517 reviewing prescriber patterns and comparing them to indicators
3518 that are based on national standards and practice patterns of
3519 clinical peers in their community, statewide, and nationally;
3520 and determine deviations from best practice guidelines.

3521 (II) Implement processes for providing feedback to and
3522 educating prescribers using best practice educational materials
3523 and peer-to-peer consultation.

3524 (III) Assess Medicaid recipients who are outliers in their
3525 use of a single or multiple prescription drugs with regard to
3526 the numbers and types of drugs taken, drug dosages, combination
3527 drug therapies, and other indicators of improper use of
3528 prescription drugs.

3529 (IV) Alert prescribers to recipients who fail to refill
3530 prescriptions in a timely fashion, are prescribed multiple drugs
3531 that may be redundant or contraindicated, or may have other
3532 potential medication problems.

3533 10. The agency may contract for drug rebate administration,
3534 including, but not limited to, calculating rebate amounts,
3535 invoicing manufacturers, negotiating disputes with
3536 manufacturers, and maintaining a database of rebate collections.

3537 11. The agency may specify the preferred daily dosing form
3538 or strength for the purpose of promoting best practices with

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3539 regard to the prescribing of certain drugs as specified in the
 3540 General Appropriations Act and ensuring cost-effective
 3541 prescribing practices.

3542 12. The agency may require prior authorization for
 3543 Medicaid-covered prescribed drugs. The agency may prior-
 3544 authorize the use of a product:

3545 a. For an indication not approved in labeling;
 3546 b. To comply with certain clinical guidelines; or
 3547 c. If the product has the potential for overuse, misuse, or
 3548 abuse.

3549

3550 The agency may require the prescribing professional to provide
 3551 information about the rationale and supporting medical evidence
 3552 for the use of a drug. The agency shall post prior
 3553 authorization, step-edit criteria and protocol, and updates to
 3554 the list of drugs that are subject to prior authorization on the
 3555 agency's Internet website within 21 days after the prior
 3556 authorization and step-edit criteria and protocol and updates
 3557 are approved by the agency. For purposes of this subparagraph,
 3558 the term "step-edit" means an automatic electronic review of
 3559 certain medications subject to prior authorization.

3560 13. The agency, in conjunction with the Pharmaceutical and
 3561 Therapeutics Committee, may require age-related prior
 3562 authorizations for certain prescribed drugs. The agency may
 3563 preauthorize the use of a drug for a recipient who may not meet
 3564 the age requirement or may exceed the length of therapy for use
 3565 of this product as recommended by the manufacturer and approved
 3566 by the Food and Drug Administration. Prior authorization may
 3567 require the prescribing professional to provide information

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3568 about the rationale and supporting medical evidence for the use
 3569 of a drug.

3570 14. The agency shall implement a step-therapy prior
 3571 authorization approval process for medications excluded from the
 3572 preferred drug list. Medications listed on the preferred drug
 3573 list must be used within the previous 12 months before the
 3574 alternative medications that are not listed. The step-therapy
 3575 prior authorization may require the prescriber to use the
 3576 medications of a similar drug class or for a similar medical
 3577 indication unless contraindicated in the Food and Drug
 3578 Administration labeling. The trial period between the specified
 3579 steps may vary according to the medical indication. The step-
 3580 therapy approval process shall be developed in accordance with
 3581 the committee as stated in s. 409.91195(7) and (8). A drug
 3582 product may be approved without meeting the step-therapy prior
 3583 authorization criteria if the prescribing physician provides the
 3584 agency with additional written medical or clinical documentation
 3585 that the product is medically necessary because:

3586 a. There is not a drug on the preferred drug list to treat
 3587 the disease or medical condition which is an acceptable clinical
 3588 alternative;

3589 b. The alternatives have been ineffective in the treatment
 3590 of the beneficiary's disease;

3591 c. The drug product or medication of a similar drug class
 3592 is prescribed for the treatment of schizophrenia or schizotypal
 3593 or delusional disorders; prior authorization has been granted
 3594 previously for the prescribed drug; and the medication was
 3595 dispensed to the patient during the previous 12 months; or
 3596 d. Based on historical ~~historie~~ evidence and known

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characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

15. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 93. Subsection (1) of section 414.1251, Florida Statutes, is amended to read:

414.1251 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for

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an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 1003.01(12) ~~1003.01(8)~~, or as a dropout, pursuant to s. 1003.01(8) ~~1003.01(9)~~. For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child's attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the high school equivalency examination, or enrolls in other educational activities approved by the district school board. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) No licensed day care is available for a child of teen parents subject to Learnfare.

(c) Prohibitive transportation problems exist (e.g., to and from day care).

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1003.01 by this act.

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3655 Section 94. Subsection (14) of section 415.102, Florida
 3656 Statutes, is amended to read:
 3657 415.102 Definitions of terms used in ss. 415.101-415.113.—
 3658 As used in ss. 415.101-415.113, the term:
 3659 (14) "Intimidation" means the communication by word or act
 3660 to a vulnerable adult that such ~~that~~ person will be deprived of
 3661 food, nutrition, clothing, shelter, supervision, medicine,
 3662 medical services, money, or financial support or will suffer
 3663 physical violence.
 3664 Reviser's note.—Amended to improve clarity.
 3665 Section 95. Subsections (4) through (41) of section 440.02,
 3666 Florida Statutes, are reordered and amended to read:
 3667 440.02 Definitions.—When used in this chapter, unless the
 3668 context clearly requires otherwise, the following terms shall
 3669 have the following meanings:
 3670 (5) ~~(4)~~ "Carrier" means any person or fund authorized under
 3671 s. 440.38 to insure under this chapter and includes a self-
 3672 insurer, and a commercial self-insurance fund authorized under
 3673 s. 624.462.
 3674 (6) ~~(5)~~ "Casual" as used in this section refers only to
 3675 employments for work that is anticipated to be completed in 10
 3676 working days or less, without regard to the number of persons
 3677 employed, and at a total labor cost of less than \$500.
 3678 (7) ~~(6)~~ "Child" includes a posthumous child, a child legally
 3679 adopted prior to the injury of the employee, and a stepchild or
 3680 acknowledged child born out of wedlock dependent upon the
 3681 deceased, but does not include married children unless wholly
 3682 dependent on the employee. "Grandchild" means a child as above
 3683 defined of a child as above defined. "Brother" and "sister"

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3684 include stepbrothers and stepsisters, half brothers and half
 3685 sisters, and brothers and sisters by adoption, but does not
 3686 include married brothers or married sisters unless wholly
 3687 dependent on the employee. "Child," "grandchild," "brother," and
 3688 "sister" include only persons who at the time of the death of
 3689 the deceased employees are under 18 years of age, or under 22
 3690 years of age if a full-time student in an accredited educational
 3691 institution.
 3692 (8) ~~(7)~~ "Compensation" means the money allowance payable to
 3693 an employee or to his or her dependents as provided for in this
 3694 chapter.
 3695 (10) ~~(8)~~ "Construction industry" means for-profit activities
 3696 involving any building, clearing, filling, excavation, or
 3697 substantial improvement in the size or use of any structure or
 3698 the appearance of any land. However, "construction" does not
 3699 mean a homeowner's act of construction or the result of a
 3700 construction upon his or her own premises, provided such
 3701 premises are not intended to be sold, resold, or leased by the
 3702 owner within 1 year after the commencement of construction. The
 3703 division may, by rule, establish codes and definitions thereof
 3704 that meet the criteria of the term "construction industry" as
 3705 set forth in this section.
 3706 (11) ~~(9)~~ "Corporate officer" or "officer of a corporation"
 3707 means any person who fills an office provided for in the
 3708 corporate charter or articles of incorporation filed with the
 3709 Division of Corporations of the Department of State or as
 3710 authorized or required under part I of chapter 607. The term
 3711 "officer of a corporation" includes a member owning at least 10
 3712 percent of a limited liability company as defined in and

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3713 organized pursuant to chapter 605.

3714 (12)~~(10)~~ "Date of maximum medical improvement" means the
3715 date after which further recovery from, or lasting improvement
3716 to, an injury or disease can no longer reasonably be
3717 anticipated, based upon reasonable medical probability.

3718 (13)~~(11)~~ "Death" as a basis for a right to compensation
3719 means only death resulting from an injury.

3720 (14)~~(12)~~ "Department" means the Department of Financial
3721 Services; the term does not include the Financial Services
3722 Commission or any office of the commission.

3723 (15)~~(13)~~ "Disability" means incapacity because of the
3724 injury to earn in the same or any other employment the wages
3725 which the employee was receiving at the time of the injury.

3726 (16)~~(14)~~ "Division" means the Division of Workers'
3727 Compensation of the Department of Financial Services.

3728 (18)~~(15)~~ (a) "Employee" means any person who receives
3729 remuneration from an employer for the performance of any work or
3730 service while engaged in any employment under any appointment or
3731 contract for hire or apprenticeship, express or implied, oral or
3732 written, whether lawfully or unlawfully employed, and includes,
3733 but is not limited to, aliens and minors.

3734 (b) "Employee" includes any person who is an officer of a
3735 corporation and who performs services for remuneration for such
3736 corporation within this state, whether or not such services are
3737 continuous.

3738 1. Any officer of a corporation may elect to be exempt from
3739 this chapter by filing notice of the election with the
3740 department as provided in s. 440.05.

3741 2. As to officers of a corporation who are engaged in the

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3742 construction industry, no more than three officers of a
3743 corporation or of any group of affiliated corporations may elect
3744 to be exempt from this chapter by filing a notice of the
3745 election with the department as provided in s. 440.05. Officers
3746 must be shareholders, each owning at least 10 percent of the
3747 stock of such corporation and listed as an officer of such
3748 corporation with the Division of Corporations of the Department
3749 of State, in order to elect exemptions under this chapter. For
3750 purposes of this subparagraph, the term "affiliated" means and
3751 includes one or more corporations or entities, any one of which
3752 is a corporation engaged in the construction industry, under the
3753 same or substantially the same control of a group of business
3754 entities which are connected or associated so that one entity
3755 controls or has the power to control each of the other business
3756 entities. The term "affiliated" includes, but is not limited to,
3757 the officers, directors, executives, shareholders active in
3758 management, employees, and agents of the affiliated corporation.
3759 The ownership by one business entity of a controlling interest
3760 in another business entity or a pooling of equipment or income
3761 among business entities shall be prima facie evidence that one
3762 business is affiliated with the other.

3763 3. An officer of a corporation who elects to be exempt from
3764 this chapter by filing a notice of the election with the
3765 department as provided in s. 440.05 is not an employee.

3766
3767 Services are presumed to have been rendered to the corporation
3768 if the officer is compensated by other than dividends upon
3769 shares of stock of the corporation which the officer owns.

3770 (c) "Employee" includes:

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3771 1. A sole proprietor or a partner who is not engaged in the
 3772 construction industry, devotes full time to the proprietorship
 3773 or partnership, and elects to be included in the definition of
 3774 employee by filing notice thereof as provided in s. 440.05.

3775 2. All persons who are being paid by a construction
 3776 contractor as a subcontractor, unless the subcontractor has
 3777 validly elected an exemption as permitted by this chapter, or
 3778 has otherwise secured the payment of compensation coverage as a
 3779 subcontractor, consistent with s. 440.10, for work performed by
 3780 or as a subcontractor.

3781 3. An independent contractor working or performing services
 3782 in the construction industry.

3783 4. A sole proprietor who engages in the construction
 3784 industry and a partner or partnership that is engaged in the
 3785 construction industry.

3786 (d) "Employee" does not include:

3787 1. An independent contractor who is not engaged in the
 3788 construction industry.

3789 a. In order to meet the definition of independent
 3790 contractor, at least four of the following criteria must be met:

3791 (I) The independent contractor maintains a separate
 3792 business with his or her own work facility, truck, equipment,
 3793 materials, or similar accommodations;

3794 (II) The independent contractor holds or has applied for a
 3795 federal employer identification number, unless the independent
 3796 contractor is a sole proprietor who is not required to obtain a
 3797 federal employer identification number under state or federal
 3798 regulations;

3799 (III) The independent contractor receives compensation for

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3800 services rendered or work performed and such compensation is
 3801 paid to a business rather than to an individual;

3802 (IV) The independent contractor holds one or more bank
 3803 accounts in the name of the business entity for purposes of
 3804 paying business expenses or other expenses related to services
 3805 rendered or work performed for compensation;

3806 (V) The independent contractor performs work or is able to
 3807 perform work for any entity in addition to or besides the
 3808 employer at his or her own election without the necessity of
 3809 completing an employment application or process; or

3810 (VI) The independent contractor receives compensation for
 3811 work or services rendered on a competitive-bid basis or
 3812 completion of a task or a set of tasks as defined by a
 3813 contractual agreement, unless such contractual agreement
 3814 expressly states that an employment relationship exists.

3815 b. If four of the criteria listed in sub-subparagraph a. do
 3816 not exist, an individual may still be presumed to be an
 3817 independent contractor and not an employee based on full
 3818 consideration of the nature of the individual situation with
 3819 regard to satisfying any of the following conditions:

3820 (I) The independent contractor performs or agrees to
 3821 perform specific services or work for a specific amount of money
 3822 and controls the means of performing the services or work.

3823 (II) The independent contractor incurs the principal
 3824 expenses related to the service or work that he or she performs
 3825 or agrees to perform.

3826 (III) The independent contractor is responsible for the
 3827 satisfactory completion of the work or services that he or she
 3828 performs or agrees to perform.

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3829 (IV) The independent contractor receives compensation for
 3830 work or services performed for a commission or on a per-job
 3831 basis and not on any other basis.

3832 (V) The independent contractor may realize a profit or
 3833 suffer a loss in connection with performing work or services.

3834 (VI) The independent contractor has continuing or recurring
 3835 business liabilities or obligations.

3836 (VII) The success or failure of the independent
 3837 contractor's business depends on the relationship of business
 3838 receipts to expenditures.

3839 c. Notwithstanding anything to the contrary in this
 3840 subparagraph, an individual claiming to be an independent
 3841 contractor has the burden of proving that he or she is an
 3842 independent contractor for purposes of this chapter.

3843 2. A real estate licensee, if that person agrees, in
 3844 writing, to perform for remuneration solely by way of
 3845 commission.

3846 3. Bands, orchestras, and musical and theatrical
 3847 performers, including disk jockeys, performing in licensed
 3848 premises as defined in chapter 562, if a written contract
 3849 evidencing an independent contractor relationship is entered
 3850 into before the commencement of such entertainment.

3851 4. An owner-operator of a motor vehicle who transports
 3852 property under a written contract with a motor carrier which
 3853 evidences a relationship by which the owner-operator assumes the
 3854 responsibility of an employer for the performance of the
 3855 contract, if the owner-operator is required to furnish motor
 3856 vehicle equipment as identified in the written contract and the
 3857 principal costs incidental to the performance of the contract,

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3858 including, but not limited to, fuel and repairs, provided a
 3859 motor carrier's advance of costs to the owner-operator when a
 3860 written contract evidences the owner-operator's obligation to
 3861 reimburse such advance shall be treated as the owner-operator
 3862 furnishing such cost and the owner-operator is not paid by the
 3863 hour or on some other time-measured basis.

3864 5. A person whose employment is both casual and not in the
 3865 course of the trade, business, profession, or occupation of the
 3866 employer.

3867 6. A volunteer, except a volunteer worker for the state or
 3868 a county, municipality, or other governmental entity. A person
 3869 who does not receive monetary remuneration for services is
 3870 presumed to be a volunteer unless there is substantial evidence
 3871 that a valuable consideration was intended by both employer and
 3872 employee. For purposes of this chapter, the term "volunteer"
 3873 includes, but is not limited to:

3874 a. Persons who serve in private nonprofit agencies and who
 3875 receive no compensation other than expenses in an amount less
 3876 than or equivalent to the standard mileage and per diem expenses
 3877 provided to salaried employees in the same agency or, if such
 3878 agency does not have salaried employees who receive mileage and
 3879 per diem, then such volunteers who receive no compensation other
 3880 than expenses in an amount less than or equivalent to the
 3881 customary mileage and per diem paid to salaried workers in the
 3882 community as determined by the department; and

3883 b. Volunteers participating in federal programs established
 3884 under Pub. L. No. 93-113.

3885 7. Unless otherwise prohibited by this chapter, any officer
 3886 of a corporation who elects to be exempt from this chapter. Such

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3887 officer is not an employee for any reason under this chapter
 3888 until the notice of revocation of election filed pursuant to s.
 3889 440.05 is effective.

3890 8. An officer of a corporation that is engaged in the
 3891 construction industry who elects to be exempt from the
 3892 provisions of this chapter, as otherwise permitted by this
 3893 chapter. Such officer is not an employee for any reason until
 3894 the notice of revocation of election filed pursuant to s. 440.05
 3895 is effective.

3896 9. An exercise rider who does not work for a single horse
 3897 farm or breeder, and who is compensated for riding on a case-by-
 3898 case basis, provided a written contract is entered into prior to
 3899 the commencement of such activity which evidences that an
 3900 employee/employer relationship does not exist.

3901 10. A taxicab, limousine, or other passenger vehicle-for-
 3902 hire driver who operates said vehicles pursuant to a written
 3903 agreement with a company which provides any dispatch, marketing,
 3904 insurance, communications, or other services under which the
 3905 driver and any fees or charges paid by the driver to the company
 3906 for such services are not conditioned upon, or expressed as a
 3907 proportion of, fare revenues.

3908 11. A person who performs services as a sports official for
 3909 an entity sponsoring an interscholastic sports event or for a
 3910 public entity or private, nonprofit organization that sponsors
 3911 an amateur sports event. For purposes of this subparagraph, such
 3912 a person is an independent contractor. For purposes of this
 3913 subparagraph, the term "sports official" means any person who is
 3914 a neutral participant in a sports event, including, but not
 3915 limited to, umpires, referees, judges, linespersons,

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3916 scorekeepers, or timekeepers. This subparagraph does not apply
 3917 to any person employed by a district school board who serves as
 3918 a sports official as required by the employing school board or
 3919 who serves as a sports official as part of his or her
 3920 responsibilities during normal school hours.

3921 12. Medicaid-enrolled clients under chapter 393 who are
 3922 excluded from the definition of employment under s.
 3923 443.1216(4) (d) and served by Adult Day Training Services under
 3924 the Home and Community-Based or the Family and Supported Living
 3925 Medicaid Waiver program in a sheltered workshop setting licensed
 3926 by the United States Department of Labor for the purpose of
 3927 training and earning less than the federal hourly minimum wage.

3928 13. Medicaid-enrolled clients under chapter 393 who are
 3929 excluded from the definition of employment under s.
 3930 443.1216(4) (d) and served by Adult Day Training Services under
 3931 the Family and Supported Living Medicaid Waiver program in a
 3932 sheltered workshop setting licensed by the United States
 3933 Department of Labor for the purpose of training and earning less
 3934 than the federal hourly minimum wage.

3935 (19)-(16) (a) "Employer" means the state and all political
 3936 subdivisions thereof, all public and quasi-public corporations
 3937 therein, every person carrying on any employment, and the legal
 3938 representative of a deceased person or the receiver or trustees
 3939 of any person. The term also includes employee leasing
 3940 companies, as defined in s. 468.520(5), and employment agencies
 3941 that provide their own employees to other persons. If the
 3942 employer is a corporation, parties in actual control of the
 3943 corporation, including, but not limited to, the president,
 3944 officers who exercise broad corporate powers, directors, and all

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3945 shareholders who directly or indirectly own a controlling
 3946 interest in the corporation, are considered the employer for the
 3947 purposes of ss. 440.105, 440.106, and 440.107.

3948 (b) A homeowner shall not be considered the employer of
 3949 persons hired by the homeowner to carry out construction on the
 3950 homeowner's own premises if those premises are not intended for
 3951 immediate lease, sale, or resale.

3952 (c) Facilities serving individuals under subparagraph
 3953 ~~(18)(d)12.~~ ~~(15)(d)12-~~ shall be considered agents of the Agency
 3954 for Health Care Administration as it relates to providing Adult
 3955 Day Training Services under the Home and Community-Based
 3956 Medicaid Waiver program and not employers or third parties for
 3957 the purpose of limiting or denying Medicaid benefits.

3958 (20)(17) (a) "Employment," subject to the other provisions
 3959 of this chapter, means any service performed by an employee for
 3960 the person employing him or her.

3961 (b) "Employment" includes:

3962 1. Employment by the state and all political subdivisions
 3963 thereof and all public and quasi-public corporations therein,
 3964 including officers elected at the polls.

3965 2. All private employments in which four or more employees
 3966 are employed by the same employer or, with respect to the
 3967 construction industry, all private employment in which one or
 3968 more employees are employed by the same employer.

3969 3. Volunteer firefighters responding to or assisting with
 3970 fire or medical emergencies whether or not the firefighters are
 3971 on duty.

3972 (c) "Employment" does not include service performed by or
 3973 as:

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3974 1. Domestic servants in private homes.

3975 2. Agricultural labor performed on a farm in the employ of
 3976 a bona fide farmer, or association of farmers, that employs 5 or
 3977 fewer regular employees and that employs fewer than 12 other
 3978 employees at one time for seasonal agricultural labor that is
 3979 completed in less than 30 days, provided such seasonal
 3980 employment does not exceed 45 days in the same calendar year.
 3981 The term "farm" includes stock, dairy, poultry, fruit, fur-
 3982 bearing animals, fish, and truck farms, ranches, nurseries, and
 3983 orchards. The term "agricultural labor" includes field foremen,
 3984 timekeepers, checkers, and other farm labor supervisory
 3985 personnel.

3986 3. Professional athletes, such as professional boxers,
 3987 wrestlers, baseball, football, basketball, hockey, polo, tennis,
 3988 jai alai, and similar players, and motorsports teams competing
 3989 in a motor racing event as defined in s. 549.08.

3990 4. Labor under a sentence of a court to perform community
 3991 services as provided in s. 316.193.

3992 5. State prisoners or county inmates, except those
 3993 performing services for private employers or those enumerated in
 3994 s. 948.036(1).

3995 (27)(18) "Misconduct" includes, but is not limited to, the
 3996 following, which shall not be construed in pari materia with
 3997 each other:

3998 (a) Conduct evincing such willful or wanton disregard of an
 3999 employer's interests as is found in deliberate violation or
 4000 disregard of standards of behavior which the employer has the
 4001 right to expect of the employee; or

4002 (b) Carelessness or negligence of such a degree or

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4003 recurrence as to manifest culpability, wrongful intent, or evil
 4004 design, or to show an intentional and substantial disregard of
 4005 an employer's interests or of the employee's duties and
 4006 obligations to the employer.

4007 (23)~~(19)~~ "Injury" means personal injury or death by
 4008 accident arising out of and in the course of employment, and
 4009 such diseases or infection as naturally or unavoidably result
 4010 from such injury. Damage to dentures, eyeglasses, prosthetic
 4011 devices, and artificial limbs may be included in this definition
 4012 only when the damage is shown to be part of, or in conjunction
 4013 with, an accident. This damage must specifically occur as the
 4014 result of an accident in the normal course of employment.

4015 (29)~~(20)~~ "Parent" includes stepparents and parents by
 4016 adoption, parents-in-law, and any persons who for more than 3
 4017 years prior to the death of the deceased employee stood in the
 4018 place of a parent to him or her and were dependent on the
 4019 injured employee.

4020 (30)~~(21)~~ "Partner" means any person who is a member of a
 4021 partnership that is formed by two or more persons to carry on as
 4022 co-owners of a business with the understanding that there will
 4023 be a proportional sharing of the profits and losses between
 4024 them. For the purposes of this chapter, a partner is a person
 4025 who participates fully in the management of the partnership and
 4026 who is personally liable for its debts.

4027 (31)~~(22)~~ "Permanent impairment" means any anatomic or
 4028 functional abnormality or loss determined as a percentage of the
 4029 body as a whole, existing after the date of maximum medical
 4030 improvement, which results from the injury.

4031 (32)~~(23)~~ "Person" means individual, partnership,

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4032 association, or corporation, including any public service
 4033 corporation.

4034 (33)~~(24)~~ "Self-insurer" means:

4035 (a) Any employer who has secured payment of compensation
 4036 pursuant to s. 440.38(1)(b) or (6) as an individual self-
 4037 insurer;

4038 (b) Any employer who has secured payment of compensation
 4039 through a group self-insurance fund under s. 624.4621;

4040 (c) Any group self-insurance fund established under s.
 4041 624.4621;

4042 (d) A public utility as defined in s. 364.02 or s. 366.02
 4043 that has assumed by contract the liabilities of contractors or
 4044 subcontractors pursuant to s. 624.46225; or

4045 (e) Any local government self-insurance fund established
 4046 under s. 624.4622.

4047 (35)~~(25)~~ "Sole proprietor" means a natural person who owns
 4048 a form of business in which that person owns all the assets of
 4049 the business and is solely liable for all the debts of the
 4050 business.

4051 (37)~~(26)~~ "Spouse" includes only a spouse substantially
 4052 dependent for financial support upon the decedent and living
 4053 with the decedent at the time of the decedent's injury and
 4054 death, or substantially dependent upon the decedent for
 4055 financial support and living apart at that time for justifiable
 4056 cause.

4057 (39)~~(27)~~ "Time of injury" means the time of the occurrence
 4058 of the accident resulting in the injury.

4059 (40)~~(28)~~ "Wages" means the money rate at which the service
 4060 rendered is recompensed under the contract of hiring in force at

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4061 the time of the injury and includes only the wages earned and
 4062 reported for federal income tax purposes on the job where the
 4063 employee is injured and any other concurrent employment where he
 4064 or she is also subject to workers' compensation coverage and
 4065 benefits, together with the reasonable value of housing
 4066 furnished to the employee by the employer which is the permanent
 4067 year-round residence of the employee, and gratuities to the
 4068 extent reported to the employer in writing as taxable income
 4069 received in the course of employment from others than the
 4070 employer and employer contributions for health insurance for the
 4071 employee or the employee's dependents. However, housing
 4072 furnished to migrant workers shall be included in wages unless
 4073 provided after the time of injury. In employment in which an
 4074 employee receives consideration for housing, the reasonable
 4075 value of such housing compensation shall be the actual cost to
 4076 the employer or based upon the Fair Market Rent Survey
 4077 promulgated pursuant to s. 8 of the Housing and Urban
 4078 Development Act of 1974, whichever is less. However, if employer
 4079 contributions for housing or health insurance are continued
 4080 after the time of the injury, the contributions are not "wages"
 4081 for the purpose of calculating an employee's average weekly
 4082 wage.

4083 (41)-(29) "Weekly compensation rate" means and refers to the
 4084 amount of compensation payable for a period of 7 consecutive
 4085 calendar days, including any Saturdays, Sundays, holidays, and
 4086 other nonworking days which fall within such period of 7
 4087 consecutive calendar days. When Saturdays, Sundays, holidays, or
 4088 other nonworking days immediately follow the first 7 calendar
 4089 days of disability or occur at the end of a period of disability

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4090 as the last day or days of such period, such nonworking days
 4091 constitute a part of the period of disability with respect to
 4092 which compensation is payable.

4093 (9)-(30) "Construction design professional" means an
 4094 architect, professional engineer, landscape architect, or
 4095 surveyor and mapper, or any corporation, professional or
 4096 general, that has a certificate to practice in the construction
 4097 design field from the Department of Business and Professional
 4098 Regulation.

4099 (22)-(31) "Individual self-insurer" means any employer who
 4100 has secured payment of compensation pursuant to s. 440.38(1)(b)
 4101 as an individual self-insurer.

4102 (17)-(32) "Domestic individual self-insurer" means an
 4103 individual self-insurer:

4104 (a) Which is a corporation formed under the laws of this
 4105 state;

4106 (b) Who is an individual who is a resident of this state or
 4107 whose primary place of business is located in this state; or

4108 (c) Which is a partnership whose principals are residents
 4109 of this state or whose primary place of business is located in
 4110 this state.

4111 (21)-(33) "Foreign individual self-insurer" means an
 4112 individual self-insurer:

4113 (a) Which is a corporation formed under the laws of any
 4114 state, district, territory, or commonwealth of the United States
 4115 other than this state;

4116 (b) Who is an individual who is not a resident of this
 4117 state and whose primary place of business is not located in this
 4118 state; or

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4119 (c) Which is a partnership whose principals are not
 4120 residents of this state and whose primary place of business is
 4121 not located in this state.

4122 (25)~~(34)~~ "Insolvent member" means an individual self-
 4123 insurer which is a member of the Florida Self-Insurers Guaranty
 4124 Association, Incorporated, or which was a member and has
 4125 withdrawn pursuant to s. 440.385(1)(b), and which has been found
 4126 insolvent, as defined in subparagraph (24)(a)1. ~~(35)(a)1.~~,
 4127 subparagraph (24)(a)2. ~~(35)(a)2.~~, or subparagraph (24)(a)3.
 4128 ~~(35)(a)3.~~, by a court of competent jurisdiction in this or any
 4129 other state, or meets the definition of subparagraph (24)(a)4.
 4130 ~~(35)(a)4.~~

4131 (24)~~(35)~~ "Insolvency" or "insolvent" means:

4132 (a) With respect to an individual self-insurer:

4133 1. That all assets of the individual self-insurer, if made
 4134 immediately available, would not be sufficient to meet all the
 4135 individual self-insurer's liabilities;
 4136 2. That the individual self-insurer is unable to pay its
 4137 debts as they become due in the usual course of business;
 4138 3. That the individual self-insurer has substantially
 4139 ceased or suspended the payment of compensation to its employees
 4140 as required in this chapter; or

4141 4. That the individual self-insurer has sought protection
 4142 under the United States Bankruptcy Code or has been brought
 4143 under the jurisdiction of a court of bankruptcy as a debtor
 4144 pursuant to the United States Bankruptcy Code.

4145 (b) With respect to an employee claiming insolvency
 4146 pursuant to s. 440.25(5), a person is insolvent who:

4147 1. Has ceased to pay his or her debts in the ordinary

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4148 course of business and cannot pay his or her debts as they
 4149 become due; or

4150 2. Has been adjudicated insolvent pursuant to the federal
 4151 bankruptcy law.

4152 (4)~~(36)~~ "Arising out of" pertains to occupational
 4153 causation. An accidental injury or death arises out of
 4154 employment if work performed in the course and scope of
 4155 employment is the major contributing cause of the injury or
 4156 death.

4157 (34)~~(37)~~ "Soft-tissue injury" means an injury that produces
 4158 damage to the soft tissues, rather than to the skeletal tissues
 4159 or soft organs.

4160 (26)~~(38)~~ "Insurer" means a group self-insurers' fund
 4161 authorized by s. 624.4621, an individual self-insurer authorized
 4162 by s. 440.38, a commercial self-insurance fund authorized by s.
 4163 624.462, an assessable mutual insurer authorized by s. 628.6011,
 4164 and an insurer licensed to write workers' compensation and
 4165 employer's liability insurance in this state. The term
 4166 "carrier," as used in this chapter, means an insurer as defined
 4167 in this subsection.

4168 (38)~~(39)~~ "Statement," for the purposes of ss. 440.105 and
 4169 440.106, shall include the exact fraud statement language in s.
 4170 440.105(7). This requirement includes, but is not limited to,
 4171 any notice, representation, statement, proof of injury, bill for
 4172 services, diagnosis, prescription, hospital or doctor record, X
 4173 ray, test result, or other evidence of loss, injury, or expense.

4174 (36)~~(40)~~ "Specificity" means information on the petition
 4175 for benefits sufficient to put the employer or carrier on notice
 4176 of the exact statutory classification and outstanding time

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4177 period of benefits being requested and includes a detailed
 4178 explanation of any benefits received that should be increased,
 4179 decreased, changed, or otherwise modified. If the petition is
 4180 for medical benefits, the information shall include specific
 4181 details as to why such benefits are being requested, why such
 4182 benefits are medically necessary, and why current treatment, if
 4183 any, is not sufficient. Any petition requesting alternate or
 4184 other medical care, including, but not limited to, petitions
 4185 requesting psychiatric or psychological treatment, must
 4186 specifically identify the physician, as defined in s. 440.13(1),
 4187 who is recommending such treatment. A copy of a report from such
 4188 physician making the recommendation for alternate or other
 4189 medical care shall also be attached to the petition. A judge of
 4190 compensation claims shall not order such treatment if a
 4191 physician is not recommending such treatment.

4192 (28)~~(41)~~ "Office of Insurance Regulation" means the Office
 4193 of Insurance Regulation of the Financial Services Commission.
 4194 Reviser's note.—Amended to place the definitions of the section
 4195 in alphabetical order and to conform cross-references.

4196 Section 96. Subsection (4) of section 440.14, Florida
 4197 Statutes, is amended to read:

4198 440.14 Determination of pay.—

4199 (4) Upon termination of the employee or upon termination of
 4200 the payment of fringe benefits of any employee who is collecting
 4201 indemnity benefits pursuant to s. 440.15(2) or (3), the employer
 4202 shall within 7 days of such termination file a corrected 13-week
 4203 wage statement reflecting the wages paid and the fringe benefits
 4204 that had been paid to the injured employee, as provided in s.
 4205 440.02(40) ~~440.02(28)~~.

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4206 Reviser's note.—Amended to conform to the reordering of
 4207 definitions in s. 440.02 by this act.

4208 Section 97. Subsection (3) of section 440.151, Florida
 4209 Statutes, is amended to read:

4210 440.151 Occupational diseases.—

4211 (3) Except as otherwise provided in this section,
 4212 "disablement" means disability as described in s. 440.02(15)
 4213 ~~440.02(13)~~.

4214 Reviser's note.—Amended to conform to the reordering of
 4215 definitions in s. 440.02 by this act.

4216 Section 98. Paragraph (a) of subsection (1) of section
 4217 440.385, Florida Statutes, is amended to read:

4218 440.385 Florida Self-Insurers Guaranty Association,
 4219 Incorporated.—

4220 (1) CREATION OF ASSOCIATION.—

4221 (a) There is created a nonprofit corporation to be known as
 4222 the "Florida Self-Insurers Guaranty Association, Incorporated,"
 4223 hereinafter referred to as "the association." Upon incorporation
 4224 of the association, all individual self-insurers as defined in
 4225 ss. 440.02(33)(a) ~~440.02(24)(a)~~ and 440.38(1)(b), other than
 4226 individual self-insurers which are public utilities or
 4227 governmental entities, shall be members of the association as a
 4228 condition of their authority to individually self-insure in this
 4229 state. The association shall perform its functions under a plan
 4230 of operation as established and approved under subsection (5)
 4231 and shall exercise its powers and duties through a board of
 4232 directors as established under subsection (2). The association
 4233 shall have those powers granted or permitted corporations not
 4234 for profit, as provided in chapter 617. The activities of the

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4235 association shall be subject to review by the department. The
 4236 department shall have oversight responsibility as set forth in
 4237 this section. The association is specifically authorized to
 4238 enter into agreements with this state to perform specified
 4239 services.
 4240 Reviser's note.—Amended to conform to the reordering of
 4241 definitions in s. 440.02 by this act.
 4242 Section 99. Subsection (2) of section 440.525, Florida
 4243 Statutes, is amended to read:
 4244 440.525 Examination and investigation of carriers and
 4245 claims-handling entities.—
 4246 (2) An examination may cover any period of the carrier's,
 4247 third-party administrator's, servicing agent's, or other claims-
 4248 handling entity's operations since the last previous
 4249 examination. An investigation based upon a reasonable belief by
 4250 the department that a material violation of this chapter has
 4251 occurred may cover any time period, but may not predate the last
 4252 examination by more than 5 years. The department may by rule
 4253 establish procedures, standards, and protocols for examinations
 4254 and investigations. If the department finds any violation of
 4255 this chapter, it may impose administrative penalties pursuant to
 4256 this chapter. If the department finds any self-insurer in
 4257 violation of this chapter, it may take action pursuant to s.
 4258 440.38(3). Examinations or investigations by the department may
 4259 address, but are not limited to addressing, patterns or
 4260 practices of unreasonable delay in claims handling; timeliness
 4261 and accuracy of payments and reports under ss. 440.13, 440.16,
 4262 and 440.185; or patterns or practices of harassment, coercion,
 4263 or intimidation of claimants. The department may also specify by

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4264 rule the documentation to be maintained for each claim file.
 4265 Reviser's note.—Amended to improve clarity.
 4266 Section 100. Subsection (5) of section 455.32, Florida
 4267 Statutes, is amended to read:
 4268 455.32 Management Privatization Act.—
 4269 (5) Any such corporation may hire staff as necessary to
 4270 carry out its functions. Such staff are not public employees for
 4271 the purposes of chapter 110 or chapter 112, except that the
 4272 board of directors and the employees of the corporation are
 4273 subject to the provisions of s. 112.061 and part III of chapter
 4274 112. The provisions of s. 768.28 apply to each such corporation,
 4275 which is deemed to be a corporation primarily acting as an
 4276 instrumentality of the state but which is not an agency within
 4277 the meaning of s. 20.03(1) ~~20.03(11)~~.
 4278 Reviser's note.—Amended to conform to the reordering of
 4279 definitions in s. 20.03 by this act.
 4280 Section 101. Paragraph (a) of subsection (2) of section
 4281 456.048, Florida Statutes, is amended to read:
 4282 456.048 Financial responsibility requirements for certain
 4283 health care practitioners.—
 4284 (2) The board or department may grant exemptions upon
 4285 application by practitioners meeting any of the following
 4286 criteria:
 4287 (a) Any person licensed under chapter 457, s. 458.3475, s.
 4288 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
 4289 chapter 467 who practices exclusively as an officer, employee,
 4290 or agent of the Federal Government or of the state or its
 4291 agencies or its subdivisions. For the purposes of this
 4292 subsection, an agent of the state, its agencies, or its

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4293 subdivisions is a person who is eligible for coverage under any
 4294 self-insurance or insurance program authorized by the provisions
 4295 of s. 768.28(16) or who is a volunteer under s. 110.501(4)
 4296 ~~110.501(1)~~.
 4297 Reviser's note.—Amended to conform to the reordering of
 4298 definitions in s. 110.501 by this act.
 4299 Section 102. Subsection (17) of section 456.076, Florida
 4300 Statutes, is amended to read:
 4301 456.076 Impaired practitioner programs.—
 4302 (17) A consultant may disclose to a referral or
 4303 participant, or to the legal representative of the referral or
 4304 participant, the documents, records, or other information from
 4305 the consultant's file, including information received by the
 4306 consultant from other sources; information on the terms required
 4307 for the referral's or participant's monitoring contract, the
 4308 referral's or participant's progress or inability to progress,
 4309 or the referral's or participant's discharge or termination;
 4310 information supporting the conclusion of material noncompliance;
 4311 or any other information required by law. The consultant must
 4312 disclose to the department, upon the department's request,
 4313 whether an applicant for a multistate license under s. 464.0095
 4314 is participating in a treatment program and must report to the
 4315 department when a nurse holding a multistate license under s.
 4316 464.0095 enters a treatment program. A nurse holding a
 4317 multistate license pursuant to s. 464.0095 must report to the
 4318 department within 2 business days after entering a treatment
 4319 program pursuant to this section. If a consultant discloses
 4320 information to the department in accordance with this chapter
 4321 ~~part~~, a referral or participant, or his or her legal

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4322 representative, may obtain a complete copy of the consultant's
 4323 file from the consultant or the department under s. 456.073.
 4324 Reviser's note.—Amended to conform to the arrangement of chapter
 4325 456, which is not divided into parts.
 4326 Section 103. Paragraphs (f) through (h) of subsection (5)
 4327 of section 468.603, Florida Statutes, are reordered and amended
 4328 to read:
 4329 468.603 Definitions.—As used in this part:
 4330 (5) "Categories of building code inspectors" include the
 4331 following:
 4332 (h) ~~(f)~~ "Residential inspector" means a person who is
 4333 qualified to inspect and determine that one-family, two-family,
 4334 or three-family residences not exceeding two habitable stories
 4335 above no more than one uninhabitable story and accessory use
 4336 structures in connection therewith are constructed in accordance
 4337 with the provisions of the governing building, plumbing,
 4338 mechanical, accessibility, and electrical codes.
 4339 (f) ~~(g)~~ "Plumbing inspector" means a person who is qualified
 4340 to inspect and determine that the plumbing installations and
 4341 systems for buildings and structures are in compliance with the
 4342 provisions of the governing plumbing code.
 4343 (g) ~~(h)~~ "Residential electrical inspector" means a person
 4344 who is qualified to inspect and determine the electrical safety
 4345 of one and two family dwellings and accessory structures by
 4346 inspecting for compliance with the applicable provisions of the
 4347 governing electrical code.
 4348 Reviser's note.—Amended to place the definitions of subsection
 4349 (5) in alphabetical order.
 4350 Section 104. Subsection (3) of section 471.038, Florida

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4351 Statutes, is amended to read:

4352 471.038 Florida Engineers Management Corporation.—

4353 (3) The Florida Engineers Management Corporation is created
 4354 to provide administrative, investigative, and prosecutorial
 4355 services to the board in accordance with the provisions of
 4356 chapter 455 and this chapter. The management corporation may
 4357 hire staff as necessary to carry out its functions. Such staff
 4358 are not public employees for the purposes of chapter 110 or
 4359 chapter 112, except that the board of directors and the staff
 4360 are subject to the provisions of s. 112.061. The provisions of
 4361 s. 768.28 apply to the management corporation, which is deemed
 4362 to be a corporation primarily acting as an instrumentality of
 4363 the state, but which is not an agency within the meaning of s.
 4364 20.03(1) ~~20.03(11)~~. The management corporation shall:

4365 (a) Be a Florida corporation not for profit, incorporated
 4366 under the provisions of chapter 617.

