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A reviser's bill to be entitled
 An act relating to the Florida Statutes; amending ss.
 8.0001, 24.121, 27.710, 57.085, 61.517, 106.07, 112.19,
 112.191, 119.07, 154.01, 163.31776, 163.31777, 196.1983,
 199.282, 210.20, 220.1501, 243.20, 267.173, 288.1067,
 288.7091, 295.0185, 318.14, 322.051, 335.14, 341.8201,
 381.0068, 381.60225, 395.2050, 400.0089, 400.23, 402.305,
 402.3131, 403.706, 406.51, 409.1451, 409.815, 409.91196,
 409.912, 411.01, 435.03, 440.102, 440.15, 445.0121,
 467.0125, 470.002, 470.019, 470.036, 489.510, 496.404,
 499.033, 499.051, 501.608, 507.05, 517.12, 553.73, 562.11,
 562.111, 624.04, 624.303, 624.313, 624.317, 624.501,
 624.504, 624.521, 624.523, 626.022, 626.112, 626.266,
 626.321, 626.461, 626.733, 626.7354, 626.741, 626.753,
 626.829, 626.852, 626.9541, 627.3111, 627.351, 628.255,
 631.111, 633.01, 634.171, 634.420, 641.35, 642.034,
 642.036, 642.045, 648.355, 679.703, 679.704, 765.5216,
 765.522, 768.16, 768.17, 768.18, 790.06, 921.0022, 943.22,
 943.66, 945.355, 1000.01, 1004.07, 1004.22, 1004.32,
 1004.45, 1004.92, 1008.35, 1009.40, 1009.66, 1009.74,
 1010.07, 1011.62, 1011.94, 1012.33, 1012.74, 1013.31,
 1013.33, 1013.35, 1013.356, 1013.36, and 1013.68, F.S.;
 amending and transferring and renumbering s. 381.6025,
 F.S.; transferring and renumbering ss. 381.0602, 381.6021,
 381.6022, 381.6023, 381.6024, and 381.6026, F.S.;
 reenacting ss. 121.055(4)(d), 316.640(1)(b), and
 440.20(6), F.S.; and repealing ss. 20.12, 20.13,
 288.109(10), 334.0445, 400.191(2)(b)10., and 420.504(9),
 F.S., pursuant to s. 11.242, F.S.; deleting provisions
 that have expired, have become obsolete, have had their



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31 effect, have served their purpose, or have been impliedly
32 repealed or superseded; replacing incorrect cross-
33 references and citations; correcting grammatical,
34 typographical, and like errors; removing inconsistencies,
35 redundancies, and unnecessary repetition in the statutes;
36 improving the clarity of the statutes and facilitating
37 their correct interpretation; and confirming the
38 restoration of provisions unintentionally omitted from
39 republication in the acts of the Legislature during the
40 amendatory process.

41

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

43

44 Section 1. Paragraph (b) of subsection (2) of section
45 8.0001, Florida Statutes, is amended to read:

46 8.0001 Definitions.--In accordance with s. 8(a), Article X
47 of the State Constitution, the United States Decennial Census of
48 2000 is the official census of the state for the purposes of
49 congressional redistricting.

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

51 (b) "Block group" means a cluster of blocks within a tract
52 ~~track~~ which have the same first digit in their block
53 identification number.

54

55 Reviser's note.--Amended to improve clarity and
56 facilitate correct interpretation.

57

58 Section 2. Section 20.12, Florida Statutes, is repealed.

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60 Reviser's note.--Repeals an obsolete provision. The
61 functions of the Department of Banking and Finance
62 were transferred to the Department of Financial
63 Services or the Financial Services Commission by ch.
64 2002-404, Laws of Florida.

65
66 Section 3. Section 20.13, Florida Statutes, is repealed.

67
68 Reviser's note.--Repeals an obsolete provision. The
69 functions of the Department of Insurance were
70 transferred to the Department of Financial Services or
71 the Financial Services Commission by ch. 2002-404,
72 Laws of Florida.

73
74 Section 4. Paragraph (d) of subsection (5) of section
75 24.121, Florida Statutes, is amended to read:

76 24.121 Allocation of revenues and expenditure of funds for
77 public education.--

78 (5)

79 (d) No funds shall be released for any purpose from the
80 Educational Enhancement Trust Fund to any school district in
81 which one or more schools do not have an approved school
82 improvement plan pursuant to s. 1001.42(16) or do not comply
83 with school advisory council membership composition requirements
84 pursuant to s. 1001.452(1). ~~229.58(1)~~. ~~Effective July 1, 2002,~~
85 The Commissioner of Education shall withhold disbursements from
86 the trust fund to any school district that fails to adopt the
87 performance-based salary schedule required by s. 1012.22(1).

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89 Reviser's note.--Amended to conform to the repeal of
90 s. 229.58 by s. 1058, ch. 2002-387, Laws of Florida,
91 and the enactment of similar material in s.
92 1001.452(1) by s. 59, ch. 2002-387; and to delete
93 obsolete language.

94
95 Section 5. Subsection (1) of section 27.710, Florida
96 Statutes, is amended to read:

97 27.710 Registry of attorneys applying to represent persons
98 in postconviction capital collateral proceedings; certification
99 of minimum requirements; appointment by trial court.--

100 (1) The executive director of the Commission on Capital
101 Cases shall compile and maintain a statewide registry of
102 attorneys in private practice who have certified that they meet
103 the minimum requirements of s. 27.704(2), who are available for
104 appointment by the court under this section to represent persons
105 convicted and sentenced to death in this state in postconviction
106 collateral proceedings, and who have attended within the last
107 year a continuing legal education program of at least 10 hours'
108 duration devoted specifically to the defense of capital cases,
109 if available. Continuing legal education programs meeting the
110 requirements of this rule offered by The Florida Bar or another
111 recognized provider and approved for continuing legal education
112 credit by The Florida Bar shall satisfy this requirement. The
113 failure to comply with this requirement may be cause for removal
114 from the list until the requirement is fulfilled. To ensure that
115 sufficient attorneys are available for appointment by the court,
116 when the number of attorneys on the registry falls below 50, the
117 executive director shall notify the chief judge of each circuit
118 by letter and request the chief judge to promptly submit the



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119 names of at least three private attorneys who regularly practice
 120 criminal law in that circuit and who appear to meet the minimum
 121 requirements to represent persons in postconviction capital
 122 collateral proceedings. The executive director shall send an
 123 application to each attorney identified by the chief judge so
 124 that the attorney may register for appointment as counsel in
 125 postconviction capital collateral proceedings. As necessary, the
 126 executive director may also advertise in legal publications and
 127 other appropriate media for qualified attorneys interested in
 128 registering for appointment as counsel in postconviction capital
 129 collateral proceedings. Not later than September 1 of each year,
 130 and as necessary thereafter, the executive director shall
 131 provide to the Chief Justice of the Supreme Court, the chief
 132 judge and state attorney in each judicial circuit, and the
 133 Attorney General a current copy of its registry of attorneys who
 134 are available for appointment as counsel in postconviction
 135 capital collateral proceedings. The registry must be indexed by
 136 judicial circuit and must contain the requisite information
 137 submitted by the applicants in accordance with this section.

138

139 Reviser's note.--Amended to improve clarity and
 140 facilitate correct interpretation.

141

142 Section 6. Subsection (2) of section 57.085, Florida
 143 Statutes, is amended to read:

144 57.085 Waiver of prepayment of court costs and fees for
 145 indigent prisoners.--

146 (2) When a prisoner who is intervening in or initiating a
 147 judicial proceeding seeks waiver of prepayment of court costs
 148 and fees because of indigency, the prisoner must file an



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149 affidavit of indigency with the appropriate clerk of the court.

150 The affidavit must contain complete information about the
151 prisoner's identity; the nature and amount of the prisoner's
152 income; all real property owned by the prisoner; all tangible
153 and intangible property worth more than \$100 which is owned by
154 the prisoner; the amount of cash held by the prisoner; the
155 balance of any checking, savings, or money market account held
156 by the prisoner; the prisoner's dependents, including their
157 names and ages; the prisoner's debts, including the name of each
158 creditor ~~debtor~~ and the amount owed to each creditor ~~debtor~~; and
159 the prisoner's monthly expenses. The prisoner must certify in
160 the affidavit whether the prisoner has been adjudicated indigent
161 under this section, certified indigent under s. 57.081, or
162 authorized to proceed as an indigent under 28 U.S.C. s. 1915 by
163 a federal court. The prisoner must attach to the affidavit a
164 photocopy of the prisoner's trust account records for the
165 preceding 6 months or for the length of the prisoner's
166 incarceration, whichever period is shorter. The affidavit must
167 contain the following statements: "I am unable to pay court
168 costs and fees. Under penalty of perjury, I swear or affirm
169 that all statements in this affidavit are true and complete."

170

171 Reviser's note.--Amended to correct an apparent error
172 and conform to context.

173

174 Section 7. Subsection (2) of section 61.517, Florida
175 Statutes, is amended to read:

176 61.517 Temporary emergency jurisdiction.--

177 (2) If there is no previous child custody determination
178 that is entitled to be enforced under this part, and a child



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179 custody proceeding has not been commenced in a court of a state
 180 having jurisdiction under ss. 61.514-61.516 ~~61.514-61.616~~, a
 181 child custody determination made under this section remains in
 182 effect until an order is obtained from a court of a state having
 183 jurisdiction under ss. 61.514-61.516. If a child custody
 184 proceeding has not been or is not commenced in a court of a
 185 state having jurisdiction under ss. 61.514-61.516, a child
 186 custody determination made under this section becomes a final
 187 determination if it so provides and this state becomes the home
 188 state of the child.

189
 190 Reviser's note.--Amended to correct an apparent error
 191 and facilitate correct interpretation. Section 61.616
 192 does not exist; the reference is consistent with s.
 193 61.516.

194
 195 Section 8. Paragraph (b) of subsection (8) of section
 196 106.07, Florida Statutes, is amended to read:

197 106.07 Reports; certification and filing.--
 198 (8)

199 (b) Upon determining that a report is late, the filing
 200 officer shall immediately notify the candidate or chair of the
 201 political committee as to the failure to file a report by the
 202 designated due date and that a fine is being assessed for each
 203 late day. The fine shall be \$50 per day for the first 3 days
 204 late and, thereafter, \$500 per day for each late day, not to
 205 exceed 25 percent of the total receipts or expenditures,
 206 whichever is greater, for the period covered by the late report.
 207 However, for the reports immediately preceding each primary and
 208 general election, the fine shall be \$500 per day for each late



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209 day, not to exceed 25 percent of the total receipts or
210 expenditures, whichever is ~~is~~ greater, for the period covered by
211 the late report. For reports required under s. 106.141(7), the
212 fine is \$50 per day for each late day, not to exceed 25 percent
213 of the total receipts or expenditures, whichever is greater, for
214 the period covered by the late report. Upon receipt of the
215 report, the filing officer shall determine the amount of the
216 fine which is due and shall notify the candidate or chair. The
217 filing officer shall determine the amount of the fine due based
218 upon the earliest of the following:

- 219 1. When the report is actually received by such officer.
- 220 2. When the report is postmarked.
- 221 3. When the certificate of mailing is dated.
- 222 4. When the receipt from an established courier company is
223 dated.