4367 (b) Provide administrative, investigative, and
 4368 prosecutorial services to the board in accordance with the
 4369 provisions of chapter 455, this chapter, and the contract
 4370 required by this section.

4371 (c) Receive, hold, and administer property and make only
 4372 prudent expenditures directly related to the responsibilities of
 4373 the board, and in accordance with the contract required by this
 4374 section.

4375 (d) Be approved by the board, and the department, to
 4376 operate for the benefit of the board and in the best interest of
 4377 the state.

4378 (e) Operate under a fiscal year that begins on July 1 of
 4379 each year and ends on June 30 of the following year.

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4380 (f) Have a seven-member board of directors, five of whom
 4381 are to be appointed by the board and must be registrants
 4382 regulated by the board and two of whom are to be appointed by
 4383 the secretary and must be laypersons not regulated by the board.
 4384 All appointments shall be for 4-year terms. No member shall
 4385 serve more than two consecutive terms. Failure to attend three
 4386 consecutive meetings shall be deemed a resignation from the
 4387 board, and the vacancy shall be filled by a new appointment.

4388 (g) Select its officers in accordance with its bylaws. The
 4389 members of the board of directors who were appointed by the
 4390 board may be removed by the board.

4391 (h) Select the president of the management corporation, who
 4392 shall also serve as executive director to the board, subject to
 4393 approval of the board.

4394 (i) Use a portion of the interest derived from the
 4395 management corporation account to offset the costs associated
 4396 with the use of credit cards for payment of fees by applicants
 4397 or licensees.

4398 (j) Operate under a written contract with the department
 4399 which is approved by the board. The contract must provide for,
 4400 but is not limited to:

4401 1. Submission by the management corporation of an annual
 4402 budget that complies with board rules for approval by the board
 4403 and the department.

4404 2. Annual certification by the board and the department
 4405 that the management corporation is complying with the terms of
 4406 the contract in a manner consistent with the goals and purposes
 4407 of the board and in the best interest of the state. This
 4408 certification must be reported in the board's minutes. The

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4409 contract must also provide for methods and mechanisms to resolve
 4410 any situation in which the certification process determines
 4411 noncompliance.

4412 3. Funding of the management corporation through
 4413 appropriations allocated to the regulation of professional
 4414 engineers from the Professional Regulation Trust Fund.

4415 4. The reversion to the board, or the state if the board
 4416 ceases to exist, of moneys, records, data, and property held in
 4417 trust by the management corporation for the benefit of the
 4418 board, if the management corporation is no longer approved to
 4419 operate for the board or the board ceases to exist. All records
 4420 and data in a computerized database shall be returned to the
 4421 department in a form that is compatible with the computerized
 4422 database of the department.

4423 5. The securing and maintaining by the management
 4424 corporation, during the term of the contract and for all acts
 4425 performed during the term of the contract, of all liability
 4426 insurance coverages in an amount to be approved by the board to
 4427 defend, indemnify, and hold harmless the management corporation
 4428 and its officers and employees, the department and its
 4429 employees, and the state against all claims arising from state
 4430 and federal laws. Such insurance coverage must be with insurers
 4431 qualified and doing business in the state. The management
 4432 corporation must provide proof of insurance to the department.
 4433 The department and its employees and the state are exempt from
 4434 and are not liable for any sum of money which represents a
 4435 deductible, which sums shall be the sole responsibility of the
 4436 management corporation. Violation of this subparagraph shall be
 4437 grounds for terminating the contract.

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4438 6. Payment by the management corporation, out of its
 4439 allocated budget, to the department of all costs of
 4440 representation by the board counsel, including salary and
 4441 benefits, travel, and any other compensation traditionally paid
 4442 by the department to other board counsel.

4443 7. Payment by the management corporation, out of its
 4444 allocated budget, to the department of all costs incurred by the
 4445 management corporation or the board for the Division of
 4446 Administrative Hearings of the Department of Management Services
 4447 and any other cost for utilization of these state services.

4448 8. Payment by the management corporation, out of its
 4449 allocated budget, to the department of reasonable costs
 4450 associated with the contract monitor.

4451 (k) Provide for an annual financial audit of its financial
 4452 accounts and records by an independent certified public
 4453 accountant. The annual audit report shall include a management
 4454 letter in accordance with s. 11.45 and a detailed supplemental
 4455 schedule of expenditures for each expenditure category. The
 4456 annual audit report must be submitted to the board, the
 4457 department, and the Auditor General for review.

4458 (l) Provide for persons not employed by the corporation who
 4459 are charged with the responsibility of receiving and depositing
 4460 fee and fine revenues to have a faithful performance bond in
 4461 such an amount and according to such terms as shall be
 4462 determined in the contract.

4463 (m) Submit to the secretary, the board, and the
 4464 Legislature, on or before October 1 of each year, a report on
 4465 the status of the corporation which includes, but is not limited
 4466 to, information concerning the programs and funds that have been

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transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(n) Develop and submit to the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation. Reviser's note.—Amended to conform to the reordering of definitions in s. 20.03 by this act.

Section 105. Subsection (9) of section 491.003, Florida Statutes, is amended to read:

491.003 Definitions.—As used in this chapter:

(9) The term "practice of marriage and family therapy" means the use of scientific and applied marriage and family theories, methods, and procedures for the purpose of describing, evaluating, and modifying marital, family, and individual behavior, within the context of marital and family systems, including the context of marital formation and dissolution, and is based on marriage and family systems theory, marriage and family development, human development, normal and abnormal behavior, psychopathology, human sexuality, and psychotherapeutic and marriage and family therapy theories and techniques. The practice of marriage and family therapy includes

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methods of a psychological nature used to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders or dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, and substance abuse. The practice of marriage and family therapy includes, but is not limited to, marriage and family therapy, psychotherapy, including behavioral family therapy, hypnotherapy, and sex therapy. The practice of marriage and family therapy also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, or substance abuse. The practice of marriage and family therapy may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

(a) Marriage and family therapy may be rendered to individuals, including individuals affected by termination of marriage, to couples, whether married or unmarried, to families, or to groups.

(b) The use of specific methods, techniques, or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques, or modalities.

(c) The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with the

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4525 rules of the board, may not be construed to permit the
 4526 performance of any act that marriage and family therapists are
 4527 not educated and trained to perform, including, but not limited
 4528 to, admitting persons to hospitals for treatment of the
 4529 foregoing conditions, treating persons in hospitals without
 4530 medical supervision, prescribing medicinal drugs as defined in
 4531 chapter 465, authorizing clinical laboratory procedures or
 4532 radiological procedures or the use of electroconvulsive therapy.
 4533 In addition, this definition may not be construed to permit any
 4534 person licensed, provisionally licensed, registered, or
 4535 certified pursuant to this chapter to describe or label any
 4536 test, report, or procedure as "psychological," except to relate
 4537 specifically to the definition of practice authorized in this
 4538 subsection.

4539 (d) The definition of "marriage and family therapy"
 4540 contained in this subsection includes all services offered
 4541 directly to the general public or through organizations, whether
 4542 public or private, and applies whether payment is requested or
 4543 received for services rendered.

4544 Reviser's note.—Amended to confirm an editorial insertion to
 4545 improve clarity.

4546 Section 106. Subsection (6) of section 491.0045, Florida
 4547 Statutes, is amended to read:

4548 491.0045 Intern registration; requirements.—

4549 (6) ~~A registration issued on or before March 31, 2017,~~
 4550 ~~expires March 31, 2022, and may not be renewed or reissued.~~ Any
 4551 registration issued after March 31, 2017, expires 60 months
 4552 after the date it is issued. The board may make a one-time
 4553 exception to the requirements of this subsection in emergency or

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4554 hardship cases, as defined by board rule, if the candidate has
 4555 passed the theory and practice examination described in s.
 4556 491.005(1)(d), (3)(d), and (4)(d).

4557 Reviser's note.—Amended to delete obsolete language.

4558 Section 107. Paragraph (s) of subsection (1) of section
 4559 491.009, Florida Statutes, is amended to read:

4560 491.009 Discipline.—

4561 (1) The following acts constitute grounds for denial of a
 4562 license or disciplinary action, as specified in s. 456.072(2) or
 4563 s. 491.017:

4564 (s) Delegating professional responsibilities to a person
 4565 who ~~whom~~ the licensee, registered intern, or certificateholder
 4566 knows or has reason to know is not qualified by training or
 4567 experience to perform such responsibilities.

4568 Reviser's note.—Amended to confirm an editorial substitution to
 4569 conform to context.

4570 Section 108. Paragraph (i) of subsection (1) of section
 4571 497.260, Florida Statutes, is amended to read:

4572 497.260 Cemeteries; exemption; investigation and
 4573 mediation.—

4574 (1) The provisions of this chapter relating to cemeteries
 4575 and all rules adopted pursuant thereto shall apply to all
 4576 cemeteries except for:

4577 (i) A columbarium consisting of 5 acres or less which is
 4578 located on the main campus of a state university as defined in
 4579 s. 1000.21(8) ~~1000.21(6)~~. The university or university direct-
 4580 support organization, as defined in s. 1004.28(1), which
 4581 establishes the columbarium shall ensure that the columbarium is
 4582 constructed and perpetually kept and maintained in a manner

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4583 consistent with subsection (2) and the intent of this chapter.
 4584 Reviser's note.—Amended to conform to the reordering of
 4585 definitions in s. 1000.21 by this act.

4586 Section 109. Subsections (20) through (23) and (26) through
 4587 (38) of section 550.002, Florida Statutes, are reordered and
 4588 amended to read:

4589 550.002 Definitions.—As used in this chapter, the term:
 4590 (21)~~(20)~~ "Operating day" means a continuous period of 24
 4591 hours starting with the beginning of the first performance of a
 4592 race or game, even though the operating day may start during one
 4593 calendar day and extend past midnight except that no jai alai
 4594 game may commence after 1:30 a.m.

4595 (22)~~(21)~~ "Pari-mutuel" or "pari-mutuel wagering" means a
 4596 system of betting on races or games in which the winners divide
 4597 the total amount bet, after deducting management expenses and
 4598 taxes, in proportion to the sums they have wagered individually
 4599 and with regard to the odds assigned to particular outcomes.

4600 (23)~~(22)~~ "Pari-mutuel facility" means the grounds or
 4601 property of a cardroom, racetrack, fronton, or other facility
 4602 used by a licensed permitholder.

4603 (26)~~(23)~~ "Permitholder" or "permittee" means a holder of a
 4604 permit to conduct pari-mutuel wagering in this state as
 4605 authorized in this chapter.

4606 (27)~~(26)~~ "Post time" means the time set for the arrival at
 4607 the starting point of the horses in a race or the beginning of a
 4608 game in jai alai.

4609 (28)~~(27)~~ "Purse" means the cash portion of the prize for
 4610 which a race or game is contested.

4611 (29)~~(28)~~ "Quarter horse" means a breed of horse developed

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4612 in the western United States which is capable of high speed for
 4613 a short distance and used in quarter horse racing registered
 4614 with the American Quarter Horse Association.

4615 (30)~~(29)~~ "Regular wagering" means contributions to pari-
 4616 mutuel pools involving wagering on a single entry in a single
 4617 race, or a single jai alai player or team in a single game, such
 4618 as the win pool, the place pool, or the show pool.

4619 (31)~~(30)~~ "Same class of races, games, or permit" means,
 4620 with respect to a jai alai permitholder, jai alai games or other
 4621 jai alai permitholders; with respect to a greyhound
 4622 permitholder, other greyhound permitholders conducting pari-
 4623 mutuel wagering; with respect to a thoroughbred permitholder,
 4624 thoroughbred races or other thoroughbred permitholders; with
 4625 respect to a harness permitholder, harness races or other
 4626 harness permitholders; with respect to a quarter horse
 4627 permitholder, quarter horse races or other quarter horse
 4628 permitholders.

4629 (32)~~(31)~~ "Simulcasting" means broadcasting events occurring
 4630 live at an in-state location to an out-of-state location, or
 4631 receiving at an in-state location events occurring live at an
 4632 out-of-state location, by the transmittal, retransmittal,
 4633 reception, and rebroadcast of television or radio signals by
 4634 wire, cable, satellite, microwave, or other electrical or
 4635 electronic means for receiving or rebroadcasting the events.

4636 (33)~~(32)~~ "Standardbred horse" means a pacing or trotting
 4637 horse that is used in harness racing and that has been
 4638 registered as a standardbred by the United States Trotting
 4639 Association or by a foreign registry whose stud book is
 4640 recognized by the United States Trotting Association.

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4641 (34)~~(33)~~ "Takeout" means the percentage of the pari-mutuel
 4642 pools deducted by the permitholder prior to the distribution of
 4643 the pool.
 4644 (35)~~(34)~~ "Thoroughbred" means a purebred horse whose
 4645 ancestry can be traced back to one of three foundation sires and
 4646 whose pedigree is registered in the American Stud Book or in a
 4647 foreign stud book that is recognized by the Jockey Club and the
 4648 International Stud Book Committee.
 4649 (36)~~(35)~~ "Totalisator" means the computer system used to
 4650 accumulate wagers, record sales, calculate payoffs, and display
 4651 wagering data on a display device that is located at a pari-
 4652 mutuel facility.
 4653 (37)~~(36)~~ "Ultimate equitable owner" means a natural person
 4654 who, directly or indirectly, owns or controls 5 percent or more
 4655 of an ownership interest in a corporation, foreign corporation,
 4656 or alien business organization, regardless of whether such
 4657 person owns or controls such ownership through one or more
 4658 natural persons or one or more proxies, powers of attorney,
 4659 nominees, corporations, associations, partnerships, trusts,
 4660 joint stock companies, or other entities or devices, or any
 4661 combination thereof.
 4662 (38)~~(37)~~ "Year," for purposes of determining a full
 4663 schedule of live racing, means the state fiscal year.
 4664 (20)~~(38)~~ "Net pool pricing" means a method of calculating
 4665 prices awarded to winning wagers relative to the contribution,
 4666 net of takeouts, to a pool by each participating jurisdiction
 4667 or, as applicable, site.
 4668 Reviser's note.—Amended to place the definitions of subsections
 4669 (20) through (23) and (26) through (38) in alphabetical

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4670 order.
 4671 Section 110. Paragraph (b) of subsection (1) of section
 4672 550.01215, Florida Statutes, is amended to read:
 4673 550.01215 License application; periods of operation;
 4674 license fees; bond.—
 4675 (1) Each permitholder shall annually, during the period
 4676 between December 15 and January 4, file in writing with the
 4677 commission its application for an operating license for a pari-
 4678 mutuel facility for the conduct of pari-mutuel wagering during
 4679 the next state fiscal year, including intertrack and simulcast
 4680 race wagering. Each application for live performances must
 4681 specify the number, dates, and starting times of all live
 4682 performances that the permitholder intends to conduct. It must
 4683 also specify which performances will be conducted as charity or
 4684 scholarship performances.
 4685 (b)1. A greyhound permitholder may not conduct live racing.
 4686 A jai alai permitholder, harness horse racing permitholder, or
 4687 quarter horse racing permitholder may elect not to conduct live
 4688 racing or games. A thoroughbred permitholder must conduct live
 4689 racing. A greyhound permitholder, jai alai permitholder, harness
 4690 horse racing permitholder, or quarter horse racing permitholder
 4691 that does not conduct live racing or games retains its permit;
 4692 is a pari-mutuel facility as defined in s. 550.002(23)
 4693 ~~550.002(22)~~; if such permitholder has been issued a slot machine
 4694 license, the facility where such permit is located remains an
 4695 eligible facility as defined in s. 551.102(4), continues to be
 4696 eligible for a slot machine license pursuant to s. 551.104(3),
 4697 and is exempt from ss. 551.104(4)(c) and (10) and 551.114(2); is
 4698 eligible, but not required, to be a guest track and, if the

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4699 permitholder is a harness horse racing permitholder, to be a
 4700 host track for purposes of intertrack wagering and simulcasting
 4701 pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and
 4702 remains eligible for a cardroom license.

4703 2. A permitholder or licensee may not conduct live
 4704 greyhound racing or dogracing in connection with any wager for
 4705 money or any other thing of value in the state. The commission
 4706 may deny, suspend, or revoke any permit or license under this
 4707 chapter if a permitholder or licensee conducts live greyhound
 4708 racing or dogracing in violation of this subparagraph. In
 4709 addition to, or in lieu of, denial, suspension, or revocation of
 4710 such permit or license, the commission may impose a civil
 4711 penalty of up to \$5,000 against the permitholder or licensee for
 4712 a violation of this subparagraph. All penalties imposed and
 4713 collected must be deposited with the Chief Financial Officer to
 4714 the credit of the General Revenue Fund.

4715 Reviser's note.—Amended to conform to the reordering of
 4716 definitions in s. 550.002 by this act.

4717 Section 111. Paragraph (b) of subsection (7) of section
 4718 550.2625, Florida Statutes, is amended to read:

4719 550.2625 Horseracing; minimum purse requirement, Florida
 4720 breeders' and owners' awards.—

4721 (7)

4722 (b) The commission shall deposit these collections to the
 4723 credit of the General Inspection Trust Fund in a special account
 4724 to be known as the "Florida Appaloosa Racing Promotion Account."
 4725 The Department of Agriculture and Consumer Services shall
 4726 administer the funds and adopt suitable and reasonable rules for
 4727 the administration thereof. The moneys in the Florida Appaloosa

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4728 Racing Promotion Account shall be allocated solely for
 4729 supplementing and augmenting purses and prizes and for the
 4730 general promotion of owning and breeding of racing Appaloosas in
 4731 this state, ~~and~~ The moneys may not be used to defray any
 4732 expense of the Department of Agriculture and Consumer Services
 4733 in the administration of this chapter.

4734 Reviser's note.—Amended to improve sentence structure.

4735 Section 112. Subsection (1) of section 553.895, Florida
 4736 Statutes, is amended to read:

4737 553.895 Firesafety.—

4738 (1) Any transient public lodging establishment, as defined
 4739 in chapter 509 and used primarily for transient occupancy as
 4740 defined in s. 83.43(17) ~~83.43(10)~~, or any timeshare unit of a
 4741 timeshare plan as defined in chapters 718 and 721, which is of
 4742 three stories or more and for which the construction contract
 4743 has been let after September 30, 1983, with interior corridors
 4744 which do not have direct access from the guest area to exterior
 4745 means of egress and on buildings over 75 feet in height that
 4746 have direct access from the guest area to exterior means of
 4747 egress and for which the construction contract has been let
 4748 after September 30, 1983, shall be equipped with an automatic
 4749 sprinkler system installed in compliance with the provisions
 4750 prescribed in the National Fire Protection Association
 4751 publication NFPA No. 13 (1985), "Standards for the Installation
 4752 of Sprinkler Systems." Each guest room and each timeshare unit
 4753 shall be equipped with an approved listed single-station smoke
 4754 detector meeting the minimum requirements of NFPA 74 (1984)
 4755 "Standards for the Installation, Maintenance and Use of
 4756 Household Fire Warning Equipment," powered from the building

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4757 electrical service, notwithstanding the number of stories in the
 4758 structure, if the contract for construction is let after
 4759 September 30, 1983. Single-station smoke detectors shall not be
 4760 required when guest rooms or timeshare units contain smoke
 4761 detectors connected to a central alarm system which also alarms
 4762 locally.

4763 Reviser's note.—Amended to conform to the reordering of
 4764 definitions in s. 83.43 by this act.

4765 Section 113. Paragraph (c) of subsection (1) of section
 4766 560.141, Florida Statutes, is amended to read:

4767 560.141 License application.—

4768 (1) To apply for a license as a money services business
 4769 under this chapter, the applicant must submit:

4770 (c) Fingerprints for each person listed in subparagraph
 4771 (a)3. for live-scan processing in accordance with rules adopted
 4772 by the commission.

4773 1. The fingerprints may be submitted through a third-party
 4774 vendor authorized by the Department of Law Enforcement to
 4775 provide live-scan fingerprinting.

4776 2. The Department of Law Enforcement must conduct the state
 4777 criminal history background check, and a federal criminal
 4778 history background check must be conducted through the Federal
 4779 Bureau of Investigation.

4780 3. All fingerprints submitted to the Department of Law
 4781 Enforcement must be submitted electronically and entered into
 4782 the statewide automated fingerprint identification system
 4783 established in s. 943.05(2)(b) and available for use in
 4784 accordance with s. 943.05(2)(g) and (h). The office shall pay an
 4785 annual fee to the Department of Law Enforcement to participate

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4786 in the system and shall inform the Department of Law Enforcement
 4787 of any person whose fingerprints no longer must be retained.

4788 4. The costs of fingerprint processing, including the cost
 4789 of retaining the fingerprints, shall be borne by the person
 4790 subject to the background check.

4791 5. The office shall review the results of the state and
 4792 federal criminal history background checks and determine whether
 4793 the applicant meets licensure requirements.

4794 6. For purposes of this paragraph, fingerprints are not
 4795 required to be submitted if the applicant is a publicly traded
 4796 corporation or is exempted from this chapter under s.
 4797 560.104(1).

4798 ~~7. Licensees initially approved before October 1, 2013, who~~
 4799 ~~are seeking renewal must submit fingerprints for each person~~
 4800 ~~listed in subparagraph (a)3. for live-scan processing pursuant~~
 4801 ~~to this paragraph. Such fingerprints must be submitted before~~
 4802 ~~renewing a license that is scheduled to expire between April 30,~~
 4803 ~~2014, and December 31, 2015.~~

4804 Reviser's note.—Amended to delete an obsolete provision.

4805 Section 114. Section 624.36, Florida Statutes, is amended
 4806 to read:

4807 624.36 Availability of description of specified behavioral
 4808 health care benefits on department website ~~Coverage of and~~
 4809 ~~access to behavioral health care services; complaints;~~
 4810 ~~reporting.—~~

4811 ~~(1) By January 31, 2022, the department shall submit a~~
 4812 ~~report to the Governor, the President of the Senate, and the~~
 4813 ~~Speaker of the House of Representatives relating to the~~
 4814 ~~disposition of complaints received from insureds and subscribers~~

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4815 ~~of insurers or health maintenance organizations regulated by the~~
 4816 ~~office relating to the access to and affordability of behavioral~~
 4817 ~~health care services and benefits during the prior calendar~~
 4818 ~~year. At a minimum, the report must include all of the following~~
 4819 ~~information:~~

4820 ~~(a) The total number of complaints received.~~

4821 ~~(b) The nature of the complaints, including, but not~~
 4822 ~~limited to, concerns related to access to in-network providers~~
 4823 ~~or facilities; access to inpatient or outpatient services;~~
 4824 ~~availability of specialists; affordability of services;~~
 4825 ~~equivalency of behavioral health care benefits with respect to~~
 4826 ~~medical and surgical benefits; quality of care; and denial of~~
 4827 ~~services, including the types of services denied and the stated~~
 4828 ~~reason for the denials.~~

4829 ~~(c) The disposition of the complaints.~~

4830 ~~(d) Any recommendations made by the department to the~~
 4831 ~~Legislature for ensuring the access to and affordability of~~
 4832 ~~behavioral health care services to insureds and subscribers.~~

4833 ~~(2) The department shall make available on its website a~~
 4834 ~~description of behavioral health care benefits required to be~~
 4835 ~~made available pursuant to s. 627.668 and federal law for~~
 4836 ~~individual and group policies and contracts.~~

4837 ~~Reviser's note.—Amended to delete an obsolete provision; the~~
 4838 ~~referenced plan was submitted to the recipients on January~~
 4839 ~~21, 2022.~~

4840 ~~Section 115. Paragraph (h) of subsection (1) of section~~
 4841 ~~626.321, Florida Statutes, is amended to read:~~

4842 ~~626.321 Limited licenses and registration.—~~

4843 ~~(1) The department shall issue to a qualified applicant a~~

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4844 license as agent authorized to transact a limited class of
 4845 business in any of the following categories of limited lines
 4846 insurance:

4847 ~~(h) Portable electronics insurance.—~~License for property
 4848 insurance or inland marine insurance that covers only loss,
 4849 theft, mechanical failure, malfunction, or damage for portable
 4850 electronics.

4851 1. The license may be issued only to:

4852 a. Employees or authorized representatives of a licensed
 4853 general lines agent; or

4854 b. The lead business location of a retail vendor that sells
 4855 portable electronics insurance. The lead business location must
 4856 have a contractual relationship with a general lines agent.

4857 2. Employees or authorized representatives of a licensee
 4858 under subparagraph 1. may sell or offer for sale portable
 4859 electronics coverage without being subject to licensure as an
 4860 insurance agent if:

4861 a. Such insurance is sold or offered for sale at a licensed
 4862 location or at one of the licensee's branch locations if the
 4863 branch location is appointed by the licensed lead business
 4864 location or its appointing insurers;

4865 b. The insurer issuing the insurance directly supervises or
 4866 appoints a general lines agent to supervise the sale of such
 4867 insurance, including the development of a training program for
 4868 the employees and authorized representatives of vendors that are
 4869 directly engaged in the activity of selling or offering the
 4870 insurance; and

4871 c. At each location where the insurance is offered,
 4872 brochures or other written materials that provide the

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4873 information required by this subparagraph are made available to
 4874 all prospective customers. The brochures or written materials
 4875 may include information regarding portable electronics
 4876 insurance, service warranty agreements, or other incidental
 4877 services or benefits offered by a licensee.

4878 3. Individuals not licensed to sell portable electronics
 4879 insurance may not be paid commissions based on the sale of such
 4880 coverage. However, a licensee who uses a compensation plan for
 4881 employees and authorized representatives which includes
 4882 supplemental compensation for the sale of noninsurance products,
 4883 in addition to a regular salary or hourly wages, may include
 4884 incidental compensation for the sale of portable electronics
 4885 insurance as a component of the overall compensation plan.

4886 4. Brochures or other written materials related to portable
 4887 electronics insurance must:

4888 a. Disclose that such insurance may duplicate coverage
 4889 already provided by a customer's homeowners insurance policy,
 4890 renters insurance policy, or other source of coverage;

4891 b. State that enrollment in insurance coverage is not
 4892 required in order to purchase or lease portable electronics or
 4893 services;

4894 c. Summarize the material terms of the insurance coverage,
 4895 including the identity of the insurer, the identity of the
 4896 supervising entity, the amount of any applicable deductible and
 4897 how it is to be paid, the benefits of coverage, and key terms
 4898 and conditions of coverage, such as whether portable electronics
 4899 may be repaired or replaced with similar make and model
 4900 reconditioned or nonoriginal manufacturer parts or equipment;

4901 d. Summarize the process for filing a claim, including a

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4902 description of how to return portable electronics and the
 4903 maximum fee applicable if the customer fails to comply with
 4904 equipment return requirements; and

4905 e. State that an enrolled customer may cancel coverage at
 4906 any time and that the person paying the premium will receive a
 4907 refund of any unearned premium.

4908 5. A licensed and appointed general lines agent is not
 4909 required to obtain a portable electronics insurance license to
 4910 offer or sell portable electronics insurance at locations
 4911 already licensed as an insurance agency, but may apply for a
 4912 portable electronics insurance license for branch locations not
 4913 otherwise licensed to sell insurance.

4914 6. A portable electronics license authorizes the sale of
 4915 individual policies or certificates under a group or master
 4916 insurance policy. The license also authorizes the sale of
 4917 service warranty agreements covering only portable electronics
 4918 to the same extent as if licensed under s. 634.419 or s.
 4919 634.420.

4920 7. A licensee may bill and collect the premium for the
 4921 purchase of portable electronics insurance provided that:

4922 a. If the insurance is included with the purchase or lease
 4923 of portable electronics or related services, the licensee
 4924 clearly and conspicuously discloses that insurance coverage is
 4925 included with the purchase. Disclosure of the stand-alone cost
 4926 of the premium for same or similar insurance must be made on the
 4927 customer's bill and in any marketing materials made available at
 4928 the point of sale. If the insurance is not included, the charge
 4929 to the customer for the insurance must be separately itemized on
 4930 the customer's bill.

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4931 b. Premiums are incidental to other fees collected, are
 4932 maintained in a manner that is readily identifiable, and are
 4933 accounted for and remitted to the insurer or supervising entity
 4934 within 60 days of receipt. Licensees are not required to
 4935 maintain such funds in a segregated account.

4936 c. All funds received by a licensee from an enrolled
 4937 customer for the sale of the insurance are considered funds held
 4938 in trust by the licensee in a fiduciary capacity for the benefit
 4939 of the insurer. Licensees may receive compensation for billing
 4940 and collection services.

4941 8. Notwithstanding any other provision of law, the terms
 4942 for the termination or modification of coverage under a policy
 4943 of portable electronics insurance are those set forth in the
 4944 policy.

4945 9. Notice or correspondence required by the policy, or
 4946 otherwise required by law, may be provided by electronic means
 4947 if the insurer or licensee maintains proof that the notice or
 4948 correspondence was sent. Such notice or correspondence may be
 4949 sent on behalf of the insurer or licensee by the general lines
 4950 agent appointed by the insurer to supervise the administration
 4951 of the program. For purposes of this subparagraph, an enrolled
 4952 customer's provision of an electronic mail address to the
 4953 insurer or licensee is deemed to be consent to receive notices
 4954 and correspondence by electronic means if a conspicuously
 4955 located disclosure is provided to the customer indicating the
 4956 same.

4957 10. The fingerprinting ~~fingerprints~~ requirements in s.
 4958 626.171(4) do not apply to licenses issued to qualified entities
 4959 under this paragraph.

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4960 11. A branch location that sells portable electronics
 4961 insurance may, in lieu of obtaining an appointment from an
 4962 insurer or warranty association, obtain a single appointment
 4963 from the associated lead business location licensee and pay the
 4964 prescribed appointment fee under s. 624.501 if the lead business
 4965 location has a single appointment from each insurer or warranty
 4966 association represented and such appointment applies to the lead
 4967 business location and all of its branch locations. Branch
 4968 location appointments shall be renewed 24 months after the
 4969 initial appointment date of the lead business location and every
 4970 24 months thereafter. Notwithstanding s. 624.501, the renewal
 4971 fee applicable to such branch location appointments is \$30 per
 4972 appointment.

4973 12. For purposes of this paragraph:

4974 a. "Branch location" means any physical location in this
 4975 state at which a licensee offers its products or services for
 4976 sale.

4977 b. "Portable electronics" means personal, self-contained,
 4978 easily carried by an individual, battery-operated electronic
 4979 communication, viewing, listening, recording, gaming, computing
 4980 or global positioning devices, including cell or satellite
 4981 phones, pagers, personal global positioning satellite units,
 4982 portable computers, portable audio listening, video viewing or
 4983 recording devices, digital cameras, video camcorders, portable
 4984 gaming systems, docking stations, automatic answering devices,
 4985 and other similar devices and their accessories, and service
 4986 related to the use of such devices.

4987 c. "Portable electronics transaction" means the sale or
 4988 lease of portable electronics or a related service, including

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4989 portable electronics insurance.
 4990 Reviser's note.—Amended to confirm an editorial substitution to
 4991 conform to context.
 4992 Section 116. Subsections (2), (5), and (6) of section
 4993 626.9891, Florida Statutes, are amended to read:
 4994 626.9891 Insurer anti-fraud investigative units; reporting
 4995 requirements; penalties for noncompliance.—
 4996 (2) ~~By December 31, 2017,~~ Every insurer admitted to do
 4997 business in this state shall:
 4998 (a) 1. Establish and maintain a designated anti-fraud unit
 4999 or division within the company to investigate and report
 5000 possible fraudulent insurance acts by insureds or by persons
 5001 making claims for services or repairs against policies held by
 5002 insureds; or
 5003 2. Contract with others to investigate and report possible
 5004 fraudulent insurance acts by insureds or by persons making
 5005 claims for services or repairs against policies held by
 5006 insureds.
 5007 (b) Adopt an anti-fraud plan.
 5008 (c) Designate at least one employee with primary
 5009 responsibility for implementing the requirements of this
 5010 section.
 5011 (d) Electronically file with the Division of Investigative
 5012 and Forensic Services of the department, and annually
 5013 thereafter, a detailed description of the designated anti-fraud
 5014 unit or division or a copy of the contract executed under
 5015 subparagraph (a)2., as applicable, a copy of the anti-fraud
 5016 plan, and the name of the employee designated under paragraph
 5017 (c).

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5018
 5019 An insurer must include the additional cost incurred in creating
 5020 a distinct unit or division, hiring additional employees, or
 5021 contracting with another entity to fulfill the requirements of
 5022 this section, as an administrative expense for ratemaking
 5023 purposes.
 5024 (5) Each insurer is required to report data related to
 5025 fraud for each identified line of business written by the
 5026 insurer during the prior calendar year. The data shall be
 5027 reported to the department annually by March 1, 2019, and
 5028 ~~annually thereafter,~~ and must include, at a minimum:
 5029 (a) The number of policies in effect;
 5030 (b) The amount of premiums written for policies;
 5031 (c) The number of claims received;
 5032 (d) The number of claims referred to the anti-fraud
 5033 investigative unit;
 5034 (e) The number of other insurance fraud matters referred to
 5035 the anti-fraud investigative unit that were not claim related;
 5036 (f) The number of claims investigated or accepted by the
 5037 anti-fraud investigative unit;
 5038 (g) The number of other insurance fraud matters
 5039 investigated or accepted by the anti-fraud investigative unit
 5040 that were not claim related;
 5041 (h) The number of cases referred to the Division of
 5042 Investigative and Forensic Services;
 5043 (i) The number of cases referred to other law enforcement
 5044 agencies;
 5045 (j) The number of cases referred to other entities; and
 5046 (k) The estimated dollar amount or range of damages on

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5047 cases referred to the Division of Investigative and Forensic
5048 Services or other agencies.

5049 (6) In addition to providing information required under
5050 subsections (2), (4), and (5), each insurer writing workers'
5051 compensation insurance shall also report the following
5052 information to the department, annually, on or before March 1,
5053 ~~2019, and annually thereafter:~~

5054 (a) The estimated dollar amount of losses attributable to
5055 workers' compensation fraud delineated by the type of fraud,
5056 including claimant, employer, provider, agent, or other type.

5057 (b) The estimated dollar amount of recoveries attributable
5058 to workers' compensation fraud delineated by the type of fraud,
5059 including claimant, employer, provider, agent, or other type.

5060 (c) The number of cases referred to the Division of
5061 Investigative and Forensic Services, delineated by the type of
5062 fraud, including claimant, employer, provider, agent, or other
5063 type.

5064 Reviser's note.—Amended to delete obsolete language.

5065 Section 117. Subsection (1) of section 695.031, Florida
5066 Statutes, is amended to read:

5067 695.031 Affidavits and acknowledgments by members of armed
5068 forces and their spouses.—

5069 (1) In addition to the manner, form and proof of
5070 acknowledgment of instruments as now provided by law, any person
5071 serving in or with the Armed Forces of the United States,
5072 including the Army, Navy, Air Force, Marine Corps, Space Force,
5073 Coast Guard, or any component or any arm or service of any
5074 thereof, ~~including any female auxiliary of any thereof~~, and any
5075 person whose duties require his or her presence with the Armed

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5076 Forces of the United States, as herein designated, or otherwise
5077 designated by law or military or naval command, may acknowledge
5078 any instrument, wherever located, either within or without the
5079 state, or without the United States, before any commissioned
5080 officer in active service of the Armed Forces of the United
5081 States, as herein designated, or otherwise designated by law, or
5082 military or naval command, or order, with the rank of second
5083 lieutenant or higher in the Army, Air Force, Space Force, or
5084 Marine Corps, or of any component or any arm or service of any
5085 thereof, ~~including any female auxiliary of any thereof~~, or
5086 ensign or higher in the Navy or United States Coast Guard, or of
5087 any component or any arm or service of either thereof, ~~including~~
5088 ~~any female auxiliary of any thereof.~~

5089 Reviser's note.—Amended to delete obsolete language to conform
5090 to the fact that female auxiliary forces no longer exist.