224
225 Such fine shall be paid to the filing officer within 20 days
226 after receipt of the notice of payment due, unless appeal is
227 made to the Florida Elections Commission pursuant to paragraph
228 (c). In the case of a candidate, such fine shall not be an
229 allowable campaign expenditure and shall be paid only from
230 personal funds of the candidate. An officer or member of a
231 political committee shall not be personally liable for such
232 fine.

233
234 Reviser's note.--Amended to improve clarity and
235 facilitate correct interpretation.

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237 Section 9. Subsection (3) of section 112.19, Florida
238 Statutes, as amended by section 1 of chapter 2002-232, Laws of
239 Florida, is amended to read:

240 112.19 Law enforcement, correctional, and correctional
241 probation officers; death benefits.--

242 (3) If a law enforcement, correctional, or correctional
243 probation officer is accidentally killed as specified in
244 paragraph (2)(b) on or after June 22, 1990, or unlawfully and
245 intentionally killed as specified in paragraph (2)(c) on or
246 after July 1, 1980, the state shall waive certain educational
247 expenses that children of the deceased officer incur while
248 obtaining a vocational-technical certificate, an undergraduate
249 education, or a graduate or postbaccalaureate professional
250 degree. The amount waived by the state shall be an amount equal
251 to the cost of tuition, matriculation, and other statutorily
252 authorized fees for a total of 120 credit hours for a
253 vocational-technical certificate or an undergraduate education.
254 For a child pursuing a graduate or postbaccalaureate
255 professional degree, the amount waived shall equal the cost of
256 matriculation and other statutorily authorized fees incurred
257 while the child continues to fulfill the professional
258 requirements associated with the graduate or postbaccalaureate
259 professional degree program, and eligibility continues until the
260 child's 29th birthday. The child may attend a state vocational-
261 technical school, a state community college, or a state
262 university. The child may attend any or all of the institutions
263 specified in this subsection, on either a full-time or part-time
264 basis. For a child pursuing a vocational-technical certificate
265 or an undergraduate education, the benefits provided under this
266 subsection shall continue to the child until the child's 25th



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267 birthday. To be eligible for the benefits provided under this
268 subsection for enrollment in a graduate or postbaccalaureate
269 professional degree program, the child must be a state resident,
270 as defined in s. 1009.21 ~~240.1201~~, at the time of enrollment.

271 (a) Upon failure of any child benefited by the provisions
272 of this section to comply with the ordinary and minimum
273 requirements of the institution attended, both as to discipline
274 and scholarship, the benefits shall be withdrawn as to the child
275 and no further moneys may be expended for the child's benefits
276 so long as such failure or delinquency continues.

277 (b) Only a student in good standing in his or her
278 respective institution may receive the benefits thereof.

279 (c) A child receiving benefits under this section must be
280 enrolled according to the customary rules and requirements of
281 the institution attended.

282

283 Reviser's note.--Amended to conform to the repeal of
284 s. 240.1201 by s. 1058, ch. 2002-387, Laws of Florida,
285 and the enactment of similar material in s. 1009.21 by
286 s. 400, ch. 2002-387.

287

288 Section 10. Subsection (3) of section 112.191, Florida
289 Statutes, as amended by section 2 of chapter 2002-232, Laws of
290 Florida, is amended to read:

291 112.191 Firefighters; death benefits.--

292 (3) If a firefighter is accidentally killed as specified
293 in paragraph(2)(b) on or after June 22, 1990, or unlawfully and
294 intentionally killed as specified in paragraph (2)(c), on or
295 after July 1, 1980, the state shall waive certain educational
296 expenses that children of the deceased firefighter incur while



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297 obtaining a vocational-technical certificate, an undergraduate
298 education, or a graduate or postbaccalaureate professional
299 degree. The amount waived by the state shall be an amount equal
300 to the cost of tuition, matriculation, and other statutorily
301 authorized fees for a total of 120 credit hours for a
302 vocational-technical certificate or an undergraduate education.
303 For a child pursuing a graduate or postbaccalaureate
304 professional degree, the amount waived shall equal the cost of
305 matriculation and other statutorily authorized fees incurred
306 while the child continues to fulfill the professional
307 requirements associated with the graduate or postbaccalaureate
308 professional degree program, and eligibility continues until the
309 child's 29th birthday. The child may attend a state vocational-
310 technical school, a state community college, or a state
311 university. The child may attend any or all of the institutions
312 specified in this subsection, on either a full-time or part-time
313 basis. For a child pursuing a vocational-technical certificate
314 or an undergraduate education, the benefits provided under this
315 subsection shall continue to such a child until the child's 25th
316 birthday. To be eligible for the benefits provided under this
317 subsection for enrollment in a graduate or postbaccalaureate
318 professional degree program, the child must be a state resident,
319 as defined in s. 1009.21 ~~240.1201~~, at the time of enrollment.

320 (a) Upon failure of any child benefited by the provisions
321 of this section to comply with the ordinary and minimum
322 requirements of the institution attended, both as to discipline
323 and scholarship, the benefits thereof shall be withdrawn as to
324 the child and no further moneys expended for the child's
325 benefits so long as such failure or delinquency continues.



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326 (b) Only students in good standing in their respective
327 institutions shall receive the benefits thereof.

328 (c) All children receiving benefits under this section
329 shall be enrolled according to the customary rules and
330 requirements of the institution attended.

331

332 Reviser's note.--Amended to conform to the repeal of
333 s. 240.1201 by s. 1058, ch. 2002-387, Laws of Florida,
334 and the enactment of similar material in s. 1009.21 by
335 s. 400, ch. 2002-387.

336

337 Section 11. Paragraph (ff) of subsection (3) of section
338 119.07, Florida Statutes, is amended to read:

339 119.07 Inspection, examination, and duplication of
340 records; exemptions.--

341 (3)

342 (ff)1. Until January 1, 2006, if a social security number,
343 made confidential and exempt pursuant to s. 119.0721 ~~119.072~~,
344 created pursuant to s. 1, ch. 2002-256, passed during the 2002
345 regular legislative session, or a complete bank account, debit,
346 charge, or credit card number made exempt pursuant to paragraph
347 (dd) ~~s. 119.07(ee)~~, created pursuant to s. 1, ch. 2002-257,
348 passed during the 2002 regular legislative session, is or has
349 been included in a court file, such number may be included as
350 part of the court record available for public inspection and
351 copying unless redaction is requested by the holder of such
352 number, or by the holder's attorney or legal guardian, in a
353 signed, legibly written request specifying the case name, case
354 number, document heading, and page number. The request must be
355 delivered by mail, facsimile, electronic transmission, or in



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356 person to the clerk of the court. The clerk of the court does
357 not have a duty to inquire beyond the written request to verify
358 the identity of a person requesting redaction. A fee may not be
359 charged for the redaction of a social security number or a bank
360 account, debit, charge, or credit card number pursuant to such
361 request.

362 2. Any person who prepares or files a document to be
363 recorded in the official records by the county recorder as
364 provided in chapter 28 may not include a person's social
365 security number or complete bank account, debit, charge, or
366 credit card number in that document unless otherwise expressly
367 required by law. Until January 1, 2006, if a social security
368 number or a complete bank account, debit, charge or credit card
369 number is or has been included in a document presented to the
370 county recorder for recording in the official records of the
371 county, such number may be made available as part of the
372 official record available for public inspection and copying. Any
373 person, or his or her attorney or legal guardian, may request
374 that a county recorder remove from an image or copy of an
375 official record placed on a county recorder's publicly available
376 Internet website, or a publicly available Internet website used
377 by a county recorder to display public records outside the
378 office or otherwise made electronically available outside the
379 county recorder's office to the general public, his or her
380 social security number or complete account, debit, charge, or
381 credit card number contained in that official record. Such
382 request must be legibly written, signed by the requester, and
383 delivered by mail, facsimile, electronic transmission, or in
384 person to the county recorder. The request must specify the
385 identification page number of the document that contains the



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386 number to be redacted. The county recorder does not have a duty
 387 to inquire beyond the written request to verify the identity of
 388 a person requesting redaction. A fee may not be charged for
 389 redacting such numbers.

390 3. Upon the effective date of this act, subsections (3)
 391 and (4) of s. 119.0721 ~~119.072~~, do not apply to the clerks of
 392 the court or the county recorder with respect to court records
 393 and official records.

394 4. On January 1, 2006, and thereafter, the clerk of the
 395 court and the county recorder must keep complete bank account,
 396 debit, charge, and credit card numbers exempt as provided for in
 397 paragraph (dd) s. ~~119.07(3)(ee)~~, and must keep social security
 398 numbers confidential and exempt as provided for in s. 119.0721
 399 ~~119.072~~, without any person having to request redaction.

400
 401 Reviser's note.--Amended to conform to the
 402 redesignation of the referenced s. 119.072 as s.
 403 119.0721 and the redesignation of s. 119.07(3)(ee) as
 404 s. 119.07(3)(dd) by the reviser incident to compiling
 405 the 2002 Florida Statutes.

406
 407 Section 12. Paragraph (d) of subsection (4) of section
 408 121.055, Florida Statutes, is reenacted to read:

409 121.055 Senior Management Service Class.--There is hereby
 410 established a separate class of membership within the Florida
 411 Retirement System to be known as the "Senior Management Service
 412 Class," which shall become effective February 1, 1987.

413 (4)

414 (d) A member of the Senior Management Service Class shall
 415 receive retirement credit at the rate of 2 percent of average



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416 final compensation for each year of service in such class after
 417 January 31, 1987.

418
 419 Reviser's note.--Section 5, ch. 2002-273, Laws of
 420 Florida, purported to amend paragraph (4)(d) but
 421 failed to publish the amended paragraph. Absent
 422 affirmative evidence that the Legislature intended to
 423 repeal it, paragraph(4)(d) is reenacted to confirm
 424 that the omission was not intended.

425
 426 Section 13. Subsection (3) of section 154.01, Florida
 427 Statutes, is amended to read:

428 154.01 County health department delivery system.--

429 (3) The Department of Health shall enter into contracts
 430 with the several counties for the purposes of this part. All
 431 contracts shall be negotiated and approved by the appropriate
 432 local governing bodies ~~and the appropriate district~~
 433 ~~administrators~~ on behalf of the department. In accordance with
 434 federal guidelines, the state may utilize federal funds for
 435 county health department services. A standard contract format
 436 shall be developed and used by the department in contract
 437 negotiations. The contract shall include the three levels of
 438 county health department services outlined in subsection (2)
 439 above and shall contain a section which stipulates, for the
 440 contract year:

441 (a) All revenue sources, including federal, state, and
 442 local general revenue, fees, and other cash contributions, which
 443 shall be used by the county health department for county health
 444 department services;



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445 (b) The types of services to be provided in each level of
 446 service;

447 (c) The estimated number of clients, where applicable, who
 448 will be served, by type of service;

449 (d) The estimated number of services, where applicable,
 450 that will be provided, by type of service;

451 (e) The estimated number of staff positions (full-time
 452 equivalent positions) who will work in each type of service
 453 area; and

454 (f) The estimated expenditures for each type of service
 455 and for each level of service.