5091 Section 118. Subsections (1) through (4) of section
5092 705.101, Florida Statutes, are reordered and amended to read:
5093 705.101 Definitions.—As used in this chapter:

5094 (3)(1) "Local government" means the board of county
5095 commissioners of a county or the commission or council of any
5096 municipality in the county.

5097 (4)(2) "Lost property" means all tangible personal property
5098 which does not have an identifiable owner and which has been
5099 mislaid on public property, upon a public conveyance, on
5100 premises used at the time for business purposes, or in parks,
5101 places of amusement, public recreation areas, or other places
5102 open to the public in a substantially operable, functioning
5103 condition or which has an apparent intrinsic value to the
5104 rightful owner.

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5105 (1)~~(3)~~ "Abandoned property" means all tangible personal
 5106 property that does not have an identifiable owner and that has
 5107 been disposed on public property in a wrecked, inoperative, or
 5108 partially dismantled condition or has no apparent intrinsic
 5109 value to the rightful owner. The term includes derelict vessels
 5110 as defined in s. 823.11 and vessels declared a public nuisance
 5111 pursuant to s. 327.73(1)(aa).
 5112 (2)~~(4)~~ "Law enforcement officer" means any person who is
 5113 elected, appointed, or employed full time by any sheriff, any
 5114 municipality, or the state or any political subdivision thereof;
 5115 who is vested with authority to bear arms and make arrests; and
 5116 whose primary responsibility is the prevention and detection of
 5117 crime or the enforcement of the penal, criminal, traffic, or
 5118 highway laws of the state. This definition includes all
 5119 certified supervisory and command personnel whose duties
 5120 include, in whole or in part, the supervision, training,
 5121 guidance, and management responsibilities of full-time law
 5122 enforcement officers or auxiliary law enforcement officers but
 5123 does not include support personnel employed by the employing
 5124 agency.
 5125 Reviser's note.—Amended to place the definitions of the section
 5126 in alphabetical order.
 5127 Section 119. Paragraph (d) of subsection (1) of section
 5128 718.501, Florida Statutes, is amended to read:
 5129 718.501 Authority, responsibility, and duties of Division
 5130 of Florida Condominiums, Timeshares, and Mobile Homes.—
 5131 (1) The division may enforce and ensure compliance with
 5132 this chapter and rules relating to the development,
 5133 construction, sale, lease, ownership, operation, and management

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5134 of residential condominium units and complaints related to the
 5135 procedural completion of milestone inspections under s. 553.899.
 5136 In performing its duties, the division has complete jurisdiction
 5137 to investigate complaints and enforce compliance with respect to
 5138 associations that are still under developer control or the
 5139 control of a bulk assignee or bulk buyer pursuant to part VII of
 5140 this chapter and complaints against developers, bulk assignees,
 5141 or bulk buyers involving improper turnover or failure to
 5142 turnover, pursuant to s. 718.301. However, after turnover has
 5143 occurred, the division has jurisdiction to investigate
 5144 complaints related only to financial issues, elections, and the
 5145 maintenance of and unit owner access to association records
 5146 under s. 718.111(12), and the procedural completion of
 5147 structural integrity reserve studies under s. 718.112(2)(g).
 5148 (d) Notwithstanding any remedies available to unit owners
 5149 and associations, if the division has reasonable cause to
 5150 believe that a violation of any provision of this chapter or
 5151 related rule has occurred, the division may institute
 5152 enforcement proceedings in its own name against any developer,
 5153 bulk assignee, bulk buyer, association, officer, or member of
 5154 the board of administration, or its assignees or agents, as
 5155 follows:
 5156 1. The division may permit a person whose conduct or
 5157 actions may be under investigation to waive formal proceedings
 5158 and enter into a consent proceeding whereby orders, rules, or
 5159 letters of censure or warning, whether formal or informal, may
 5160 be entered against the person.
 5161 2. The division may issue an order requiring the developer,
 5162 bulk assignee, bulk buyer, association, developer-designated

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5163 officer, or developer-designated member of the board of
 5164 administration, developer-designated assignees or agents, bulk
 5165 assignee-designated assignees or agents, bulk buyer-designated
 5166 assignees or agents, community association manager, or community
 5167 association management firm to cease and desist from the
 5168 unlawful practice and take such affirmative action as in the
 5169 judgment of the division carry out the purposes of this chapter.
 5170 If the division finds that a developer, bulk assignee, bulk
 5171 buyer, association, officer, or member of the board of
 5172 administration, or its assignees or agents, is violating or is
 5173 about to violate any provision of this chapter, any rule adopted
 5174 or order issued by the division, or any written agreement
 5175 entered into with the division, and presents an immediate danger
 5176 to the public requiring an immediate final order, it may issue
 5177 an emergency cease and desist order reciting with particularity
 5178 the facts underlying such findings. The emergency cease and
 5179 desist order is effective for 90 days. If the division begins
 5180 nonemergency cease and desist proceedings, the emergency cease
 5181 and desist order remains effective until the conclusion of the
 5182 proceedings under ss. 120.569 and 120.57.

5183 3. If a developer, bulk assignee, or bulk buyer fails to
 5184 pay any restitution determined by the division to be owed, plus
 5185 any accrued interest at the highest rate permitted by law,
 5186 within 30 days after expiration of any appellate time period of
 5187 a final order requiring payment of restitution or the conclusion
 5188 of any appeal thereof, whichever is later, the division must
 5189 bring an action in circuit or county court on behalf of any
 5190 association, class of unit owners, lessees, or purchasers for
 5191 restitution, declaratory relief, injunctive relief, or any other

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5192 available remedy. The division may also temporarily revoke its
 5193 acceptance of the filing for the developer to which the
 5194 restitution relates until payment of restitution is made.

5195 4. The division may petition the court for appointment of a
 5196 receiver or conservator. If appointed, the receiver or
 5197 conservator may take action to implement the court order to
 5198 ensure the performance of the order and to remedy any breach
 5199 thereof. In addition to all other means provided by law for the
 5200 enforcement of an injunction or temporary restraining order, the
 5201 circuit court may impound or sequester the property of a party
 5202 defendant, including books, papers, documents, and related
 5203 records, and allow the examination and use of the property by
 5204 the division and a court-appointed receiver or conservator.

5205 5. The division may apply to the circuit court for an order
 5206 of restitution whereby the defendant in an action brought under
 5207 subparagraph 4. is ordered to make restitution of those sums
 5208 shown by the division to have been obtained by the defendant in
 5209 violation of this chapter. At the option of the court, such
 5210 restitution is payable to the conservator or receiver appointed
 5211 under subparagraph 4. or directly to the persons whose funds or
 5212 assets were obtained in violation of this chapter.

5213 6. The division may impose a civil penalty against a
 5214 developer, bulk assignee, or bulk buyer, or association, or its
 5215 assignee or agent, for any violation of this chapter or related
 5216 rule. The division may impose a civil penalty individually
 5217 against an officer or board member who willfully and knowingly
 5218 violates this chapter, an adopted rule, or a final order of the
 5219 division; may order the removal of such individual as an officer
 5220 or from the board of administration or as an officer of the

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5221 association; and may prohibit such individual from serving as an
 5222 officer or on the board of a community association for a period
 5223 of time. The term "willfully and knowingly" means that the
 5224 division informed the officer or board member that his or her
 5225 action or intended action violates this chapter, a rule adopted
 5226 under this chapter, or a final order of the division and that
 5227 the officer or board member refused to comply with the
 5228 requirements of this chapter, a rule adopted under this chapter,
 5229 or a final order of the division. The division, before
 5230 initiating formal agency action under chapter 120, must afford
 5231 the officer or board member an opportunity to voluntarily
 5232 comply, and an officer or board member who complies within 10
 5233 days is not subject to a civil penalty. A penalty may be imposed
 5234 on the basis of each day of continuing violation, but the
 5235 penalty for any offense may not exceed \$5,000. The division
 5236 shall adopt, by rule, penalty guidelines applicable to possible
 5237 violations or to categories of violations of this chapter or
 5238 rules adopted by the division. The guidelines must specify a
 5239 meaningful range of civil penalties for each such violation of
 5240 the statute and rules and must be based upon the harm caused by
 5241 the violation, upon the repetition of the violation, and upon
 5242 such other factors deemed relevant by the division. For example,
 5243 the division may consider whether the violations were committed
 5244 by a developer, bulk assignee, or bulk buyer, or owner-
 5245 controlled association, the size of the association, and other
 5246 factors. The guidelines must designate the possible mitigating
 5247 or aggravating circumstances that justify a departure from the
 5248 range of penalties provided by the rules. It is the legislative
 5249 intent that minor violations be distinguished from those which

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5250 endanger the health, safety, or welfare of the condominium
 5251 residents or other persons and that such guidelines provide
 5252 reasonable and meaningful notice to the public of likely
 5253 penalties that may be imposed for proscribed conduct. This
 5254 subsection does not limit the ability of the division to
 5255 informally dispose of administrative actions or complaints by
 5256 stipulation, agreed settlement, or consent order. All amounts
 5257 collected shall be deposited with the Chief Financial Officer to
 5258 the credit of the Division of Florida Condominiums, Timeshares,
 5259 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
 5260 bulk buyer fails to pay the civil penalty and the amount deemed
 5261 to be owed to the association, the division shall issue an order
 5262 directing that such developer, bulk assignee, or bulk buyer
 5263 cease and desist from further operation until such time as the
 5264 civil penalty is paid or may pursue enforcement of the penalty
 5265 in a court of competent jurisdiction. If an association fails to
 5266 pay the civil penalty, the division shall pursue enforcement in
 5267 a court of competent jurisdiction, and the order imposing the
 5268 civil penalty or the cease and desist order is not effective
 5269 until 20 days after the date of such order. Any action commenced
 5270 by the division shall be brought in the county in which the
 5271 division has its executive offices or in the county where the
 5272 violation occurred.

5273 7. If a unit owner presents the division with proof that
 5274 the unit owner has requested access to official records in
 5275 writing by certified mail, and that after 10 days the unit owner
 5276 again made the same request for access to official records in
 5277 writing by certified mail, and that more than 10 days has
 5278 elapsed since the second request and the association has still

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5279 failed or refused to provide access to official records as
 5280 required by this chapter, the division shall issue a subpoena
 5281 requiring production of the requested records where the records
 5282 are kept pursuant to s. 718.112.

5283 8. In addition to subparagraph 6., the division may seek
 5284 the imposition of a civil penalty through the circuit court for
 5285 any violation for which the division may issue a notice to show
 5286 cause under paragraph (r). The civil penalty shall be at least
 5287 \$500 but no more than \$5,000 for each violation. The court may
 5288 also award to the prevailing party court costs and reasonable
 5289 attorney fees and, if the division prevails, may also award
 5290 reasonable costs of investigation.

5291 Reviser's note.—Amended to confirm an editorial insertion to
 5292 improve clarity and for consistency with the rest of the
 5293 sentence.

5294 Section 120. Paragraph (d) of subsection (1) of section
 5295 719.501, Florida Statutes, is amended to read:

5296 719.501 Powers and duties of Division of Florida
 5297 Condominiums, Timeshares, and Mobile Homes.—

5298 (1) The Division of Florida Condominiums, Timeshares, and
 5299 Mobile Homes of the Department of Business and Professional
 5300 Regulation, referred to as the "division" in this part, in
 5301 addition to other powers and duties prescribed by chapter 718,
 5302 has the power to enforce and ensure compliance with this chapter
 5303 and adopted rules relating to the development, construction,
 5304 sale, lease, ownership, operation, and management of residential
 5305 cooperative units; complaints related to the procedural
 5306 completion of the structural integrity reserve studies under s.
 5307 719.106(1)(k); and complaints related to the procedural

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5308 completion of milestone inspections under s. 553.899. In
 5309 performing its duties, the division shall have the following
 5310 powers and duties:

5311 (d) Notwithstanding any remedies available to unit owners
 5312 and associations, if the division has reasonable cause to
 5313 believe that a violation of any provision of this chapter or
 5314 related rule has occurred, the division may institute
 5315 enforcement proceedings in its own name against a developer,
 5316 association, officer, or member of the board, or its assignees
 5317 or agents, as follows:

5318 1. The division may permit a person whose conduct or
 5319 actions may be under investigation to waive formal proceedings
 5320 and enter into a consent proceeding whereby orders, rules, or
 5321 letters of censure or warning, whether formal or informal, may
 5322 be entered against the person.

5323 2. The division may issue an order requiring the developer,
 5324 association, officer, or member of the board, or its assignees
 5325 or agents, to cease and desist from the unlawful practice and
 5326 take such affirmative action as in the judgment of the division
 5327 will carry out the purposes of this chapter. Such affirmative
 5328 action may include, but is not limited to, an order requiring a
 5329 developer to pay moneys determined to be owed to a condominium
 5330 association.

5331 3. The division may bring an action in circuit court on
 5332 behalf of a class of unit owners, lessees, or purchasers for
 5333 declaratory relief, injunctive relief, or restitution.

5334 4. The division may impose a civil penalty against a
 5335 developer or association, or its assignees or agents, for any
 5336 violation of this chapter or related rule. The division may

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5337 impose a civil penalty individually against any officer or board
 5338 member who willfully and knowingly violates a provision of this
 5339 chapter, a rule adopted pursuant to this chapter, or a final
 5340 order of the division. The term "willfully and knowingly" means
 5341 that the division informed the officer or board member that his
 5342 or her action or intended action violates this chapter, a rule
 5343 adopted under this chapter, or a final order of the division,
 5344 and that the officer or board member refused to comply with the
 5345 requirements of this chapter, a rule adopted under this chapter,
 5346 or a final order of the division. The division, prior to
 5347 initiating formal agency action under chapter 120, shall afford
 5348 the officer or board member an opportunity to voluntarily comply
 5349 with this chapter, a rule adopted under this chapter, or a final
 5350 order of the division. An officer or board member who complies
 5351 within 10 days is not subject to a civil penalty. A penalty may
 5352 be imposed on the basis of each day of continuing violation, but
 5353 in no event shall the penalty for any offense exceed \$5,000. ~~By~~
 5354 ~~January 1, 1998,~~ The division shall adopt, by rule, penalty
 5355 guidelines applicable to possible violations or to categories of
 5356 violations of this chapter or rules adopted by the division. The
 5357 guidelines must specify a meaningful range of civil penalties
 5358 for each such violation of the statute and rules and must be
 5359 based upon the harm caused by the violation, upon the repetition
 5360 of the violation, and upon such other factors deemed relevant by
 5361 the division. For example, the division may consider whether the
 5362 violations were committed by a developer or owner-controlled
 5363 association, the size of the association, and other factors. The
 5364 guidelines must designate the possible mitigating or aggravating
 5365 circumstances that justify a departure from the range of

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5366 penalties provided by the rules. It is the legislative intent
 5367 that minor violations be distinguished from those which endanger
 5368 the health, safety, or welfare of the cooperative residents or
 5369 other persons and that such guidelines provide reasonable and
 5370 meaningful notice to the public of likely penalties that may be
 5371 imposed for proscribed conduct. This subsection does not limit
 5372 the ability of the division to informally dispose of
 5373 administrative actions or complaints by stipulation, agreed
 5374 settlement, or consent order. All amounts collected shall be
 5375 deposited with the Chief Financial Officer to the credit of the
 5376 Division of Florida Condominiums, Timeshares, and Mobile Homes
 5377 Trust Fund. If a developer fails to pay the civil penalty, the
 5378 division shall thereupon issue an order directing that such
 5379 developer cease and desist from further operation until such
 5380 time as the civil penalty is paid or may pursue enforcement of
 5381 the penalty in a court of competent jurisdiction. If an
 5382 association fails to pay the civil penalty, the division shall
 5383 thereupon pursue enforcement in a court of competent
 5384 jurisdiction, and the order imposing the civil penalty or the
 5385 cease and desist order shall not become effective until 20 days
 5386 after the date of such order. Any action commenced by the
 5387 division shall be brought in the county in which the division
 5388 has its executive offices or in the county where the violation
 5389 occurred.
 5390 Reviser's note.—Amended to delete obsolete language and to
 5391 confirm an editorial insertion to improve clarity and for
 5392 consistency with the rest of the sentence.
 5393 Section 121. Paragraph (b) of subsection (2) of section
 5394 720.304, Florida Statutes, is amended to read:

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5395 720.304 Right of owners to peaceably assemble; display of
 5396 flag; SLAPP suits prohibited.—
 5397 (2)
 5398 (b) Any homeowner may erect a freestanding flagpole no more
 5399 than 20 feet high on any portion of the homeowner's real
 5400 property, regardless of any covenants, restrictions, bylaws,
 5401 rules, or requirements of the association, if the flagpole does
 5402 not obstruct sightlines at intersections and is not erected
 5403 within or upon an easement. The homeowner may further display in
 5404 a respectful manner from that flagpole, regardless of any
 5405 covenants, restrictions, bylaws, rules, or requirements of the
 5406 association, one official United States flag, not larger than 4
 5407 1/2 feet by 6 feet, and may additionally display one official
 5408 flag of the State of Florida or the United States Army, Navy,
 5409 Air Force, Marines, Space Force, or Coast Guard, or a POW-MIA
 5410 flag. Such additional flag must be equal in size to or smaller
 5411 than the United States flag. The flagpole and display are
 5412 subject to all building codes, zoning setbacks, and other
 5413 applicable governmental regulations, including, but not limited
 5414 to, noise and lighting ordinances in the county or municipality
 5415 in which the flagpole is erected and all setback and locational
 5416 criteria contained in the governing documents.
 5417 Reviser's note.—Amended to confirm an editorial insertion to
 5418 conform to the amendment by s. 19, ch. 2022-183, Laws of
 5419 Florida, which added Space Force to the list of United
 5420 States entities for which homeowners may display an
 5421 official flag in paragraph (2)(a).
 5422 Section 122. Paragraphs (b) and (c) of subsection (1) of
 5423 section 741.313, Florida Statutes, are amended to read:

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5424 741.313 Unlawful action against employees seeking
 5425 protection.—
 5426 (1) As used in this section, the term:
 5427 (b) "Employee" has the same meaning as in s. 440.02(18)
 5428 440.02(15).
 5429 (c) "Employer" has the same meaning as in s. 440.02(19)
 5430 440.02(16).
 5431 Reviser's note.—Amended to conform to the reordering of
 5432 definitions in s. 440.02 by this act.
 5433 Section 123. Paragraphs (b) and (c) of subsection (3) of
 5434 section 744.2111, Florida Statutes, are amended to read:
 5435 744.2111 Confidentiality.—
 5436 (3) This section does not prohibit the department from
 5437 providing such information:
 5438 (b) To any other regulatory agency in the performance of
 5439 its official duties and responsibilities;
 5440 (c) To the clerk of the circuit court under s. 744.368; or
 5441 Reviser's note.—Amended to confirm an editorial insertion to
 5442 improve clarity.
 5443 Section 124. Paragraph (e) of subsection (3) of section
 5444 766.105, Florida Statutes, is amended to read:
 5445 766.105 Florida Patient's Compensation Fund.—
 5446 (3) THE FUND.—
 5447 (e) *Fund accounting and audit*.—
 5448 1. Money shall be withdrawn from the fund only upon a
 5449 voucher as authorized by the Chief Financial Officer or his or
 5450 her designee.
 5451 2. All books, records, and audits of the fund shall be open
 5452 for reasonable inspection to the general public, except that a

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claim file in possession of the fund, fund members, and their insurers is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until termination of litigation or settlement of the claim, although medical records and other portions of the claim file may remain confidential and exempt as otherwise provided by law. Any book, record, document, audit, or asset acquired by, prepared for, or paid for by the fund is subject to the authority of the Chief Financial Officer or his or her designee, who ~~which~~ shall be responsible therefor.

3. Persons authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any fund moneys shall post a blanket fidelity bond in an amount reasonably sufficient to protect fund assets. The cost of such bond shall be paid from the fund.

4. Annually, the fund shall furnish, upon request, audited financial reports to any fund participant and to the Office of Insurance Regulation and the Joint Legislative Auditing Committee. The reports shall be prepared in accordance with accepted accounting procedures and shall include income and such other information as may be required by the Office of Insurance Regulation or the Joint Legislative Auditing Committee.

5. Any money held in the fund shall be invested in interest-bearing investments. However, in no case may any such money be invested in the stock of any insurer participating in the Joint Underwriting Association authorized by s. 627.351(4) or in the parent company of, or company owning a controlling interest in, such insurer. All income derived from such investments shall be credited to the fund.

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6. Any health care provider participating in the fund may withdraw from such participation only at the end of a fiscal year; however, such health care provider shall remain subject to any assessment or any refund pertaining to any year in which such member participated in the fund.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 125. Paragraph (f) of subsection (10) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; civil liability for damages caused during a riot; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)

(f) For purposes of this section, any nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, or any of its employees or agents, and which has agreed in an affiliation agreement or other contract to provide, or permit its employees or agents to provide, patient services as agents of a teaching hospital, is considered an agent of the teaching hospital while acting within the scope of and pursuant to guidelines established in the affiliation agreement or other contract. To the extent allowed by law, the contract must provide for the indemnification of the teaching hospital, up to the limits set out in this chapter, by the agent for any liability incurred which was caused by the negligence of the college or university or its employees or agents. The contract must also provide that those limited portions of the college, university, or medical

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5511 school which are directly providing services pursuant to the
 5512 contract and which are considered an agent of the teaching
 5513 hospital for purposes of this section are deemed to be acting on
 5514 behalf of a public agency as defined in s. 119.011(2).

5515 1. For purposes of this paragraph, the term:

5516 a. "Employee or agent" means an officer, employee, agent,
 5517 or servant of a nonprofit independent college or university
 5518 located and chartered in this state which owns or operates an
 5519 accredited medical school, including, but not limited to, the
 5520 faculty of the medical school, any health care practitioner or
 5521 licensee as defined in s. 456.001 for which the college or
 5522 university is vicariously liable, and the staff or
 5523 administrators of the medical school.

5524 b. "Patient services" means ~~mean:~~

5525 (I) Comprehensive health care services as defined in s.
 5526 641.19, including any related administrative service, provided
 5527 to patients in a teaching hospital;

5528 (II) Training and supervision of interns, residents, and
 5529 fellows providing patient services in a teaching hospital; or

5530 (III) Training and supervision of medical students in a
 5531 teaching hospital.

5532 c. "Teaching hospital" means a teaching hospital as defined
 5533 in s. 408.07 which is owned or operated by the state, a county
 5534 or municipality, a public health trust, a special taxing
 5535 district, a governmental entity having health care
 5536 responsibilities, or a not-for-profit entity that operates such
 5537 facility as an agent of the state, or a political subdivision of
 5538 the state, under a lease or other contract.

5539 2. The teaching hospital or the medical school, or its

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5540 employees or agents, must provide notice to each patient, or the
 5541 patient's legal representative, that the college or university
 5542 that owns or operates the medical school and the employees or
 5543 agents of that college or university are acting as agents of the
 5544 teaching hospital and that the exclusive remedy for injury or
 5545 damage suffered as the result of any act or omission of the
 5546 teaching hospital, the college or university that owns or
 5547 operates the medical school, or the employees or agents of the
 5548 college or university, while acting within the scope of duties
 5549 pursuant to the affiliation agreement or other contract with a
 5550 teaching hospital, is by commencement of an action pursuant to
 5551 the provisions of this section. This notice requirement may be
 5552 met by posting the notice in a place conspicuous to all persons.

5553 3. This paragraph does not designate any employee providing
 5554 contracted patient services in a teaching hospital as an
 5555 employee or agent of the state for purposes of chapter 440.
 5556 Reviser's note.—Amended to conform to context.

5557 Section 126. Paragraphs (a), (b), and (d) of subsection (1)
 5558 of section 796.07, Florida Statutes, are reordered and amended
 5559 to read:

5560 796.07 Prohibiting prostitution and related acts.—

5561 (1) As used in this section:

5562 (b) ~~(a)~~ "Female genitals" includes the labia minora, labia
 5563 majora, clitoris, vulva, hymen, and vagina.

5564 (d) ~~(b)~~ "Prostitution" means the giving or receiving of the
 5565 body for sexual activity for hire but excludes sexual activity
 5566 between spouses.

5567 (a) ~~(d)~~ "Assignment" means the making of any appointment or
 5568 engagement for prostitution or lewdness, or any act in

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5569 furtherance of such appointment or engagement.
 5570 Reviser's note.—Amended to place the definitions in subsection
 5571 (1) in alphabetical order.
 5572 Section 127. Subsection (2) of section 815.062, Florida
 5573 Statutes, is amended to read:
 5574 815.062 Offenses against governmental entities.—
 5575 (2) A person who willfully, knowingly, and without
 5576 authorization introduces a computer contaminant that gains
 5577 unauthorized access to, encrypts, modifies, or otherwise renders
 5578 unavailable data, programs, or supporting documentation residing
 5579 or existing within a computer, computer system, computer
 5580 network, or electronic device owned or operated by a
 5581 governmental entity and demands a ransom to prevent the
 5582 publication of or to restore access to the data, programs, or
 5583 supporting documentation or to otherwise remediate the impact of
 5584 the computer contaminant commits a felony of the first degree,
 5585 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 5586 Reviser's note.—Amended to confirm an editorial insertion to
 5587 improve clarity.
 5588 Section 128. Section 907.044, Florida Statutes, is amended
 5589 to read:
 5590 907.044 Annual study of pretrial release program
 5591 effectiveness and cost efficiency.—The Office of Program Policy
 5592 Analysis and Government Accountability shall conduct an annual
 5593 study to evaluate the effectiveness and cost efficiency of
 5594 pretrial release programs in this state. The study's scope shall
 5595 include, but need not be limited to, gathering information
 5596 pertaining to the funding sources of each pretrial release
 5597 program, the nature of criminal convictions of defendants

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5598 accepted into the programs, the number of failed court
 5599 appearances by defendants accepted into each program, and the
 5600 number of warrants issued subsequently for ~~by~~ defendants in each
 5601 program, as well as the program's compliance with the provisions
 5602 of this section. OPPAGA shall submit a report to the President
 5603 of the Senate and the Speaker of the House of Representatives by
 5604 January 1 of each year.
 5605 Reviser's note.—Amended to conform to context.
 5606 Section 129. Subsection (13) of section 943.10, Florida
 5607 Statutes, is amended to read:
 5608 943.10 Definitions; ss. 943.085-943.255.—The following
 5609 words and phrases as used in ss. 943.085-943.255 are defined as
 5610 follows:
 5611 (13) "Head of the department" means the Governor and
 5612 Cabinet, as provided for in ss. 20.201 and 20.03(11) ~~20.03(4)~~.
 5613 Reviser's note.—Amended to conform to the reordering of
 5614 definitions in s. 20.03 by this act.
 5615 Section 130. Subsection (6) of section 943.13, Florida
 5616 Statutes, is amended to read:
 5617 943.13 Officers' minimum qualifications for employment or
 5618 appointment.—On or after October 1, 1984, any person employed or
 5619 appointed as a full-time, part-time, or auxiliary law
 5620 enforcement officer or correctional officer; on or after October
 5621 1, 1986, any person employed as a full-time, part-time, or
 5622 auxiliary correctional probation officer; and on or after
 5623 October 1, 1986, any person employed as a full-time, part-time,
 5624 or auxiliary correctional officer by a private entity under
 5625 contract to the Department of Corrections, to a county
 5626 commission, or to the Department of Management Services shall:

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5627 (6)~~(a)~~ Have passed a physical examination by a licensed
 5628 physician, physician assistant, or licensed advanced practice
 5629 registered nurse, based on specifications established by the
 5630 commission. In order to be eligible for the presumption set
 5631 forth in s. 112.18 while employed with an employing agency, a
 5632 law enforcement officer, correctional officer, or correctional
 5633 probation officer must have successfully passed the physical
 5634 examination required by this subsection upon entering into
 5635 service as a law enforcement officer, correctional officer, or
 5636 correctional probation officer with the employing agency, which
 5637 examination must have failed to reveal any evidence of
 5638 tuberculosis, heart disease, or hypertension. A law enforcement
 5639 officer, correctional officer, or correctional probation officer
 5640 may not use a physical examination from a former employing
 5641 agency for purposes of claiming the presumption set forth in s.
 5642 112.18 against the current employing agency.

5643 ~~(b)~~ The employing agency must maintain records of the
 5644 physical examination for at least 5 years after the employee's
 5645 separation from the employing agency. If the employing agency
 5646 fails to maintain the records of the physical examination for
 5647 the 5-year period after the employee's separation, it is
 5648 presumed that the employee has met the requirements of this
 5649 subsection paragraph (a).

5650 Reviser's note.—Amended to confirm the editorial deletion of
 5651 paragraph designators incident to compiling the 2022
 5652 Florida Statutes; the language in paragraph (b) is a
 5653 continuation of that in paragraph (a) and does not connect
 5654 directly to the section's introductory paragraph. An
 5655 editorial substitution is confirmed to conform to the

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5656 deletion of paragraph subunits.

5657 Section 131. Subsection (2) of section 946.502, Florida
 5658 Statutes, is amended to read:

5659 946.502 Legislative intent with respect to operation of
 5660 correctional work programs.—

5661 (2) It is further the intent of the Legislature that, once
 5662 one such nonprofit corporation is organized, no other nonprofit
 5663 corporation be organized for the purpose of carrying out this
 5664 part. In carrying out this part, the corporation is not an
 5665 "agency" within the meaning of s. 20.03(1) ~~20.03(11)~~.

5666 Reviser's note.—Amended to conform to the reordering of
 5667 definitions in s. 20.03 by this act.

5668 Section 132. Paragraphs (b) and (c) of subsection (1) of
 5669 section 951.23, Florida Statutes, are reordered and amended to
 5670 read:

5671 951.23 County and municipal detention facilities;
 5672 definitions; administration; standards and requirements.—

5673 (1) DEFINITIONS.—As used in this section, the term:

5674 (c) ~~(b)~~ "County residential probation center" means a
 5675 county-operated facility housing offenders serving misdemeanor
 5676 sentences or first-time felony sentences. Such facilities shall
 5677 provide or contract for the provision of the programs
 5678 established under s. 951.231.

5679 (b) ~~(e)~~ "County prisoner" means a person who is detained in
 5680 a county detention facility by reason of being charged with or
 5681 convicted of either felony or misdemeanor.

5682 Reviser's note.—Amended to place the definitions in subsection
 5683 (1) in alphabetical order.

5684 Section 133. Subsection (2) of section 960.0021, Florida

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5685 Statutes, is amended to read:

5686 960.0021 Legislative intent; advisement to victims.—

5687 (2) The courts may fulfill their obligation to advise crime
5688 victims by doing one of the following:

5689 (a) Making the following announcement at any arraignment,
5690 sentencing, or case-management proceeding:

5691
5692 "If you are the victim of a crime with a case pending
5693 before this court, you are advised that you have the
5694 right, upon request:

5695 1. To be informed.

5696 2. To be present.

5697 3. To be heard at all stages of criminal
5698 proceedings.

5699 4. To receive advance notification, when
5700 possible, of judicial proceedings and notification of
5701 scheduling changes, pursuant to section 960.001,
5702 Florida Statutes.

5703 5. To seek crimes compensation and restitution.

5704 6. To consult with the state attorney's office in
5705 certain felony cases regarding the disposition of the
5706 case.

5707 7. To make an oral or written victim impact
5708 statement at the time of sentencing of a defendant.

5709
5710 For further information regarding additional rights
5711 afforded to victims of crime, you may contact the
5712 state attorney's office or obtain a listing of your
5713 rights from the Clerk of Court."

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5714 ~~for~~

5715 (b) Displaying prominently on the courtroom doors posters
5716 giving notification of the existence and general provisions of
5717 this chapter. The Department of Legal Affairs shall provide the
5718 courts with the posters specified by this paragraph.

5719 Reviser's note.—Amended to improve subsection structure.

5720 Section 134. Paragraph (b) of subsection (1) of section
5721 961.06, Florida Statutes, is amended to read:

5722 961.06 Compensation for wrongful incarceration.—

5723 (1) Except as otherwise provided in this act and subject to
5724 the limitations and procedures prescribed in this section, a
5725 person who is found to be entitled to compensation under the
5726 provisions of this act is entitled to:

5727 (b) A waiver of tuition and fees for up to 120 hours of
5728 instruction at any career center established under s. 1001.44,
5729 any Florida College System institution as defined in s.
5730 1000.21(5) ~~1000.21(3)~~, or any state university as defined in s.
5731 1000.21(8) ~~1000.21(6)~~, if the wrongfully incarcerated person
5732 meets and maintains the regular admission requirements of such
5733 career center, Florida College System institution, or state
5734 university; remains registered at such educational institution;
5735 and makes satisfactory academic progress as defined by the
5736 educational institution in which the claimant is enrolled;

5737
5738 The total compensation awarded under paragraphs (a), (c), and
5739 (d) may not exceed \$2 million. No further award for attorney's
5740 fees, lobbying fees, costs, or other similar expenses shall be
5741 made by the state.

5742 Reviser's note.—Amended to conform to the reordering of

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5743 definitions in s. 1000.21 by this act.

5744 Section 135. Paragraphs (a) and (b) of subsection (2) of
5745 section 985.26, Florida Statutes, are amended to read:

5746 985.26 Length of detention.—

5747 (2)(a)1. A court may order a child to be placed on
5748 supervised release detention care for any time period until an
5749 adjudicatory hearing is completed. However, if a child has
5750 served 60 days on supervised release detention care, the court
5751 must conduct a hearing within 15 days after the 60th day, to
5752 determine the need for continued supervised release detention
5753 care. At the hearing, and upon good cause being shown that the
5754 nature of the charge requires additional time for the
5755 prosecution or defense of the case or that the totality of the
5756 circumstances, including the preservation of public safety,
5757 warrants an extension, the court may order the child to remain
5758 on supervised release detention care until the adjudicatory
5759 hearing is completed.

5760 2. Except as provided in paragraph (b) or paragraph (c), a
5761 child may not be held in secure detention care under a special
5762 detention order for more than 21 days unless an adjudicatory
5763 hearing for the case has been commenced in good faith by the
5764 court.

5765 3. This section does not prohibit a court from
5766 transitioning a child to and from secure detention care and
5767 supervised release detention care, including electronic
5768 monitoring, when the court finds such a placement necessary, or
5769 no longer necessary, to preserve public safety or to ensure the
5770 child's safety, appearance in court, or compliance with a court
5771 order. Each period of secure detention care or supervised

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5772 release detention care counts toward the time limitations in
5773 this subsection whether served consecutively or
5774 nonconsecutively.

5775 (b) Upon good cause being shown that the nature of the
5776 charge requires additional time for the prosecution or defense
5777 of the case or that the totality of the circumstances, including
5778 the preservation of public safety, warrants an extension, the
5779 court may extend the length of secure detention care for up to
5780 an additional 21 days if the child is charged with an offense
5781 which, if committed by an adult, would be a capital felony, a
5782 life felony, a felony of the first degree or the second degree,
5783 or a felony of the third degree involving violence against any
5784 individual. The court may continue to extend the period of
5785 secure detention care in increments of up to 21 days each by
5786 conducting a hearing before the expiration of the current period
5787 to determine the need for continued secure detention of the
5788 child. At the hearing, the court must make the required findings
5789 in writing to extend the period of secure detention. If the
5790 court extends the time period for secure detention care, it
5791 shall ensure an adjudicatory hearing for the case commences as
5792 soon as is reasonably possible considering the totality of the
5793 circumstances. The court shall prioritize the efficient
5794 disposition of cases in which the child has served 60 or more
5795 days in secure detention care.

5796 Reviser's note.—Amended to confirm editorial insertions to
5797 improve clarity.

5798 Section 136. Subsections (2), (3), (5), (6), and (8) of
5799 section 1000.21, Florida Statutes, are reordered and amended to
5800 read:

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5801 1000.21 Systemwide definitions.-As used in the Florida
 5802 Early Learning-20 Education Code:
 5803 (3)(2) "Commissioner" is the Commissioner of Education.
 5804 (5)(3) "Florida College System institution" except as
 5805 otherwise specifically provided, includes all of the following
 5806 public postsecondary educational institutions in the Florida
 5807 College System and any branch campuses, centers, or other
 5808 affiliates of the institution:
 5809 (a) Eastern Florida State College, which serves Brevard
 5810 County.
 5811 (b) Broward College, which serves Broward County.
 5812 (c) College of Central Florida, which serves Citrus, Levy,
 5813 and Marion Counties.
 5814 (d) Chipola College, which serves Calhoun, Holmes, Jackson,
 5815 Liberty, and Washington Counties.
 5816 (e) Daytona State College, which serves Flagler and Volusia
 5817 Counties.
 5818 (f) Florida SouthWestern State College, which serves
 5819 Charlotte, Collier, Glades, Hendry, and Lee Counties.
 5820 (g) Florida State College at Jacksonville, which serves
 5821 Duval and Nassau Counties.
 5822 (h) The College of the Florida Keys, which serves Monroe
 5823 County.
 5824 (i) Gulf Coast State College, which serves Bay, Franklin,
 5825 and Gulf Counties.
 5826 (j) Hillsborough Community College, which serves
 5827 Hillsborough County.
 5828 (k) Indian River State College, which serves Indian River,
 5829 Martin, Okeechobee, and St. Lucie Counties.

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5830 (l) Florida Gateway College, which serves Baker, Columbia,
 5831 Dixie, Gilchrist, and Union Counties.
 5832 (m) Lake-Sumter State College, which serves Lake and Sumter
 5833 Counties.
 5834 (n) State College of Florida, Manatee-Sarasota, which
 5835 serves Manatee and Sarasota Counties.
 5836 (o) Miami Dade College, which serves Miami-Dade County.
 5837 (p) North Florida College, which serves Hamilton,
 5838 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
 5839 (q) Northwest Florida State College, which serves Okaloosa
 5840 and Walton Counties.
 5841 (r) Palm Beach State College, which serves Palm Beach
 5842 County.
 5843 (s) Pasco-Hernando State College, which serves Hernando and
 5844 Pasco Counties.
 5845 (t) Pensacola State College, which serves Escambia and
 5846 Santa Rosa Counties.
 5847 (u) Polk State College, which serves Polk County.
 5848 (v) St. Johns River State College, which serves Clay,
 5849 Putnam, and St. Johns Counties.
 5850 (w) St. Petersburg College, which serves Pinellas County.
 5851 (x) Santa Fe College, which serves Alachua and Bradford
 5852 Counties.
 5853 (y) Seminole State College of Florida, which serves
 5854 Seminole County.
 5855 (z) South Florida State College, which serves DeSoto,
 5856 Hardee, and Highlands Counties.
 5857 (aa) Tallahassee Community College, which serves Gadsden,
 5858 Leon, and Wakulla Counties.

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5859 (bb) Valencia College, which serves Orange and Osceola
 5860 Counties.
 5861 (6)~~(5)~~ "Parent" is either or both parents of a student, any
 5862 guardian of a student, any person in a parental relationship to
 5863 a student, or any person exercising supervisory authority over a
 5864 student in place of the parent.
 5865 (8)~~(6)~~ "State university," except as otherwise specifically
 5866 provided, includes the following institutions and any branch
 5867 campuses, centers, or other affiliates of the institution:
 5868 (a) The University of Florida.
 5869 (b) The Florida State University.
 5870 (c) The Florida Agricultural and Mechanical University.
 5871 (d) The University of South Florida.
 5872 (e) The Florida Atlantic University.
 5873 (f) The University of West Florida.
 5874 (g) The University of Central Florida.
 5875 (h) The University of North Florida.
 5876 (i) The Florida International University.
 5877 (j) The Florida Gulf Coast University.
 5878 (k) New College of Florida.
 5879 (l) The Florida Polytechnic University.
 5880 (2)~~(8)~~ "Board of Governors" is the Board of Governors of
 5881 the State University System.
 5882 Reviser's note.—Amended to place the definitions of the section
 5883 in alphabetical order.
 5884 Section 137. Subsection (7) of section 1001.11, Florida
 5885 Statutes, is amended to read:
 5886 1001.11 Commissioner of Education; other duties.—
 5887 (7) The commissioner shall make prominently available on

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5888 the department's website the following: links to the Internet-
 5889 based clearinghouse for professional development regarding
 5890 physical education; the school wellness and physical education
 5891 policies and other resources required under s. 1003.453; and
 5892 other Internet sites that provide professional development for
 5893 elementary teachers of physical education as defined in s.
 5894 1003.01(15) ~~1003.01(16)~~. These links must provide elementary
 5895 teachers with information concerning current physical education
 5896 and nutrition philosophy and best practices that result in
 5897 student participation in physical activities that promote
 5898 lifelong physical and mental well-being.
 5899 Reviser's note.—Amended to conform to the reordering of
 5900 definitions in s. 1003.01 by this act.
 5901 Section 138. Subsection (2) of section 1001.60, Florida
 5902 Statutes, is amended to read:
 5903 1001.60 Florida College System.—
 5904 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida
 5905 College System comprised of the Florida College System
 5906 institutions identified in s. 1000.21(5) ~~1000.21(3)~~. A Florida
 5907 College System institution may not offer graduate degree
 5908 programs.
 5909 (a) The programs and services offered by Florida College
 5910 System institutions in providing associate and baccalaureate
 5911 degrees shall be delivered in a cost-effective manner that
 5912 demonstrates substantial savings to the student and to the state
 5913 over the cost of providing the degree at a state university.
 5914 (b)1. With the approval of its district board of trustees,
 5915 a Florida College System institution may change the
 5916 institution's name set forth in s. 1000.21(5) ~~1000.21(3)~~ and use

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5917 the designation "college" or "state college" if it has been
 5918 authorized to grant baccalaureate degrees pursuant to s. 1007.33
 5919 and has been accredited as a baccalaureate-degree-granting
 5920 institution by the Commission on Colleges of the Southern
 5921 Association of Colleges and Schools.

5922 2. With the approval of its district board of trustees, a
 5923 Florida College System institution that does not meet the
 5924 criteria in subparagraph 1. may request approval from the State
 5925 Board of Education to change the institution's name set forth in
 5926 s. 1000.21(5) ~~1000.21(3)~~ and use the designation "college." The
 5927 State Board of Education may approve the request if the Florida
 5928 College System institution enters into an agreement with the
 5929 State Board of Education to do the following:

5930 a. Maintain as its primary mission responsibility for
 5931 responding to community needs for postsecondary academic
 5932 education and career degree education as prescribed in s.
 5933 1004.65(5).

5934 b. Maintain an open-door admissions policy for associate-
 5935 level degree programs and workforce education programs.

5936 c. Continue to provide outreach to underserved populations.

5937 d. Continue to provide remedial education.

5938 e. Comply with all provisions of the statewide articulation
 5939 agreement that relate to 2-year and 4-year public degree-
 5940 granting institutions as adopted by the State Board of Education
 5941 pursuant to s. 1007.23.

5942 (c) A district board of trustees that approves a change to
 5943 the name of an institution under paragraph (b) must seek
 5944 statutory codification of such name change in s. 1000.21(5)
 5945 ~~1000.21(3)~~ during the next regular legislative session.

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5946 (d) A Florida College System institution may not use the
 5947 designation "university."

5948 Reviser's note.—Amended to conform to the reordering of
 5949 definitions in s. 1000.21 by this act.

5950 Section 139. Section 1002.01, Florida Statutes, is amended
 5951 to read:

5952 1002.01 Definitions.—

5953 (1) A "home education program" means the sequentially
 5954 progressive instruction of a student directed by his or her
 5955 parent in order to satisfy the attendance requirements of ss.
 5956 1002.41, 1003.01(16) ~~1003.01(13)~~, and 1003.21(1).

5957 (2) A "private school" is a nonpublic school defined as an
 5958 individual, association, copartnership, or corporation, or
 5959 department, division, or section of such organizations, that
 5960 designates itself as an educational center that includes
 5961 kindergarten or a higher grade or as an elementary, secondary,
 5962 business, technical, or trade school below college level or any
 5963 organization that provides instructional services that meet the
 5964 intent of s. 1003.01(16) ~~1003.01(13)~~ or that gives preemployment
 5965 or supplementary training in technology or in fields of trade or
 5966 industry or that offers academic, literary, or career training
 5967 below college level, or any combination of the above, including
 5968 an institution that performs the functions of the above schools
 5969 through correspondence or extension, except those licensed under
 5970 the provisions of chapter 1005. A private school may be a
 5971 parochial, religious, denominational, for-profit, or nonprofit
 5972 school. This definition does not include home education programs
 5973 conducted in accordance with s. 1002.41.

5974 Reviser's note.—Amended to conform to the reordering of

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5975 definitions in s. 1003.01 by this act.

5976 Section 140. Paragraph (b) of subsection (2) of section
5977 1002.20, Florida Statutes, is amended to read:

5978 1002.20 K-12 student and parent rights.—Parents of public
5979 school students must receive accurate and timely information
5980 regarding their child's academic progress and must be informed
5981 of ways they can help their child to succeed in school. K-12
5982 students and their parents are afforded numerous statutory
5983 rights including, but not limited to, the following:

5984 (2) ATTENDANCE.—

5985 (b) *Regular school attendance.*—Parents of students who have
5986 attained the age of 6 years by February 1 of any school year but
5987 who have not attained the age of 16 years must comply with the
5988 compulsory school attendance laws. Parents have the option to
5989 comply with the school attendance laws by attendance of the
5990 student in a public school; a parochial, religious, or
5991 denominational school; a private school; a home education
5992 program; or a private tutoring program, in accordance with the
5993 provisions of s. 1003.01(16) ~~1003.01(13)~~.

5994 Reviser's note.—Amended to conform to the reordering of
5995 definitions in s. 1003.01 by this act.

5996 Section 141. Paragraph (d) of subsection (3) of section
5997 1002.3105, Florida Statutes, is amended to read:

5998 1002.3105 Academically Challenging Curriculum to Enhance
5999 Learning (ACCEL) options.—

6000 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
6001 student eligibility requirements, principals and school
6002 districts must consider, at a minimum:

6003 (d) Recommendations from one or more of the student's

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6004 teachers in core-curricula courses as defined in s.

6005 1003.01(5)(a)-(e) ~~1003.01(14)(a)-(e)~~.

6006 Reviser's note.—Amended to conform to the reordering of
6007 definitions in s. 1003.01 by this act.

6008 Section 142. Paragraph (a) of subsection (20) and paragraph
6009 (a) of subsection (21) of section 1002.33, Florida Statutes, are
6010 amended to read:

6011 1002.33 Charter schools.—

6012 (20) SERVICES.—

6013 (a)1. A sponsor shall provide certain administrative and
6014 educational services to charter schools. These services shall
6015 include contract management services; full-time equivalent and
6016 data reporting services; exceptional student education
6017 administration services; services related to eligibility and
6018 reporting duties required to ensure that school lunch services
6019 under the National School Lunch Program, consistent with the
6020 needs of the charter school, are provided by the sponsor at the
6021 request of the charter school, that any funds due to the charter
6022 school under the National School Lunch Program be paid to the
6023 charter school as soon as the charter school begins serving food
6024 under the National School Lunch Program, and that the charter
6025 school is paid at the same time and in the same manner under the
6026 National School Lunch Program as other public schools serviced
6027 by the sponsor or the school district; test administration
6028 services, including payment of the costs of state-required or
6029 district-required student assessments; processing of teacher
6030 certificate data services; and information services, including
6031 equal access to the sponsor's student information systems that
6032 are used by public schools in the district in which the charter

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6033 school is located or by schools in the sponsor's portfolio of
 6034 charter schools if the sponsor is not a school district. Student
 6035 performance data for each student in a charter school,
 6036 including, but not limited to, FCAT scores, standardized test
 6037 scores, previous public school student report cards, and student
 6038 performance measures, shall be provided by the sponsor to a
 6039 charter school in the same manner provided to other public
 6040 schools in the district or by schools in the sponsor's portfolio
 6041 of charter schools if the sponsor is not a school district.

6042 2. A sponsor may withhold an administrative fee for the
 6043 provision of such services which shall be a percentage of the
 6044 available funds defined in paragraph (17)(b) calculated based on
 6045 weighted full-time equivalent students. If the charter school
 6046 serves 75 percent or more exceptional education students as
 6047 defined in s. 1003.01(9) ~~1003.01(3)~~, the percentage shall be
 6048 calculated based on unweighted full-time equivalent students.
 6049 The administrative fee shall be calculated as follows:

6050 a. Up to 5 percent for:

6051 (I) Enrollment of up to and including 250 students in a
 6052 charter school as defined in this section.

6053 (II) Enrollment of up to and including 500 students within
 6054 a charter school system which meets all of the following:

6055 (A) Includes conversion charter schools and nonconversion
 6056 charter schools.

6057 (B) Has all of its schools located in the same county.

6058 (C) Has a total enrollment exceeding the total enrollment
 6059 of at least one school district in this state.

6060 (D) Has the same governing board for all of its schools.

6061 (E) Does not contract with a for-profit service provider

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6062 for management of school operations.

6063 (III) Enrollment of up to and including 250 students in a
 6064 virtual charter school.

6065 b. Up to 2 percent for enrollment of up to and including
 6066 250 students in a high-performing charter school as defined in
 6067 s. 1002.331.

6068 c. Up to 2 percent for enrollment of up to and including
 6069 250 students in an exceptional student education center that
 6070 meets the requirements of the rules adopted by the State Board
 6071 of Education pursuant to s. 1008.3415(3).

6072 3. A sponsor may not charge charter schools any additional
 6073 fees or surcharges for administrative and educational services
 6074 in addition to the maximum percentage of administrative fees
 6075 withheld pursuant to this paragraph. A sponsor may not charge or
 6076 withhold any administrative fee against a charter school for any
 6077 funds specifically allocated by the Legislature for teacher
 6078 compensation.

6079 4. A sponsor shall provide to the department by September
 6080 15 of each year the total amount of funding withheld from
 6081 charter schools pursuant to this subsection for the prior fiscal
 6082 year. The department must include the information in the report
 6083 required under sub-sub-subparagraph (5)(b)1.k.(III).

6084 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

6085 (a) The Department of Education shall provide information
 6086 to the public, directly and through sponsors, on how to form and
 6087 operate a charter school and how to enroll in a charter school
 6088 once it is created. This information shall include the standard
 6089 application form, standard charter and virtual charter
 6090 contracts, standard evaluation instrument, and standard charter

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6091 and virtual charter renewal contracts, which shall include the
 6092 information specified in subsection (7) and shall be developed
 6093 by consulting and negotiating with both sponsors and charter
 6094 schools before implementation. The charter and virtual charter
 6095 contracts and charter renewal and virtual charter renewal
 6096 contracts shall be used by charter school sponsors.
 6097 Reviser's note.—Paragraph (20) (a) is amended to conform to the
 6098 reordering of definitions in s. 1003.01 by this act.
 6099 Paragraph (21) (a) is amended to confirm an editorial
 6100 insertion to improve clarity and to conform to context.
 6101 Section 143. Paragraph (a) of subsection (2) of section
 6102 1002.37, Florida Statutes, is amended to read:
 6103 1002.37 The Florida Virtual School.—
 6104 (2) The Florida Virtual School shall be governed by a board
 6105 of trustees comprised of seven members appointed by the Governor
 6106 to 4-year staggered terms. The board of trustees shall be a
 6107 public agency entitled to sovereign immunity pursuant to s.
 6108 768.28, and board members shall be public officers who shall
 6109 bear fiduciary responsibility for the Florida Virtual School.
 6110 The board of trustees shall have the following powers and
 6111 duties:
 6112 (a) 1. The board of trustees shall meet at least 4 times
 6113 each year, upon the call of the chair, or at the request of a
 6114 majority of the membership.
 6115 2. The fiscal year for the Florida Virtual School shall be
 6116 the state fiscal year as provided in s. 216.011(1)(g)
 6117 ~~216.011(1)(e)~~.
 6118
 6119 The Governor shall designate the initial chair of the board of

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6120 trustees to serve a term of 4 years. Members of the board of
 6121 trustees shall serve without compensation, but may be reimbursed
 6122 for per diem and travel expenses pursuant to s. 112.061. The
 6123 board of trustees shall be a body corporate with all the powers
 6124 of a body corporate and such authority as is needed for the
 6125 proper operation and improvement of the Florida Virtual School.
 6126 The board of trustees is specifically authorized to adopt rules,
 6127 policies, and procedures, consistent with law and rules of the
 6128 State Board of Education related to governance, personnel,
 6129 budget and finance, administration, programs, curriculum and
 6130 instruction, travel and purchasing, technology, students,
 6131 contracts and grants, and property as necessary for optimal,
 6132 efficient operation of the Florida Virtual School. Tangible
 6133 personal property owned by the board of trustees shall be
 6134 subject to the provisions of chapter 273.
 6135 Reviser's note.—Amended to conform to the reordering of
 6136 definitions in s. 216.011(1).
 6137 Section 144. Paragraph (b) of subsection (4) and paragraph
 6138 (b) of subsection (10) of section 1002.394, Florida Statutes,
 6139 are amended to read:
 6140 1002.394 The Family Empowerment Scholarship Program.—
 6141 (4) AUTHORIZED USES OF PROGRAM FUNDS.—
 6142 (b) Program funds awarded to a student with a disability
 6143 determined eligible pursuant to paragraph (3) (b) may be used for
 6144 the following purposes:
 6145 1. Instructional materials, including digital devices,
 6146 digital periphery devices, and assistive technology devices that
 6147 allow a student to access instruction or instructional content
 6148 and training on the use of and maintenance agreements for these

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6149 devices.

6150 2. Curriculum as defined in subsection (2).

6151 3. Specialized services by approved providers or by a
 6152 hospital in this state which are selected by the parent. These
 6153 specialized services may include, but are not limited to:

6154 a. Applied behavior analysis services as provided in ss.
 6155 627.6686 and 641.31098.

6156 b. Services provided by speech-language pathologists as
 6157 defined in s. 468.1125(8).

6158 c. Occupational therapy as defined in s. 468.203.

6159 d. Services provided by physical therapists as defined in
 6160 s. 486.021(8).

6161 e. Services provided by listening and spoken language
 6162 specialists and an appropriate acoustical environment for a
 6163 child who has a hearing impairment, including deafness, and who
 6164 has received an implant or assistive hearing device.

6165 4. Tuition or fees associated with full-time or part-time
 6166 enrollment in a home education program, an eligible private
 6167 school, an eligible postsecondary educational institution or a
 6168 program offered by the postsecondary educational institution, a
 6169 private tutoring program authorized under s. 1002.43, a virtual
 6170 program offered by a department-approved private online provider
 6171 that meets the provider qualifications specified in s.
 6172 1002.45(2)(a), the Florida Virtual School as a private paying
 6173 student, or an approved online course offered pursuant to s.
 6174 1003.499 or s. 1004.0961.

6175 5. Fees for nationally standardized, norm-referenced
 6176 achievement tests, Advanced Placement Examinations, industry
 6177 certification examinations, assessments related to postsecondary

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6178 education, or other assessments.

6179 6. Contributions to the Stanley G. Tate Florida Prepaid
 6180 College Program pursuant to s. 1009.98 or the Florida College
 6181 Savings Program pursuant to s. 1009.981 for the benefit of the
 6182 eligible student.

6183 7. Contracted services provided by a public school or
 6184 school district, including classes. A student who receives
 6185 services under a contract under this paragraph is not considered
 6186 enrolled in a public school for eligibility purposes as
 6187 specified in subsection (6).

6188 8. Tuition and fees for part-time tutoring services
 6189 provided by a person who holds a valid Florida educator's
 6190 certificate pursuant to s. 1012.56, a person who holds an
 6191 adjunct teaching certificate pursuant to s. 1012.57, a person
 6192 who has a bachelor's degree or a graduate degree in the subject
 6193 area in which instruction is given, a person who has
 6194 demonstrated a mastery of subject area knowledge pursuant to s.
 6195 1012.56(5), or a person certified by a nationally or
 6196 internationally recognized research-based training program as
 6197 approved by the department. As used in this paragraph, the term
 6198 "part-time tutoring services" does not qualify as regular school
 6199 attendance as defined in s. 1003.01(16)(e) ~~1003.01(13)(e)~~.

6200 9. Fees for specialized summer education programs.

6201 10. Fees for specialized after-school education programs.

6202 11. Transition services provided by job coaches.

6203 12. Fees for an annual evaluation of educational progress
 6204 by a state-certified teacher under s. 1002.41(1)(f), if this
 6205 option is chosen for a home education student.

6206 13. Tuition and fees associated with programs offered by

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6207 Voluntary Prekindergarten Education Program providers approved
 6208 pursuant to s. 1002.55 and school readiness providers approved
 6209 pursuant to s. 1002.88.

6210 14. Fees for services provided at a center that is a member
 6211 of the Professional Association of Therapeutic Horsemanship
 6212 International.

6213 15. Fees for services provided by a therapist who is
 6214 certified by the Certification Board for Music Therapists or
 6215 credentialed by the Art Therapy Credentials Board, Inc.

6216 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 6217 PARTICIPATION.—

6218 (b) A parent who applies for program participation under
 6219 paragraph (3) (b) is exercising his or her parental option to
 6220 determine the appropriate placement or the services that best
 6221 meet the needs of his or her child and must:

6222 1. Apply to an eligible nonprofit scholarship-funding
 6223 organization to participate in the program by a date set by the
 6224 organization. The request must be communicated directly to the
 6225 organization in a manner that creates a written or electronic
 6226 record of the request and the date of receipt of the request.

6227 2. Sign an agreement with the organization and annually
 6228 submit a sworn compliance statement to the organization to
 6229 satisfy or maintain program eligibility, including eligibility
 6230 to receive and spend program payments by:

6231 a. Affirming that the student is enrolled in a program that
 6232 meets regular school attendance requirements as provided in s.
 6233 1003.01(16) (b), (c), or (d) ~~1003.01(13) (b), (c), or (d)~~.

6234 b. Affirming that the program funds are used only for
 6235 authorized purposes serving the student's educational needs, as

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6236 described in paragraph (4) (b); that any prepaid college plan or
 6237 college savings plan funds contributed pursuant to subparagraph
 6238 (4) (b) 6. will not be transferred to another beneficiary while
 6239 the plan contains funds contributed pursuant to this section;
 6240 and that they will not receive a payment, refund, or rebate of
 6241 any funds provided under this section.

6242 c. Affirming that the parent is responsible for all
 6243 eligible expenses in excess of the amount of the scholarship and
 6244 for the education of his or her student by, as applicable:

6245 (I) Requiring the student to take an assessment in
 6246 accordance with paragraph (9) (c);

6247 (II) Providing an annual evaluation in accordance with s.
 6248 1002.41(1) (f); or

6249 (III) Requiring the child to take any preassessments and
 6250 postassessments selected by the provider if the child is 4 years
 6251 of age and is enrolled in a program provided by an eligible
 6252 Voluntary Prekindergarten Education Program provider. A student
 6253 with disabilities for whom the physician or psychologist who
 6254 issued the diagnosis or the IEP team determines that a
 6255 preassessment and postassessment is not appropriate is exempt
 6256 from this requirement. A participating provider shall report a
 6257 student's scores to the parent.

6258 d. Affirming that the student remains in good standing with
 6259 the provider or school if those options are selected by the
 6260 parent.

6261 e. Enrolling his or her child in a program from a Voluntary
 6262 Prekindergarten Education Program provider authorized under s.
 6263 1002.55, a school readiness provider authorized under s.
 6264 1002.88, or an eligible private school if either option is

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6265 selected by the parent.

6266 f. Renewing participation in the program each year. A
 6267 student whose participation in the program is not renewed may
 6268 continue to spend scholarship funds that are in his or her
 6269 account from prior years unless the account must be closed
 6270 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
 6271 the student's IEP, a student who was previously eligible for
 6272 participation in the program shall remain eligible to apply for
 6273 renewal. However, for a high-risk child to continue to
 6274 participate in the program in the school year after he or she
 6275 reaches 6 years of age, the child's application for renewal of
 6276 program participation must contain documentation that the child
 6277 has a disability defined in paragraph (2)(d) other than high-
 6278 risk status.

6279 g. Procuring the services necessary to educate the student.
 6280 If a parent does not procure the necessary educational services
 6281 for the student and the student's account has been inactive for
 6282 2 consecutive fiscal years, the student is ineligible for
 6283 additional scholarship payments until the scholarship-funding
 6284 organization verifies that expenditures from the account have
 6285 occurred. When the student receives a scholarship, the district
 6286 school board is not obligated to provide the student with a free
 6287 appropriate public education. For purposes of s. 1003.57 and the
 6288 Individuals with Disabilities in Education Act, a participating
 6289 student has only those rights that apply to all other
 6290 unilaterally parentally placed students, except that, when
 6291 requested by the parent, school district personnel must develop
 6292 an IEP or matrix level of services.
 6293 Reviser's note.—Amended to conform to the reordering of

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6294 definitions in s. 1003.01 by this act.

6295 Section 145. Subsection (7) of section 1002.42, Florida
 6296 Statutes, is amended to read:

6297 1002.42 Private schools.—

6298 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
 6299 private, parochial, religious, or denominational school
 6300 satisfies the attendance requirements of ss. 1003.01(16)
 6301 ~~1003.01(13)~~ and 1003.21(1).

6302 Reviser's note.—Amended to conform to the reordering of
 6303 definitions in s. 1003.01 by this act.

6304 Section 146. Subsection (1) of section 1002.43, Florida
 6305 Statutes, is amended to read:

6306 1002.43 Private tutoring programs.—

6307 (1) Regular school attendance as defined in s. 1003.01(16)
 6308 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
 6309 program if the person tutoring the student meets the following
 6310 requirements:

6311 (a) Holds a valid Florida certificate to teach the subjects
 6312 or grades in which instruction is given.

6313 (b) Keeps all records and makes all reports required by the
 6314 state and district school board and makes regular reports on the
 6315 attendance of students in accordance with the provisions of s.
 6316 1003.23(2).

6317 (c) Requires students to be in actual attendance for the
 6318 minimum length of time prescribed by s. 1011.60(2).

6319 Reviser's note.—Amended to conform to the reordering of
 6320 definitions in s. 1003.01 by this act.

6321 Section 147. Subsection (2) of section 1002.455, Florida
 6322 Statutes, is amended to read:

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6323 1002.455 Student eligibility for K-12 virtual instruction.-
 6324 All students, including home education and private school
 6325 students, are eligible to participate in any of the following
 6326 virtual instruction options:

6327 (2) Part-time or full-time virtual charter school
 6328 instruction authorized pursuant to s. 1002.45(1)(c)5. to
 6329 students within the school district or to students in other
 6330 school districts throughout the state pursuant to s. 1002.31;
 6331 however, the school district enrolling the full-time equivalent
 6332 virtual student shall comply with the enrollment requirements
 6333 established under ~~to~~ s. 1002.45(1)(e)4.

6334 Reviser's note.-Amended to confirm an editorial deletion to
 6335 conform to the immediately preceding context.

6336 Section 148. Section 1003.01, Florida Statutes, is
 6337 reordered and amended to read:

6338 1003.01 Definitions.-As used in this chapter, the term:
 6339 (7)(1) "District school board" means the members who are
 6340 elected by the voters of a school district created and existing
 6341 pursuant to s. 4, Art. IX of the State Constitution to operate
 6342 and control public K-12 education within the school district.

6343 (17)(2) "School" means an organization of students for
 6344 instructional purposes on an elementary, middle or junior high
 6345 school, secondary or high school, or other public school level
 6346 authorized under rules of the State Board of Education.

6347 (9)(3)(a) "Exceptional student" means any student who has
 6348 been determined eligible for a special program in accordance
 6349 with rules of the State Board of Education. The term includes
 6350 students who are gifted and students with disabilities who have
 6351 an intellectual disability; autism spectrum disorder; a speech

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6352 impairment; a language impairment; an orthopedic impairment; an
 6353 other health impairment; traumatic brain injury; a visual
 6354 impairment; an emotional or behavioral disability; or a specific
 6355 learning disability, including, but not limited to, dyslexia,
 6356 dyscalculia, or developmental aphasia; students who are deaf or
 6357 hard of hearing or dual sensory impaired; students who are
 6358 hospitalized or homebound; children with developmental delays
 6359 ages birth through 9 years or through the student's completion
 6360 of grade 2, whichever occurs first, or children, ages birth
 6361 through 2 years, with established conditions that are identified
 6362 in State Board of Education rules pursuant to s. 1003.21(1)(e).

6363 (b) "Special education services" means specially designed
 6364 instruction and such related services as are necessary for an
 6365 exceptional student to benefit from education. Such services may
 6366 include+ transportation; diagnostic and evaluation services;
 6367 social services; physical and occupational therapy; speech and
 6368 language pathology services; job placement; orientation and
 6369 mobility training; braillists, typists, and readers for the
 6370 blind; interpreters and auditory amplification; services
 6371 provided by a certified listening and spoken language
 6372 specialist; rehabilitation counseling; transition services;
 6373 mental health services; guidance and career counseling;
 6374 specified materials, assistive technology devices, and other
 6375 specialized equipment; and other such services as approved by
 6376 rules of the state board.

6377 (2)(4) "Career education" means education that provides
 6378 instruction for the following purposes:

6379 (a) At the elementary, middle, and high school levels,
 6380 exploratory courses designed to give students initial exposure

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6381 to a broad range of occupations to assist them in preparing
 6382 their academic and occupational plans, and practical arts
 6383 courses that provide generic skills that may apply to many
 6384 occupations but are not designed to prepare students for entry
 6385 into a specific occupation. Career education provided before
 6386 high school completion must be designed to strengthen both
 6387 occupational awareness and academic skills integrated throughout
 6388 all academic instruction.

6389 (b) At the secondary school level, job-preparatory
 6390 instruction in the competencies that prepare students for
 6391 effective entry into an occupation, including diversified
 6392 cooperative education, work experience, and job-entry programs
 6393 that coordinate directed study and on-the-job training.

6394 (c) At the postsecondary education level, courses of study
 6395 that provide competencies needed for entry into specific
 6396 occupations or for advancement within an occupation.

6397 (13) ~~(5)~~

6398 (b) ~~(a)~~ "Suspension," also referred to as out-of-school
 6399 suspension, means the temporary removal of a student from all
 6400 classes of instruction on public school grounds and all other
 6401 school-sponsored activities, except as authorized by the
 6402 principal or the principal's designee, for a period not to
 6403 exceed 10 school days and remanding of the student to the
 6404 custody of the student's parent with specific homework
 6405 assignments for the student to complete.

6406 (a) ~~(b)~~ "In-school suspension" means the temporary removal
 6407 of a student from the student's regular school program and
 6408 placement in an alternative program, such as that provided in s.
 6409 1003.53, under the supervision of district school board

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6410 personnel, for a period not to exceed 10 school days.

6411 (10) ~~(6)~~ "Expulsion" means the removal of the right and
 6412 obligation of a student to attend a public school under
 6413 conditions set by the district school board, and for a period of
 6414 time not to exceed the remainder of the term or school year and
 6415 1 additional year of attendance. Expulsions may be imposed with
 6416 or without continuing educational services and shall be reported
 6417 accordingly.

6418 (6) ~~(7)~~ "Corporal punishment" means the moderate use of
 6419 physical force or physical contact by a teacher or principal as
 6420 may be necessary to maintain discipline or to enforce school
 6421 rule. However, the term "corporal punishment" does not include
 6422 the use of such reasonable force by a teacher or principal as
 6423 may be necessary for self-protection or to protect other
 6424 students from disruptive students.

6425 (12) ~~(8)~~ "Habitual truant" means a student who has 15
 6426 unexcused absences within 90 calendar days with or without the
 6427 knowledge or consent of the student's parent, is subject to
 6428 compulsory school attendance under s. 1003.21(1) and (2)(a), and
 6429 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
 6430 the criteria for any other exemption specified by law or rules
 6431 of the State Board of Education. Such a student must have been
 6432 the subject of the activities specified in ss. 1003.26 and
 6433 1003.27(3), without resultant successful remediation of the
 6434 truancy problem before being dealt with as a child in need of
 6435 services according to the provisions of chapter 984.

6436 (8) ~~(9)~~ "Dropout" means a student who meets any one or more
 6437 of the following criteria:

6438 (a) The student has voluntarily removed himself or herself

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6439 from the school system before graduation for reasons that
 6440 include, but are not limited to, marriage, or the student has
 6441 withdrawn from school because he or she has failed the statewide
 6442 student assessment test and thereby does not receive any of the
 6443 certificates of completion;

6444 (b) The student has not met the relevant attendance
 6445 requirements of the school district pursuant to State Board of
 6446 Education rules, or the student was expected to attend a school
 6447 but did not enter as expected for unknown reasons, or the
 6448 student's whereabouts are unknown;

6449 (c) The student has withdrawn from school, but has not
 6450 transferred to another public or private school or enrolled in
 6451 any career, adult, home education, or alternative educational
 6452 program;

6453 (d) The student has withdrawn from school due to hardship,
 6454 unless such withdrawal has been granted under the provisions of
 6455 s. 322.091, court action, expulsion, medical reasons, or
 6456 pregnancy; or

6457 (e) The student is not eligible to attend school because of
 6458 reaching the maximum age for an exceptional student program in
 6459 accordance with the district's policy.

6460

6461 The State Board of Education may adopt rules to implement the
 6462 provisions of this subsection.

6463 (1)(10) "Alternative measures for students with special
 6464 needs" or "special programs" means measures designed to meet the
 6465 special needs of a student that cannot be met by regular school
 6466 curricula.

6467 (14)(11) (a) "Juvenile justice education programs or

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6468 schools" means programs or schools operating for the purpose of
 6469 providing educational services to youth in Department of
 6470 Juvenile Justice programs, for a school year composed of 250
 6471 days of instruction, or the equivalent expressed in hours as
 6472 specified in State Board of Education rule, distributed over 12
 6473 months. If the period of operation is expressed in hours, the
 6474 State Board of Education must review the calculation annually.
 6475 The use of the equivalent expressed in hours is only applicable
 6476 to nonresidential programs. At the request of the provider, a
 6477 district school board may decrease the minimum number of days of
 6478 instruction by up to 10 days for teacher planning for
 6479 residential programs and up to 20 days or equivalent hours as
 6480 specified in the State Board of Education rule for teacher
 6481 planning for nonresidential programs, subject to the approval of
 6482 the Department of Juvenile Justice and the Department of
 6483 Education.

6484 (b) "Juvenile justice provider" means the Department of
 6485 Juvenile Justice, the sheriff, or a private, public, or other
 6486 governmental organization under contract with the Department of
 6487 Juvenile Justice or the sheriff that provides treatment, care
 6488 and custody, or educational programs for youth in juvenile
 6489 justice intervention, detention, or commitment programs.

6490 (4)(12) "Children and youths who are experiencing
 6491 homelessness," for programs authorized under subtitle B,
 6492 Education for Homeless Children and Youths, of Title VII of the
 6493 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
 6494 seq., means children and youths who lack a fixed, regular, and
 6495 adequate nighttime residence, and includes:

6496 (a) Children and youths sharing the housing of other

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6497 persons due to loss of housing, economic hardship, or a similar
 6498 reason; ~~are~~ living in motels, hotels, travel trailer parks, or
 6499 camping grounds due to the lack of alternative adequate
 6500 accommodations; ~~are~~ living in emergency or transitional
 6501 shelters; or ~~are~~ abandoned in hospitals.

6502 (b) Children and youths having ~~who have~~ a primary nighttime
 6503 residence that is a public or private place not designed for or
 6504 ordinarily used as a regular sleeping accommodation for human
 6505 beings.

6506 (c) Children and youths living in cars, parks, public
 6507 spaces, abandoned buildings, bus or train stations, or similar
 6508 settings.

6509 (d) Migratory children living in circumstances described in
 6510 paragraphs (a)-(c).

6511 (16)~~(13)~~ "Regular school attendance" means the actual
 6512 attendance of a student during the school day as defined by law
 6513 and rules of the State Board of Education. Regular attendance
 6514 within the intent of s. 1003.21 may be achieved by attendance
 6515 in:

6516 (a) A public school supported by public funds;

6517 (b) A parochial, religious, or denominational school;

6518 (c) A private school supported in whole or in part by
 6519 tuition charges or by endowments or gifts;

6520 (d) A home education program that meets the requirements of
 6521 chapter 1002; or

6522 (e) A private tutoring program that meets the requirements
 6523 of chapter 1002.

6524 (5)~~(14)~~ "Core-curricula courses" means:

6525 (a) Courses in language arts/reading, mathematics, social

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6526 studies, and science in prekindergarten through grade 3,
 6527 excluding extracurricular courses pursuant to subsection (11)
 6528 ~~(15)~~;

6529 (b) Courses in grades 4 through 8 in subjects that are
 6530 measured by state assessment at any grade level and courses
 6531 required for middle school promotion, excluding extracurricular
 6532 courses pursuant to subsection (11) ~~(15)~~;

6533 (c) Courses in grades 9 through 12 in subjects that are
 6534 measured by state assessment at any grade level and courses that
 6535 are specifically identified by name in statute as required for
 6536 high school graduation and that are not measured by state
 6537 assessment, excluding extracurricular courses pursuant to
 6538 subsection (11) ~~(15)~~;

6539 (d) Exceptional student education courses; and

6540 (e) English for Speakers of Other Languages courses.

6541

6542 The term is limited in meaning and used for the sole purpose of
 6543 designating classes that are subject to the maximum class size
 6544 requirements established in s. 1, Art. IX of the State
 6545 Constitution. This term does not include courses offered under
 6546 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
 6547 1003.499.

6548 (11)~~(15)~~ "Extracurricular courses" means all courses that
 6549 are not defined as "core-curricula courses," which may include,
 6550 but are not limited to, physical education, fine arts,
 6551 performing fine arts, career education, and courses that may
 6552 result in college credit. The term is limited in meaning and
 6553 used for the sole purpose of designating classes that are not
 6554 subject to the maximum class size requirements established in s.

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6555 1, Art. IX of the State Constitution.

6556 (15)~~(16)~~ "Physical education" means the development or
6557 maintenance of skills related to strength, agility, flexibility,
6558 movement, and stamina, including dance; the development of
6559 knowledge and skills regarding teamwork and fair play; the
6560 development of knowledge and skills regarding nutrition and
6561 physical fitness as part of a healthy lifestyle; and the
6562 development of positive attitudes regarding sound nutrition and
6563 physical activity as a component of personal well-being.

6564 (3)~~(17)~~ "Certified unaccompanied homeless youth" means a
6565 youth certified as an unaccompanied homeless youth pursuant to
6566 s. 743.067.

6567 Reviser's note.—This section is amended to place the definitions
6568 of the section in alphabetical order and to conform cross-
6569 references. Current paragraph (3) (b) is amended to delete
6570 an unnecessary punctuation mark. Current paragraph (12) (a)
6571 is amended to confirm editorial deletions, and current
6572 paragraph (12) (b) is amended to confirm an editorial
6573 substitution, to conform to context.

6574 Section 149. Subsection (6) of section 1003.03, Florida
6575 Statutes, is amended to read:

6576 1003.03 Maximum class size.—

6577 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(5)
6578 ~~1003.01(14)~~, the Department of Education shall identify from the
6579 Course Code Directory the core-curricula courses for the purpose
6580 of satisfying the maximum class size requirement in this
6581 section. The department may adopt rules to implement this
6582 subsection, if necessary.

6583 Reviser's note.—Amended to conform to the reordering of

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6584 definitions in s. 1003.01 by this act.

6585 Section 150. Subsection (4) of section 1003.21, Florida
6586 Statutes, is amended to read:

6587 1003.21 School attendance.—

6588 (4) Before admitting a child to kindergarten, the principal
6589 shall require evidence that the child has attained the age at
6590 which he or she should be admitted in accordance with the
6591 provisions of subparagraph (1) (a) 2. The district school
6592 superintendent may require evidence of the age of any child who
6593 is being enrolled in public school and who the district school
6594 superintendent believes to be within the limits of compulsory
6595 attendance as provided for by law; however, the district school
6596 superintendent may not require evidence from any child who meets
6597 regular attendance requirements by attending a school or program
6598 listed in s. 1003.01(16) (b) - (e) ~~1003.01(13) (b) - (e)~~. If the first
6599 prescribed evidence is not available, the next evidence
6600 obtainable in the order set forth below shall be accepted:

6601 (a) A duly attested transcript of the child's birth record
6602 filed according to law with a public officer charged with the
6603 duty of recording births;

6604 (b) A duly attested transcript of a certificate of baptism
6605 showing the date of birth and place of baptism of the child,
6606 accompanied by an affidavit sworn to by the parent;

6607 (c) An insurance policy on the child's life that has been
6608 in force for at least 2 years;

6609 (d) A bona fide contemporary religious record of the
6610 child's birth accompanied by an affidavit sworn to by the
6611 parent;

6612 (e) A passport or certificate of arrival in the United

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6613 States showing the age of the child;

6614 (f) A transcript of record of age shown in the child's
6615 school record of at least 4 years prior to application, stating
6616 date of birth; or

6617 (g) If none of these evidences can be produced, an
6618 affidavit of age sworn to by the parent, accompanied by a
6619 certificate of age signed by a public health officer or by a
6620 public school physician, or, if these are not available in the
6621 county, by a licensed practicing physician designated by the
6622 district school board, which states that the health officer or
6623 physician has examined the child and believes that the age as
6624 stated in the affidavit is substantially correct. Children and
6625 youths who are experiencing homelessness and children who are
6626 known to the department, as defined in s. 39.0016, shall be
6627 given temporary exemption from this section for 30 school days.