456
 457 The contract shall also provide for financial and service
 458 reporting for each type of service according to standard service
 459 and reporting procedures established by the department.

460
 461 Reviser's note.--Amended to delete an obsolete
 462 reference to district administrators that remains from
 463 the time when the State Health Officer was under the
 464 former Department of Health and Rehabilitative
 465 Services. The Department of Health does not have
 466 districts or district administrators.

467
 468 Section 14. Paragraph (b) of subsection (1) and
 469 subsections (2) and (3) of section 163.31776, Florida Statutes,
 470 are amended to read:

471 163.31776 Public educational facilities element.--

472 (1) A county, in conjunction with the municipalities
 473 within the county, may adopt an optional public educational
 474 facilities element in cooperation with the applicable school



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475 district. In order to enact an optional public educational
 476 facilities element, the county and each municipality, unless the
 477 municipality is exempt as defined in this subsection, must adopt
 478 a consistent public educational facilities element and enter the
 479 interlocal agreement pursuant to ss. 163.3177(6)(h)4. and
 480 163.31777(2). A municipality is exempt if it has no established
 481 need for a new school facility and it meets the following
 482 criteria:

483 (b) The district school board's 5-year facilities work
 484 program and the long-term 10-year work program, as provided in
 485 s. 1013.35 ~~235.185~~, demonstrate that no new school facility is
 486 needed in the municipality. In addition, the district school
 487 board must verify in writing that no new school facility will be
 488 needed in the municipality within the 5-year and 10-year
 489 timeframes.

490 (2) The public educational facilities element must be
 491 based on data and analysis, including the interlocal agreement
 492 defined by ss. 163.3177(6)(h)4. and 163.31777(2), and on the
 493 educational facilities plan required by s. 1013.35 ~~235.185~~. Each
 494 local government public educational facilities element within a
 495 county must be consistent with the other elements and must
 496 address:

497 (a) The need for, strategies for, and commitments to
 498 addressing improvements to infrastructure, safety, and community
 499 conditions in areas proximate to existing public schools.

500 (b) The need for and strategies for providing adequate
 501 infrastructure necessary to support proposed schools, including
 502 potable water, wastewater, drainage, solid waste,
 503 transportation, and means by which to assure safe access to



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504 schools, including sidewalks, bicycle paths, turn lanes, and
505 signalization.

506 (c) Colocation of other public facilities, such as parks,
507 libraries, and community centers, in proximity to public
508 schools.

509 (d) Location of schools proximate to residential areas and
510 to complement patterns of development, including using
511 elementary schools as focal points for neighborhoods.

512 (e) Use of public schools to serve as emergency shelters.

513 (f) Consideration of the existing and planned capacity of
514 public schools when reviewing comprehensive plan amendments and
515 rezonings that are likely to increase residential development
516 and that are reasonably expected to have an impact on the demand
517 for public school facilities, with the review to be based on
518 uniform, level-of-service standards, availability standards for
519 public schools, and the financially feasible 5-year district
520 facilities work program adopted by the school board pursuant to
521 s. 1013.35 ~~235.185~~.

522 (g) A uniform methodology for determining school capacity
523 consistent with the interlocal agreement entered pursuant to ss.
524 163.3177(6)(h)4. and 163.3177(2).

525 (3) The future land-use map series must incorporate maps
526 that are the result of a collaborative process for identifying
527 school sites in the educational facilities plan adopted by the
528 school board pursuant to s. 1013.35 ~~235.185~~ and must show the
529 locations of existing public schools and the general locations
530 of improvements to existing schools or new schools anticipated
531 over the 5-year, 10-year, and 20-year time periods, or such maps
532 must constitute data and analysis in support of the future land-
533 use map series. Maps indicating general locations of future



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534 schools or school improvements should not prescribe a land use
 535 on a particular parcel of land.

536
 537 Reviser's note.--Amended to conform to the repeal of
 538 s. 235.185 by s. 1058, ch. 2002-387, Laws of Florida,
 539 and the enactment of similar material in s. 1013.35 by
 540 s. 830, ch. 2002-387.

541
 542 Section 15. Paragraph (c) of subsection (1), paragraphs
 543 (e) and (f) of subsection (2), paragraph (c) of subsection (3),
 544 subsection (4), and paragraph (b) of subsection (6) of section
 545 163.31777, Florida Statutes, are amended to read:

546 163.31777 Public schools interlocal agreement.--

547 (1)

548 (c) If the student population has declined over the 5-year
 549 period preceding the due date for submittal of an interlocal
 550 agreement by the local government and the district school board,
 551 the local government and the district school board may petition
 552 the state land planning agency for a waiver of one or more
 553 requirements of subsection (2). The waiver must be granted if
 554 the procedures called for in subsection (2) are unnecessary
 555 because of the school district's declining school age
 556 population, considering the district's 5-year facilities work
 557 program prepared pursuant to s. 1013.35 ~~235.185~~. The state land
 558 planning agency may modify or revoke the waiver upon a finding
 559 that the conditions upon which the waiver was granted no longer
 560 exist. The district school board and local governments must
 561 submit an interlocal agreement within 1 year after notification
 562 by the state land planning agency that the conditions for a
 563 waiver no longer exist.



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564 (2) At a minimum, the interlocal agreement must address
565 the following issues:

566 (e) A process for the school board to inform the local
567 government regarding school capacity. The capacity reporting
568 must be consistent with laws and rules relating to measurement
569 of school facility capacity and must also identify how the
570 district school board will meet the public school demand based
571 on the facilities work program adopted pursuant to s. 1013.35
572 ~~235.185~~.

573 (f) Participation of the local governments in the
574 preparation of the annual update to the district school board's
575 5-year district facilities work program and educational plant
576 survey prepared pursuant to s. 1013.35 ~~235.185~~.

577
578 A signatory to the interlocal agreement may elect not to include
579 a provision meeting the requirements of paragraph (e); however,
580 such a decision may be made only after a public hearing on such
581 election, which may include the public hearing in which a
582 district school board or a local government adopts the
583 interlocal agreement. An interlocal agreement entered into
584 pursuant to this section must be consistent with the adopted
585 comprehensive plan and land development regulations of any local
586 government that is a signatory.

587 (3)

588 (c) If the state land planning agency enters a final order
589 that finds that the interlocal agreement is inconsistent with
590 the requirements of subsection (2) or this subsection, it shall
591 forward it to the Administration Commission, which may impose
592 sanctions against the local government pursuant to s.

593 163.3184(11) and may impose sanctions against the district



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594 school board by directing the Department of Education to
 595 withhold from the district school board an equivalent amount of
 596 funds for school construction available pursuant to ss. 1013.65,
 597 1013.68, 1013.70, and 1013.72 ~~235.187, 235.216, 235.2195, and~~
 598 ~~235.42.~~

599 (4) If an executed interlocal agreement is not timely
 600 submitted to the state land planning agency for review, the
 601 state land planning agency shall, within 15 working days after
 602 the deadline for submittal, issue to the local government and
 603 the district school board a Notice to Show Cause why sanctions
 604 should not be imposed for failure to submit an executed
 605 interlocal agreement by the deadline established by the agency.
 606 The agency shall forward the notice and the responses to the
 607 Administration Commission, which may enter a final order citing
 608 the failure to comply and imposing sanctions against the local
 609 government and district school board by directing the
 610 appropriate agencies to withhold at least 5 percent of state
 611 funds pursuant to s. 163.3184(11) and by directing the
 612 Department of Education to withhold from the district school
 613 board at least 5 percent of funds for school construction
 614 available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72
 615 ~~235.187, 235.216, 235.2195, and 235.42.~~

616 (6) Except as provided in subsection (7), municipalities
 617 having no established need for a new school facility and meeting
 618 the following criteria are exempt from the requirements of
 619 subsections (1), (2), and (3):

620 (b) The district school board's 5-year facilities work
 621 program and the long-term 10-year and 20-year work programs, as
 622 provided in s. 1013.35 ~~235.185~~, demonstrate that no new school
 623 facility is needed in the municipality. In addition, the



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624 district school board must verify in writing that no new school
 625 facility will be needed in the municipality within the 5-year
 626 and 10-year timeframes.

627
 628 Reviser's note.--Amended to conform to the repeal of
 629 chapter 235 by s. 1058, ch. 2002-387, Laws of Florida,
 630 and the enactment of similar material in chapter 1013
 631 by ch. 2002-387.

632
 633 Section 16. Section 196.1983, Florida Statutes, is amended
 634 to read:

635 196.1983 Charter school exemption from ad valorem
 636 taxes.--Any facility, or portion thereof, used to house a
 637 charter school whose charter has been approved by the sponsor
 638 and the governing board pursuant to s. 1002.33(7) ~~228.056(9)~~
 639 shall be exempt from ad valorem taxes. For leasehold properties,
 640 the landlord must certify by affidavit to the charter school
 641 that the lease payments shall be reduced to the extent of the
 642 exemption received. The owner of the property shall disclose to
 643 a charter school the full amount of the benefit derived from the
 644 exemption and the method for ensuring that the charter school
 645 receives such benefit. The charter school shall receive the
 646 full benefit derived from the exemption through either an annual
 647 or monthly credit to the charter school's lease payments.

648
 649 Reviser's note.--Amended to conform to the repeal of
 650 s. 228.056 by s. 1058, ch. 2002-387, Laws of Florida,
 651 and the enactment of similar material in s. 1002.33(7)
 652 by s. 98, ch. 2002-387.

653



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654 Section 17. Paragraph (b) of subsection (6) of section
655 199.282, Florida Statutes, is amended to read:

656 199.282 Penalties for violation of this chapter.--

657 (6) Late reporting penalties shall be imposed as follows:

658 (b) An initial penalty of \$10 per customer position
659 statement, plus an additional penalty of the greater of 1
660 percent of the initial penalty or \$50 for each month or portion
661 of a month, from the date due until filing is made, upon any
662 security dealer or investment adviser who does not timely file
663 or fails to file the statements required by s. 199.062(1)
664 ~~199.062(3)~~. The submission of a position statement that does
665 not comply with the department's specifications and instructions
666 or the submission of an inaccurate position statement is not a
667 timely filing. The department shall notify any security dealer
668 or investment adviser who fails to timely file the required
669 statements. The minimum penalty imposed upon a security dealer
670 or investment adviser under this paragraph is \$100.

671
672 Reviser's note.--Amended to conform to the
673 redesignation of s. 199.062(3) as s. 199.062(1)
674 necessitated by the repeal of former subsections (1)
675 and (2) by s. 60, ch. 2002-218, Laws of Florida.