6628 Reviser's note.—Amended to conform to the reordering of
6629 definitions in s. 1003.01 by this act.

6630 Section 151. Paragraph (f) of subsection (1) of section
6631 1003.26, Florida Statutes, is amended to read:

6632 1003.26 Enforcement of school attendance.—The Legislature
6633 finds that poor academic performance is associated with
6634 nonattendance and that school districts must take an active role
6635 in promoting and enforcing attendance as a means of improving
6636 student performance. It is the policy of the state that each
6637 district school superintendent be responsible for enforcing
6638 school attendance of all students subject to the compulsory
6639 school age in the school district and supporting enforcement of
6640 school attendance by local law enforcement agencies. The
6641 responsibility includes recommending policies and procedures to

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6642 the district school board that require public schools to respond
6643 in a timely manner to every unexcused absence, and every absence
6644 for which the reason is unknown, of students enrolled in the
6645 schools. District school board policies shall require the parent
6646 of a student to justify each absence of the student, and that
6647 justification will be evaluated based on adopted district school
6648 board policies that define excused and unexcused absences. The
6649 policies must provide that public schools track excused and
6650 unexcused absences and contact the home in the case of an
6651 unexcused absence from school, or an absence from school for
6652 which the reason is unknown, to prevent the development of
6653 patterns of nonattendance. The Legislature finds that early
6654 intervention in school attendance is the most effective way of
6655 producing good attendance habits that will lead to improved
6656 student learning and achievement. Each public school shall
6657 implement the following steps to promote and enforce regular
6658 school attendance:

6659 (1) CONTACT, REFER, AND ENFORCE.—

6660 (f)1. If the parent of a child who has been identified as
6661 exhibiting a pattern of nonattendance enrolls the child in a
6662 home education program pursuant to chapter 1002, the district
6663 school superintendent shall provide the parent a copy of s.
6664 1002.41 and the accountability requirements of this paragraph.
6665 The district school superintendent shall also refer the parent
6666 to a home education review committee composed of the district
6667 contact for home education programs and at least two home
6668 educators selected by the parent from a district list of all
6669 home educators who have conducted a home education program for
6670 at least 3 years and who have indicated a willingness to serve

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on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(16)(a), (b), (c), or (e) ~~1003.01(13)(a), (b), (c), or (e)~~, within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

Reviser's note.—Amended to conform to the reordering of

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definitions in s. 1003.01 by this act.

Section 152. Paragraph (b) of subsection (1) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(1) TWENTY-FOUR CREDITS REQUIRED.—

(b) The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in s. 1003.01(2) ~~1003.01(4)~~, including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met. An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the Next Generation Sunshine State Standards for that subject. An applied course aligns with Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1003.01 by this act.

Section 153. Paragraph (h) of subsection (6) of section 1003.485, Florida Statutes, is amended to read:

1003.485 The New Worlds Reading Initiative.—

(6) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT OBLIGATIONS.—

(h) School districts and partnering nonprofit organizations shall raise awareness of the initiative, including information on eligibility and video training modules under paragraph

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6729 (4) (e), through, at least, the following:

6730 1. The student handbook and the read-at-home plan under s.
6731 1008.25(5)(d) ~~1008.25(5)(e)~~.

6732 2. A parent or curriculum night or separate initiative
6733 awareness event at each elementary school.

6734 3. Partnering with the county library to host awareness
6735 events, which should coincide with other initiatives such as
6736 library card drives, family library nights, summer access
6737 events, and other family engagement programming.
6738 Reviser's note.—Amended to correct a cross-reference to conform
6739 to the redesignation of s. 1008.25(5)(c) as s.

6740 1008.25(5)(d) by s. 66, ch. 2021-10, Laws of Florida.

6741 Section 154. Subsection (4) of section 1003.52, Florida
6742 Statutes, is amended to read:

6743 1003.52 Educational services in Department of Juvenile
6744 Justice programs.—

6745 (4) Educational services shall be provided at times of the
6746 day most appropriate for the juvenile justice program. School
6747 programming in juvenile justice detention, prevention, day
6748 treatment, and residential programs shall be made available by
6749 the local school district during the juvenile justice school
6750 year, as provided in s. 1003.01(14) ~~1003.01(11)~~. In addition,
6751 students in juvenile justice education programs shall have
6752 access to courses offered pursuant to ss. 1002.37, 1002.45, and
6753 1003.498. The Department of Education and the school districts
6754 shall adopt policies necessary to provide such access.

6755 Reviser's note.—Amended to conform to the reordering of
6756 definitions in s. 1003.01 by this act.

6757 Section 155. Paragraphs (c), (d), and (f) of subsection (1)

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6758 of section 1003.573, Florida Statutes, are amended to read:

6759 1003.573 Seclusion and restraint of students with
6760 disabilities in public schools.—

6761 (1) DEFINITIONS.—As used in this section, the term:

6762 (d) ~~(e)~~ "Restraint" means the use of a mechanical or
6763 physical restraint.

6764 1. "Mechanical restraint" means the use of a device that
6765 restricts a student's freedom of movement. The term does not
6766 include the use of devices prescribed or recommended by physical
6767 or behavioral health professionals when used for indicated
6768 purposes.

6769 2. "Physical restraint" means the use of manual restraint
6770 techniques that involve significant physical force applied by a
6771 teacher or other staff member to restrict the movement of all or
6772 part of a student's body. The term does not include briefly
6773 holding a student in order to calm or comfort the student or
6774 physically escorting a student to a safe location.

6775 (c) ~~(d)~~ "Positive behavior interventions and supports" means
6776 the use of behavioral interventions to prevent dangerous
6777 behaviors that may cause serious physical harm to the student or
6778 others.

6779 (f) "Student" means a child with an individual education
6780 plan enrolled in grades kindergarten through 12 in a school, as
6781 defined in s. 1003.01(17) ~~1003.01(2)~~, or the Florida School for
6782 the Deaf and Blind. The term does not include students in
6783 prekindergarten, students who reside in residential care
6784 facilities under s. 1003.58, or students participating in a
6785 Department of Juvenile Justice education program under s.
6786 1003.52.

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6787 Reviser's note.—Paragraphs (c) and (d) are amended to place the
 6788 definitions in those paragraphs in alphabetical order.
 6789 Paragraph (f) is amended to conform to the reordering of
 6790 definitions in s. 1003.01 by this act.
 6791 Section 156. Section 1003.575, Florida Statutes, is amended
 6792 to read:
 6793 1003.575 Assistive technology devices; findings;
 6794 interagency agreements.—Accessibility, utilization, and
 6795 coordination of appropriate assistive technology devices and
 6796 services are essential as a young person with disabilities moves
 6797 from early intervention to preschool, from preschool to school,
 6798 from one school to another, from school to employment or
 6799 independent living, and from school to home and community. If an
 6800 individual education plan team makes a recommendation in
 6801 accordance with State Board of Education rule for a student with
 6802 a disability, as defined in s. 1003.01(9) ~~1003.01(3)~~, to receive
 6803 an assistive technology assessment, that assessment must be
 6804 completed within 60 school days after the team's recommendation.
 6805 To ensure that an assistive technology device issued to a young
 6806 person as part of his or her individualized family support plan,
 6807 individual support plan, individualized plan for employment, or
 6808 individual education plan remains with the individual through
 6809 such transitions, the following agencies shall enter into
 6810 interagency agreements, as appropriate, to ensure the
 6811 transaction of assistive technology devices:
 6812 (1) The Early Steps Program in the Division of Children's
 6813 Medical Services of the Department of Health.
 6814 (2) The Division of Blind Services, the Bureau of
 6815 Exceptional Education and Student Services, the Office of

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6816 Independent Education and Parental Choice, and the Division of
 6817 Vocational Rehabilitation of the Department of Education.
 6818 (3) The Voluntary Prekindergarten Education Program
 6819 administered by the Department of Education and the Office of
 6820 Early Learning.
 6821
 6822 Interagency agreements entered into pursuant to this section
 6823 shall provide a framework for ensuring that young persons with
 6824 disabilities and their families, educators, and employers are
 6825 informed about the utilization and coordination of assistive
 6826 technology devices and services that may assist in meeting
 6827 transition needs, and shall establish a mechanism by which a
 6828 young person or his or her parent may request that an assistive
 6829 technology device remain with the young person as he or she
 6830 moves through the continuum from home to school to postschool.
 6831 Reviser's note.—Amended to conform to the reordering of
 6832 definitions in s. 1003.01 by this act.
 6833 Section 157. Subsection (11) of section 1004.22, Florida
 6834 Statutes, is amended to read:
 6835 1004.22 Divisions of sponsored research at state
 6836 universities.—
 6837 (11) The divisions of sponsored research may pay, by
 6838 advancement or reimbursement, or a combination thereof, the
 6839 costs of per diem of university employees and of other
 6840 authorized persons, as defined in s. 112.061(2)(c)
 6841 ~~112.061(2)(e)~~, for foreign travel up to the current rates as
 6842 stated in the grant and contract terms and may also pay
 6843 incidental expenses as authorized by s. 112.061(8). This
 6844 subsection applies to any university employee traveling in

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6845 foreign countries for sponsored programs of the university, if
 6846 such travel expenses are approved in the terms of the contract
 6847 or grant. The provisions of s. 112.061, other than those
 6848 relating to per diem, apply to the travel described in this
 6849 subsection. As used in this subsection, "foreign travel" means
 6850 any travel outside the United States and its territories and
 6851 possessions and Canada. Persons traveling in foreign countries
 6852 pursuant to this section shall not be entitled to reimbursements
 6853 or advancements pursuant to s. 112.061(6)(a)2. for such travel.
 6854 Reviser's note.—Amended to conform to the reordering of
 6855 definitions in s. 112.061(2) by this act.
 6856 Section 158. Subsection (7) of section 1004.43, Florida
 6857 Statutes, is amended to read:
 6858 1004.43 H. Lee Moffitt Cancer Center and Research
 6859 Institute.—There is established the H. Lee Moffitt Cancer Center
 6860 and Research Institute, a statewide resource for basic and
 6861 clinical research and multidisciplinary approaches to patient
 6862 care.
 6863 (7) In carrying out the provisions of this section, the
 6864 not-for-profit corporation and its subsidiaries are not
 6865 "agencies" within the meaning of s. 20.03(1) ~~20.03(11)~~.
 6866 Reviser's note.—Amended to conform to the reordering of
 6867 definitions in s. 20.03 by this act.
 6868 Section 159. Paragraph (b) of subsection (2) of section
 6869 1004.447, Florida Statutes, is amended to read:
 6870 1004.447 Florida Institute for Human and Machine Cognition,
 6871 Inc.—
 6872 (2) The corporation and any authorized and approved
 6873 subsidiary:

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6874 (b) Is not an agency within the meaning of s. 20.03(1)
 6875 ~~20.03(11)~~.
 6876 Reviser's note.—Amended to conform to the reordering of
 6877 definitions in s. 20.03 by this act.
 6878 Section 160. Subsection (3) of section 1004.648, Florida
 6879 Statutes, is amended to read:
 6880 1004.648 Florida Energy Systems Consortium.—
 6881 (3) The consortium shall consist of the state universities
 6882 as identified under s. 1000.21(8) ~~1000.21(6)~~.
 6883 Reviser's note.—Amended to conform to the reordering of
 6884 definitions in s. 1000.21 by this act.
 6885 Section 161. Paragraph (d) of subsection (2) of section
 6886 1004.6496, Florida Statutes, is amended to read:
 6887 1004.6496 Hamilton Center for Classical and Civic
 6888 Education.—
 6889 (2) The goals of the center are to:
 6890 (d) Provide programming and training related to civic
 6891 education and the values of open inquiry and civil discourse to
 6892 support the Early Learning-20 education K-20 system.
 6893 Reviser's note.—Amended to conform to ch. 2021-10, Laws of
 6894 Florida, which changed references to the K-20 education
 6895 system to the Early Learning-20 education system.
 6896 Section 162. Paragraph (a) of subsection (2) of section
 6897 1004.65, Florida Statutes, is amended to read:
 6898 1004.65 Florida College System institutions; governance,
 6899 mission, and responsibilities.—
 6900 (2) Each Florida College System institution district shall:
 6901 (a) Consist of the county or counties served by the Florida
 6902 College System institution pursuant to s. 1000.21(5) ~~1000.21(3)~~.

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6903 Reviser's note.—Amended to conform to the reordering of
 6904 definitions in s. 1000.21 by this act.
 6905 Section 163. Subsection (1) of section 1004.79, Florida
 6906 Statutes, is amended to read:
 6907 1004.79 Incubator facilities for small business concerns.—
 6908 (1) Each Florida College System institution established
 6909 pursuant to s. 1000.21(5) ~~1000.21(3)~~ may provide incubator
 6910 facilities to eligible small business concerns. As used in this
 6911 section, "small business concern" shall be defined as an
 6912 independently owned and operated business concern incorporated
 6913 in Florida which is not an affiliate or a subsidiary of a
 6914 business dominant in its field of operation, and which employs
 6915 25 or fewer full-time employees. "Incubator facility" shall be
 6916 defined as a facility in which small business concerns share
 6917 common space, equipment, and support personnel and through which
 6918 such concerns have access to professional consultants for advice
 6919 related to the technical and business aspects of conducting a
 6920 commercial enterprise. The Florida College System institution
 6921 board of trustees shall authorize concerns for inclusion in the
 6922 incubator facility.
 6923 Reviser's note.—Amended to conform to the reordering of
 6924 definitions in s. 1000.21 by this act.
 6925 Section 164. Paragraphs (b) and (c) of subsection (1) of
 6926 section 1006.0626, Florida Statutes, are amended to read:
 6927 1006.0626 Care of students with epilepsy or seizure
 6928 disorders.—
 6929 (1) As used in this section, the term:
 6930 (b) "Medical professional" means a physician licensed under
 6931 chapter 458 or chapter 459, a physician assistant licensed under

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6932 chapter 458 or chapter 459, or an advanced practice ~~practiced~~
 6933 registered nurse licensed under s. 464.012 who provides epilepsy
 6934 or seizure disorder care to the student.
 6935 (c) "School" has the same meaning as in s. 1003.01(17)
 6936 ~~1003.01(2)~~.
 6937 Reviser's note.—Paragraph (1)(b) is amended to confirm an
 6938 editorial substitution to conform to context. Paragraph
 6939 (1)(c) is amended to conform to the reordering of
 6940 definitions in s. 1003.01 by this act.
 6941 Section 165. Paragraph (d) of subsection (2) and paragraph
 6942 (b) of subsection (6) of section 1006.07, Florida Statutes, are
 6943 amended to read:
 6944 1006.07 District school board duties relating to student
 6945 discipline and school safety.—The district school board shall
 6946 provide for the proper accounting for all students, for the
 6947 attendance and control of students at school, and for proper
 6948 attention to health, safety, and other matters relating to the
 6949 welfare of students, including:
 6950 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
 6951 conduct for elementary schools and a code of student conduct for
 6952 middle and high schools and distribute the appropriate code to
 6953 all teachers, school personnel, students, and parents, at the
 6954 beginning of every school year. Each code shall be organized and
 6955 written in language that is understandable to students and
 6956 parents and shall be discussed at the beginning of every school
 6957 year in student classes, school advisory council meetings, and
 6958 parent and teacher association or organization meetings. Each
 6959 code shall be based on the rules governing student conduct and
 6960 discipline adopted by the district school board and shall be

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6961 made available in the student handbook or similar publication.
 6962 Each code shall include, but is not limited to:
 6963 (d)1. An explanation of the responsibilities of each
 6964 student with regard to appropriate dress, respect for self and
 6965 others, and the role that appropriate dress and respect for self
 6966 and others has on an orderly learning environment. Each district
 6967 school board shall adopt a dress code policy that prohibits a
 6968 student, while on the grounds of a public school during the
 6969 regular school day, from wearing clothing that exposes underwear
 6970 or body parts in an indecent or vulgar manner or that disrupts
 6971 the orderly learning environment.
 6972 2. Any student who violates the dress policy described in
 6973 subparagraph 1. is subject to the following disciplinary
 6974 actions:
 6975 a. For a first offense, a student shall be given a verbal
 6976 warning and the school principal shall call the student's parent
 6977 or guardian.
 6978 b. For a second offense, the student is ineligible to
 6979 participate in any extracurricular activity for a period of time
 6980 not to exceed 5 days and the school principal shall meet with
 6981 the student's parent or guardian.
 6982 c. For a third or subsequent offense, a student shall
 6983 receive an in-school suspension pursuant to s. 1003.01(13)
 6984 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
 6985 ineligible to participate in any extracurricular activity for a
 6986 period not to exceed 30 days, and the school principal shall
 6987 call the student's parent or guardian and send the parent or
 6988 guardian a written letter regarding the student's in-school
 6989 suspension and ineligibility to participate in extracurricular

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6990 activities.
 6991 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 6992 school superintendent shall establish policies and procedures
 6993 for the prevention of violence on school grounds, including the
 6994 assessment of and intervention with individuals whose behavior
 6995 poses a threat to the safety of the school community.
 6996 (b) *Mental health coordinator*.—Each district school board
 6997 shall identify a mental health coordinator for the district. The
 6998 mental health coordinator shall serve as the district's primary
 6999 point of contact regarding the district's coordination,
 7000 communication, and implementation of student mental health
 7001 policies, procedures, responsibilities, and reporting,
 7002 including:
 7003 1. Coordinating with the Office of Safe Schools,
 7004 established pursuant to s. 1001.212.
 7005 2. Maintaining records and reports regarding student mental
 7006 health as it relates to school safety and the mental health
 7007 assistance allocation under s. 1011.62(13) ~~1011.62(14)~~.
 7008 3. Facilitating the implementation of school district
 7009 policies relating to the respective duties and responsibilities
 7010 of the school district, the superintendent, and district school
 7011 principals.
 7012 4. Coordinating with the school safety specialist on the
 7013 staffing and training of threat assessment teams and
 7014 facilitating referrals to mental health services, as
 7015 appropriate, for students and their families.
 7016 5. Coordinating with the school safety specialist on the
 7017 training and resources for students and school district staff
 7018 relating to youth mental health awareness and assistance.

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7019 6. Reviewing annually the school district's policies and
 7020 procedures related to student mental health for compliance with
 7021 state law and alignment with current best practices and making
 7022 ~~make~~ recommendations, as needed, for amending such policies and
 7023 procedures to the superintendent and the district school board.
 7024 Reviser's note.—Paragraph (2) (d) is amended to conform to the
 7025 reordering of definitions in s. 1003.01 by this act.
 7026 Subparagraph (6) (b)2. is amended to conform to the
 7027 redesignation of s. 1011.62(14) as s. 1011.62(13) by s. 54,
 7028 ch. 2022-154, Laws of Florida. Subparagraph (6) (b)6. is
 7029 amended to confirm an editorial substitution to conform to
 7030 context.
 7031 Section 166. Subsection (1) of section 1006.1493, Florida
 7032 Statutes, is amended to read:
 7033 1006.1493 Florida Safe Schools Assessment Tool.—
 7034 (1) The department, through the Office of Safe Schools
 7035 pursuant to s. 1001.212, shall contract with a security
 7036 consulting firm that specializes in the development of risk
 7037 assessment software solutions and has experience in conducting
 7038 security assessments of public facilities to develop, update,
 7039 and implement a risk assessment tool, which shall be known as
 7040 the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must
 7041 be the primary physical site security assessment tool as revised
 7042 and required by the Office of Safe Schools which is used by
 7043 school officials at each school district and public school site
 7044 in the state in conducting security assessments.
 7045 Reviser's note.—Amended to improve clarity.
 7046 Section 167. Paragraph (e) of subsection (2) of section
 7047 1006.28, Florida Statutes, is amended to read:

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7048 1006.28 Duties of district school board, district school
 7049 superintendent; and school principal regarding K-12
 7050 instructional materials.—
 7051 (2) DISTRICT SCHOOL BOARD.—The district school board has
 7052 the constitutional duty and responsibility to select and provide
 7053 adequate instructional materials for all students in accordance
 7054 with the requirements of this part. The district school board
 7055 also has the following specific duties and responsibilities:
 7056 (e) *Public participation*.—Publish on its website, in a
 7057 searchable format prescribed by the department, a list of all
 7058 instructional materials, including those used to provide
 7059 instruction required by s. 1003.42. Each district school board
 7060 must:
 7061 1. Provide access to all materials, excluding teacher
 7062 editions, in accordance with s. 1006.283(2) (b)8.a. before the
 7063 district school board takes any official action on such
 7064 materials. This process must include reasonable safeguards
 7065 against the unauthorized use, reproduction, and distribution of
 7066 instructional materials considered for adoption.
 7067 2. Select, approve, adopt, or purchase all materials as a
 7068 separate line item on the agenda and ~~must~~ provide a reasonable
 7069 opportunity for public comment. The use of materials described
 7070 in this paragraph may not be selected, approved, or adopted as
 7071 part of a consent agenda.
 7072 3. Annually, beginning June 30, 2023, submit to the
 7073 Commissioner of Education a report that identifies:
 7074 a. Each material for which the school district received an
 7075 objection pursuant to subparagraph (a)2. for the school year and
 7076 the specific objections thereto.

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7077 b. Each material that was removed or discontinued as a
 7078 result of an objection.
 7079 c. The grade level and course for which a removed or
 7080 discontinued material was used, as applicable.
 7081
 7082 The department shall publish and regularly update a list of
 7083 materials that were removed or discontinued as a result of an
 7084 objection and disseminate the list to school districts for
 7085 consideration in their selection procedures.
 7086 Reviser's note.—Amended to confirm an editorial deletion to
 7087 conform to context.
 7088 Section 168. Paragraph (a) of subsection (5) of section
 7089 1006.73, Florida Statutes, is amended to read:
 7090 1006.73 Florida Postsecondary Academic Library Network.—
 7091 (5) REPORTING.—
 7092 (a) By Beginning December 31, ~~2021~~, and each year
 7093 ~~thereafter~~, the host entity shall submit a report to the
 7094 Chancellors of the State University System and the Florida
 7095 College System regarding the implementation and operation of all
 7096 components described in this section, including, but not limited
 7097 to, all of the following:
 7098 1. Usage information collected under paragraph (2) (c).
 7099 2. Information and associated costs relating to the
 7100 services and functions of the program.
 7101 3. The implementation and operation of the automated
 7102 library services.
 7103 4. The number and value of grants awarded under paragraph
 7104 (4) (d) and the distribution of those funds.
 7105 5. The number and types of courses placed in the Student

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7106 Open Access Resources Repository.
 7107 6. Information on the utilization of the Student Open
 7108 Access Resources Repository and utilization of open educational
 7109 resources in course sections, by Florida College System
 7110 institution and state university.
 7111 Reviser's note.—Amended to delete obsolete language.
 7112 Section 169. Paragraph (b) of subsection (1) of section
 7113 1007.33, Florida Statutes, is amended to read:
 7114 1007.33 Site-determined baccalaureate degree access.—
 7115 (1)
 7116 (b) For purposes of this section, the term "district"
 7117 refers to the county or counties served by a Florida College
 7118 System institution pursuant to s. 1000.21(5) ~~1000.21(3)~~.
 7119 Reviser's note.—Amended to conform to the reordering of
 7120 definitions in s. 1000.21 by this act.
 7121 Section 170. Subsection (5) of section 1008.24, Florida
 7122 Statutes, is amended to read:
 7123 1008.24 Test administration and security; public records
 7124 exemption.—
 7125 (5) Exceptional students with disabilities, as defined in
 7126 s. 1003.01(9) ~~1003.01(3)~~, shall have access to testing sites.
 7127 The Department of Education and each school district shall adopt
 7128 policies that are necessary to ensure such access.
 7129 Reviser's note.—Amended to conform to the reordering of
 7130 definitions in s. 1003.01 by this act.
 7131 Section 171. Paragraph (b) of subsection (2) of section
 7132 1008.47, Florida Statutes, is amended to read:
 7133 1008.47 Postsecondary education institution accreditation.—
 7134 (2) ACCREDITATION.—

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7135 (b) Once a public postsecondary institution is required to
 7136 seek and obtain accreditation from an agency or association
 7137 identified pursuant to paragraph (a), the institution shall seek
 7138 accreditation from a regional accrediting agency or association
 7139 and provide quarterly reports of its progress to the Board of
 7140 Governors or State Board of Education, as applicable. If each
 7141 regional accreditation agency or association identified pursuant
 7142 to paragraph (a) has refused to grant candidacy status to an
 7143 institution, the institution shall seek and obtain accreditation
 7144 from any accrediting agency or association that is different
 7145 ~~from than~~ its current accrediting agency or association and is
 7146 recognized by the database created and maintained by the United
 7147 States Department of Education. If a public postsecondary
 7148 institution is not granted candidacy status before its next
 7149 reaffirmation or fifth-year review date, the institution may
 7150 remain with its current accrediting agency or association.
 7151 Reviser's note.—Amended to confirm an editorial substitution to
 7152 improve clarity.
 7153 Section 172. Paragraph (c) of subsection (1) of section
 7154 1009.21, Florida Statutes, is amended to read:
 7155 1009.21 Determination of resident status for tuition
 7156 purposes.—Students shall be classified as residents or
 7157 nonresidents for the purpose of assessing tuition in
 7158 postsecondary educational programs offered by charter technical
 7159 career centers or career centers operated by school districts,
 7160 in Florida College System institutions, and in state
 7161 universities.
 7162 (1) As used in this section, the term:
 7163 (c) "Institution of higher education" means any charter

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7164 technical career center as defined in s. 1002.34, career center
 7165 operated by a school district as defined in s. 1001.44, Florida
 7166 College System institution as defined in s. 1000.21(5)
 7167 ~~1000.21(3)~~, or state university as defined in s. 1000.21(8)
 7168 ~~1000.21(6)~~.
 7169 Reviser's note.—Amended to conform to the reordering of
 7170 definitions in s. 1000.21 by this act.
 7171 Section 173. Subsection (6) of section 1009.286, Florida
 7172 Statutes, is amended to read:
 7173 1009.286 Additional student payment for hours exceeding
 7174 baccalaureate degree program completion requirements at state
 7175 universities.—
 7176 (6) For purposes of this section, the term "state
 7177 university" includes the institutions identified in s.
 7178 1000.21(8) ~~1000.21(6)~~ and the term "Florida College System
 7179 institution" includes the institutions identified in s.
 7180 1000.21(5) ~~1000.21(3)~~.
 7181 Reviser's note.—Amended to conform to the reordering of
 7182 definitions in s. 1000.21 by this act.
 7183 Section 174. Paragraph (c) of subsection (5) of section
 7184 1009.89, Florida Statutes, is amended to read:
 7185 1009.89 The William L. Boyd, IV, Effective Access to
 7186 Student Education grants.—
 7187 (5)
 7188 (c) By September 1 of each year, institutions receiving
 7189 funding as provided in the General Appropriations Act must
 7190 submit an Effective Access to Student Education Grant Program
 7191 Accountability Report to the Department of Education, in a
 7192 format prescribed by the department. The report must use the

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7193 most recently available information on Florida resident students
 7194 and include, at a minimum, the following performance metrics, by
 7195 institution:

- 7196 1. Access rate based upon percentage of Pell Grant-eligible
 7197 ~~Pell-eligible~~ students.
- 7198 2. Affordability rate based upon average student loan debt;
 7199 federal, state, and institutional financial assistance; and
 7200 average tuition and fees.
- 7201 3. Graduation rate.
- 7202 4. Retention rate.
- 7203 5. Postgraduate employment or continuing education rate.

7204
 7205 The department shall recommend minimum performance standards
 7206 that institutions must meet to remain eligible to receive grants
 7207 pursuant to this section. Each eligible institution shall post
 7208 prominently on its website, by October 1 of each year, its
 7209 performance on these metrics, as reported to the department.

7210 Reviser's note.—Amended to confirm an editorial insertion to
 7211 conform to the complete name of the federal grant offered
 7212 to undergraduate students from low-income households.

7213 Section 175. Paragraph (c) of subsection (1) of section
 7214 1009.895, Florida Statutes, is amended to read:

7215 1009.895 Open Door Grant Program.—

7216 (1) As used in this section, the term:

7217 (c) "Institution" means school district postsecondary
 7218 technical career centers under s. 1001.44, Florida College
 7219 System institutions under s. 1000.21(5) ~~1000.21(3)~~, charter
 7220 technical career centers under s. 1002.34, and school districts
 7221 with eligible integrated education and training programs.

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7222 Reviser's note.—Amended to conform to the reordering of
 7223 definitions in s. 1000.21 by this act.

7224 Section 176. Paragraph (b) of subsection (2) and paragraph
 7225 (c) of subsection (6) of section 1012.2315, Florida Statutes,
 7226 are amended to read:

7227 1012.2315 Assignment of teachers.—

7228 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

7229 (b)1. A school district may assign an individual newly
 7230 hired as instructional personnel to a school that has earned a
 7231 grade of "F" in the previous year or any combination of three
 7232 consecutive grades of "D" or "F" in the previous 3 years
 7233 pursuant to s. 1008.34 if the individual:

7234 a. Has received an effective rating or highly effective
 7235 rating in the immediate prior year's performance evaluation
 7236 pursuant to s. 1012.34;

7237 b. Has successfully completed or is enrolled in a teacher
 7238 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
 7239 1012.56, or a teacher preparation program specified in State
 7240 Board of Education rule, is provided with high quality mentoring
 7241 during the first 2 years of employment, holds a certificate
 7242 issued pursuant to s. 1012.56, and holds a probationary contract
 7243 pursuant to s. 1012.335(2)(a); or

7244 c. Holds a probationary contract pursuant to s.
 7245 1012.335(2)(a), holds a certificate issued pursuant to s.
 7246 1012.56, and has successful teaching experience, and if, in the
 7247 judgment of the school principal, students would benefit from
 7248 the placement of that individual.

7249 2. As used in this paragraph, the term "mentoring" includes
 7250 the use of student achievement data combined with at least

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7251 monthly observations to improve the educator's effectiveness in
 7252 improving student outcomes. Mentoring may be provided by a
 7253 school district, a teacher preparation program approved pursuant
 7254 to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher
 7255 preparation program specified in State Board of Education rule.
 7256

7257 Each school district shall annually certify to the Commissioner
 7258 of Education that the requirements in this subsection have been
 7259 met. If the commissioner determines that a school district is
 7260 not in compliance with this subsection, the State Board of
 7261 Education shall be notified and shall take action pursuant to s.
 7262 1008.32 in the next regularly scheduled meeting to require
 7263 compliance.

7264 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 7265 EVALUATIONS.—

7266 (c) For a student enrolling in an extracurricular course as
 7267 defined in s. 1003.01(11) ~~1003.01(15)~~, a parent may choose to
 7268 have the student taught by a teacher who received a performance
 7269 evaluation of "needs improvement" or "unsatisfactory" in the
 7270 preceding school year if the student and the student's parent
 7271 receive an explanation of the impact of teacher effectiveness on
 7272 student learning and the principal receives written consent from
 7273 the parent.

7274 Reviser's note.—Paragraph (2) (b) is amended to improve clarity.

7275 Paragraph (6) (c) is amended to conform to the reordering of
 7276 definitions in s. 1003.01 by this act.

7277 Section 177. Except as otherwise expressly provided in this
 7278 act and except for this section, which shall take effect July 1,
 7279 2023, this act shall take effect on the 60th day after

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7280 adjournment sine die of the session of the Legislature in which
 7281 enacted.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 34

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

This bill deletes statutory provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2022, by the 2021 Regular Session of the Legislature).

This bill amends the following sections of the Florida Statutes: ss. 259.105, 341.052, 381.0065, 381.988, 400.962, 408.036, 409.996, 1002.31, 1002.394, 1002.421, 1003.52, and 1006.33, F.S.; repeals ss. 215.5601, 381.00652, and 1002.39, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes through a reviser's bill pursuant to s. 11.242(5)(i).

III. Effect of Proposed Changes:

This bill will delete sections that have already been repealed by the Legislature by substantive legislation that the Division of Law Revision could not remove from the statutes without the required inclusion in a reviser's bill.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 259.105, 341.052, 381.0065, 381.988, 400.962, 408.036, 409.996, 1002.31, 1002.394, 1002.421, 1003.52, and 1006.33, F.S.

This bill repeals the following sections of the Florida Statutes: ss. 215.5601, 381.00652, and 1002.39, F.S.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 215.5601, 259.105(3)(m), 381.00652, 381.988(11),
 4 400.962(6), 408.036(3)(n), 409.996(27), 1002.39,
 5 1003.52(23), and 1006.33(5), F.S., and amending s.
 6 341.052, F.S., to delete provisions which have become
 7 inoperative by noncurrent repeal or expiration and,
 8 pursuant to s. 11.242(5)(b) and (i), F.S., may be
 9 omitted from the 2023 Florida Statutes only through a
 10 reviser's bill duly enacted by the Legislature; and
 11 amending ss. 381.0065, 1002.31, 1002.394, and
 12 1002.421, F.S., to conform to the changes made by this
 13 act; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Section 215.5601, Florida Statutes, is repealed.
 18 Reviser's note.—The cited section, which creates the Lawton
 19 Chiles Endowment Fund, was repealed by s. 5, ch. 2021-43,
 20 Laws of Florida, effective July 1, 2022. Since the section
 21 was not repealed by a "current session" of the Legislature,
 22 it may be omitted from the 2023 Florida Statutes only
 23 through a reviser's bill duly enacted by the Legislature.
 24 See s. 11.242(5)(b) and (i).
 25 Section 2. Paragraph (m) of subsection (3) of section
 26 259.105, Florida Statutes, is repealed.
 27 Reviser's note.—The cited paragraph, which authorizes \$1,998,100
 28 to the Department of Environmental Protection for grants
 29 pursuant to s. 375.075 for the 2021-2022 fiscal year only,

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30 expired pursuant to its own terms, effective July 1, 2022.
 31 Section 3. Paragraphs (a) and (b) of subsection (3) of
 32 section 341.052, Florida Statutes, are amended to read:
 33 341.052 Public transit block grant program; administration;
 34 eligible projects; limitation.—
 35 (3) The following limitations shall apply to the use of
 36 public transit block grant program funds:
 37 (a) ~~1-~~ State participation in eligible capital projects
 38 shall be limited to 50 percent of the nonfederal share of such
 39 project costs.
 40 ~~2. For the 2021-2022 fiscal year only, local participation~~
 41 ~~in eligible capital projects may be less than 50 percent of the~~
 42 ~~nonfederal share of such project costs. This subparagraph~~
 43 ~~expires July 1, 2022.~~
 44 (b) ~~1-~~ State participation in eligible public transit
 45 operating costs may not exceed 50 percent of such costs or an
 46 amount equal to the total revenue, excluding farebox, charter,
 47 and advertising revenue and federal funds, received by the
 48 provider for operating costs, whichever amount is less.
 49 ~~2. For the 2021-2022 fiscal year only, local participation~~
 50 ~~in eligible public transit operating costs may be less than 50~~
 51 ~~percent of such operating costs. This subparagraph expires July~~
 52 ~~1, 2022.~~
 53 Reviser's note.—Amended to conform to the repeal of
 54 subparagraphs (3)(a)2. and (b)2. pursuant to their own
 55 terms, effective July 1, 2022.
 56 Section 4. Section 381.00652, Florida Statutes, is
 57 repealed.
 58 Reviser's note.—The cited section, which creates the onsite

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59 sewage treatment and disposal systems technical advisory
 60 committee, expired pursuant to its own terms, effective
 61 August 15, 2022.

62 Section 5. Subsection (11) of section 381.988, Florida
 63 Statutes, is repealed.

64 Reviser's note.—The cited subsection, which relates to rules
 65 adopted under subsection (9) before July 1, 2022, not being
 66 subject to ss. 120.54(3)(b) and 120.541, expired pursuant
 67 to its own terms, effective July 1, 2022.

68 Section 6. Subsection (6) of section 400.962, Florida
 69 Statutes, is repealed.

70 Reviser's note.—The cited subsection, which relates to
 71 demonstration and maintenance of criteria for certificate-
 72 of-need-exemption under s. 408.306(3)(n) for intermediate
 73 care facilities for developmentally disabled persons, was
 74 repealed by s. 2, ch. 2020-60, Laws of Florida, and s. 7,
 75 ch. 2020-71, Laws of Florida, codified as s.
 76 408.036(3)(o)3. in 2020 and since redesignated as s.
 77 408.036(3)(n)3., effective July 1, 2022. Since the
 78 subsection was not repealed by a "current session" of the
 79 Legislature, it may be omitted from the 2023 Florida
 80 Statutes only through a reviser's bill duly enacted by the
 81 Legislature. See s. 11.242(5)(b) and (i).

82 Section 7. Paragraph (n) of subsection (3) of section
 83 408.036, Florida Statutes, is repealed.

84 Reviser's note.—The cited paragraph, which provides for an
 85 exemption from certificate-of-need requirements for
 86 specified new intermediate care facilities for
 87 developmentally disabled persons, was repealed pursuant to

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88 its own terms, effective July 1, 2022.

89 Section 8. Subsection (27) of section 409.996, Florida
 90 Statutes, is repealed.

91 Reviser's note.—The cited subsection, which requires
 92 implementation of a pilot project in the Sixth and
 93 Thirteenth Judicial Circuits, for the 2020-2021 and 2021-
 94 2022 fiscal years, aimed at improving child welfare
 95 outcomes, expired pursuant to its own terms, effective July
 96 1, 2022.

97 Section 9. Section 1002.39, Florida Statutes, is repealed.

98 Reviser's note.—The cited section, which establishes the John M.
 99 McKay Scholarships for Students with Disabilities Program,
 100 was repealed pursuant to its own terms, effective July 1,
 101 2022.

102 Section 10. Subsection (23) of section 1003.52, Florida
 103 Statutes, is repealed.

104 Reviser's note.—The cited subsection, which authorizes the
 105 Department of Juvenile Justice, in consultation with the
 106 Department of Education and for the 2021-2022 fiscal year,
 107 to evaluate the viability of an alternative model for
 108 providing and funding educational services for youth in
 109 detention and residential facilities, expired pursuant to
 110 its own terms, effective June 1, 2022.

111 Section 11. Subsection (5) of section 1006.33, Florida
 112 Statutes, is repealed.

113 Reviser's note.—The cited subsection, which authorizes the
 114 Department of Education to establish timeframes for the
 115 advertisement and submission of bids for instructional
 116 materials for the 2020 adoption cycle, expired pursuant to

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117 its own terms, effective July 1, 2022.

118 Section 12. Paragraph (e) of subsection (4) of section

119 381.0065, Florida Statutes, is amended to read:

120 381.0065 Onsite sewage treatment and disposal systems;

121 regulation.—

122 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not

123 construct, repair, modify, abandon, or operate an onsite sewage

124 treatment and disposal system without first obtaining a permit

125 approved by the department. The department may issue permits to

126 carry out this section, except that the issuance of a permit for

127 work seaward of the coastal construction control line

128 established under s. 161.053 shall be contingent upon receipt of

129 any required coastal construction control line permit from the

130 department. A construction permit is valid for 18 months after

131 the date of issuance and may be extended by the department for

132 one 90-day period under rules adopted by the department. A

133 repair permit is valid for 90 days after the date of issuance.

134 An operating permit must be obtained before the use of any

135 aerobic treatment unit or if the establishment generates

136 commercial waste. Buildings or establishments that use an

137 aerobic treatment unit or generate commercial waste shall be

138 inspected by the department at least annually to assure

139 compliance with the terms of the operating permit. The operating

140 permit for a commercial wastewater system is valid for 1 year

141 after the date of issuance and must be renewed annually. The

142 operating permit for an aerobic treatment unit is valid for 2

143 years after the date of issuance and must be renewed every 2

144 years. If all information pertaining to the siting, location,

145 and installation conditions or repair of an onsite sewage

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146 treatment and disposal system remains the same, a construction

147 or repair permit for the onsite sewage treatment and disposal

148 system may be transferred to another person, if the transferee

149 files, within 60 days after the transfer of ownership, an

150 amended application providing all corrected information and

151 proof of ownership of the property. A fee is not associated with

152 the processing of this supplemental information. A person may

153 not contract to construct, modify, alter, repair, service,

154 abandon, or maintain any portion of an onsite sewage treatment

155 and disposal system without being registered under part III of

156 chapter 489. A property owner who personally performs

157 construction, maintenance, or repairs to a system serving his or

158 her own owner-occupied single-family residence is exempt from

159 registration requirements for performing such construction,

160 maintenance, or repairs on that residence, but is subject to all

161 permitting requirements. A municipality or political subdivision

162 of the state may not issue a building or plumbing permit for any

163 building that requires the use of an onsite sewage treatment and

164 disposal system unless the owner or builder has received a

165 construction permit for such system from the department. A

166 building or structure may not be occupied and a municipality,

167 political subdivision, or any state or federal agency may not

168 authorize occupancy until the department approves the final

169 installation of the onsite sewage treatment and disposal system.

170 A municipality or political subdivision of the state may not

171 approve any change in occupancy or tenancy of a building that

172 uses an onsite sewage treatment and disposal system until the

173 department has reviewed the use of the system with the proposed

174 change, approved the change, and amended the operating permit.

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175 (e) The department shall adopt rules relating to the
 176 location of onsite sewage treatment and disposal systems,
 177 including establishing setback distances, to prevent groundwater
 178 contamination and surface water contamination and to preserve
 179 the public health. The rulemaking process for such rules must be
 180 completed by July 1, 2022, and the department shall notify the
 181 Division of Law Revision of the date such rules take effect. The
 182 rules must consider conventional and enhanced nutrient-reducing
 183 onsite sewage treatment and disposal system designs, impaired or
 184 degraded water bodies, domestic wastewater and drinking water
 185 infrastructure, potable water sources, nonpotable wells,
 186 stormwater infrastructure, the onsite sewage treatment and
 187 disposal system remediation plans developed pursuant to s.
 188 403.067(7)(a)9.b., nutrient pollution, and the recommendations
 189 of the onsite sewage treatment and disposal systems technical
 190 advisory committee established pursuant to former s. 381.00652.
 191 The rules must also allow a person to apply for and receive a
 192 variance from a rule requirement upon demonstration that the
 193 requirement would cause an undue hardship and granting the
 194 variance would not cause or contribute to the exceedance of a
 195 total maximum daily load.
 196 Reviser's note.—Amended to conform to the repeal of s. 381.00652
 197 by this act.
 198 Section 13. Paragraph (f) of subsection (3) of section
 199 1002.31, Florida Statutes, is amended to read:
 200 1002.31 Controlled open enrollment; public school parental
 201 choice.—
 202 (3) Each district school board shall adopt by rule and post
 203 on its website the process required to participate in controlled

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204 open enrollment. The process must:
 205 (f) Require school districts to provide information on
 206 transportation options, such as:
 207 1. The responsibility of school districts to provide
 208 transportation to another public school pursuant to ss. 1002.38,
 209 ~~1002.39~~, and 1002.394.
 210 2. The availability of funds for transportation under ss.
 211 1002.394, 1002.395, and 1011.68.
 212 3. Any other transportation the school district may
 213 provide.
 214 4. Any transportation options available in the community.
 215 Reviser's note.—Amended to conform to the repeal of s. 1002.39
 216 by this act.
 217 Section 14. Paragraph (b) of subsection (12) of section
 218 1002.394, Florida Statutes, is amended to read:
 219 1002.394 The Family Empowerment Scholarship Program.—
 220 (12) SCHOLARSHIP FUNDING AND PAYMENT.—
 221 (b)1. Scholarships for students determined eligible
 222 pursuant to paragraph (3)(b) are established for up to 26,500
 223 students annually beginning in the 2022-2023 school year.
 224 Beginning in the 2023-2024 school year, the maximum number of
 225 students participating in the scholarship program under this
 226 section shall annually increase by 1.0 percent of the state's
 227 total exceptional student education full-time equivalent student
 228 membership, not including gifted students. An eligible student
 229 who meets any of the following requirements shall be excluded
 230 from the maximum number of students if the student:
 231 a. Received specialized instructional services under the
 232 Voluntary Prekindergarten Education Program pursuant to s.

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233 1002.66 during the previous school year and the student has a
 234 current IEP developed by the district school board in accordance
 235 with rules of the State Board of Education;

236 b. Is a dependent child of a law enforcement officer or a
 237 member of the United States Armed Forces, a foster child, or an
 238 adopted child;

239 c. Spent the prior school year in attendance at a Florida
 240 public school or the Florida School for the Deaf and the Blind.
 241 For purposes of this subparagraph, the term "prior school year
 242 in attendance" means that the student was enrolled and reported
 243 by:

244 (I) A school district for funding during either the
 245 preceding October or February full-time equivalent student
 246 membership surveys in kindergarten through grade 12, which
 247 includes time spent in a Department of Juvenile Justice
 248 commitment program if funded under the Florida Education Finance
 249 Program;

250 (II) The Florida School for the Deaf and the Blind during
 251 the preceding October or February full-time equivalent student
 252 membership surveys in kindergarten through grade 12;

253 (III) A school district for funding during the preceding
 254 October or February full-time equivalent student membership
 255 surveys, was at least 4 years of age when enrolled and reported,
 256 and was eligible for services under s. 1003.21(1)(e); or

257 (IV) Received a John M. McKay Scholarship for Students with
 258 Disabilities in the 2021-2022 school year.

259 2. For a student who has a Level I to Level III matrix of
 260 services or a diagnosis by a physician or psychologist, the
 261 calculated scholarship amount for a student participating in the

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262 program must be based upon the grade level and school district
 263 in which the student would have been enrolled as the total funds
 264 per unweighted full-time equivalent in the Florida Education
 265 Finance Program for a student in the basic exceptional student
 266 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
 267 plus a per full-time equivalent share of funds for all
 268 categorical programs, as funded in the General Appropriations
 269 Act, except that for the exceptional student education
 270 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
 271 2., the funds must be allocated based on the school district's
 272 average exceptional student education guaranteed allocation
 273 funds per exceptional student education full-time equivalent
 274 student.

275 3. For a student with a Level IV or Level V matrix of
 276 services, the calculated scholarship amount must be based upon
 277 the school district to which the student would have been
 278 assigned as the total funds per full-time equivalent for the
 279 Level IV or Level V exceptional student education program
 280 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
 281 equivalent share of funds for all categorical programs, as
 282 funded in the General Appropriations Act.

283 4. For a student who received a Gardiner Scholarship
 284 pursuant to former s. 1002.385 in the 2020-2021 school year, the
 285 amount shall be the greater of the amount calculated pursuant to
 286 subparagraph 2. or the amount the student received for the 2020-
 287 2021 school year.

288 5. For a student who received a John M. McKay Scholarship
 289 pursuant to former s. 1002.39 in the 2020-2021 school year, the
 290 amount shall be the greater of the amount calculated pursuant to

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291 subparagraph 2. or the amount the student received for the 2020-
 292 2021 school year.

293 6. The organization must provide the department with the
 294 documentation necessary to verify the student's participation.

295 7. Upon receiving the documentation, the department shall
 296 release, from state funds only, the student's scholarship funds
 297 to the organization, to be deposited into the student's account
 298 in four equal amounts no later than September 1, November 1,
 299 February 1, and April 1 of each school year in which the
 300 scholarship is in force.

301 8. Accrued interest in the student's account is in addition
 302 to, and not part of, the awarded funds. Program funds include
 303 both the awarded funds and accrued interest.

304 9. The organization may develop a system for payment of
 305 benefits by funds transfer, including, but not limited to, debit
 306 cards, electronic payment cards, or any other means of payment
 307 which the department deems to be commercially viable or cost-
 308 effective. A student's scholarship award may not be reduced for
 309 debit card or electronic payment fees. Commodities or services
 310 related to the development of such a system must be procured by
 311 competitive solicitation unless they are purchased from a state
 312 term contract pursuant to s. 287.056.

313 10. Moneys received pursuant to this section do not
 314 constitute taxable income to the qualified student or the parent
 315 of the qualified student.

316 Reviser's note.—Amended to conform to the repeal of s. 1002.385
 317 by s. 2, ch. 2021-27, Laws of Florida, and the repeal of s.
 318 1002.39 by this act.

319 Section 15. Paragraph (q) of subsection (1) of section

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320 1002.421, Florida Statutes, is amended to read:

321 1002.421 State school choice scholarship program
 322 accountability and oversight.—

323 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 324 school participating in an educational scholarship program
 325 established pursuant to this chapter must be a private school as
 326 defined in s. 1002.01(2) in this state, be registered, and be in
 327 compliance with all requirements of this section in addition to
 328 private school requirements outlined in s. 1002.42, specific
 329 requirements identified within respective scholarship program
 330 laws, and other provisions of Florida law that apply to private
 331 schools, and must:

332 (q) Provide a report from an independent certified public
 333 accountant who performs the agreed-upon procedures developed
 334 pursuant to s. 1002.395(6) (o) if the private school receives
 335 more than \$250,000 in funds from scholarships awarded under this
 336 chapter in a state fiscal year. A private school subject to this
 337 subsection must annually submit the report by September 15 to
 338 the scholarship-funding organization that awarded the majority
 339 of the school's scholarship funds. ~~However, a school that~~
 340 ~~receives more than \$250,000 in scholarship funds only through~~
 341 ~~the John M. McKay Scholarship for Students with Disabilities~~
 342 ~~Program pursuant to s. 1002.39 must submit the annual report by~~
 343 ~~September 15 to the department.~~ The agreed-upon procedures must
 344 be conducted in accordance with attestation standards
 345 established by the American Institute of Certified Public
 346 Accountants.

347

348 The department shall suspend the payment of funds to a private

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349 school that knowingly fails to comply with this subsection, and
350 shall prohibit the school from enrolling new scholarship
351 students, for 1 fiscal year and until the school complies. If a
352 private school fails to meet the requirements of this subsection
353 or has consecutive years of material exceptions listed in the
354 report required under paragraph (q), the commissioner may
355 determine that the private school is ineligible to participate
356 in a scholarship program.
357 Reviser's note.—Amended to conform to the repeal of s. 1002.39
358 by this act.
359 Section 16. This act shall take effect on the 60th day
360 after adjournment sine die of the session of the Legislature in
361 which enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 36

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

Section 9, ch. 2012-116, Laws of Florida, created s. 11.242(5)(j), Florida Statutes, requiring the Division of Law Revision to omit statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes as part of the reviser's bill process for each regular session.

This bill amends the following sections of the Florida Statutes: ss. 400.9981, 408.0512, and 517.141, F.S.

II. Present Situation:

Section 9, ch. 2012-116, Laws of Florida, created s. 11.242(5)(j), Florida Statutes, requiring the Division of Law Revision to prepare reviser's bills each regular session to omit all statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes. Rulemaking authority is deemed unused if the statutory provision "has been in effect for more than 5 years and no rule has been promulgated in reliance thereon."

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 9, ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j), Florida Statutes, to omit statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 400.9981, 408.0512, and 517.141, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

19-01967-23

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 400.9981, 408.0512, and 517.141, F.S., to conform to
 4 the directive of the Legislature in section 9 of
 5 chapter 2012-116, Laws of Florida, codified as section
 6 11.242(5)(j), Florida Statutes, to prepare a reviser's
 7 bill to omit all statutes and laws, or parts thereof,
 8 which grant duplicative, redundant, or unused
 9 rulemaking authority; providing an effective date.
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. Subsection (8) of section 400.9981, Florida
 14 Statutes, is amended to read:
 15 400.9981 Property and personal affairs of clients.—
 16 ~~(8) The agency, by rule, may clarify terms and specify~~
 17 ~~procedures and documentation necessary to administer the~~
 18 ~~provisions of this section relating to the proper management of~~
 19 ~~clients' funds and personal property and the execution of surety~~
 20 ~~bonds.~~
 21 Section 2. Section 408.0512, Florida Statutes, is amended
 22 to read:
 23 408.0512 Electronic health records system adoption loan
 24 program.—
 25 ~~(1)~~ Subject to the availability of eligible donations from
 26 public or private entities and funding made available through s.
 27 3014 of the Public Health Service Act, the agency may operate a
 28 certified electronic health record technology loan fund subject
 29 to a specific appropriation as authorized by the General

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30 Appropriations Act or as provided through the provisions of s.
 31 216.181(11)(a) and (b).
 32 ~~(2) The agency shall adopt rules related to standard terms~~
 33 ~~and conditions for use in the loan program.~~
 34 Section 3. Subsection (11) of section 517.141, Florida
 35 Statutes, is amended to read:
 36 517.141 Payment from the fund.—
 37 ~~(11) The commission may adopt rules pursuant to ss.~~
 38 ~~120.536(1) and 120.54 specifying procedures for complying with~~
 39 ~~this section, including rules for the form of submission and~~
 40 ~~guidelines for the sufficiency and content of submissions of~~
 41 ~~notices and claims.~~
 42 Reviser's note.—This act amends provisions of the Florida
 43 Statutes pursuant to the directive of the Legislature in s.
 44 9, ch. 2012-116, Laws of Florida, codified as s.
 45 11.242(5)(j), Florida Statutes, to prepare a reviser's bill
 46 to omit all statutes and laws, or parts thereof, which
 47 grant duplicative, redundant, or unused rulemaking
 48 authority.
 49 Section 4. This act shall take effect on the 60th day after
 50 adjournment sine die of the session of the Legislature in which
 51 enacted.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 38

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This bill deletes statutory provisions relating to apportionment of the districts for the State Senate and House of Representatives that have been superseded.

This bill repeals the following sections of the Florida Statutes: ss. 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.171, 10.18, and 10.181, F.S.

II. Present Situation:

Sections 10.201, 10.202, 10.203, 10.204, 10.205, 10.206, 10.207, 10.208, and 10.209, F.S. were enacted by Committee Substitute for Senate Joint Resolution 100, 2022 Regular Session. Sections 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, and 10.18, Florida Statutes, were enacted by Committee Substitute for Senate Joint Resolution 1176, 2012 Regular Session; ss. 10.171 and 10.181 were enacted by Committee Substitute for Senate Joint Resolution 2-B, 2012 Special Session B, and s. 10.13 was amended by that joint resolution. At present, the material from the 2012 apportionment resolutions remains in the Florida Statutes. Section 11.242(2)(i), Florida Statutes, requires the Division of Law Revision to place obsolete provisions in a reviser's bill for ratification of the repeals by the Legislature before the division may delete them from the text of the Florida Statutes.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will delete obsolete 2012 apportionment statutes that have been replaced by the 2022 apportionment statutes.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals the following sections of the Florida Statutes: ss. 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.171, 10.18, and 10.181, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

19-01968-23

202338__

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; repealing ss.
3 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17,
4 10.171, 10.18, and 10.181, F.S.; deleting provisions
5 providing for apportionment of the districts of the
6 State Senate and House of Representatives that have
7 been superseded; providing an effective date.
8
9 Be It Enacted by the Legislature of the State of Florida:
10
11 Section 1. Sections 10.11, 10.12, 10.13, 10.14, 10.15,
12 10.16, 10.17, 10.171, 10.18, and 10.181, Florida Statutes, are
13 repealed.
14 Reviser's note.—The cited sections, relating to apportionment of
15 districts for the State Senate and House of
16 Representatives, are repealed to delete superseded
17 provisions.
18 Section 2. This act shall take effect on the 60th day after
19 adjournment sine die of the session of the Legislature in which
20 enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 40

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

SB 40 is drafted by the Division of Law Revision of the Office of Legislative Services to adopt the Florida Statutes 2023 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

II. Present Situation:

The 2023 adoption act will adopt all statute material passed through the May 23-27, 2022, Special Session and printed in the 2022 edition. Material passed in a session occurring since publication of the 2022 edition (the December 12-16, 2022, Special Session through the 2023 Regular Session) must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

III. Effect of Proposed Changes:

The adoption act provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2023 adoption act adopts as the official statute law of the state those portions of the 2023 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2022). Portions carried forward from the 2022 edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2022 edition (the December 12-16, 2022, Special Session through the 2023 Regular Session) are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2022 Florida Statutes that does not appear in the 2022 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s.

11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

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A bill to be entitled

An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2023 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2023 shall be effective immediately upon publication; providing that general laws enacted during the May 23-27, 2022, special session and prior thereto and not included in the Florida Statutes 2023 are repealed; providing that general laws enacted during the December 12-16, 2022, special session through the 2023 regular session are not repealed by this adoption act; providing an effective date.

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

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2023 2022 adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2022 2021 of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2022 2021 enacted in additional reviser's bill or bills by the 2023 2022 Legislature, is adopted and enacted as the official statute law of the state under the

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title of "Florida Statutes 2023 2022" and shall take effect immediately upon publication. Said statutes may be cited as "Florida Statutes 2023 2022," "Florida Statutes," or "F.S. 2023 2022."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the May 23-27, 2022, May 17-21, 2021, special legislative session, and every part of such statute, not included in Florida Statutes 2023 2022, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the December 12-16, 2022, special session through the 2023 November 15-19, 2021, ~~special session and the 2022~~ regular session are not repealed by the adoption and enactment of the Florida Statutes 2023 2022 by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2023 2022, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

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59 Section 5. This act shall take effect on the 60th day after
60 adjournment sine die of the session of the Legislature in which
61 enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 42

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. Responses to directives from the Legislature to make specific changes in the statutes are also submitted to the Legislature via reviser's bills.

Section 10, ch. 2022-16, Laws of Florida, directed the Division of Law Revision to prepare a reviser's bill to change the term "Next Generation Sunshine State Standards" to "state academic standards."

This bill amends the following sections of the Florida Statutes: ss. 39.0016, 1001.03, 1001.215, 1001.41, 1002.33, 1002.45, 1003.4282, 1003.499, 1003.4995, 1006.28, 1006.29, 1006.31, 1006.33, 1006.34, 1007.35, 1008.385, 1012.05, 1012.28, 1012.56, and 1012.72, F.S.

II. Present Situation:

Section 10, ch. 2022-16, Laws of Florida, directs the Division of Law Revision to prepare a reviser's bill for the 2023 Regular Session of the Legislature to change the term "Next Generation Sunshine State Standards" to "state academic standards."

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 10, ch. 2022-16, Laws of Florida, by changing the term "Next Generation Sunshine State Standards" to "state academic standards."

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 39.0016, 1001.03, 1001.215, 1001.41, 1002.33, 1002.45, 1003.4282, 1003.499, 1003.4995, 1006.28, 1006.29, 1006.31, 1006.33, 1006.34, 1007.35, 1008.385, 1012.05, 1012.28, 1012.56, and 1012.72, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 39.0016, 1001.03, 1001.215, 1001.41, 1002.33, 1002.45,
 4 1003.4282, 1003.499, 1003.4995, 1006.28, 1006.29,
 5 1006.31, 1006.33, 1006.34, 1007.35, 1008.385, 1012.05,
 6 1012.28, 1012.56, and 1012.72, F.S., to conform to
 7 section 10 of chapter 2022-16, Laws of Florida, which
 8 directs the Division of Law Revision to prepare a
 9 reviser's bill to replace references to the term "Next
 10 Generation Sunshine State Standards" with the term
 11 "state academic standards" wherever the term appears
 12 in the Florida Statutes; providing effective dates.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Paragraph (d) of subsection (4) of section
 17 39.0016, Florida Statutes, is amended to read:
 18 39.0016 Education of abused, neglected, and abandoned
 19 children; agency agreements; children having or suspected of
 20 having a disability.—
 21 (4) TRAINING.—The department shall incorporate an education
 22 component into all training programs of the department regarding
 23 children known to the department. Such training shall be
 24 coordinated with the Department of Education and the local
 25 school districts. The department shall offer opportunities for
 26 education personnel to participate in such training. Such
 27 coordination shall include, but not be limited to, notice of
 28 training sessions, opportunities to purchase training materials,
 29 proposals to avoid duplication of services by offering joint

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30 training, and incorporation of materials available from the
 31 Department of Education and local school districts into the
 32 department training when appropriate. The department training
 33 components shall include:
 34 (d) Training of caseworkers regarding the services and
 35 information available through the Department of Education and
 36 local school districts, including, but not limited to, the
 37 current state academic standards ~~Sunshine State Standards~~, the
 38 Surrogate Parent Training Manual, and other resources accessible
 39 through the Department of Education or local school districts to
 40 facilitate educational access for a child known to the
 41 department.
 42 Section 2. Subsection (1) of section 1001.03, Florida
 43 Statutes, is amended to read:
 44 1001.03 Specific powers of State Board of Education.—
 45 (1) PUBLIC K-12 CURRICULAR STANDARDS.—The State Board of
 46 Education shall adopt and periodically review and revise the
 47 state academic standards ~~Sunshine State Standards~~ in accordance
 48 with s. 1003.41.
 49 Section 3. Subsections (4) and (9) of section 1001.215,
 50 Florida Statutes, are amended to read:
 51 1001.215 Just Read, Florida! Office.—There is created in
 52 the Department of Education the Just Read, Florida! Office. The
 53 office is fully accountable to the Commissioner of Education and
 54 shall:
 55 (4) Develop and provide access to sequenced, content-rich
 56 curriculum programming, instructional practices, and resources
 57 that help elementary schools use state-adopted instructional
 58 materials to increase students' background knowledge and

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literacy skills, including student attainment of the state academic standards ~~Next Generation Sunshine State Standards~~ for social studies, science, and the arts. The office shall, as part of the adoption cycle for English Language Arts instructional materials, assist in evaluating elementary grades instructional materials submitted for adoption consideration in order to identify those materials that are closely aligned to the content and evidence-based strategies identified pursuant to subsection (8) and incorporate professional development to implement such strategies.

(9) Periodically review the state academic standards ~~Next Generation Sunshine State Standards~~ for English Language Arts to determine their appropriateness at each grade level.

Section 4. Subsection (3) of section 1001.41, Florida Statutes, is amended to read:

1001.41 General powers of district school board.—The district school board, after considering recommendations submitted by the district school superintendent, shall exercise the following general powers:

(3) Prescribe and adopt standards and policies to provide each student the opportunity to receive a complete education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as defined by the state academic standards ~~Sunshine State Standards~~. The standards and policies must emphasize integration and reinforcement of reading, writing, and mathematics skills across all subjects, including career awareness, career exploration, and career and technical education.

Section 5. Paragraph (a) of subsection (6) and paragraph

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(a) of subsection (7) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the state academic standards ~~Sunshine State Standards~~.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on

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revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

7. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

8. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual charter school, shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school or virtual charter school shall use the standard charter contract or standard virtual charter contract, respectively, pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract or proposed virtual charter contract that differs from the standard charter or virtual charter contract adopted by rule of the State Board of Education shall

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be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the state academic standards ~~Next Generation Sunshine State Standards~~ and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to

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175 provide students with the skills they need to compete in the
 176 21st century economy, the Legislature encourages instructional
 177 methods for blended learning courses consisting of both
 178 traditional classroom and online instructional techniques.
 179 Charter schools may implement blended learning courses which
 180 combine traditional classroom instruction and virtual
 181 instruction. Students in a blended learning course must be full-
 182 time students of the charter school pursuant to s.
 183 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
 184 1012.55 who provide virtual instruction for blended learning
 185 courses may be employees of the charter school or may be under
 186 contract to provide instructional services to charter school
 187 students. At a minimum, such instructional personnel must hold
 188 an active state or school district adjunct certification under
 189 s. 1012.57 for the subject area of the blended learning course.
 190 The funding and performance accountability requirements for
 191 blended learning courses are the same as those for traditional
 192 courses.

193 3. The current incoming baseline standard of student
 194 academic achievement, the outcomes to be achieved, and the
 195 method of measurement that will be used. The criteria listed in
 196 this subparagraph shall include a detailed description of:

197 a. How the baseline student academic achievement levels and
 198 prior rates of academic progress will be established.

199 b. How these baseline rates will be compared to rates of
 200 academic progress achieved by these same students while
 201 attending the charter school.

202 c. To the extent possible, how these rates of progress will
 203 be evaluated and compared with rates of progress of other

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204 closely comparable student populations.

205
 206 A district school board is required to provide academic student
 207 performance data to charter schools for each of their students
 208 coming from the district school system, as well as rates of
 209 academic progress of comparable student populations in the
 210 district school system.

211 4. The methods used to identify the educational strengths
 212 and needs of students and how well educational goals and
 213 performance standards are met by students attending the charter
 214 school. The methods shall provide a means for the charter school
 215 to ensure accountability to its constituents by analyzing
 216 student performance data and by evaluating the effectiveness and
 217 efficiency of its major educational programs. Students in
 218 charter schools shall, at a minimum, participate in the
 219 statewide assessment program created under s. 1008.22.

220 5. In secondary charter schools, a method for determining
 221 that a student has satisfied the requirements for graduation in
 222 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

223 6. A method for resolving conflicts between the governing
 224 board of the charter school and the sponsor.

225 7. The admissions procedures and dismissal procedures,
 226 including the school's code of student conduct. Admission or
 227 dismissal must not be based on a student's academic performance.

228 8. The ways by which the school will achieve a
 229 racial/ethnic balance reflective of the community it serves or
 230 within the racial/ethnic range of other nearby public schools or
 231 school districts.

232 9. The financial and administrative management of the

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233 school, including a reasonable demonstration of the professional
 234 experience or competence of those individuals or organizations
 235 applying to operate the charter school or those hired or
 236 retained to perform such professional services and the
 237 description of clearly delineated responsibilities and the
 238 policies and practices needed to effectively manage the charter
 239 school. A description of internal audit procedures and
 240 establishment of controls to ensure that financial resources are
 241 properly managed must be included. Both public sector and
 242 private sector professional experience shall be equally valid in
 243 such a consideration.

244 10. The asset and liability projections required in the
 245 application which are incorporated into the charter and shall be
 246 compared with information provided in the annual report of the
 247 charter school.

248 11. A description of procedures that identify various risks
 249 and provide for a comprehensive approach to reduce the impact of
 250 losses; plans to ensure the safety and security of students and
 251 staff; plans to identify, minimize, and protect others from
 252 violent or disruptive student behavior; and the manner in which
 253 the school will be insured, including whether or not the school
 254 will be required to have liability insurance, and, if so, the
 255 terms and conditions thereof and the amounts of coverage.

256 12. The term of the charter which shall provide for
 257 cancellation of the charter if insufficient progress has been
 258 made in attaining the student achievement objectives of the
 259 charter and if it is not likely that such objectives can be
 260 achieved before expiration of the charter. The initial term of a
 261 charter shall be for 5 years, excluding 2 planning years. In

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262 order to facilitate access to long-term financial resources for
 263 charter school construction, charter schools that are operated
 264 by a municipality or other public entity as provided by law are
 265 eligible for up to a 15-year charter, subject to approval by the
 266 sponsor. A charter lab school is eligible for a charter for a
 267 term of up to 15 years. In addition, to facilitate access to
 268 long-term financial resources for charter school construction,
 269 charter schools that are operated by a private, not-for-profit,
 270 s. 501(c)(3) status corporation are eligible for up to a 15-year
 271 charter, subject to approval by the sponsor. Such long-term
 272 charters remain subject to annual review and may be terminated
 273 during the term of the charter, but only according to the
 274 provisions set forth in subsection (8).

275 13. The facilities to be used and their location. The
 276 sponsor may not require a charter school to have a certificate
 277 of occupancy or a temporary certificate of occupancy for such a
 278 facility earlier than 15 calendar days before the first day of
 279 school.

280 14. The qualifications to be required of the teachers and
 281 the potential strategies used to recruit, hire, train, and
 282 retain qualified staff to achieve best value.

283 15. The governance structure of the school, including the
 284 status of the charter school as a public or private employer as
 285 required in paragraph (12)(i).

286 16. A timetable for implementing the charter which
 287 addresses the implementation of each element thereof and the
 288 date by which the charter shall be awarded in order to meet this
 289 timetable.

290 17. In the case of an existing public school that is being

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291 converted to charter status, alternative arrangements for
 292 current students who choose not to attend the charter school and
 293 for current teachers who choose not to teach in the charter
 294 school after conversion in accordance with the existing
 295 collective bargaining agreement or district school board rule in
 296 the absence of a collective bargaining agreement. However,
 297 alternative arrangements shall not be required for current
 298 teachers who choose not to teach in a charter lab school, except
 299 as authorized by the employment policies of the state university
 300 which grants the charter to the lab school.

301 18. Full disclosure of the identity of all relatives
 302 employed by the charter school who are related to the charter
 303 school owner, president, chairperson of the governing board of
 304 directors, superintendent, governing board member, principal,
 305 assistant principal, or any other person employed by the charter
 306 school who has equivalent decisionmaking authority. For the
 307 purpose of this subparagraph, the term "relative" means father,
 308 mother, son, daughter, brother, sister, uncle, aunt, first
 309 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 310 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 311 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 312 stepsister, half brother, or half sister.

313 19. Implementation of the activities authorized under s.
 314 1002.331 by the charter school when it satisfies the eligibility
 315 requirements for a high-performing charter school. A high-
 316 performing charter school shall notify its sponsor in writing by
 317 March 1 if it intends to increase enrollment or expand grade
 318 levels the following school year. The written notice shall
 319 specify the amount of the enrollment increase and the grade

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320 levels that will be added, as applicable.

321 Section 6. Paragraph (a) of subsection (2), paragraph (a)
 322 of subsection (3), and paragraph (a) of subsection (4) of
 323 section 1002.45, Florida Statutes, are amended to read:

324 1002.45 Virtual instruction programs.—

325 (2) PROVIDER QUALIFICATIONS.—

326 (a) The department shall annually publish on its website a
 327 list of providers approved by the State Board of Education to
 328 offer virtual instruction programs. To be approved, a virtual
 329 instruction program provider must document that it:

330 1. Is nonsectarian in its programs, admission policies,
 331 employment practices, and operations;

332 2. Complies with the antidiscrimination provisions of s.
 333 1000.05;

334 3. Locates an administrative office or offices in this
 335 state, requires its administrative staff to be state residents,
 336 requires all instructional staff to be Florida-certified
 337 teachers under chapter 1012 and conducts background screenings
 338 for all employees or contracted personnel, as required by s.
 339 1012.32, using state and national criminal history records;

340 4. Electronically provides to parents and students specific
 341 information that includes, but is not limited to, the following
 342 teacher-parent and teacher-student contact information for each
 343 course:

344 a. How to contact the instructor via phone, e-mail, or
 345 online messaging tools.

346 b. How to contact technical support via phone, e-mail, or
 347 online messaging tools.

348 c. How to contact the administration office via phone, e-

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mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact with the parent and the student each month;

5. Possesses prior, successful experience offering virtual instruction courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a virtual instruction program provider without sufficient prior, successful experience offering online courses, the State Board of Education may conditionally approve the virtual instruction program provider to offer courses measured pursuant to subparagraph (7)(a)2. Conditional approval shall be valid for 2 school years only and, based on the virtual instruction program provider's experience in offering the courses, the State Board of Education may grant approval to offer a virtual instruction program;

6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the

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Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the state academic standards ~~Next Generation Sunshine State Standards~~.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

8. Publishes, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as an approved virtual instruction program provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time virtual instruction program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

9. If the approved virtual instruction program provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

10. Performs an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent

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auditor shall conduct the audit in accordance with rules adopted by the Auditor General and in compliance with generally accepted auditing standards, and include a report on financial statements presented in accordance with generally accepted accounting principles. The audit report shall be accompanied by a written statement from the approved virtual instruction program provider in response to any deficiencies identified within the audit report and shall be submitted by the approved virtual instruction program provider to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year.

(3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program under this section must:

(a) Align virtual course curriculum and course content to the state academic standards ~~Sunshine State Standards~~ under s. 1003.41.

(4) CONTRACT REQUIREMENTS.—Each contract with an approved virtual instruction program provider must, at minimum:

(a) Set forth a detailed curriculum plan that illustrates how students will be provided services and be measured for attainment of proficiency in the state academic standards ~~Next Generation Sunshine State Standards~~ for each grade level and subject.

A contracting school district shall facilitate compliance with the requirements of paragraphs (h) and (i).

Section 7. Effective July 1, 2023, paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, as amended by section 17 of chapter 2022-154, and section 10 of chapter

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2022-157, Laws of Florida, is amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs. To be approved, a virtual instruction program provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Electronically provides to parents and students specific information that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the

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465 requirement.

466 e. The requirement that the instructor in each course must,
467 at a minimum, conduct one contact with the parent and the
468 student each month;

469 5. Possesses prior, successful experience offering virtual
470 instruction courses to elementary, middle, or high school
471 students as demonstrated by quantified student learning gains in
472 each subject area and grade level provided for consideration as
473 an instructional program option. However, for a virtual
474 instruction program provider without sufficient prior,
475 successful experience offering online courses, the State Board
476 of Education may conditionally approve the virtual instruction
477 program provider to offer courses measured pursuant to
478 subparagraph (7)(a)2. Conditional approval shall be valid for 1
479 school year only and, based on the virtual instruction program
480 provider's experience in offering the courses, the State Board
481 of Education may grant approval to offer a virtual instruction
482 program;

483 6. Is accredited by a regional accrediting association as
484 defined by State Board of Education rule;

485 7. Ensures instructional and curricular quality through a
486 detailed curriculum and student performance accountability plan
487 that addresses every subject and grade level it intends to
488 provide through contract with the school district, including:

489 a. Courses and programs that meet the standards of the
490 International Association for K-12 Online Learning and the
491 Southern Regional Education Board.

492 b. Instructional content and services that align with, and
493 measure student attainment of, student proficiency in the state

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494 academic standards ~~Next Generation Sunshine State Standards.~~

495 c. Mechanisms that determine and ensure that a student has
496 satisfied requirements for grade level promotion and high school
497 graduation with a standard diploma, as appropriate;

498 8. Publishes, in accordance with disclosure requirements
499 adopted in rule by the State Board of Education, as part of its
500 application as an approved virtual instruction program provider
501 and in all contracts negotiated pursuant to this section:

502 a. Information and data about the curriculum of each full-
503 time and part-time virtual instruction program.

504 b. School policies and procedures.

505 c. Certification status and physical location of all
506 administrative and instructional personnel.

507 d. Hours and times of availability of instructional
508 personnel.

509 e. Student-teacher ratios.

510 f. Student completion and promotion rates.

511 g. Student, educator, and school performance accountability
512 outcomes;

513 9. If the approved virtual instruction program provider is
514 a Florida College System institution, employs instructors who
515 meet the certification requirements for instructional staff
516 under chapter 1012; and

517 10. Performs an annual financial audit of its accounts and
518 records conducted by an independent auditor who is a certified
519 public accountant licensed under chapter 473. The independent
520 auditor shall conduct the audit in accordance with rules adopted
521 by the Auditor General and in compliance with generally accepted
522 auditing standards, and include a report on financial statements

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presented in accordance with generally accepted accounting principles. The audit report shall be accompanied by a written statement from the approved virtual instruction program provider in response to any deficiencies identified within the audit report and shall be submitted by the approved virtual instruction program provider to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year.

Section 8. Paragraph (b) of subsection (1) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(1) TWENTY-FOUR CREDITS REQUIRED.—

(b) The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in s. 1003.01(4), including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met. An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the state academic standards ~~Next Generation Sunshine State Standards~~ for that subject. An applied course aligns with state academic standards ~~Next Generation Sunshine State Standards~~ and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

Section 9. Paragraph (a) of subsection (3) of section 1003.499, Florida Statutes, is amended to read:

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1003.499 Florida Approved Courses and Tests (FACT) Initiative.—

(3) PROVIDER REQUIREMENTS.—

(a) To be approved by the Department of Education, an individual provider must provide all the following documentation that demonstrates that he or she:

1. Is nonsectarian regarding courses, enrollment policies, employment practices, and operations.

2. Complies with the antidiscrimination provisions of s. 1000.05.

3. Requires all instructional staff to be Florida-certified teachers under chapter 1012 or certified as adjunct educators under s. 1012.57 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.

4. Provides to parents and students specific information posted and accessible online which includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via telephone, e-mail, or online messaging tools.

b. How to contact technical support via telephone, e-mail, or online messaging tools.

c. How to contact the administration office or an individual offering online courses, including, but not limited to, massive open online courses, via telephone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the

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581 requirement.