676
677 Section 18. Paragraph (b) of subsection (2) of section
678 210.20, Florida Statutes, is amended to read:

679 210.20 Employees and assistants; distribution of funds.--

680 (2) As collections are received by the division from such
681 cigarette taxes, it shall pay the same into a trust fund in the
682 State Treasury designated "Cigarette Tax Collection Trust Fund"
683 which shall be paid and distributed as follows:



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684 (b)1. Beginning January 1, 1999, and continuing for 10
685 years thereafter, the division shall from month to month certify
686 to the Comptroller the amount derived from the cigarette tax
687 imposed by s. 210.02, less the service charges provided for in
688 s. 215.20 and less 0.9 percent of the amount derived from the
689 cigarette tax imposed by s. 210.02, which shall be deposited
690 into the Alcoholic Beverage and Tobacco Trust Fund, specifying
691 an amount equal to 2.59 percent of the net collections, and that
692 amount shall be paid to the Board of Directors of the H. Lee
693 Moffitt Cancer Center and Research Institute, established under
694 s. 1004.43, by warrant drawn by the Comptroller upon the State
695 Treasury. These funds are hereby appropriated monthly out of the
696 Cigarette Tax Collection Trust Fund, to be used for the purpose
697 of constructing, furnishing, and equipping a cancer research
698 facility at the University of South Florida adjacent to the H.
699 Lee Moffitt Cancer Center and Research Institute. In fiscal
700 years 1999-2000 and thereafter with the exception of fiscal year
701 2008-2009, the appropriation to the H. Lee Moffitt Cancer Center
702 and Research Institute authorized by this subparagraph shall not
703 be less than the amount that would have been paid to the H. Lee
704 Moffitt Cancer Center and Research Institute for fiscal year
705 1998-1999 had payments been made for the entire fiscal year
706 rather than for a 6-month period thereof.

707 2. Beginning July 1, 2002, and continuing through June 30,
708 2004, the division shall, in addition to the distribution
709 authorized in subparagraph 1., from month to month certify to
710 the Comptroller the amount derived from the cigarette tax
711 imposed by s. 210.02, less the service charges provided for in
712 s. 215.20 and less 0.9 percent of the amount derived from the
713 cigarette tax imposed by s. 210.02, which shall be deposited



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714 into the Alcoholic Beverage and Tobacco Trust Fund, specifying
715 an amount equal to 0.2632 percent of the net collections, and
716 that amount shall be paid to the Board of Directors of the H.
717 Lee Moffitt Cancer Center and Research Institute, established
718 under s. 1004.43 ~~240.512~~, by warrant drawn by the Comptroller.
719 Beginning July 1, 2004, and continuing through June 30, 2016,
720 the division shall, in addition to the distribution authorized
721 in subparagraph 1., from month to month certify to the
722 Comptroller the amount derived from the cigarette tax imposed by
723 s. 210.02, less the service charges provided for in s. 215.20
724 and less 0.9 percent of the amount derived from the cigarette
725 tax imposed by s. 210.02, which shall be deposited into the
726 Alcoholic Beverage and Tobacco Trust Fund, specifying an amount
727 equal to 1.47 percent of the net collections, and that amount
728 shall be paid to the Board of Directors of the H. Lee Moffitt
729 Cancer Center and Research Institute, established under s.
730 1004.43 ~~240.512~~, by warrant drawn by the Comptroller. These
731 funds are appropriated monthly out of the Cigarette Tax
732 Collection Trust Fund, to be used for the purpose of
733 constructing, furnishing, and equipping a cancer research
734 facility at the University of South Florida adjacent to the H.
735 Lee Moffitt Cancer Center and Research Institute. In fiscal
736 years 2004-2005 and thereafter, the appropriation to the H. Lee
737 Moffitt Cancer Center and Research Institute authorized by this
738 subparagraph shall not be less than the amount that would have
739 been paid to the H. Lee Moffitt Cancer Center and Research
740 Institute in fiscal year 2001-2002, had this subparagraph been
741 in effect.

742



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743 Reviser's note.--Amended to conform to the repeal of
 744 s. 240.512 by s. 1058, ch. 2002-387, Laws of Florida,
 745 and the enactment of similar material in s. 1004.43 by
 746 s. 188, ch. 2002-387.

747
 748 Section 19. Section 220.1501, Florida Statutes, is amended
 749 to read:

750 220.1501 Rulemaking authority to implement s.
 751 220.15(2)(c), (4)(c), and (8).--The Department of Revenue has
 752 authority to adopt rules pursuant to the Administrative
 753 Procedure Act to implement s. 220.15(2)(c), (4)(c), and (8), as
 754 created by chapter 98-325, Laws of Florida. ~~The Board of Regents~~
 755 ~~and the president of each participating nonpublic university~~
 756 ~~shall monitor the various sponsored research contracts and make~~
 757 ~~a report to the Speaker of the House of Representatives and to~~
 758 ~~the President of the Senate by February 1, 2000, which shall~~
 759 ~~provide any necessary information which indicates if the~~
 760 ~~provisions of chapter 98-325 have been successful in attracting~~
 761 ~~additional sponsored research contracts.~~

762
 763 Reviser's note.--Amended to delete obsolete language.

764
 765 Section 20. Subsection (10) of section 243.20, Florida
 766 Statutes, is amended to read:

767 243.20 Definitions.--The following terms, wherever used or
 768 referred to in this part shall have the following respective
 769 meanings, unless a different meaning clearly appears from the
 770 context:

771 (10) "Loan in anticipation of tuition revenues" means a
 772 loan to a private institution for higher education under



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773 circumstances in which tuition revenues anticipated to be
774 received by the institution in any budget year are estimated to
775 be insufficient at any time during the budget year to pay the
776 operating expenses or other obligations of the institution in
777 accordance with the budget of the institution. The loans are
778 permitted within guidelines adopted by the authority consistent
779 with the provisions for similar loans undertaken by school
780 districts under s. 1011.13 ~~237.151~~, excluding provisions
781 applicable to the limitations on borrowings relating to the levy
782 of taxes and the adoption of budgets in accordance with law
783 applicable solely to school districts. The Florida Resident
784 Access Grant shall not be considered tuition revenues for the
785 purpose of calculating a loan to a private institution pursuant
786 to the provision of this chapter.

787
788 Reviser's note.--Amended to conform to the repeal of
789 s. 237.151 by s. 1058, ch. 2002-387, Laws of Florida,
790 and the enactment of similar material in s. 1011.13 by
791 s. 616, ch. 2002-387.

792
793 Section 21. Subsection (8) of section 267.173, Florida
794 Statutes, is amended to read:

795 267.173 Historic preservation in West Florida; goals;
796 contracts for historic preservation; powers and duties.--

797 (8) Notwithstanding any other provision of law, the
798 University of West Florida and its direct-support organization
799 are eligible to match state funds in the Trust Fund for
800 University Major Gifts established pursuant to s. 1011.94.

801



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802 Reviser's note.--Amended to conform to the complete
803 name of the fund as provided in s. 1011.94.

804

805 Section 22. Paragraph (a) of subsection (2) of section
806 288.1067, Florida Statutes, is amended to read:

807 288.1067 Confidentiality of records.--

808 (2) Nothing contained in this section shall prevent the
809 Office of Tourism, Trade, and Economic Development or Enterprise
810 Florida, Inc., from releasing:

811 (a) The names of qualified businesses, the total number of
812 jobs each business expects to create, the total number of jobs
813 created by each business, and the amount of tax refunds awarded
814 to and claimed by each business under s. 288.1045 ~~228.1045~~ or s.
815 288.106. However, for a business applying under s. 288.1045
816 based on obtaining a new Department of Defense contract, the
817 total number of jobs expected and the amount of tax refunds
818 claimed shall not be released until the new Department of
819 Defense contract is awarded;

820

821 Reviser's note.--Amended to correct an apparent error
822 and facilitate correct interpretation. Section
823 228.1045 does not exist; s. 288.1045 relates to the
824 qualified defense contractor tax refund program.

825

826 Section 23. Subsection (10) of section 288.109, Florida
827 Statutes, is repealed.

828

829 Reviser's note.--The cited subsection, which provided
830 fee exemptions for certain development permits, was
831 originally repealed by s. 6, ch. 2001-278, Laws of



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832 Florida. Subsequently, there was a technical amendment
 833 to subsection (10) by s. 51, ch. 2002-20, Laws of
 834 Florida, to delete a reference to the former High
 835 Speed Rail Transportation Siting Act, but this
 836 amendment was not intended to revive subsection (10).

837
 838 Section 24. Subsection (7) of section 288.7091, Florida
 839 Statutes, is amended to read:

840 288.7091 Duties of the Florida Black Business Investment
 841 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 842 shall:

843 (7) Develop memoranda of understanding with the
 844 Departments of Education, Transportation, Community Affairs, and
 845 Management Services, as well as with Workforce Florida, Inc.,
 846 and the State ~~Florida~~ Board of Education, detailing efforts of
 847 common interest and collaborations to expand black business
 848 development;

849
 850 Reviser's note.--Amended to improve clarity and
 851 facilitate correct interpretation. Section 229.004,
 852 which established the Florida Board of Education, was
 853 repealed by s. 1058, ch. 2002-387, Laws of Florida.
 854 Section 19, ch. 2002-387, established the State Board
 855 of Education.

856
 857 Section 25. Subsection (2) of section 295.0185, Florida
 858 Statutes, is amended to read:

859 295.0185 Children of deceased or disabled military
 860 personnel who die or become disabled in Operation Enduring
 861 Freedom; educational opportunity.--



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862 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, 295.05,
 863 and 1009.40 apply.

864
 865 Reviser's note.--Amended to conform to the repeal of
 866 s. 240.404 by s. 1058, ch. 2002-387, Laws of Florida,
 867 and the enactment of similar material in s. 1009.40 by
 868 s. 413, ch. 2002-387.

869
 870 Section 26. Paragraph (b) of subsection (1) of section
 871 316.640, Florida Statutes, is reenacted to read:

872 316.640 Enforcement.--The enforcement of the traffic laws
 873 of this state is vested as follows:

874 (1) STATE.--

875 (b)1. The Department of Transportation has authority to
 876 enforce on all the streets and highways of this state all laws
 877 applicable within its authority.

878 2.a. The Department of Transportation shall develop
 879 training and qualifications standards for toll enforcement
 880 officers whose sole authority is to enforce the payment of tolls
 881 pursuant to s. 316.1001. Nothing in this subparagraph shall be
 882 construed to permit the carrying of firearms or other weapons,
 883 nor shall a toll enforcement officer have arrest authority.

884 b. For the purpose of enforcing s. 316.1001, governmental
 885 entities, as defined in s. 334.03, which own or operate a toll
 886 facility may employ independent contractors or designate
 887 employees as toll enforcement officers; however, any such toll
 888 enforcement officer must successfully meet the training and
 889 qualifications standards for toll enforcement officers
 890 established by the Department of Transportation.