582 5. Possesses prior, successful experience offering online
 583 courses to elementary, middle, or high school students as
 584 demonstrated by quantified student learning gains or student
 585 growth in each subject area and grade level provided for
 586 consideration as an instructional program option. However, for a
 587 provider without sufficient prior, successful experience
 588 offering online courses, the department may conditionally
 589 approve the provider to offer courses measured by the statewide
 590 assessment program pursuant to s. 1008.22. Conditional approval
 591 is valid for 1 year. Renewal of provider approval is contingent
 592 on sufficient performance data available demonstrating success
 593 in accordance with this section and State Board of Education
 594 rule.

595 6. Ensures instructional and curricular quality through a
 596 detailed curriculum and student performance accountability plan
 597 that addresses every subject and grade level that the provider
 598 intends to provide through contract with the school district,
 599 including all of the following:

600 a. Courses and programs that meet the standards of the
 601 International Association for K-12 Online Learning and the
 602 Southern Regional Education Board.

603 b. Instructional content and services that align with, and
 604 measure student attainment of, student proficiency in the state
 605 academic standards ~~Next Generation Sunshine State Standards~~.

606 c. Mechanisms that determine and ensure that a student has
 607 satisfied requirements for grade level promotion and high school
 608 graduation with a standard diploma, as appropriate.

609 7. Publishes for the general public, in accordance with

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610 disclosure requirements adopted in rule by the State Board of
 611 Education, as part of the application as a provider and in all
 612 contracts negotiated pursuant to this section all of the
 613 following information:

614 a. Certification status and physical location of all
 615 administrative and instructional personnel.

616 b. Hours and times of availability of instructional
 617 personnel.

618 c. Student-teacher ratios.

619 d. Student completion and promotion rates.

620 e. Student, educator, and school performance accountability
 621 outcomes.

622 Section 10. Section 1003.4995, Florida Statutes, is amended
 623 to read:

624 1003.4995 Fine arts report.—The Commissioner of Education
 625 shall prepare an annual report that includes a description,
 626 based on annual reporting by schools, of student access to and
 627 participation in fine arts courses, which are visual arts,
 628 music, dance, and theatre courses; the number and certification
 629 status of educators providing instruction in the courses;
 630 educational facilities designed and classroom space equipped for
 631 fine arts instruction; and the manner in which schools are
 632 providing the core curricular content for fine arts established
 633 in the state academic standards ~~Next Generation Sunshine State~~
 634 ~~Standards~~. The report shall be posted on the Department of
 635 Education's website and updated annually.

636 Section 11. Paragraph (b) of subsection (2) of section
 637 1006.28, Florida Statutes, is amended to read:

638 1006.28 Duties of district school board, district school

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639 superintendent; and school principal regarding K-12
640 instructional materials.—

641 (2) DISTRICT SCHOOL BOARD.—The district school board has
642 the constitutional duty and responsibility to select and provide
643 adequate instructional materials for all students in accordance
644 with the requirements of this part. The district school board
645 also has the following specific duties and responsibilities:

646 (b) *Instructional materials*.—Provide for proper
647 requisitioning, distribution, accounting, storage, care, and use
648 of all instructional materials and furnish such other
649 instructional materials as may be needed. Instructional
650 materials used must be consistent with the district goals and
651 objectives and the course descriptions established in rule of
652 the State Board of Education, as well as with the applicable
653 state academic standards ~~Next Generation Sunshine State~~
654 ~~Standards~~ provided for in s. 1003.41.

655 Section 12. Paragraph (b) of subsection (1) of section
656 1006.29, Florida Statutes, is amended to read:

657 1006.29 State instructional materials reviewers.—

658 (1)

659 (b) By April 15 of each school year, the commissioner shall
660 appoint three state or national experts in the content areas
661 submitted for adoption to review the instructional materials and
662 evaluate the content for alignment with the applicable state
663 academic standards ~~Next Generation Sunshine State Standards~~.

664 These reviewers shall be designated as state instructional
665 materials reviewers and shall review the materials for the level
666 of instructional support and the accuracy and appropriateness of
667 progression of introduced content. Instructional materials shall

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668 be made electronically available to the reviewers. The initial
669 review of the materials shall be made by only two of the three
670 reviewers. If the two reviewers reach different results, the
671 third reviewer shall break the tie. The reviewers shall
672 independently make recommendations to the commissioner regarding
673 materials that should be placed on the list of adopted materials
674 through an electronic feedback review system.

675 Section 13. Subsection (2) of section 1006.31, Florida
676 Statutes, is amended to read:

677 1006.31 Duties of the Department of Education and school
678 district instructional materials reviewer.—The duties of the
679 instructional materials reviewer are:

680 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
681 selection criteria listed in s. 1006.34(2)(b) and recommend for
682 adoption only those instructional materials aligned with the
683 state academic standards ~~Next Generation Sunshine State~~
684 ~~Standards~~ provided for in s. 1003.41. Instructional materials
685 recommended by each reviewer shall be, to the satisfaction of
686 each reviewer, accurate, objective, balanced, noninflammatory,
687 current, free of pornography and material prohibited under s.
688 847.012, and suited to student needs and their ability to
689 comprehend the material presented. Reviewers shall consider for
690 recommendation materials developed for academically talented
691 students, such as students enrolled in advanced placement
692 courses. When recommending instructional materials, each
693 reviewer shall:

694 (a) Include only instructional materials that accurately
695 portray the ethnic, socioeconomic, cultural, religious,
696 physical, and racial diversity of our society, including men and

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697 women in professional, career, and executive roles, and the role
 698 and contributions of the entrepreneur and labor in the total
 699 development of this state and the United States.

700 (b) Include only materials that accurately portray,
 701 whenever appropriate, humankind's place in ecological systems,
 702 including the necessity for the protection of our environment
 703 and conservation of our natural resources and the effects on the
 704 human system of the use of tobacco, alcohol, controlled
 705 substances, and other dangerous substances.

706 (c) Include materials that encourage thrift, fire
 707 prevention, and humane treatment of people and animals.

708 (d) Require, when appropriate to the comprehension of
 709 students, that materials for social science, history, or civics
 710 classes contain the Declaration of Independence and the
 711 Constitution of the United States. A reviewer may not recommend
 712 any instructional materials that contain any matter reflecting
 713 unfairly upon persons because of their race, color, creed,
 714 national origin, ancestry, gender, religion, disability,
 715 socioeconomic status, or occupation or otherwise contradict the
 716 principles enumerated under s. 1003.42(3).

717 Section 14. Paragraph (e) of subsection (1) of section
 718 1006.33, Florida Statutes, is amended to read:

719 1006.33 Bids or proposals; advertisement and its contents.—

720 (1)

721 (e) The advertisement shall give information regarding
 722 digital specifications that have been adopted by the department,
 723 including minimum format requirements that will enable
 724 electronic and digital content to be accessed through the
 725 district's local instructional improvement system and a variety

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726 of mobile, electronic, and digital devices. Beginning with
 727 specifications released in 2014, the digital specifications
 728 shall include requiring the capability for searching by state
 729 standards and site and student-level licensing. Such digital
 730 format specifications shall be appropriate for the
 731 interoperability of the content. The department may not adopt
 732 specifications that require the instructional materials to
 733 include specific references to FCAT and state academic standards
 734 ~~Next Generation Sunshine State Standards~~ and benchmarks at the
 735 point of student use.

736 Section 15. Paragraph (b) of subsection (2) of section
 737 1006.34, Florida Statutes, is amended to read:

738 1006.34 Powers and duties of the commissioner and the
 739 department in selecting and adopting instructional materials.—

740 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

741 (b) In the selection of instructional materials, library
 742 media, and other reading material used in the public school
 743 system, the standards used to determine the propriety of the
 744 material shall include:

745 1. The age of the students who normally could be expected
 746 to have access to the material.

747 2. The educational purpose to be served by the material.
 748 Priority shall be given to the selection of materials that align
 749 with the state academic standards ~~Next Generation Sunshine State~~
 750 ~~Standards~~ as provided for in s. 1003.41 and include the
 751 instructional objectives contained within the curriculum
 752 frameworks for career and technical education and adult and
 753 adult general education adopted by rule of the State Board of
 754 Education under s. 1004.92.

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755 3. The degree to which the material would be supplemented
 756 and explained by mature classroom instruction as part of a
 757 normal classroom instructional program.

758 4. The consideration of the broad racial, ethnic,
 759 socioeconomic, and cultural diversity of the students of this
 760 state.

761 Any instructional material containing pornography or otherwise
 762 prohibited by s. 847.012 may not be used or made available
 763 within any public school.

764 Section 16. Paragraph (c) of subsection (6) of section
 765 1007.35, Florida Statutes, is amended to read:

766 1007.35 Florida Partnership for Minority and
 767 Underrepresented Student Achievement.—

768 (6) The partnership shall:

769 (c) Provide teacher training and materials that are aligned
 770 with the state academic standards ~~Next Generation Sunshine State~~
 771 ~~Standards~~ and are consistent with best theory and practice
 772 regarding multiple learning styles and research on learning,
 773 instructional strategies, instructional design, and classroom
 774 assessment. Curriculum materials must be based on current,
 775 accepted, and essential academic knowledge.

776 Section 17. Paragraph (b) of subsection (1) of section
 777 1008.385, Florida Statutes, is amended to read:

778 1008.385 Educational planning and information systems.—

779 (1) EDUCATIONAL PLANNING.—

780 (b) Each district school board shall maintain a continuing
 781 system of planning and budgeting designed to aid in identifying
 782 and meeting the educational needs of students and the public.
 783

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784 Provision shall be made for coordination between district school
 785 boards and Florida College System institution boards of trustees
 786 concerning the planning for career education and adult
 787 educational programs. The major emphasis of the system shall be
 788 upon locally determined goals and objectives, the state plan for
 789 education, and the state academic standards ~~Sunshine State~~
 790 ~~Standards~~ developed by the Department of Education and adopted
 791 by the State Board of Education. The district planning and
 792 budgeting system must include consideration of student
 793 achievement data obtained pursuant to ss. 1008.22 and 1008.34.
 794 The system shall be structured to meet the specific management
 795 needs of the district and to align the budget adopted by the
 796 district school board with the plan the board has also adopted.
 797 Each district school board shall utilize its system of planning
 798 and budgeting to emphasize a system of school-based management
 799 in which individual school centers become the principal planning
 800 units and to integrate planning and budgeting at the school
 801 level.

802 Section 18. Paragraph (1) of subsection (2) of section
 803 1012.05, Florida Statutes, is amended to read:

804 1012.05 Teacher recruitment and retention.—

805 (2) The Department of Education shall:

806 (1) Develop and implement an online Teacher Toolkit that
 807 contains a menu of resources, based on the state academic
 808 standards ~~Sunshine State Standards~~, that all teachers can use to
 809 enhance classroom instruction and increase teacher
 810 effectiveness, thus resulting in improved student achievement.

811 Section 19. Subsection (5) of section 1012.28, Florida
 812 Statutes, is amended to read:

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813 1012.28 Public school personnel; duties of school
 814 principals.—
 815 (5) Each school principal shall perform such duties as may
 816 be assigned by the district school superintendent, pursuant to
 817 the rules of the district school board. Such rules shall
 818 include, but are not limited to, rules relating to
 819 administrative responsibility, instructional leadership in
 820 implementing the state academic standards ~~Sunshine State~~
 821 ~~Standards~~ and the overall educational program of the school to
 822 which the school principal is assigned, submission of personnel
 823 recommendations to the district school superintendent,
 824 administrative responsibility for records and reports,
 825 administration of corporal punishment, and student suspension.
 826 Section 20. Subsection (4) of section 1012.56, Florida
 827 Statutes, is amended to read:
 828 1012.56 Educator certification requirements.—
 829 (4) ALIGNMENT OF SUBJECT AREAS.—The State Board of
 830 Education shall align the subject area examinations to the state
 831 academic standards ~~Next Generation Sunshine State Standards~~.
 832 Section 21. Subsection (1) of section 1012.72, Florida
 833 Statutes, is amended to read:
 834 1012.72 Dale Hickam Excellent Teaching Program.—
 835 (1) The Legislature recognizes that teachers play a
 836 critical role in preparing students to achieve the high levels
 837 of academic performance expected by the state academic standards
 838 ~~Sunshine State Standards~~. The Legislature further recognizes the
 839 importance of identifying and rewarding teaching excellence and
 840 of encouraging good teachers to become excellent teachers. The
 841 Legislature finds that the National Board for Professional

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842 Teaching Standards (NBPTS) has established high and rigorous
 843 standards for accomplished teaching and has developed a national
 844 voluntary system for assessing and certifying teachers who
 845 demonstrate teaching excellence by meeting those standards. It
 846 is therefore the Legislature's intent to reward teachers who
 847 demonstrate teaching excellence by attaining NBPTS certification
 848 and sharing their expertise with other teachers.
 849 Reviser's note.—Amended pursuant to the directive of the
 850 Legislature in s. 10, ch. 2022-16, Laws of Florida, to the
 851 Division of Law Revision to prepare a reviser's bill for
 852 the 2023 Regular Session of the Legislature to change the
 853 term "Next Generation Sunshine State Standards" to "state
 854 academic standards" wherever the term appears in the
 855 Florida Statutes.
 856 Section 22. Except as otherwise expressly provided in this
 857 act and except for this section, which shall take effect July 1,
 858 2023, this act shall take effect on the 60th day after
 859 adjournment sine die of the session of the Legislature in which
 860 enacted.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 44

INTRODUCER: Senator Mayfield

SUBJECT: Florida Statutes

DATE: February 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Twogood	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. Responses to directives from the Legislature to make specific changes in the statutes are also submitted to the Legislature via reviser's bills.

Section 7, ch. 2022-70, Laws of Florida, directed the Division of Law Revision to prepare a reviser's bill to replace references to the phrases "the Southern Association of Colleges and Schools," "the Commission on Colleges of the Southern Association of Colleges and Schools," and "the Southern Association of Colleges and Schools Commission on Colleges," with the phrase "an accrediting agency or association recognized by the database created and maintained by the United States Department of Education."

This bill amends the following sections of the Florida Statutes: ss. 381.915, 402.7305, 1001.60, 1003.491, 1007.33, and 1008.45, F.S.

II. Present Situation:

Section 7, ch. 2022-70, Laws of Florida, directs the Division of Law Revision to prepare a reviser's bill to replace references to the phrases "the Southern Association of Colleges and Schools," "the Commission on Colleges of the Southern Association of Colleges and Schools," and "the Southern Association of Colleges and Schools Commission on Colleges" with the phrase "an accrediting agency or association recognized by the database created and maintained by the United States Department of Education."

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 7, ch. 2022-70, Laws of Florida, by replacing references to the phrases “the Southern Association of Colleges and Schools,” “the Commission on Colleges of the Southern Association of Colleges and Schools,” and “the Southern Association of Colleges and Schools Commission on Colleges” with the phrase “an accrediting agency or association recognized by the database created and maintained by the United States Department of Education.”

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 381.915, 402.7305, 1001.60, 1003.491, 1007.33, and 1008.45, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Mayfield

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 381.915, 402.7305, 1001.60, 1003.491, 1007.33, and
 4 1008.45, F.S., to conform to section 7 of chapter
 5 2022-70, Laws of Florida, which directs the Division
 6 of Law Revision to prepare a reviser's bill to replace
 7 references to the phrases "the Southern Association of
 8 Colleges and Schools," "the Commission on Colleges of
 9 the Southern Association of Colleges and Schools," and
 10 "the Southern Association of Colleges and Schools
 11 Commission on Colleges," wherever they occur in the
 12 Florida Statutes, with the phrase "an accrediting
 13 agency or association recognized by the database
 14 created and maintained by the United States Department
 15 of Education"; providing an effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Paragraph (a) of subsection (3) and paragraph
 20 (c) of subsection (4) of section 381.915, Florida Statutes, are
 21 amended to read:
 22 381.915 Casey DeSantis Cancer Research Program.—
 23 (3) On or before September 15 of each year, the department
 24 shall calculate an allocation fraction to be used for
 25 distributing funds to participating cancer centers. On or before
 26 the final business day of each quarter of the state fiscal year,
 27 the department shall distribute to each participating cancer
 28 center one-fourth of that cancer center's annual allocation
 29 calculated under subsection (6). The allocation fraction for

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30 each participating cancer center is based on the cancer center's
 31 tier-designated weight under subsection (4) multiplied by each
 32 of the following allocation factors: number of reportable cases,
 33 peer-review costs, and biomedical education and training. As
 34 used in this section, the term:
 35 (a) "Biomedical education and training" means instruction
 36 that is offered to a student who is enrolled in a biomedical
 37 research program at an affiliated university as a medical
 38 student or a student in a master's or doctoral degree program,
 39 or who is a resident physician trainee or postdoctoral trainee
 40 in such program. An affiliated university biomedical research
 41 program must be accredited or approved by a nationally
 42 recognized agency and offered through an institution accredited
 43 by an accrediting agency or association recognized by the
 44 database created and maintained by the United States Department
 45 of Education ~~the Commission on Colleges of the Southern~~
 46 ~~Association of Colleges and Schools~~. Full-time equivalency for
 47 trainees shall be prorated for training received in oncologic
 48 sciences and oncologic medicine.
 49 (4) Tier designations and corresponding weights within the
 50 Casey DeSantis Cancer Research Program are as follows:
 51 (c) Tier 3: Florida-based cancer centers seeking
 52 designation as either a NCI-designated cancer center or NCI-
 53 designated comprehensive cancer center, which shall be weighted
 54 at 1.0.
 55 1. A cancer center shall meet the following minimum
 56 criteria to be considered eligible for Tier 3 designation in any
 57 given fiscal year:
 58 a. Conducting cancer-related basic scientific research and

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59 cancer-related population scientific research;

60 b. Offering and providing the full range of diagnostic and
61 treatment services on site, as determined by the Commission on
62 Cancer of the American College of Surgeons;

63 c. Hosting or conducting cancer-related interventional
64 clinical trials that are registered with the NCI's Clinical
65 Trials Reporting Program;

66 d. Offering degree-granting programs or affiliating with
67 universities through degree-granting programs accredited or
68 approved by a nationally recognized agency and offered through
69 the center or through the center in conjunction with another
70 institution accredited by an accrediting agency or association
71 recognized by the database created and maintained by the United
72 States Department of Education the Commission on Colleges of the
73 Southern Association of Colleges and Schools;

74 e. Providing training to clinical trainees, medical
75 trainees accredited by the Accreditation Council for Graduate
76 Medical Education or the American Osteopathic Association, and
77 postdoctoral fellows recently awarded a doctorate degree; and
78 f. Having more than \$5 million in annual direct costs
79 associated with their total NCI peer-reviewed grant funding.

80 2. The General Appropriations Act or accompanying
81 legislation may limit the number of cancer centers which shall
82 receive Tier 3 designations or provide additional criteria for
83 such designation.

84 3. A cancer center's participation in Tier 3 may not extend
85 beyond June 30, 2024.

86 4. A cancer center that qualifies as a designated Tier 3
87 center under the criteria provided in subparagraph 1. by July 1,

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88 2014, is authorized to pursue NCI designation as a cancer center
89 or a comprehensive cancer center until June 30, 2024.

90 Section 2. Paragraph (a) of subsection (2) of section
91 402.7305, Florida Statutes, is amended to read:

92 402.7305 Department of Children and Families; procurement
93 of contractual services; contract management.—

94 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

95 (a) Notwithstanding s. 287.057(3)(e)12., if the department
96 intends to contract with a public postsecondary institution to
97 provide a service, the department must allow all public
98 postsecondary institutions in this state that are accredited by
99 an accrediting agency or association recognized by the database
100 created and maintained by the United States Department of
101 Education the Southern Association of Colleges and Schools to
102 bid on the contract. Thereafter, notwithstanding any other
103 provision of law, if a public postsecondary institution intends
104 to subcontract for any service awarded in the contract, the
105 subcontracted service must be procured by competitive
106 procedures.

107 Section 3. Paragraph (b) of subsection (2) of section
108 1001.60, Florida Statutes, is amended to read:

109 1001.60 Florida College System.—

110 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida
111 College System comprised of the Florida College System
112 institutions identified in s. 1000.21(3). A Florida College
113 System institution may not offer graduate degree programs.

114 (b)1. With the approval of its district board of trustees,
115 a Florida College System institution may change the
116 institution's name set forth in s. 1000.21(3) and use the

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117 designation "college" or "state college" if it has been
 118 authorized to grant baccalaureate degrees pursuant to s. 1007.33
 119 and has been accredited as a baccalaureate-degree-granting
 120 institution by an accrediting agency or association recognized
 121 by the database created and maintained by the United States
 122 Department of Education ~~the Commission on Colleges of the~~
 123 ~~Southern Association of Colleges and Schools.~~

124 2. With the approval of its district board of trustees, a
 125 Florida College System institution that does not meet the
 126 criteria in subparagraph 1. may request approval from the State
 127 Board of Education to change the institution's name set forth in
 128 s. 1000.21(3) and use the designation "college." The State Board
 129 of Education may approve the request if the Florida College
 130 System institution enters into an agreement with the State Board
 131 of Education to do the following:

132 a. Maintain as its primary mission responsibility for
 133 responding to community needs for postsecondary academic
 134 education and career degree education as prescribed in s.
 135 1004.65(5).

136 b. Maintain an open-door admissions policy for associate-
 137 level degree programs and workforce education programs.

138 c. Continue to provide outreach to underserved populations.

139 d. Continue to provide remedial education.

140 e. Comply with all provisions of the statewide articulation
 141 agreement that relate to 2-year and 4-year public degree-
 142 granting institutions as adopted by the State Board of Education
 143 pursuant to s. 1007.23.

144 Section 4. Paragraph (a) of subsection (4) of section
 145 1003.491, Florida Statutes, is amended to read:

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146 1003.491 Florida Career and Professional Education Act.—The
 147 Florida Career and Professional Education Act is created to
 148 provide a statewide planning partnership between the business
 149 and education communities in order to attract, expand, and
 150 retain targeted, high-value industry and to sustain a strong,
 151 knowledge-based economy.

152 (4) The State Board of Education shall establish a process
 153 for the continual and uninterrupted review of newly proposed
 154 core secondary courses and existing courses requested to be
 155 considered as core courses to ensure that sufficient rigor and
 156 relevance is provided for workforce skills and postsecondary
 157 education and aligned to state curriculum standards.

158 (a) The review of newly proposed core secondary courses
 159 shall be the responsibility of a curriculum review committee
 160 whose membership is approved by CareerSource Florida, Inc. The
 161 membership of the committee shall include:

162 1. Three certified high school counselors recommended by
 163 the Florida Association of Student Services Administrators.

164 2. Three assistant superintendents for curriculum and
 165 instruction, recommended by the Florida Association of District
 166 School Superintendents, who serve in districts that operate
 167 successful career and professional academies pursuant to s.
 168 1003.492 or a successful series of courses that lead to industry
 169 certification. Committee members in this category shall employ
 170 the expertise of appropriate subject area specialists in the
 171 review of proposed courses.

172 3. Three workforce representatives recommended by the
 173 Department of Economic Opportunity.

174 4. Three admissions directors of postsecondary institutions

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175 accredited by an accrediting agency or association recognized by
 176 the database created and maintained by the United States
 177 Department of Education the Southern Association of Colleges and
 178 Schools, representing both public and private institutions.

179 5. The Commissioner of Education, or his or her designee,
 180 who is responsible for K-12 curriculum and instruction and shall
 181 employ the expertise of appropriate subject area specialists in
 182 the review of proposed courses.

183 Section 5. Paragraphs (f), (g), and (h) of subsection (5)
 184 of section 1007.33, Florida Statutes, are amended to read:

185 1007.33 Site-determined baccalaureate degree access.—

186 (5) The approval process for baccalaureate degree programs
 187 shall require:

188 (f) The Florida College System institution to obtain from
 189 an accrediting agency or association recognized by the database
 190 created and maintained by the United States Department of
 191 Education the Commission on Colleges of the Southern Association
 192 of Colleges and Schools accreditation as a baccalaureate-degree-
 193 granting institution if approved by the State Board of Education
 194 to offer its first baccalaureate degree program.

195 (g) The Florida College System institution to notify an
 196 accrediting agency or association recognized by the database
 197 created and maintained by the United States Department of
 198 Education the Commission on Colleges of the Southern Association
 199 of Colleges and Schools of subsequent degree programs that are
 200 approved by the State Board of Education and to comply with the
 201 association's required substantive change protocols for
 202 accreditation purposes.

203 (h) The Florida College System institution to annually, and

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204 upon request of the State Board of Education, the Commissioner
 205 of Education, the Chancellor of the Florida College System, or
 206 the Legislature, report its status using the following
 207 performance and compliance indicators:

208 1. Obtaining and maintaining appropriate ~~Southern~~
 209 ~~Association of Colleges and Schools~~ accreditation from an
 210 accrediting agency or association recognized by the database
 211 created and maintained by the United States Department of
 212 Education;

213 2. Maintaining qualified faculty and institutional
 214 resources;

215 3. Maintaining enrollment in previously approved programs;

216 4. Managing fiscal resources appropriately;

217 5. Complying with the primary mission and responsibility
 218 requirements in subsections (2) and (3); and

219 6. Other indicators of success, including program
 220 completions, placements, and surveys of graduates and employers.

221
 222 The State Board of Education, upon review of the performance and
 223 compliance indicators, may require a Florida College System
 224 institution's board of trustees to modify or terminate a
 225 baccalaureate degree program authorized under this section.

226 Section 6. Paragraph (g) of subsection (1) of section
 227 1008.45, Florida Statutes, is amended to read:

228 1008.45 Florida College System institution accountability
 229 process.—

230 (1) It is the intent of the Legislature that a management
 231 and accountability process be implemented which provides for the
 232 systematic, ongoing improvement and assessment of the

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improvement of the quality and efficiency of the Florida College System institutions. Accordingly, the State Board of Education and the Florida College System institution boards of trustees shall develop and implement an accountability plan to improve and evaluate the instructional and administrative efficiency and effectiveness of the Florida College System. This plan shall be designed in consultation with staff of the Governor and the Legislature and must address the following issues:

(g) Institutional assessment efforts related to the requirements of an accrediting agency or association recognized by the database created and maintained by the United States Department of Education ~~s. III in the Criteria for Accreditation of the Commission on Colleges of the Southern Association of Colleges and Schools.~~

Reviser's note.—Amended pursuant to the directive of the Legislature in s. 7, ch. 2022-70, Laws of Florida, to the Division of Law Revision to prepare a reviser's bill for the 2023 Regular Session of the Legislature to replace references to the phrases "the Southern Association of Colleges and Schools," "the Commission on Colleges of the Southern Association of Colleges and Schools," and "the Southern Association of Colleges and Schools Commission on Colleges," wherever they occur in the Florida Statutes, with the phrase "an accrediting agency or association recognized by the database created and maintained by the United States Department of Education."

Section 7. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 170

INTRODUCER: Rules Committee, Community Affairs Committee and Senators Trumbull and Perry

SUBJECT: Local Ordinances

DATE: February 23, 2023

REVISED: 2/24/23

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.	Hackett	Twogood	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 170 pertains to the passage and challenging of local ordinances. It adds to the process for local governments passing ordinances and gives certain additional rights to those challenging local ordinances.

The bill requires counties and cities to produce a “business impact estimate” prior to passing an ordinance, with exceptions. The estimate must be published on the local government’s website and include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and compliance costs.

Additionally, the bill imposes certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable. In these cases, the bill:

- Requires the local government to suspend enforcement of an ordinance of such legal challenge, under certain circumstances.
- Requires the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.
- Provides that a court may award up to \$50,000 in attorney fees to a prevailing plaintiff who successfully challenges an ordinance as arbitrary or unreasonable.

The bill also provides that properly noticed consideration of a proposed ordinance may be continued to a subsequent meeting under certain circumstances without further publication, mailing, or posted notice.

The bill contains a finding of important state interest.

The bill takes effect October 1, 2023, except as otherwise provided.

II. Present Situation:

Local Ordinances

The governing body of a county or municipality has broad legislative powers to enact ordinances, local laws, to perform governmental functions and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents. Ordinances address a wide variety of local issues, from government structure and zoning laws to speed limits and noise ordinances. Procedures for passing local ordinances are prescribed by the Legislature and differ only slightly between counties and municipalities.

Procedures for Enacting Ordinances

A board of county commissioners must notice its intent to consider an ordinance or amendment to an ordinance 10 days before the meeting at which the ordinance will be considered. The notice, placed in a newspaper of general circulation, should include the date, time, and place of the meeting, the proposed ordinance title, and instructions for how to view the language. The board may then vote to pass the ordinance at the meeting, and upon passage, must send a certified copy of the ordinance to the Florida Department of State (DOS).¹ County ordinances take effect upon filing with the DOS, unless otherwise prescribed in the ordinance.²

Similarly, municipalities must notice intent to consider an ordinance 10 days before adoption. However, municipalities must also read the ordinance by title or in full on at least 2 separate days before adoption by vote.³ An ordinance passed by a municipality becomes effective 10 days after passage, unless otherwise prescribed in the ordinance.⁴

Emergency Ordinances

A board of county commissioners may adopt an emergency ordinance that bypasses the notice requirements if the governing body declares that an emergency exists requiring the immediate enactment of the ordinance and the ordinance is approved by a four-fifths vote of the membership.⁵ A municipality may bypass reading and notice requirements to pass an emergency ordinance by a two-thirds vote of the governing body.⁶ An emergency ordinance may not be used to adopt zoning and land use changes.⁷

¹ Section 125.66(2), F.S.

² *Id.*

³ Section 166.041(3)(a), F.S.

⁴ Section 166.041(4), F.S.

⁵ Section 125.66(3), F.S.

⁶ Section 166.041(3)(b), F.S.

⁷ *Supra* notes 5 and 6.

Local Government Authority

The Florida Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.⁸ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.⁹ Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.¹⁰

This authority, under the umbrella of governmental or municipal purpose, extends broadly to any ordinance necessary to promote the health, welfare, safety, and quality of life of a local government's residents.¹¹ Local governments' authority has been liberally construed when reviewed by courts. For example, courts have found the following to meet the standards for what constitutes a "municipal purpose," and therefore were valid local government actions:

- Acquisition and maintenance of a golf course;¹²
- Sale of souvenir photographs;¹³ and
- Prohibiting the rental of motorized scooters.¹⁴

In general, this broad home rule authority is limited by two guideposts: preemption, where a higher level of government such as the State has already legislated on a topic, and standards of reasonableness. Local governments may not pass ordinances which are apparently unreasonable or unreasonable, despite their wide-ranging powers.¹⁵ Anyone affected by an ordinance may challenge its validity in court by filing a civil action against the local government.¹⁶

Preemption

An ordinance can be declared invalid on the grounds that it is inconsistent with the State Constitution or Florida Statutes. Inconsistency may be found where a local ordinance is either preempted by or in conflict with the State Constitution or Florida Statutes.¹⁷ Preemption means that a local government is precluded from exercising authority in a particular area, while conflict exists where a municipality has the right to act but such action frustrates the purpose of the state

⁸ FLA. CONST. art. VIII, s. 1(f).

⁹ FLA. CONST. art. VIII, s. 1(g).

¹⁰ FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

¹¹ Art. VIII, § 2(b), Fla. Const.; Section 125.86, F.S.; for municipalities see *Quiles v. City of Boynton Beach*, 802 So. 2d 397, 398 (Fla. 4th DCA 2001); § 166.021, Fla. Stat.

¹² *West v. Town of Lake Placid*, 97 Fla. 127, 120 So. 361 (1929).

¹³ *City of Winter Park v. Montesi*, 448 So. 2d 1242 (Fla. 5th DCA 1984).

¹⁴ *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046 (Fla. 1st DCA 2019).

¹⁵ *Dennis v. City of Key West*, 381 So. 2d 312 (Fla. 3d DCA 1980).

¹⁶ *Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077 (Fla. 1 DCA 1981). There are statutory requirements for being allowed to bring suit in certain cases, such as those based on a technical deficiency in the ordinance, but the cases at issue in this analysis merely require being affected.

¹⁷ *City of Jacksonville v. American Environmental Services Inc.*, 699 So. 2d 255 (Fla. 1st DCA 1997)

regulation.¹⁸ Express preemption refers to instances where the Legislature has directly written into law that the State intends to occupy a field of law, prohibiting local governments from taking action in that field.¹⁹

Implied preemption, however, refers to situations where no express preemption is written into statute, but the Legislature has regulated a field such that local legislation would present the danger of conflict with that regulatory scheme.²⁰ In this context, conflict occurs any time a citizen would necessarily violate one provision in order to comply with the other. Implied preemption and conflict are necessarily more nuanced and less foreseeable than express preemption.

Arbitrary and Unreasonable Ordinances: Presumption of Validity

An ordinance can also be declared invalid on the grounds that it is arbitrary or unreasonable, meaning that it has no legitimate governmental interest. In legal challenges to local ordinances based on being arbitrary or unreasonable, the local ordinances are presumed valid by courts reviewing them, and the burden falls on the challenger to establish the ordinance's arbitrary or unreasonable nature.²¹ Courts apply "rational basis review" to ordinances, simply determining whether an ordinance is rationally related to a legitimate government interest- if it fails to meet this test, an ordinance is declared invalid.²² In these instances, courts have stated that there is no governmental purpose where there is no apparent benefit, such as protecting the health, welfare, safety, and quality of life, to the citizens, the benefit appears to apply to non-residents, or the government has attempted to frustrate the purpose of another governmental entity.²³

Given this deference, courts have rarely found that an ordinance entirely lacks governmental, or municipal purpose. However, in one case, the Florida Supreme Court ruled that a local ordinance prohibiting the operation of surfboards and skimmers on beaches was unlawfully arbitrary and unreasonable. In its ruling, the court stated, "[t]he Town of Palm Beach may regulate and control surfing and skinning in areas subject to its jurisdiction and may prohibit these activities at certain places along the beach. However, the complete prohibition of this sport from all the beach area is arbitrary and unreasonable."²⁴

Attorney Fees for Challenges Based on Express Preemption

Current law provides that in a civil action to challenge the validity of a local ordinance on the grounds that it is expressly preempted by the State Constitution or by state law, the court must

¹⁸ *Id.*

¹⁹ *See, e.g.*, s. 790.33, F.S. "... the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition..."

²⁰ *See, e.g.*, *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880 (Fla. 2010).

²¹ *See* *Panama City Beach Community Redevelopment Agency v. State*, 831 So. 2d 662 (Fla. 2002), *Orange County v. Costco Wholesale Corp.*, 823 So.2d 732 (Fla. 2002)..

²² *Supra* note 12 at page 133, 134 "In testing the validity of a statute with reference to the facts and circumstances upon which it is to operate, the validity of the statute does not depend upon the preponderance of evidentiary considerations; but the statute stands unless it conclusively appears that there are or can be no conceivable circumstances upon which it can validly operate or that under no circumstances can it operate or be effective to accomplish the intended purpose, without violating organic rights."

²³ *See generally supra*, notes 13, 14, 15.

²⁴ *Carter v. Town of Palm Beach*, 237 So.2d 130 (Fla. 1970).

assess and award reasonable attorney fees, costs, and damages to the prevailing party, either the challenger or local government.²⁵ The local government can avoid paying attorney fees, costs, and damages if after receiving notices that an ordinance is expressly preempted, the governing body withdraws the proposed ordinance within 30 days.²⁶

Priority Docketing

The Florida Rules of Judicial Administration govern the ways a judge controls a case in terms of timing and docketing. Some cases that come before a court are deemed priority cases, either directly in statute, in rule of procedure, or case law. Every judge has a duty to expedite priority cases to the extent reasonably possible.²⁷ For these cases judges are tasked with implementing docket control policies necessary to advance the case and ensure prompt resolution.²⁸ Docket control policies include setting deadlines for phases of the case, giving priority to hearings required to advance the case, and advancing the trial setting. A party in a priority status case may file a notice of priority status, and has recourse if they believe the case has not been appropriately advanced on the docket or received priority in scheduling.²⁹

III. Effect of Proposed Changes:

Attorney Fees

Section 1 amends s. 57.112, F.S., to provide that when an ordinance is successfully challenged in court as arbitrary or unreasonable, the court may, but is not required to, award up to \$50,000 in attorney fees and costs to the prevailing plaintiff. These fees are not applicable where the plaintiff prevails on a separate claim regarding the same ordinance, or for fees and costs associated with litigating over attorney fees. This section applies prospectively to ordinances adopted on or after October 1, 2023.

Business Impact Estimate

Sections 3 and 6 amend ss. 125.66 and 166.041, F.S., to require counties and cities, respectively, to produce or have produced a “business impact estimate” prior to passing an ordinance. The business impact estimate must include the following:

- A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance;
- An estimate of the direct economic impact of the proposed ordinance on private for-profit businesses in the county or city, including:
 - An estimate of direct compliance costs for businesses;
 - Identification of new charges and fees; and
 - An estimate of the county’s or city’s regulatory costs.
- A good faith estimate of the number of businesses likely impacted; and

²⁵ Section 57.112, F.S.

²⁶ Or notices the intent to repeal the ordinance within 30 days and repeals the notice within 30 days thereafter. S. 57.112(3), F.S.

²⁷ Fla. R. Jud. Admin. 2.215(g).

²⁸ Fla. R. Jud. Admin. 2.545(b).

²⁹ Fla. R. Jud. Admin. 2.545(c).

- Any additional information deemed useful.

The bill specifies that this requirement is not to be construed to require a county or city to procure an accountant or other financial consultant in preparing the estimate.

A business impact estimate is not required for the following types of ordinances:

- Emergency ordinances;
- Growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S.;
- Building code ordinances under s. 553.73, F.S.;
- Fire prevention code ordinances under s. 633.202, F.S.;
- Ordinances establishing or terminating Community Development Districts under ss. 190.005 and 190.046, F.S.;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances relating to financial obligations or issuance and refinancing of debt;
- Ordinances related to the adoption of county or municipal budgets or budget amendments; or
- Ordinances required to implement a contract or agreement, to include federal, state, local, or private grants and other financial assistance.

Challenging Ordinances

Sections 4 and 7 create ss. 125.675 and 166.0411, F.S., to set conditions on lawsuits brought by any party to challenge local ordinances as preempted by the State Constitution or by state law, arbitrary, or unreasonable. The bill requires the local government to suspend enforcement of an ordinance subject to such an action, including appeals, if:

- The action was filed with the court no later than 90 days after the adoption date of the ordinance;
- The plaintiff or petitioner requests suspension in the initial complaint or petition; and
- The county or city has been served with a copy of the complaint or petition.