891



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892 Reviser's note.--Section 109, ch. 2002-20, Laws of
893 Florida, purported to amend subsection (1) but failed
894 to publish paragraph (b) of that subsection. Absent
895 affirmative evidence that the Legislature intended to
896 repeal it, paragraph (1)(b) is reenacted to confirm
897 that the omission was not intended.

898

899 Section 27. Subsection (1) of section 318.14, Florida
900 Statutes, is amended to read:

901 318.14 Noncriminal traffic infractions; exception;
902 procedures.--

903 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
904 person cited for a violation of ~~s. 1006.66(3)~~, chapter 316, s.
905 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
906 322.16(2) or (3), s. 322.161(5), s. 322.19, or s. 1006.66(3)
907 ~~1006.66~~ is charged with a noncriminal infraction and must be
908 cited for such an infraction and cited to appear before an
909 official. If another person dies as a result of the noncriminal
910 infraction, the person cited may be required to perform 120
911 community service hours under s. 316.027(4), in addition to any
912 other penalties.

913

914 Reviser's note.--The amendment to this section by s.
915 963, ch. 2002-387, Laws of Florida, deleted a
916 reference to former s. 240.265 and added references to
917 both ss. 1006.66 and 1006.66(3). Section 1006.66(3) is
918 the successor provision to former s. 240.265.

919

920 Section 28. Paragraph (c) of subsection (2) of section
921 322.051, Florida Statutes, is amended to read:



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922 322.051 Identification cards.--

923 (2)

924 (c) Notwithstanding any other provisions of this chapter,
925 if an applicant establishes his or her identity ~~identify~~ for an
926 identification card using an identification document authorized
927 under sub-subparagraphs (a)3.e.-f., the identification card
928 shall expire 4 years after the date of issuance or upon the
929 expiration date cited on the United States Department of Justice
930 documents, whichever date first occurs, and may not be renewed
931 or obtain a duplicate except in person.

932

933 Reviser's note.--Amended to improve clarity and
934 facilitate correct interpretation.

935

936 Section 29. Section 334.0445, Florida Statutes, is
937 repealed.

938

939 Reviser's note.--Repeals an obsolete provision. The
940 section authorized a model career service
941 classification and compensation plan. Authorization
942 for the program expired June 30, 2002.

943

944 Section 30. Subsection (2) of section 335.14, Florida
945 Statutes, is amended to read:

946 335.14 Traffic control devices on State Highway System or
947 State Park Road System; exemption for computerized traffic
948 systems and control devices.--

949 (2) Computerized traffic systems and control devices which
950 are used solely for the purpose of motor vehicle traffic control



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951 and surveillance shall be exempted from the provisions of
952 chapter 282 ~~and s. 287.073.~~

953

954 Reviser's note.--Amended to conform to the repeal of
955 s. 287.073 by s. 20, ch. 2002-207, Laws of Florida.

956

957 Section 31. Section 341.8201, Florida Statutes, is amended
958 to read:

959 341.8201 Short title.--Sections 341.8201-341.842 ~~341.8201-~~
960 ~~341.843~~ may be cited as the "Florida High-Speed Rail Authority
961 Act."

962

963 Reviser's note.--Amended to conform to context; there
964 is no s. 341.843.

965

966 Section 32. Subsection (2) of section 381.0068, Florida
967 Statutes, is amended to read:

968 381.0068 Technical review and advisory panel.--

969 (2) The primary purpose of the panel is to assist the
970 department in rulemaking and decisionmaking by drawing on the
971 expertise of representatives from several groups that are
972 affected by onsite sewage treatment and disposal systems. The
973 panel may also review and comment on any legislation or any
974 existing or proposed state policy or issue related to onsite
975 sewage treatment and disposal systems. If requested by the
976 panel, the chair will advise any affected person or member of
977 the Legislature of the panel's position on the legislation or
978 any existing or proposed state policy or issue. The chair may
979 also take such other action as is appropriate to allow the panel
980 to function. At a minimum, the panel shall consist of a soil



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981 scientist; a professional engineer registered in this state who
 982 is recommended by the Florida Engineering Society and who has
 983 work experience in onsite sewage treatment and disposal systems;
 984 two representatives from the home-building industry recommended
 985 by the Florida Home Builders Association, including one who is a
 986 developer in this state who develops lots using onsite sewage
 987 treatment and disposal systems; a representative from the county
 988 health departments who has experience permitting and inspecting
 989 the installation of onsite sewage treatment and disposal systems
 990 in this state; a representative from the real estate industry
 991 who is recommended by the Florida Association of Realtors; a
 992 consumer representative with a science background; two
 993 representatives of the septic tank industry recommended by the
 994 Florida Onsite Wastewater ~~Septic Tank~~ Association, including one
 995 who is a manufacturer of onsite sewage treatment and disposal
 996 systems; and a representative from the environmental health
 997 profession who is recommended by the Florida Environmental
 998 Health Association and who is not employed by a county health
 999 department. Members are to be appointed for a term of 2 years.
 1000 The panel may also, as needed, be expanded to include ad hoc,
 1001 nonvoting representatives who have topic-specific expertise.
 1002 All rules proposed by the department which relate to onsite
 1003 sewage treatment and disposal systems must be presented to the
 1004 panel for review and comment prior to adoption. The panel's
 1005 position on proposed rules shall be made a part of the
 1006 rulemaking record that is maintained by the agency. The panel
 1007 shall select a chair, who shall serve for a period of 1 year and
 1008 who shall direct, coordinate, and execute the duties of the
 1009 panel. The panel shall also solicit input from the department's
 1010 variance review and advisory committee before submitting any



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1011 comments to the department concerning proposed rules. The
 1012 panel's comments must include any dissenting points of view
 1013 concerning proposed rules. The panel shall hold meetings as it
 1014 determines necessary to conduct its business, except that the
 1015 chair, a quorum of the voting members of the panel, or the
 1016 department may call meetings. The department shall keep minutes
 1017 of all meetings of the panel. Panel members shall serve without
 1018 remuneration, but, if requested, shall be reimbursed for per
 1019 diem and travel expenses as provided in s. 112.061.

1020
 1021 Reviser's note.--Amended to conform to the renaming of
 1022 the Florida Septic Tank Association as the Florida
 1023 Onsite Wastewater Association.

1024
 1025 Section 33. Sections 381.0602, 381.6021, 381.6022,
 1026 381.6023, 381.6024, and 381.6026, Florida Statutes, are
 1027 transferred and renumbered as sections 765.53, 765.541, 765.542,
 1028 765.543, 765.544, and 765.546, Florida Statutes, respectively.

1029 Reviser's note.--The cited sections, which relate to
 1030 organ transplants, are transferred from chapter 381,
 1031 the general public health chapter of the Florida
 1032 Statutes, to part V of chapter 765, which relates to
 1033 anatomical gifts.

1034
 1035 Section 34. Section 381.6025, Florida Statutes, is
 1036 transferred and renumbered as section 765.545, Florida Statutes,
 1037 and amended to read:

1038 765.545 ~~381.6025~~ Physician supervision of cadaveric organ
 1039 and tissue procurement coordinators.--Organ procurement
 1040 organizations, tissue banks, and eye banks may employ



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1041 coordinators, who are registered nurses, physician's assistants,
 1042 or other medically trained personnel who meet the relevant
 1043 standards for organ procurement organizations, tissue banks, or
 1044 eye banks as adopted by the Agency for Health Care
 1045 Administration under s. 765.541 ~~381.6021~~, to assist in the
 1046 medical management of organ donors or in the surgical
 1047 procurement of cadaveric organs, tissues, or eyes for
 1048 transplantation or research. A coordinator who assists in the
 1049 medical management of organ donors or in the surgical
 1050 procurement of cadaveric organs, tissues, or eyes for
 1051 transplantation or research must do so under the direction and
 1052 supervision of a licensed physician medical director pursuant to
 1053 rules and guidelines to be adopted by the Agency for Health Care
 1054 Administration. With the exception of organ procurement surgery,
 1055 this supervision may be indirect supervision. For purposes of
 1056 this section, the term "indirect supervision" means that the
 1057 medical director is responsible for the medical actions of the
 1058 coordinator, that the coordinator is operating under protocols
 1059 expressly approved by the medical director, and that the medical
 1060 director or his or her physician designee is always available,
 1061 in person or by telephone, to provide medical direction,
 1062 consultation, and advice in cases of organ, tissue, and eye
 1063 donation and procurement. Although indirect supervision is
 1064 authorized under this section, direct physician supervision is
 1065 to be encouraged when appropriate.

1066
 1067 Reviser's note.--The cited section, which relates to
 1068 physician supervision of cadaveric organ and tissue
 1069 procurement coordinators, is transferred from chapter
 1070 381, the general public health chapter of the Florida



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1071 Statutes, to part V of chapter 765, which relates to
 1072 anatomical gifts. The section is amended to conform a
 1073 cross-reference to s. 381.6021 to the transfer of that
 1074 section to s. 765.541 by this act.

1075
 1076 Section 35. Subsection (2) of section 381.60225, Florida
 1077 Statutes, is amended to read:

1078 381.60225 Background screening.--

1079 (2) An organ procurement organization, tissue bank, or eye
 1080 bank certified by the Agency for Health Care Administration in
 1081 accordance with ss. 765.541 ~~381.6021~~ and 765.542 ~~381.6022~~ is not
 1082 subject to the requirements of this section if the entity has no
 1083 direct patient care responsibilities and does not bill patients
 1084 or insurers directly for services under the Medicare or Medicaid
 1085 programs, or for privately insured services.

1086
 1087 Reviser's note.--Amended to conform cross-references
 1088 to ss. 381.6021 and 381.6022 to the transfer of those
 1089 sections to ss. 765.541 and 765.542, respectively, by
 1090 this act.

1091
 1092 Section 36. Subsection (2) of section 395.2050, Florida
 1093 Statutes, is amended to read:

1094 395.2050 Routine inquiry for organ and tissue donation;
 1095 certification for procurement activities; death records
 1096 review.--

1097 (2) Every hospital licensed under this chapter that is
 1098 engaged in the procurement of organs, tissues, or eyes shall
 1099 comply with the certification requirements of ss. 765.541-
 1100 765.546 ~~381.6021-381.6026~~.



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Reviser's note.--Amended to conform cross-references to ss. 381.6021-381.6026 to the transfer of those sections to ss. 765.541-765.546 by this act.

Section 37. Section 400.0089, Florida Statutes, is amended to read:

400.0089 Agency reports.--The Department of Elderly Affairs shall maintain a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and to residents, for the purpose of identifying and resolving significant problems. The department and the State Long-Term Care Ombudsman Council shall submit such data as part of its annual report required pursuant to s. 400.0067(2)(f) ~~400.0067(2)(g)~~ to the Agency for Health Care Administration, the Department of Children and Family Services, the Florida Statewide Advocacy Council, the Advocacy Center for Persons with Disabilities, the Commissioner for the United States Administration on Aging, the National Ombudsman Resource Center, and any other state or federal entities that the ombudsman determines appropriate. The State Long-Term Care Ombudsman Council shall publish quarterly and make readily available information pertaining to the number and types of complaints received by the long-term care ombudsman program.

Reviser's note.--Amended to conform to the redesignation of s. 400.0067(2)(g) as s. 400.0067(2)(f) by s. 22, ch. 2002-223, Laws of Florida.



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1131 Section 38. Subparagraph 10. of paragraph (b) of
 1132 subsection (2) of section 400.191, Florida Statutes, is
 1133 repealed.

1134
 1135 Reviser's note.--The cited subparagraph, which relates
 1136 to consumer and family satisfaction survey information
 1137 to be provided in printed form by the Agency for
 1138 Health Care Administration, as described in former s.
 1139 400.0225, is obsolete. Section 400.0225 was repealed
 1140 by s. 14, ch. 2001-377, Laws of Florida, along with
 1141 other statutory references to the surveys.

1142
 1143 Section 39. Paragraph (h) of subsection (2) of section
 1144 400.23, Florida Statutes, is amended to read:

1145 400.23 Rules; evaluation and deficiencies; licensure
 1146 status.--

1147 (2) Pursuant to the intention of the Legislature, the
 1148 agency, in consultation with the Department of Health and the
 1149 Department of Elderly Affairs, shall adopt and enforce rules to
 1150 implement this part, which shall include reasonable and fair
 1151 criteria in relation to:

1152 (h) ~~The implementation of the consumer satisfaction survey~~
 1153 ~~pursuant to s. 400.0225;~~ The availability, distribution, and
 1154 posting of reports and records pursuant to s. 400.191; and the
 1155 Gold Seal Program pursuant to s. 400.235.

1156
 1157 Reviser's note.--Amended to conform to the repeal of
 1158 s. 400.0225 by s. 14, ch. 2001-377, Laws of Florida.

1159



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1160 Section 40. Paragraph (d) of subsection (2) of section
1161 402.305, Florida Statutes, is amended to read:

1162 402.305 Licensing standards; child care facilities.--

1163 (2) PERSONNEL.-Minimum standards for child care personnel
1164 shall include minimum requirements as to:

1165 (d) Minimum training requirements for child care
1166 personnel.

1167 1. Such minimum standards for training shall ensure that
1168 all child care personnel take an approved 40-clock-hour
1169 introductory course in child care, which course covers at least
1170 the following topic areas:

1171 a. State and local rules and regulations which govern
1172 child care.

1173 b. Health, safety, and nutrition.

1174 c. Identifying and reporting child abuse and neglect.

1175 d. Child development, including typical and atypical
1176 language, cognitive, motor, social, and self-help skills
1177 development.

1178 e. Observation of developmental behaviors, including using
1179 a checklist or other similar observation tools and techniques to
1180 determine the child's developmental age level.

1181 f. Specialized areas, including computer technology for
1182 professional and classroom use, as determined by the department,
1183 for owner-operators and child care personnel of a child care
1184 facility.

1185

1186 Within 90 days after employment, child care personnel shall
1187 begin training to meet the training requirements. Child care
1188 personnel shall successfully complete such training within 1
1189 year after the date on which the training began, as evidenced by



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1190 passage of a competency examination. Successful completion of
1191 the 40-clock-hour introductory course shall articulate into
1192 community college credit in early childhood education, ~~as~~
1193 ~~approved by the Articulation Coordinating Committee,~~ pursuant to
1194 ss. 1007.24 and 1007.25 ~~s. 229.551(1)(g)~~. Exemption from all or
1195 a portion of the required training shall be granted to child
1196 care personnel based upon educational credentials or passage of
1197 competency examinations. Child care personnel possessing a 2-
1198 year degree or higher that includes 6 college credit hours in
1199 early childhood development or child growth and development, or
1200 a child development associate credential or an equivalent state-
1201 approved child development associate credential, or a child
1202 development associate waiver certificate shall be automatically
1203 exempted from the training requirements in sub-subparagraphs b.,
1204 d., and e.

1205 2. The introductory course in child care shall stress, to
1206 the extent possible, an interdisciplinary approach to the study
1207 of children.

1208 3. On an annual basis in order to further their child care
1209 skills and, if appropriate, administrative skills, child care
1210 personnel who have fulfilled the requirements for the child care
1211 training shall be required to take an additional approved 8
1212 clock hours of inservice training or an equivalent as determined
1213 by the department.

1214 4. Procedures for ensuring the training of qualified child
1215 care professionals to provide training of child care personnel,
1216 including onsite training, shall be included in the minimum
1217 standards. It is recommended that the state community child
1218 care coordination agencies (central agencies) be contracted by
1219 the department to coordinate such training when possible. Other



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1220 district educational resources, such as community colleges and
1221 vocational-technical programs, can be designated in such areas
1222 where central agencies may not exist or are determined not to
1223 have the capability to meet the coordination requirements set
1224 forth by the department.

1225 5. Training requirements shall not apply to certain
1226 occasional or part-time support staff, including, but not
1227 limited to, swimming instructors, piano teachers, dance
1228 instructors, and gymnastics instructors.

1229 6. The department shall evaluate or contract for an
1230 evaluation for the general purpose of determining the status of
1231 and means to improve staff training requirements and testing
1232 procedures. The evaluation shall be conducted every 2 years. The
1233 evaluation shall include, but not be limited to, determining the
1234 availability, quality, scope, and sources of current staff
1235 training; determining the need for specialty training; and
1236 determining ways to increase inservice training and ways to
1237 increase the accessibility, quality, and cost-effectiveness of
1238 current and proposed staff training. The evaluation methodology
1239 shall include a reliable and valid survey of child care
1240 personnel.

1241 7. The child care operator shall be required to take basic
1242 training in serving children with disabilities within 5 years
1243 after employment, either as a part of the introductory training
1244 or the annual 8 hours of inservice training.

1245
1246 Reviser's note.--Amended to conform to the elimination
1247 of the Articulation Coordinating Committee by ch.
1248 2002-387, Laws of Florida. The paragraph is also
1249 amended to conform to the repeal of s. 229.551 by s.



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1250 1058, ch. 2002-387, and the enactment of similar
 1251 material in ss. 1007.24 and 1007.25 by ss. 350 and
 1252 351, ch. 2002-387, respectively.

1253
 1254 Section 41. Subsection (3) of section 402.3131, Florida
 1255 Statutes, is amended to read:

1256 402.3131 Large family child care homes.--

1257 (3) Operators of large family child care homes must
 1258 successfully complete an approved 40-clock-hour introductory
 1259 course in group child care, as evidenced by passage of a
 1260 competency examination. Successful completion of the 40-clock-
 1261 hour introductory course shall articulate into community college
 1262 credit in early childhood education, ~~as approved by the~~
 1263 ~~Articulation Coordinating Committee,~~ pursuant to ss. 1007.24 and
 1264 1007.25 ~~s. 229.551(1)(g)~~.

1265
 1266 Reviser's note.--Amended to conform to the elimination
 1267 of the Articulation Coordinating Committee by ch.
 1268 2002-387, Laws of Florida. The subsection is also
 1269 amended to conform to the repeal of s. 229.551 by s.
 1270 1058, ch. 2002-387, and the enactment of similar
 1271 material in ss. 1007.24 and 1007.25 by ss. 350 and
 1272 351, ch. 2002-387, respectively.

1273
 1274 Section 42. Subsection (7) of section 403.706, Florida
 1275 Statutes, is amended to read:

1276 403.706 Local government solid waste responsibilities.--

1277 (7) In order to assess the progress in meeting the goal
 1278 established in subsection (4), each county shall, by November
 1279 each year, provide information to the department regarding its



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1280 annual solid waste management program and recycling activities.

1281 The information by the county must include:

1282 (a) The amount of municipal solid waste disposed of at
 1283 solid waste disposal facilities, by type of waste such as yard
 1284 trash, white goods, clean debris, tires, and unseparated solid
 1285 waste;

1286 (b) The amount and type of materials from the municipal
 1287 solid waste stream that were recycled; and

1288 (c) The percentage of the population participating in
 1289 various types of recycling activities instituted.

1290

1291 Reviser's note.--Amended to improve clarity and
 1292 correct sentence construction.

1293

1294 Section 43. Section 406.51, Florida Statutes, is amended
 1295 to read:

1296 406.51 Disposition of unclaimed deceased veterans;
 1297 contract requirements.--Any contract by a local governmental
 1298 entity for the disposal of unclaimed human remains must provide
 1299 for compliance with s. 406.50(1) ~~245.06(1)~~ and require that the
 1300 procedures in 38 C.F.R., relating to disposition of unclaimed
 1301 deceased veterans, be followed.

1302

1303 Reviser's note.--Amended to conform to the
 1304 redesignation of s. 245.06 as s. 406.50 by the reviser
 1305 incident to compiling the 2002 Florida Statutes.

1306

1307 Section 44. Paragraph (b) of subsection (5) of section
 1308 409.1451, Florida Statutes, is amended to read:

1309 409.1451 Independent living transition services.--



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1310 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS
 1311 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
 1312 the department shall provide or arrange for the following
 1313 services to young adults formerly in foster care who meet the
 1314 prescribed conditions and are determined eligible by the
 1315 department. The categories of services available to assist a
 1316 young adult formerly in foster care to achieve independence are:

1317 (b) Road-to-Independence Scholarship Program.--

1318 1. The Road-to-Independence Scholarship Program is
 1319 intended to help eligible students who are former foster
 1320 children in this state to receive the educational and vocational
 1321 training needed to achieve independence. The amount of the award
 1322 shall equal the earnings that the student would have been
 1323 eligible to earn working a 40-hour-a-week federal minimum wage
 1324 job, after considering other grants and scholarships that are in
 1325 excess of the educational institutions' fees and costs, and
 1326 contingent upon available funds. Students eligible for the Road-
 1327 to-Independence Scholarship Program may also be eligible for
 1328 educational fee waivers for workforce development postsecondary
 1329 programs, community colleges, and universities, pursuant to s.
 1330 1009.25(2)(c) ~~ss. 239.117(4)(c), 240.235(5)(a), and~~
 1331 ~~240.35(2)(a).~~

1332 2. A young adult 18 to 21 years of age is eligible for the
 1333 initial award, and a young adult under 23 years of age is
 1334 eligible for renewal awards, if he or she:

1335 a. Is a dependent child, pursuant to chapter 39, and is
 1336 living in licensed foster care or in subsidized independent
 1337 living at the time of his or her 18th birthday;

1338 b. Has spent at least 6 months living in foster care
 1339 before reaching his or her 18th birthday;



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1340 c. Is a resident of this state as defined in s. 1009.40
 1341 ~~240.404~~; and

1342 d. Meets one of the following qualifications:

1343 (I) Has earned a standard high school diploma or its
 1344 equivalent as described in s. 1003.43 or s. 1003.435 ~~232.246~~ or
 1345 ~~s. 229.814~~, and has been admitted for full-time enrollment in an
 1346 eligible postsecondary education institution as defined in s.
 1347 1009.533 ~~240.40204~~;

1348 (II) Is enrolled full time in an accredited high school,
 1349 is within 2 years of graduation, and has maintained a grade
 1350 point average of at least 2.0 on a scale of 4.0 for the two
 1351 semesters preceding the date of his or her 18th birthday; or

1352 (III) Is enrolled full time in an accredited adult
 1353 education program designed to provide the student with a high
 1354 school diploma or its equivalent, is making satisfactory
 1355 progress in that program as certified by the program, and is
 1356 within 2 years of graduation.