Unless the plaintiff obtains a stay of the lower court's order pending appeal, the local government may enforce the ordinance 45 days after the entry of the lower court's order. In filing such an action, a party certifies that they do not file such a suit for frivolous or improper purposes, and may be subject to sanctions and fees if they do so.

Additionally, the court must give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

Provisions regarding an ordinance's stay and priority docketing for challenges do not apply to:

- Emergency ordinances;
- Growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S.;
- Building code ordinances under s. 553.73, F.S.;
- Fire prevention code ordinances under s. 633.202, F.S.;

- Ordinances establishing or terminating Community Development Districts under ss. 190.005 and 190.046, F.S.;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances relating to financial obligations or issuance and refinancing of debt;
- Ordinances related to the adoption of county or municipal budgets or budget amendments; or
- Ordinances required to implement a contract or agreement, to include federal, state, local, or private grants and other financial assistance.

Finally, the bill provides a cross reference to the new attorney fee provisions in section 1 of the bill.

Continuance of Ordinance Consideration

Sections 2 and 5 amend ss. 125.66 and 166.041, F.S., respectively, to provide that when a local government is considering a proposed ordinance at a duly noticed meeting, they may continue such consideration to a subsequent meeting without repeating publication and mailing requirements for the notice of intent to consider so long as the date, time, and place of the subsequent meeting is publicly stated, and the continuation is communicated in an agenda or similar communication produced for the subsequent meeting.³⁰

These amendments are considered remedial in nature, and are intended by the bill to apply retroactively.

These sections take effect upon the bill becoming a law.

Sections 8 through 14 correct statutory references to conform to changes made by the bill.

Section 15 contains a finding of important state interest.

Section 16 provides that, except as otherwise provided, the bill takes effect October 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county and municipality mandate provisions of Article VII, section 18 of the Florida Constitution may apply because the bill requires local governments to expend funds to produce a business impact statement for each ordinance prior to consideration for adoption. Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met.

None of the constitutional exceptions appear to apply.

³⁰ While common practice by local governments, the validity of continuing consideration of proposed ordinances was called into question by *Testa v. Town of Jupiter Island*, 2023 WL 1808293 (Fla. 4th DCA, Feb. 8 2023).

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2022-2023 is forecast at approximately \$2.3 million.^{31,32} However, any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house. The bill contains a legislative finding that its provisions fulfill an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

This bill does not create or raise state taxes or fees. Therefore, the requirements of Article VII, s. 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

This bill does not affect state or local revenue.

B. Private Sector Impact:

The bill may have an indeterminate positive impact on private parties who bring actions challenging the enactment or enforcement of an ordinance by a local government. Private parties may benefit from the automatic stay and priority docketing, which may reduce costs for legal action, and will benefit from recovering attorney fees for successful actions, if awarded.

³¹ FLA. CONST. art. VII, s. 18(d).

³² An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Feb. 6, 2023).

C. Government Sector Impact:

Business impact estimates will require staffing time and resources for each ordinance passed by a local government. The negative economic impact is indeterminate at this time.

Courts may see indeterminate economic impact as suspensions may reduce hearings sought for temporary injunctive relief, while priority docketing may increase workload for clerks of court.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 57.112, 125.66, 166.041, 163.2517, 163.3181, 163.3215, 376.80, 497.270, 562.45, and 847.0134.

This bill creates sections 125.675 and 166.0411, Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on February 23, 2023:

The CS provides that properly noticed consideration of a proposed ordinance may be continued to a subsequent meeting under certain circumstances without further publication, mailing, or posted notice.

CS by Community Affairs on February 8, 2023:

The CS makes a technical change to correct two references to municipal government.

B. Amendments:

None.



578558

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/23/2023	.	
	.	
	.	
	.	

The Committee on Rules (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete lines 570 - 572
and insert:

Section 13. Effective upon becoming a law, present paragraphs (b) and (c) of subsection (2) of section 125.66, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) is added to that subsection, to read:

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or



578558

resolutions.—

(2)

(b) Consideration of the proposed ordinance at a meeting properly noticed pursuant to this subsection may be continued to a subsequent meeting if, at the meeting, the date, time, and place of the subsequent meeting is publicly stated. No further publication, mailing, or posted notice as required under paragraph (a) is required, except that the continued consideration must be listed in an agenda or similar communication produced for the subsequent meeting. This paragraph is remedial in nature, is intended to clarify existing law, and shall apply retroactively.

Section 14. Effective upon becoming a law, paragraph (d) is added to subsection (3) of section 166.041, Florida Statutes, and paragraph (a) of that subsection is amended, to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(3)(a) Except as provided in paragraphs ~~paragraph~~ (c) and (d), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(d) Consideration of the proposed ordinance at a meeting



578558

properly noticed pursuant to this subsection may be continued to
a subsequent meeting if, at the meeting, the date, time, and
place of the subsequent meeting is publicly stated. No further
publication, mailing, or posted notice as required under this
subsection is required, except that the continued consideration
must be listed in an agenda or similar communication produced
for the subsequent meeting. This paragraph is remedial in
nature, is intended to clarify existing law, and shall apply
retroactively.

Section 15. The Legislature finds and declares that this
act fulfills an important state interest.

Section 16. Except as otherwise expressly provided in this
act and except for this section, which shall take effect upon
becoming a law, this act shall take effect October 1, 2023.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 45 - 47

and insert:

conforming cross-references; amending ss. 125.66 and
166.041, F.S.; providing certain procedures for
continued meetings on proposed ordinances for counties
and municipalities, respectively; providing for
construction and retroactive application; providing a
declaration of important state interest; providing
effective dates.

By the Committee on Community Affairs; and Senator Trumbull

578-02031-23

2023170c1

1 A bill to be entitled
 2 An act relating to local ordinances; amending s.
 3 57.112, F.S.; authorizing courts to assess and award
 4 reasonable attorney fees and costs and damages in
 5 certain civil actions filed against local governments;
 6 specifying a limitation on awards and a restriction on
 7 fees and costs of certain litigation; providing
 8 construction and applicability; amending s. 125.66,
 9 F.S.; requiring a board of county commissioners to
 10 prepare or cause to be prepared a business impact
 11 estimate before the enactment of a proposed ordinance;
 12 specifying requirements for the posting and content of
 13 the estimate; providing construction and
 14 applicability; creating s. 125.675, F.S.; requiring a
 15 county to suspend enforcement of an ordinance that is
 16 the subject of a certain legal action if certain
 17 conditions are met; authorizing a prevailing county to
 18 enforce the ordinance after a specified period, except
 19 under certain circumstances; requiring courts to give
 20 priority to certain cases; providing construction
 21 relating to an attorney's or a party's signature;
 22 requiring a court to impose sanctions under certain
 23 circumstances; providing applicability; authorizing
 24 courts to award attorney fees and costs and damages if
 25 certain conditions are met; amending s. 166.041, F.S.;
 26 requiring a governing body of a municipality to
 27 prepare or cause to be prepared a business impact
 28 estimate before the enactment of a proposed ordinance;
 29 specifying requirements for the posting and content of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02031-23

2023170c1

30 the estimate; providing construction and
 31 applicability; creating s. 166.0411, F.S.; requiring a
 32 municipality to suspend enforcement of an ordinance
 33 that is the subject of a certain legal action if
 34 certain conditions are met; authorizing a prevailing
 35 municipality to enforce the ordinance after a
 36 specified period, except under certain circumstances;
 37 requiring courts to give priority to certain cases;
 38 providing construction relating to an attorney's or a
 39 party's signature; requiring a court to impose
 40 sanctions under certain circumstances; providing
 41 applicability; authorizing courts to award attorney
 42 fees and costs and damages if certain conditions are
 43 met; amending ss. 163.2517, 163.3181, 163.3215,
 44 376.80, 497.270, 562.45, and 847.0134, F.S.;
 45 conforming cross-references; providing a declaration
 46 of important state interest; providing an effective
 47 date.
 48

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

50
 51 Section 1. Section 57.112, Florida Statutes, is amended to
 52 read:

53 57.112 Attorney fees and costs and damages; arbitrary,
 54 unreasonable, or expressly preempted local ordinances ~~actions.~~-

55 (1) As used in this section, the term "attorney fees and
 56 costs" means the reasonable and necessary attorney fees and
 57 costs incurred for all preparations, motions, hearings, trials,
 58 and appeals in a proceeding.

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(2) If a civil action is filed against a local government to challenge the adoption or enforcement of a local ordinance on the grounds that it is expressly preempted by the State Constitution or by state law, the court shall assess and award reasonable attorney fees and costs and damages to the prevailing party.

(3) If a civil action is filed against a local government to challenge the adoption of a local ordinance on the grounds that the ordinance is arbitrary or unreasonable, the court may assess and award reasonable attorney fees and costs and damages to a prevailing plaintiff. An award of reasonable attorney fees or costs and damages pursuant to this subsection may not exceed \$50,000. In addition, a prevailing plaintiff may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(4) Attorney fees and costs and damages may not be awarded pursuant to this section if:

(a) The governing body of a local governmental entity receives written notice that an ordinance that has been publicly noticed or adopted is expressly preempted by the State Constitution or state law or is arbitrary or unreasonable; and

(b) The governing body of the local governmental entity withdraws the proposed ordinance within 30 days; or, in the case of an adopted ordinance, the governing body of a local government notices an intent to repeal the ordinance within 30 days after ~~of~~ receipt of the notice and repeals the ordinance within 30 days thereafter.

(5)~~(4)~~ The provisions in this section are supplemental to

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all other sanctions or remedies available under law or court rule. However, this section may not be construed to authorize double recovery if an affected person prevails on a claim brought against a local government pursuant to other applicable law involving the same ordinance, operative acts, or transactions.

(6)~~(5)~~ This section does not apply to local ordinances adopted pursuant to part II of chapter 163, s. 553.73, or s. 633.202.

(7) (a)~~(6)~~ Except as provided in paragraph (b), this section is intended to be prospective in nature and applies ~~shall apply~~ only to cases commenced on or after July 1, 2019.

(b) The amendments to this section effective October 1, 2023, are prospective in nature and apply only to ordinances adopted on or after October 1, 2023.

(c) An amendment to an ordinance enacted after October 1, 2023, gives rise to a claim under this section only to the extent that the application of the amendatory language is the cause of the claim apart from the ordinance being amended.

Section 2. Present subsections (3) through (6) of section 125.66, Florida Statutes, are redesignated as subsections (4) through (7), respectively, a new subsection (3) is added to that section, and paragraph (a) of subsection (2) of that section is amended, to read:

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(2) (a) The regular enactment procedure is ~~shall be~~ as follows: The board of county commissioners at any regular or

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special meeting may enact or amend any ordinance, except as provided in subsection (5) ~~(4)~~, if notice of intent to consider such ordinance is given at least 10 days before such meeting by publication as provided in chapter 50. A copy of such notice ~~must shall~~ be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment ~~must shall~~ state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice ~~must shall~~ also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(3) (a) Before the enactment of a proposed ordinance, the board of county commissioners shall prepare or cause to be prepared a business impact estimate in accordance with this subsection. The business impact estimate must be posted on the county's website no later than the date the notice of proposed enactment is published pursuant to paragraph (2) (a) and must include all of the following:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the county.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the county, including the following, if any:

a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

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b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

c. An estimate of the county's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

4. Any additional information the board determines may be useful.

(b) This subsection may not be construed to require a county to procure an accountant or other financial consultant to prepare the business impact estimate required by this subsection.

(c) This subsection does not apply to:

1. Ordinances required for compliance with federal or state law or regulation;

2. Ordinances relating to the issuance or refinancing of debt;

3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government;

5. Emergency ordinances;

6. Ordinances relating to procurement; or

7. Ordinances enacted to implement the following:

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a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

b. Sections 190.005 and 190.046;

c. Section 553.73, relating to the Florida Building Code;
or

d. Section 633.202, relating to the Florida Fire Prevention Code.

Section 3. Section 125.675, Florida Statutes, is created to read:

125.675 Legal challenges to certain recently enacted ordinances.—

(1) A county must suspend enforcement of an ordinance that is the subject of an action challenging the ordinance's validity on the grounds that it is expressly preempted by the State Constitution or by state law or is arbitrary or unreasonable if:

(a) The action was filed with the court no later than 90 days after the adoption of the ordinance;

(b) The plaintiff requests suspension in the initial complaint or petition, citing this section; and

(c) The county has been served with a copy of the complaint or petition.

(2) When the plaintiff appeals a final judgment finding that an ordinance is valid and enforceable, the county may enforce the ordinance 45 days after the entry of the order unless the plaintiff obtains a stay of the lower court's order.

(3) The court shall give cases in which the enforcement of an ordinance is suspended under this section priority over other

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pending cases and shall render a preliminary or final decision on the validity of the ordinance as expeditiously as possible.

(4) The signature of an attorney or a party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon its own initiative or upon favorably ruling on a party's motion for sanctions, must impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney fees.

(5) This section does not apply to:

(a) Ordinances required for compliance with federal or state law or regulation;

(b) Ordinances relating to the issuance or refinancing of debt;

(c) Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

(d) Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted

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by a county government;

(e) Emergency ordinances;

(f) Ordinances relating to procurement; or

(g) Ordinances enacted to implement the following:

1. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

2. Sections 190.005 and 190.046;

3. Section 553.73, relating to the Florida Building Code;
or

4. Section 633.202, relating to the Florida Fire Prevention Code.

(6) The court may award attorney fees and costs and damages as provided in s. 57.112.

Section 4. Present subsections (4) through (8) of section 166.041, Florida Statutes, are redesignated as subsections (5) through (9), respectively, and a new subsection (4) is added to that section, to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(4) (a) Before the enactment of a proposed ordinance, the governing body of a municipality shall prepare or cause to be prepared a business impact estimate in accordance with this subsection. The business impact estimate must be posted on the municipality's website no later than the date the notice of proposed enactment is published pursuant to paragraph (3)(a) and must include all of the following:

1. A summary of the proposed ordinance, including a

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statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the municipality.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:

a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

4. Any additional information the governing body determines may be useful.

(b) This subsection may not be construed to require a municipality to procure an accountant or other financial consultant to prepare the business impact estimate required by this subsection.

(c) This subsection does not apply to:

1. Ordinances required for compliance with federal or state law or regulation;

2. Ordinances relating to the issuance or refinancing of debt;

3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the

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291 budget;

292 4. Ordinances required to implement a contract or an
 293 agreement, including, but not limited to, any federal, state,
 294 local, or private grant, or other financial assistance accepted
 295 by a municipal government;

296 5. Emergency ordinances;

297 6. Ordinances relating to procurement; or

298 7. Ordinances enacted to implement the following:

299 a. Part II of chapter 163, relating to growth policy,
 300 county and municipal planning, and land development regulation,
 301 including zoning, development orders, development agreements,
 302 and development permits;

303 b. Sections 190.005 and 190.046;

304 c. Section 553.73, relating to the Florida Building Code;

305 or

306 d. Section 633.202, relating to the Florida Fire Prevention
 307 Code.

308 Section 5. Section 166.0411, Florida Statutes, is created
 309 to read:

310 166.0411 Legal challenges to certain recently enacted
 311 ordinances.—

312 (1) A municipality must suspend enforcement of an ordinance
 313 that is the subject of an action challenging the ordinance's
 314 validity on the grounds that it is expressly preempted by the
 315 State Constitution or by state law or is arbitrary or
 316 unreasonable if:

317 (a) The action was filed with the court no later than 90
 318 days after the adoption of the ordinance;

319 (b) The plaintiff requests suspension in the initial

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320 complaint or petition, citing this section; and

321 (c) The municipality has been served with a copy of the
 322 complaint or petition.

323 (2) When the plaintiff appeals a final judgment finding
 324 that an ordinance is valid and enforceable, the municipality may
 325 enforce the ordinance 45 days after the entry of the order
 326 unless the plaintiff obtains a stay of the lower court's order.

327 (3) The court shall give cases in which the enforcement of
 328 an ordinance is suspended under this section priority over other
 329 pending cases and shall render a preliminary or final decision
 330 on the validity of the ordinance as expeditiously as possible.

331 (4) The signature of an attorney or a party constitutes a
 332 certificate that he or she has read the pleading, motion, or
 333 other paper and that, to the best of his or her knowledge,
 334 information, and belief formed after reasonable inquiry, it is
 335 not interposed for any improper purpose, such as to harass or to
 336 cause unnecessary delay, or for economic advantage, competitive
 337 reasons, or frivolous purposes or needless increase in the cost
 338 of litigation. If a pleading, motion, or other paper is signed
 339 in violation of these requirements, the court, upon its own
 340 initiative or upon favorably ruling on a party's motion for
 341 sanctions, must impose upon the person who signed it, a
 342 represented party, or both, an appropriate sanction, which may
 343 include an order to pay to the other party or parties the amount
 344 of reasonable expenses incurred because of the filing of the
 345 pleading, motion, or other paper, including reasonable attorney
 346 fees.

347 (5) This section does not apply to:

348 (a) Ordinances required for compliance with federal or

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state law or regulation;

(b) Ordinances relating to the issuance or refinancing of debt;

(c) Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

(d) Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;

(e) Emergency ordinances;

(f) Ordinances relating to procurement; or

(g) Ordinances enacted to implement the following:

1. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

2. Sections 190.005 and 190.046;

3. Section 553.73, relating to the Florida Building Code;
or

4. Section 633.202, relating to the Florida Fire Prevention Code.

(6) The court may award attorney fees and costs and damages as provided in s. 57.112.

Section 6. Subsection (5) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(5) After the preparation of an urban infill and

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redevelopment plan or designation of an existing plan, the local government shall adopt the plan by ordinance. Notice for the public hearing on the ordinance must be in the form established in s. 166.041(3)(c)2. for municipalities, and s. 125.66(5)(b)2.
~~s. 125.66(4)(b)2.~~ for counties.

Section 7. Paragraph (a) of subsection (3) of section 163.3181, Florida Statutes, is amended to read:

163.3181 Public participation in the comprehensive planning process; intent; alternative dispute resolution.—

(3) A local government considering undertaking a publicly financed capital improvement project may elect to use the procedures set forth in this subsection for the purpose of allowing public participation in the decision and resolution of disputes. For purposes of this subsection, a publicly financed capital improvement project is a physical structure or structures, the funding for construction, operation, and maintenance of which is financed entirely from public funds.

(a) ~~Before~~ Prior to the date of a public hearing on the decision on whether to proceed with the proposed project, the local government shall publish public notice of its intent to decide the issue according to the notice procedures described by s. 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ for a county or s. 166.041(3)(c)2.b. for a municipality.

Section 8. Paragraph (a) of subsection (4) of section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(4) If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in

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this subsection, the sole method by which an aggrieved and adversely affected party may challenge any decision of local government granting or denying an application for a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property, on the basis that it is not consistent with the comprehensive plan adopted under this part, is by an appeal filed by a petition for writ of certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever occurs later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel apply to these proceedings. Minimum components of the local process are as follows:

(a) The local process must make provision for notice of an application for a development order that materially alters the use or density or intensity of use on a particular piece of property, including notice by publication or mailed notice consistent with the provisions of ss. 125.66(5)(b)2. and 3. and 166.041(3)(c)2.b. and c. ~~ss. 125.66(4)(b)2. and 3. and 166.041(3)(c)2.b. and c.~~, and must require prominent posting at the job site. The notice must be given within 10 days after the filing of an application for a development order; however, notice under this subsection is not required for an application for a building permit or any other official action of local government which does not materially alter the use or density or intensity of use on a particular piece of property. The notice

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must clearly delineate that an aggrieved or adversely affected person has the right to request a quasi-judicial hearing before the local government for which the application is made, must explain the conditions precedent to the appeal of any development order ultimately rendered upon the application, and must specify the location where written procedures can be obtained that describe the process, including how to initiate the quasi-judicial process, the timeframes for initiating the process, and the location of the hearing. The process may include an opportunity for an alternative dispute resolution.

Section 9. Paragraph (c) of subsection (1) of section 376.80, Florida Statutes, is amended to read:

376.80 Brownfield program administration process.—

(1) The following general procedures apply to brownfield designations:

(c) Except as otherwise provided, the following provisions apply to all proposed brownfield area designations:

1. Notification to department following adoption.—A local government with jurisdiction over the brownfield area must notify the department, and, if applicable, the local pollution control program under s. 403.182, of its decision to designate a brownfield area for rehabilitation for the purposes of ss. 376.77-376.86. The notification must include a resolution adopted by the local government body. The local government shall notify the department, and, if applicable, the local pollution control program under s. 403.182, of the designation within 30 days after adoption of the resolution.

2. Resolution adoption.—The brownfield area designation must be carried out by a resolution adopted by the

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jurisdictional local government, which includes a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 166.041, except that the procedures for the public hearings on the proposed resolution must be in the form established in s. 166.041(3)(c)2. For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 125.66, except that the procedures for the public hearings on the proposed resolution must ~~shall~~ be in the form established in s. 125.66(5)(b) ~~s. 125.66(4)(b)~~.

3. Right to be removed from proposed brownfield area.—If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government must ~~shall~~ grant the request.

4. Notice and public hearing requirements for designation of a proposed brownfield area outside a redevelopment area or by a nongovernmental entity. Compliance with the following provisions is required before designation of a proposed brownfield area under paragraph (2)(a) or paragraph (2)(c):

a. At least one of the required public hearings must ~~shall~~ be conducted as closely as is reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local

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concerns.

b. Notice of a public hearing must be made in a newspaper of general circulation in the area, must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.

Section 10. Paragraph (a) of subsection (3) of section 497.270, Florida Statutes, is amended to read:

497.270 Minimum acreage; sale or disposition of cemetery lands.—

(3)(a) If the property to be sold, conveyed, or disposed of under subsection (2) has been or is being used for the permanent interment of human remains, the applicant for approval of such sale, conveyance, or disposition must ~~shall~~ cause to be published, at least once a week for 4 consecutive weeks, a notice meeting the standards of publication set forth in s. 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ The notice must ~~shall~~ describe the property in question and the proposed noncemetery use and must ~~shall~~ advise substantially affected persons that they may file a written request for a hearing pursuant to chapter 120, within 14 days after the date of last publication of the notice, with the department if they object to granting the applicant's request to sell, convey, or dispose of the subject property for noncemetery uses.

Section 11. Paragraph (a) of subsection (2) of section 562.45, Florida Statutes, is amended to read:

562.45 Penalties for violating Beverage Law; local ordinances; prohibiting regulation of certain activities or business transactions; requiring nondiscriminatory treatment;

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providing exceptions.—

(2) (a) Nothing contained in the Beverage Law ~~may shall~~ be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the hours of business and location of place of business, and prescribing sanitary regulations therefor, of any licensee under the Beverage Law within the county or corporate limits of such municipality. However, except for premises licensed on or before July 1, 1999, and except for locations ~~that are~~ licensed as restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to chapter 509, a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location as promoting the public health, safety, and general welfare of the community under proceedings as provided in s. 125.66(5) ~~or 125.66(4)~~, for counties, and s. 166.041(3) (c), for municipalities. This restriction ~~may shall~~ not, however, be construed to prohibit the issuance of temporary permits to certain nonprofit organizations as provided for in s. 561.422. The division may not issue a change in the series of a license or approve a change of a licensee's location unless the licensee provides documentation of proper zoning from the appropriate county or municipal zoning authorities.

Section 12. Subsection (1) of section 847.0134, Florida Statutes, is amended to read:

847.0134 Prohibition of adult entertainment establishment

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that displays, sells, or distributes materials harmful to minors within 2,500 feet of a school.—

(1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, or presents live entertainment or a motion picture, slide, or other exhibit that, in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s. 125.66(5) ~~or 125.66(4)~~ for counties or s. 166.041(3) (c) for municipalities.

Section 13. The Legislature finds and declares that this act fulfills an important state interest.

Section 14. This act shall take effect October 1, 2023.

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02/23/23

Meeting Date

Rules

Committee

Name

Rebecca O'Hara

Phone

850-222-9682

Address

PO Box 1757

Email

rohara@flcities.com

Street

Tallahassee

FL

32302

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Florida League of Cities

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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170

Bill Number or Topic

578558

Amendment Barcode (if applicable)

2/23/2023

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

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1703

Bill Number or Topic

578558

Amendment Barcode (if applicable)

Name

Bob McKee

Phone

850 766-1952

Address

100 S Monroe

Email

b.mckee@fl-counties.com

Street

Tallahassee FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Association of
counties

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/23/23

Meeting Date

Rules

Committee

SB 170

Bill Number or Topic

578558

Amendment Barcode (if applicable)

Name

Lance Pierce

Phone

Address

310 W College Ave

Email

Lance@afcd.com

Street

Tkt

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

AFCD

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/23/2023

Meeting Date

Rules

Committee

SB 170

Bill Number or Topic

578558

Amendment Barcode (if applicable)

Amendment only

Name

Ashton Mears

Phone

352-843-0248

Address

2600 Centennial Place

Street

Tallahassee FL

City

State

32308

Zip

Email

amears@fhba.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Home
Builders Association

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/23/2023

Meeting Date

RULES

SB170

Bill Number or Topic

Committee

Name

BRIAN NATHAN

Phone

813-326-1002

Amendment Barcode (if applicable)

Address

7201 BEASLEY ROAD

Email

BRIAN.D.NATHAN@GMAIL.COM

Street

TAMPA

City

FL

State

33615

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

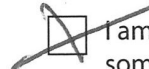
PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

IBEW 915

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/23

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB 170

Bill Number or Topic

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Dr. Rich Templin

Phone

850-566-4348

Address

135 S Monroe St

Email

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida
AFL-CIO



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/2023
Meeting Date
Rules
Committee

SB 170
Bill Number or Topic

Amendment Barcode (if applicable)

Name JACOB CORY Phone 850 893-8995
Address 730 East Pal Ave Email JACOB.CORY@JACORP.COM
Street
City Tallah State Fl Zip 32311

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by: JPB

City of Jacksonville Beach & Village of Jekyll

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/23/23

Meeting Date

Rules

412 KB

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

170

Bill Number or Topic

Amendment Barcode (if applicable)

Name **David Cullen**

Phone **941-323-2404**

Address **2838 Little Deal Rd**

Email **cullenasea@gmail.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Sierra Club Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/23/23

Meeting Date

Senate Rules

Committee

SB 170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Halley Busch

Phone

850 264 4949

Address

308 N Monroe St.

Email

HBUSCH@1000FOL.ORG

Street

TALLAHASSEE

FL

32301

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

1000 Friends of Fla.

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

CS/SB 170

Bill Number or Topic

2/23/23

Meeting Date

S. Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Jon Harris Maurer (Mauer)

Phone

Address

201 E. Park Ave., Ste. 200A

Email

Street

Tallahassee

City

FL

State

32308

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Equality Florida

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phone

Address

Street

City

State

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

FEB. 23, 2023

Meeting Date

RULES

Committee

SB-170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

J.B. CLARK

Phone

850-556-8143

Address

2071 CYNTHIA DRIVE

Street

Email JBCCLARK5@EARTHINK, NE

TALLAHASSEE, FL 32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FLORIDA ELECTRICAL WORKERS ASSN.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/23/2023

Meeting Date

Rules

Committee

SB 0170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Richard A. Starling

Phone

352-318-5410

Address

6851 NE CR 337

Email

andystarling84@yahoo.com

Street

Bronson

City

FL

State

32621

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-23-23

Meeting Date

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 0.170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lanny Mathis

Phone

352-871-2345

Address

19197 NW 160 Ave

Email

lannymathis@gmail.com

Street

Williston Fla 32686

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-23-23

Meeting Date

RULAS

Committee

170

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jess M. McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 N.W. 1st Street Suite 2800 Email jmm2@miamidade.gov
Street

Miami

City

FL

State

33128

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Miami-Dade County

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/23/2023

Meeting Date

Rules

Committee

Name

JONATHAN Webber

Phone

954-593-4449

Address

400 Washington St.

Email

JONATHAN.Webber@splcacthinkers.org

Street

Montgomery

City

AL

State

36104

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 170

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

SPLC Action Fund

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/23/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

170

Bill Number or Topic

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Devon West

Phone

954-789-9293

Address

100 S. Andrews Ave

Email

dewest@broward.org

Street

Ft. Lauderdale

FL

33301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Broward County

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/23/2023

Meeting Date

170

Bill Number (if applicable)

Topic Local Ordinances

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title General Counsel/VP Govt Relations

Address 230 S Adams St.
Street

Phone (850) 224-2250

Tallahassee, FL 32301
City State Zip

Email spadgett@frla.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Restaurant and Lodging Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

2/23/2023

Meeting Date

RULES COMMITTEE

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JESSICA HUNTER

Phone

850-694-1216

Address

227 South Adams Street

Email

jessica@frf.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FLORIDA RETAIL FEDERATION

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

02/23/23

Meeting Date

Rules

Committee

Name

Rebecca O'Hara

Phone

850-222-9682

Address

PO Box 1757

Email

rohara@flcities.com

Street

Tallahassee

FL

32302

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Florida League of Cities

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

170

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/23/23

The Florida Senate

APPEARANCE RECORD

170

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Ethan Perry

850-224-1400

Phone

Address

200 South Monroe Street

ethanp@floridarealtors.org

Email

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Realtors Association

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/23/2023

Meeting Date

Rules

Committee

170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Bob McKee

Phone

850 766-1952

Address

100 S Monroe

Email

bmckee@fl-counties.com

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Assoc of Counties

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/23/23

Meeting Date

Rules

Committee

170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

352-538-4299

Address

316 N Adams

Email

abasford@a.f.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Associated Industries of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/23/2023

Meeting Date

Senate Rules

Committee

SB 190

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chad Kunde

Phone

(850) 766-7896

Address

136 S Bronough St

Email

ckunde@FLChamber.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Chamber
of Commerce

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture, *Vice Chair*
Appropriations Committee on Agriculture,
Environment, and General Government
Finance and Tax
Fiscal Policy
Judiciary
Rules
Transportation

SENATOR JIM BOYD

20th District

February 13, 2023

Senator Debbie Mayfield
Committee on Rules
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

A handwritten signature in blue ink, appearing to be "Jim Boyd", written in a cursive style.

Dear Madame Chair Mayfield:

I am writing to request approval to be excused from the Committee on Rules meeting scheduled for Thursday, February 23, 2023.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Jim Boyd", written in a cursive style.

Jim Boyd

cc: Philip Twogood
Cynthia Futch
Ronnie Whitaker

REPLY TO:

- ☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- ☐ 418 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Transportation, *Chair*
Banking and Insurance, *Vice Chair*
Appropriations Committee on Agriculture,
Environment, and General Government
Appropriations Committee on Transportation, Tourism,
and Economic Development
Commerce and Tourism
Fiscal Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR NICK DICEGLIE

18th District

A blue ink handwritten signature, appearing to read "Nick DiCeglie", is written over the signature line.

February 22, 2023

Chair Mayfield, Senator DiCeglie requests an excused absence for the Rules Committee Meeting on 2/22/2023 beginning at 9:30 AM.

Please let me know if there are any conflicts resulting in this request.

Thank you.

A large, stylized handwritten signature in black ink, reading "Nick DiCeglie", is written below the typed name.

REPLY TO:

- ☐ 9800 4th Street North, #200, St. Petersburg, Florida 33702 (727) 563-1910
- ☐ 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Appropriations Committee on Health and
Human Services, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Education Postsecondary
Ethics and Elections
Fiscal Policy
Health Policy
Rules

SENATOR ILEANA GARCIA
36th District

A handwritten signature in blue ink, appearing to be "I. Garcia", written in a cursive style.

February 21, 2023

Chair Mayfield

I am writing to respectfully request an absence excusal from the Committee on Rules scheduled for Thursday, February 23rd at 9:30 am. Thank you for your consideration.

Sincerely,

Senator Ileana Garcia
District 36

REPLY TO:

- ☐ 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841
- ☐ 322 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE
8491 West Commercial Blvd.
Tamarac, FL 33351
954-321-2705

SENATOR ROSALIND OSGOOD
32nd District

February 22, 2023

Honorable Debbie Mayfield
Senator, District 19
Chair, Rules

A handwritten signature in blue ink, appearing to be "Rosalind Osgood", written in a cursive style.

Dear Chair Mayfield,

I am unable to attend the committee meeting on February 23, 2023 as I have an event back in the District that I am hosting.

Please let me know if you have any questions.

Regards,

A handwritten signature in black ink, appearing to be "Rosalind Osgood", written in a cursive style.

Dr. Rosalind Osgood
Senator, District 32

COMMITTEES:

Community Affairs – Vice Chair
Appropriations, Agriculture, Environment &
General Government
Appropriations, Health & Human Services
Education Pre-K – 12
Policy

Fiscal Policy
Health Policy
Regulated Industry
Rules
Joint Administrative

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Rules Committee

Judge:

Started: 2/23/2023 9:32:31 AM

Ends: 2/23/2023 10:33:12 AM

Length: 01:00:42

9:32:30 AM Chair Mayfield calls meeting to order
9:32:55 AM Roll Call
9:33:32 AM Quorum announced
9:33:33 AM Meeting excused absences announced - Boyd, Garcia, Osgood, and DiCeglie
9:33:39 AM Pledge of Allegiance
9:34:08 AM Chair with opening comments
9:34:51 AM Chair to Senator Perry
9:34:53 AM Tab 1 SB 32 Florida Statutes
9:34:59 AM Senator Mayfield explains the bill
9:35:27 AM Roll call on SB 32
9:36:02 AM Bill reported favorably
9:36:06 AM Tab 2 - SB 34 Florida Statutes
9:36:13 AM Senator Mayfield explains the bill
9:36:39 AM Roll call on SB 34
9:37:17 AM Bill reported favorably
9:37:21 AM Tab 3 SB 36 Florida Statutes
9:37:25 AM Senator Mayfield explains the bill
9:37:47 AM Roll call on SB 36
9:38:24 AM Bill reported favorably
9:38:29 AM Tab 4 SB 38 Florida Statutes
9:38:33 AM Senator Mayfield explains the bill
9:38:52 AM Roll call on SB 38
9:39:28 AM Bill reported favorably
9:39:32 AM Tab 5 SB 40 Florida Statutes
9:39:36 AM Senator Mayfield explains the bill
9:40:21 AM Roll call on SB 40
9:40:57 AM Bill reported favorably
9:41:00 AM Tab 6 SB 42 Florida Statutes
9:41:06 AM Senator Mayfield explains the bill
9:41:36 AM Roll call on SB 42
9:42:10 AM Bill reported favorably
9:42:16 AM Tab 7 SB 44 Florida Statutes
9:42:21 AM Senator Mayfield explains the bill
9:42:57 AM Roll call on SB 44
9:43:33 AM Bill reported favorably
9:43:34 AM Chair to Mayfield
9:43:43 AM Tab 8 CS/SB 170
9:43:51 AM Senator Trumbull explains the bill
9:44:16 AM Questions
9:44:24 AM Senator Rouson
9:44:32 AM Senator Trumbull
9:44:45 AM Senator Hooper
9:45:13 AM Senator Trumbull
9:45:47 AM Amendment Barcode 578558
9:45:55 AM Senator Trumbull explains the amendment
9:47:08 AM Questions
9:47:10 AM Appearance Forms
9:47:16 AM Rebecca O'Hare, Florida League of Cities, waives
9:47:21 AM Bob McKee, Florida Association of Counties, waives
9:47:29 AM Lance Pierce, AFCD, waives
9:47:39 AM Ashton Mears, Florida Home Builders Association, waives
9:47:52 AM Senator Trumbull waives close

9:48:02 AM Amendment adopted
9:48:03 AM Back on bill as amended
9:48:08 AM Questions
9:48:14 AM Senator Book
9:48:53 AM Senator Trumbull
9:49:31 AM Senator Torres
9:49:48 AM Senator Trumbull
9:49:59 AM Senator Torres
9:50:01 AM Senator Trumbull
9:50:12 AM Appearance Forms
9:50:19 AM Brian Nathan, IBEW 915, speaks
9:51:36 AM Dr. Rich Templin - Florida AFL-CIO, speaks
9:54:01 AM Questions
9:54:08 AM Senator Jones
9:54:29 AM Dr. Templin
9:55:41 AM Senator Rouson
9:55:55 AM Chair Mayfield
9:56:11 AM Senator Hutson
9:57:01 AM Dr. Templin
9:57:22 AM Senator Hutson
9:57:55 AM Dr. Templin
9:58:50 AM Jack Cory, City of Jacksonville, speaks
10:00:16 AM David Cullen, Sierra Club Florida, speaks
10:02:42 AM Haley Busch, 1000 Friends of Florida, speaks
10:04:24 AM John Harris Maurer, Equality Florida, speaks
10:05:34 AM Ryan Ray speaks
10:06:09 AM Chair Mayfield
10:06:13 AM Mr. Ray
10:06:17 AM J.B Clark, Florida Electrical Workers Association, waives
10:06:26 AM Richard Starling waives
10:06:34 AM Lanny Mathis waives
10:06:41 AM Jess M. McCarthy, Executive Assistant County Attorney, Miami-Dade County, waives
10:06:53 AM Jonathan Webber, SPLC Action Fund, waives
10:07:03 AM Devon West, Broward County, waives
10:07:11 AM Samantha Padgett, Florida Restaurant and Lodging Association, waives
10:07:16 AM Jessica Hunter, Florida Retail Federation, waives
10:07:25 AM Rebecca O'Hara, Florida League of Cities, speaks
10:10:32 AM Ethan Perry, Florida Realtors Association, waives
10:10:40 AM Bob McKee, Florida Association of Counties, speaks
10:11:45 AM Chair Mayfield
10:11:51 AM Mr. McKee
10:11:53 AM Adam Basford, Associated Industries of FL, waives
10:12:03 AM Chad Kunde, Florida Chamber of Commerce, waives
10:12:16 AM Debate
10:12:22 AM Senator Book
10:13:56 AM Senator Jones
10:14:57 AM Senator Torres
10:15:51 AM Senator Rouson
10:17:17 AM Senator Hooper
10:19:18 AM Senator Baxley
10:22:45 AM Senator Perry
10:25:55 AM Senator Hutson
10:28:53 AM Senator Trumbull closes
10:31:43 AM Roll call on CS/CS/SB 170
10:32:23 AM Bill is reported favorably
10:32:33 AM Motions
10:32:39 AM Senator Book
10:32:43 AM Senator Book makes a vote after motion
10:32:52 AM Without objection-motion adopted
10:33:01 AM Senator Baxley moves to adjourn
10:33:03 AM Meeting adjourned