1357 3.a. The department must advertise the availability of the
 1358 program and must ensure that the children and young adults
 1359 leaving foster care, foster parents, or family services
 1360 counselors are informed of the availability of the program and
 1361 the application procedures.

1362 b. A young adult must apply for the initial award during
 1363 the 6 months immediately preceding his or her 18th birthday. A
 1364 young adult who fails to make an initial application, but who
 1365 otherwise meets the criteria for an initial award, may make one
 1366 application for the initial award if such application is made
 1367 before the young adult's 21st birthday.



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1368 c. If funding for the program is available, the department
1369 shall issue awards from the scholarship program for each young
1370 adult who meets all the requirements of the program.

1371 d. An award shall be issued at the time the eligible
1372 student reaches 18 years of age.

1373 e. If the award recipient transfers from one eligible
1374 institution to another and continues to meet eligibility
1375 requirements, the award must be transferred with the recipient.

1376 f. Scholarship funds awarded to any eligible young adult
1377 under this program are in addition to any other services
1378 provided to the young adult by the department through its
1379 independent living transition services.

1380 g. The department shall provide information concerning
1381 young adults receiving the Road-to-Independence Scholarship to
1382 the Department of Education for inclusion in the student
1383 financial assistance database, as provided in s. 1009.94
1384 ~~240.40401~~.

1385 h. Scholarship funds shall be terminated when the young
1386 adult has attained a bachelor of arts or bachelor of science
1387 degree, or equivalent undergraduate degree, or reaches 23 years
1388 of age, whichever occurs earlier.

1389 i. The department shall evaluate and renew each award
1390 annually during the 90-day period before the young adult's
1391 birthday. In order to be eligible for a renewal award for the
1392 subsequent year, the young adult must:

1393 (I) Complete at least 12 semester hours or the equivalent
1394 in the last academic year in which the young adult earned a
1395 scholarship, except for a young adult who meets the requirements
1396 of s. 1009.41 ~~240.4041~~.



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1397 (II) Maintain the cumulative grade point average required
1398 by the scholarship program, except that, if the young adult's
1399 grades are insufficient to renew the scholarship at any time
1400 during the eligibility period, the young adult may restore
1401 eligibility by improving the grade point average to the required
1402 level.

1403 j. Scholarship funds may be terminated during the interim
1404 between an award and the evaluation for a renewal award if the
1405 department determines that the award recipient is no longer
1406 enrolled in an educational institution as defined in sub-
1407 subparagraph 2.d., or is no longer a state resident. The
1408 department shall notify a student who is terminated and inform
1409 the student of his or her right to appeal.

1410 k. An award recipient who does not qualify for a renewal
1411 award or who chooses not to renew the award may subsequently
1412 apply for reinstatement. An application for reinstatement must
1413 be made before the young adult reaches 23 years of age, and a
1414 student may not apply for reinstatement more than once. In order
1415 to be eligible for reinstatement, the young adult must meet the
1416 eligibility criteria and the criteria for award renewal for the
1417 scholarship program.

1418 l. A young adult receiving continued services of the
1419 foster care program under former s. 409.145(3) must transfer to
1420 the scholarship program by July 1, 2003.

1421
1422 Reviser's note.--Amended to conform to the repeal of
1423 ss. 239.117, 240.235, and 240.35 by s. 1058, ch. 2002-
1424 387, Laws of Florida, and the enactment of similar
1425 material in s. 1009.25(2)(c) by s. 404, ch. 2002-387;
1426 the repeal of s. 240.404 by s. 1058, ch. 2002-387, and



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1427 the enactment of similar material in s. 1009.40 by s.
 1428 413, ch. 2002-387; the repeal of ss. 232.246 and
 1429 229.814 by s. 1058, ch. 2002-387, and the enactment of
 1430 similar material in ss. 1003.43 and 1003.435 by ss.
 1431 132 and 133, ch. 2002-387, respectively; the repeal of
 1432 s. 240.40204 by s. 1058, ch. 2002-387, and the
 1433 enactment of similar material in s. 1009.533 by s.
 1434 425, ch. 2002-387; the repeal of s. 240.40401 by s.
 1435 1058, ch. 2002-387, and the enactment of similar
 1436 material in s. 1009.94 by s. 477, ch. 2002-387; and
 1437 the repeal of s. 240.4041 by s. 1058, ch. 2002-387,
 1438 and the enactment of similar material in s. 1009.41 by
 1439 s. 414, ch. 2002-387.

1440
 1441 Section 45. Paragraph (e) of subsection (2) of section
 1442 409.815, Florida Statutes, is amended to read:

1443 409.815 Health benefits coverage; limitations.--

1444 (2) BENCHMARK BENEFITS.--In order for health benefits
 1445 coverage to qualify for premium assistance payments for an
 1446 eligible child under ss. 409.810-409.820, the health benefits
 1447 coverage, except for coverage under Medicaid and Medikids, must
 1448 include the following minimum benefits, as medically necessary.

1449 (e) Organ transplantation services.--Covered services
 1450 include pretransplant, transplant, and postdischarge services
 1451 and treatment of complications after transplantation for
 1452 transplants deemed necessary and appropriate within the
 1453 guidelines set by the Organ Transplant Advisory Council under s.
 1454 765.53 ~~381.0602~~ or the Bone Marrow Transplant Advisory Panel
 1455 under s. 627.4236.

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1457 Reviser's note.--Amended to conform a cross-reference
 1458 to s. 381.0602 to the transfer of that section to s.
 1459 765.53 by this act.

1460
 1461 Section 46. Subsections (1) and (2) of section 409.91196,
 1462 Florida Statutes, are amended to read:

1463 409.91196 Supplemental rebate agreements; confidentiality
 1464 of records and meetings.--

1465 (1) Trade secrets, rebate amount, percent of rebate,
 1466 manufacturer's pricing, and supplemental rebates which are
 1467 contained in records of the Agency for Health Care
 1468 Administration and its agents with respect to supplemental
 1469 rebate negotiations and which are prepared pursuant to a
 1470 supplemental rebate agreement under s. 409.912(38)(a)7.
 1471 ~~409.912(37)(a)7.~~ are confidential and exempt from s. 119.07 and
 1472 s. 24(a), Art. I of the State Constitution.

1473 (2) Those portions of meetings of the Medicaid
 1474 Pharmaceutical and Therapeutics Committee at which trade
 1475 secrets, rebate amount, percent of rebate, manufacturer's
 1476 pricing, and supplemental rebates are disclosed for discussion
 1477 or negotiation of a supplemental rebate agreement under s.
 1478 409.912(38)(a)7. ~~409.912(37)(a)7.~~ are exempt from s. 286.011 and
 1479 s. 24(b), Art. I of the State Constitution.

1480
 1481 Reviser's note.--Amended to conform to the addition of
 1482 a new subsection (13) to s. 409.912 by s. 14, ch.
 1483 2002-223, Laws of Florida, and the redesignation of
 1484 existing subsections to conform.

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1486 Section 47. Paragraph (c) of subsection (3), paragraph (c)
1487 of subsection (19), and subsection (27) of section 409.912,
1488 Florida Statutes, are amended to read:

1489 409.912 Cost-effective purchasing of health care.--The
1490 agency shall purchase goods and services for Medicaid recipients
1491 in the most cost-effective manner consistent with the delivery
1492 of quality medical care. The agency shall maximize the use of
1493 prepaid per capita and prepaid aggregate fixed-sum basis
1494 services when appropriate and other alternative service delivery
1495 and reimbursement methodologies, including competitive bidding
1496 pursuant to s. 287.057, designed to facilitate the cost-
1497 effective purchase of a case-managed continuum of care. The
1498 agency shall also require providers to minimize the exposure of
1499 recipients to the need for acute inpatient, custodial, and other
1500 institutional care and the inappropriate or unnecessary use of
1501 high-cost services. The agency may establish prior authorization
1502 requirements for certain populations of Medicaid beneficiaries,
1503 certain drug classes, or particular drugs to prevent fraud,
1504 abuse, overuse, and possible dangerous drug interactions. The
1505 Pharmaceutical and Therapeutics Committee shall make
1506 recommendations to the agency on drugs for which prior
1507 authorization is required. The agency shall inform the
1508 Pharmaceutical and Therapeutics Committee of its decisions
1509 regarding drugs subject to prior authorization.

1510 (3) The agency may contract with:

1511 (c) A federally qualified health center or an entity owned
1512 by one or more federally qualified health centers or an entity
1513 owned by other migrant and community health centers receiving
1514 non-Medicaid financial support from the Federal Government to
1515 provide health care services on a prepaid or fixed-sum basis to



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1516 recipients. Such prepaid health care services entity must be
1517 licensed under parts I and III of chapter 641, but shall be
1518 prohibited from serving Medicaid recipients on a prepaid basis,
1519 until such licensure has been obtained. However, such an entity
1520 is exempt from s. 641.225 if the entity meets the requirements
1521 specified in subsections (15) and (16) ~~(14) and (15)~~.

1522 (19) Any entity contracting with the agency pursuant to
1523 this section to provide health care services to Medicaid
1524 recipients is prohibited from engaging in any of the following
1525 practices or activities:

1526 (c) Granting or offering of any monetary or other valuable
1527 consideration for enrollment, except as authorized by subsection
1528 (22) ~~(21)~~.

1529 (27) The agency shall perform enrollments and
1530 disenrollments for Medicaid recipients who are eligible for
1531 MediPass or managed care plans. Notwithstanding the prohibition
1532 contained in paragraph (19)(f) ~~(18)(f)~~, managed care plans may
1533 perform preenrollments of Medicaid recipients under the
1534 supervision of the agency or its agents. For the purposes of
1535 this section, "preenrollment" means the provision of marketing
1536 and educational materials to a Medicaid recipient and assistance
1537 in completing the application forms, but shall not include
1538 actual enrollment into a managed care plan. An application for
1539 enrollment shall not be deemed complete until the agency or its
1540 agent verifies that the recipient made an informed, voluntary
1541 choice. The agency, in cooperation with the Department of
1542 Children and Family Services, may test new marketing initiatives
1543 to inform Medicaid recipients about their managed care options
1544 at selected sites. The agency shall report to the Legislature on
1545 the effectiveness of such initiatives. The agency may contract



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1546 with a third party to perform managed care plan and MediPass
 1547 enrollment and disenrollment services for Medicaid recipients
 1548 and is authorized to adopt rules to implement such services. The
 1549 agency may adjust the capitation rate only to cover the costs of
 1550 a third-party enrollment and disenrollment contract, and for
 1551 agency supervision and management of the managed care plan
 1552 enrollment and disenrollment contract.

1553
 1554 Reviser's note.--Amended to conform to the
 1555 redesignation of subsections of s. 409.912 by s. 14,
 1556 ch. 2002-223, Laws of Florida.

1557
 1558 Section 48. Paragraphs (n), (o), and (s) of subsection (4)
 1559 of section 411.01, Florida Statutes, are amended to read:

1560 411.01 Florida Partnership for School Readiness; school
 1561 readiness coalitions.--

1562 (4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.--

1563 (n) The partnership shall coordinate the efforts toward
 1564 school readiness in this state and provide independent policy
 1565 analyses and recommendations to the Governor, the State Florida
 1566 Board of Education, and the Legislature.

1567 (o) The partnership shall prepare and submit to the State
 1568 ~~Florida~~ Board of Education a system for measuring school
 1569 readiness. The system must include a uniform screening, which
 1570 shall provide objective data regarding the following
 1571 expectations for school readiness which shall include, at a
 1572 minimum:

1573 1. The child's immunizations and other health requirements
 1574 as necessary, including appropriate vision and hearing screening
 1575 and examinations.



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- 1576 2. The child's physical development.
- 1577 3. The child's compliance with rules, limitations, and
- 1578 routines.
- 1579 4. The child's ability to perform tasks.
- 1580 5. The child's interactions with adults.
- 1581 6. The child's interactions with peers.
- 1582 7. The child's ability to cope with challenges.
- 1583 8. The child's self-help skills.
- 1584 9. The child's ability to express his or her needs.
- 1585 10. The child's verbal communication skills.
- 1586 11. The child's problem-solving skills.
- 1587 12. The child's following of verbal directions.
- 1588 13. The child's demonstration of curiosity, persistence,
- 1589 and exploratory behavior.
- 1590 14. The child's interest in books and other printed
- 1591 materials.
- 1592 15. The child's paying attention to stories.
- 1593 16. The child's participation in art and music activities.
- 1594 17. The child's ability to identify colors, geometric
- 1595 shapes, letters of the alphabet, numbers, and spatial and
- 1596 temporal relationships.
- 1597 (s) The partnership shall submit an annual report of its
- 1598 activities to the Governor, the executive director of the
- 1599 Florida Healthy Kids Corporation, the President of the Senate,
- 1600 the Speaker of the House of Representatives, and the minority
- 1601 leaders of both houses of the Legislature. In addition, the
- 1602 partnership's reports and recommendations shall be made
- 1603 available to the State ~~Florida~~ Board of Education, other
- 1604 appropriate state agencies and entities, district school boards,
- 1605 central agencies for child care, and county health departments.



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1606 The annual report must provide an analysis of school readiness
1607 activities across the state, including the number of children
1608 who were served in the programs and the number of children who
1609 were ready for school.

1610
1611 To ensure that the system for measuring school readiness is
1612 comprehensive and appropriate statewide, as the system is
1613 developed and implemented, the partnership must consult with
1614 representatives of district school systems, providers of public
1615 and private child care, health care providers, large and small
1616 employers, experts in education for children with disabilities,
1617 and experts in child development.

1618
1619 Reviser's note.--Amended to improve clarity and
1620 facilitate correct interpretation. Section 229.004,
1621 which established the Florida Board of Education, was
1622 repealed by s. 1058, ch. 2002-387, Laws of Florida.
1623 Section 19, ch. 2002-387, established the State Board
1624 of Education.

1625
1626 Section 49. Subsection (9) of section 420.504, Florida
1627 Statutes, is repealed.

1628
1629 Reviser's note.--Repealed to delete a provision that
1630 has served its purpose. The cited subsection provides
1631 for members of the board of directors of the former
1632 Florida Housing Finance Agency in office on December
1633 31, 1997, to continue in office as directors of the
1634 Florida Housing Finance Corporation for the balance of
1635 their 4-year terms.



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Section 50. Paragraph (b) of subsection (3) of section 435.03, Florida Statutes, is amended to read:

435.03 Level 1 screening standards.--

(3) Standards must also ensure that the person:

(b) Has not committed an act that constitutes domestic violence as defined in s. 741.28 ~~741.30~~.

Reviser's note.--Amended to correct an apparent error and facilitate correct interpretation. Section 741.30 provides for injunctions against domestic violence; "domestic violence" is defined in s. 741.28.

Section 51. Subsections (3) and (15) of section 440.102, Florida Statutes, are amended to read:

440.102 Drug-free workplace program requirements.--The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.--~~prior to his or her receiving workers' compensation payments.~~

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.



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1665 b. The actions the employer may take against an employee
1666 or job applicant on the basis of a positive confirmed drug test
1667 result.

1668 2. A statement advising the employee or job applicant of
1669 the existence of this section.

1670 3. A general statement concerning confidentiality.

1671 4. Procedures for employees and job applicants to
1672 confidentially report to a medical review officer the use of
1673 prescription or nonprescription medications to a medical review
1674 officer both before and after being tested.

1675 5. A list of the most common medications, by brand name or
1676 common name, as applicable, as well as by chemical name, which
1677 may alter or affect a drug test. A list of such medications as
1678 developed by the Agency for Health Care Administration shall be
1679 available to employers through the department.

1680 6. The consequences of refusing to submit to a drug test.

1681 7. A representative sampling of names, addresses, and
1682 telephone numbers of employee assistance programs and local drug
1683 rehabilitation programs.

1684 8. A statement that an employee or job applicant who
1685 receives a positive confirmed test result may contest or explain
1686 the result to the medical review officer within 5 working days
1687 after receiving written notification of the test result; that if
1688 an employee's or job applicant's explanation or challenge is
1689 unsatisfactory to the medical review officer, the medical review
1690 officer shall report a positive test result back to the
1691 employer; and that a person may contest the drug test result
1692 pursuant to law or to rules adopted by the Agency for Health
1693 Care Administration.



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1694 9. A statement informing the employee or job applicant of
1695 his or her responsibility to notify the laboratory of any
1696 administrative or civil action brought pursuant to this section.

1697 10. A list of all drugs for which the employer will test,
1698 described by brand name or common name, as applicable, as well
1699 as by chemical name.

1700 11. A statement regarding any applicable collective
1701 bargaining agreement or contract and the right to appeal to the
1702 Public Employees Relations Commission or applicable court.

1703 12. A statement notifying employees and job applicants of
1704 their right to consult with a medical review officer for
1705 technical information regarding prescription or nonprescription
1706 medication.

1707 (b) An employer not having a drug-testing program shall
1708 ensure that at least 60 days elapse between a general one-time
1709 notice to all employees that a drug-testing program is being
1710 implemented and the beginning of actual drug testing. An
1711 employer having a drug-testing program in place prior to July 1,
1712 1990, is not required to provide a 60-day notice period.

1713 (c) An employer shall include notice of drug testing on
1714 vacancy announcements for positions for which drug testing is
1715 required. A notice of the employer's drug-testing policy must
1716 also be posted in an appropriate and conspicuous location on the
1717 employer's premises, and copies of the policy must be made
1718 available for inspection by the employees or job applicants of
1719 the employer during regular business hours in the employer's
1720 personnel office or other suitable locations.

1721 (15) STATE CONSTRUCTION CONTRACTS.-Each construction
1722 contractor regulated under part I of chapter 489, and each
1723 electrical contractor and alarm system contractor regulated



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1724 under part II of chapter 489, who contracts to perform
1725 construction work under a state contract for educational
1726 facilities governed by chapter 1013 ~~235~~, for public property or
1727 publicly owned buildings governed by chapter 255, or for state
1728 correctional facilities governed by chapter 944 shall implement
1729 a drug-free workplace program under this section.

1730

1731 Reviser's note.--Subsection (3) is amended to delete
1732 language which appeared without coding after floor
1733 amendment in C.S. for H.B. 1643 (ch. 2002-194, Laws of
1734 Florida), an apparent error. Subsection (15) is
1735 amended to conform to the repeal of chapter 235 by s.
1736 1058, ch. 2002-387, Laws of Florida, and the enactment
1737 of similar material in chapter 1013 by ch. 2002-387.

1738

1739 Section 52. Paragraph (b) of subsection (3) of section
1740 440.15, Florida Statutes, is amended to read:

1741 440.15 Compensation for disability.--Compensation for
1742 disability shall be paid to the employee, subject to the limits
1743 provided in s. 440.12(2), as follows:

1744 (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

1745 (b) Supplemental benefits.--

1746 1. All supplemental benefits must be paid in accordance
1747 with this subsection. An employee is entitled to supplemental
1748 benefits as provided in this paragraph as of the expiration of
1749 the impairment period, if:

1750 a. The employee has an impairment rating from the
1751 compensable injury of 20 percent or more as determined pursuant
1752 to this chapter;



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1753 b. The employee has not returned to work or has returned
1754 to work earning less than 80 percent of the employee's average
1755 weekly wage as a direct result of the employee's impairment; and

1756 c. The employee has in good faith attempted to obtain
1757 employment commensurate with the employee's ability to work.

1758 2. If an employee is not entitled to supplemental benefits
1759 at the time of payment of the final weekly impairment income
1760 benefit because the employee is earning at least 80 percent of
1761 the employee's average weekly wage, the employee may become
1762 entitled to supplemental benefits at any time within 1 year
1763 after the impairment income benefit period ends if:

1764 a. The employee earns wages that are less than 80 percent
1765 of the employee's average weekly wage for a period of at least
1766 90 days;

1767 b. The employee meets the other requirements of
1768 subparagraph 1.; and

1769 c. The employee's decrease in earnings is a direct result
1770 of the employee's impairment from the compensable injury.

1771 3. If an employee earns wages that are at least 80 percent
1772 of the employee's average weekly wage for a period of at least
1773 90 days during which the employee is receiving supplemental
1774 benefits, the employee ceases to be entitled to supplemental
1775 benefits for the filing period. Supplemental benefits that have
1776 been terminated shall be reinstated when the employee satisfies
1777 the conditions enumerated in subparagraph 2. and files the
1778 statement required under subparagraph 4 5. Notwithstanding any
1779 other provision, if an employee is not entitled to supplemental
1780 benefits for 12 consecutive months, the employee ceases to be
1781 entitled to any additional income benefits for the compensable
1782 injury. If the employee is discharged within 12 months after



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1783 losing entitlement under this subsection, benefits may be
1784 reinstated if the employee was discharged at that time with the
1785 intent to deprive the employee of supplemental benefits.

1786 4. After the initial determination of supplemental
1787 benefits, the employee must file a statement with the carrier
1788 stating that the employee has earned less than 80 percent of the
1789 employee's average weekly wage as a direct result of the
1790 employee's impairment, stating the amount of wages the employee
1791 earned in the filing period, and stating that the employee has
1792 in good faith sought employment commensurate with the employee's
1793 ability to work. The statement must be filed quarterly on a form
1794 and in the manner prescribed by the department. The department
1795 may modify the filing period as appropriate to an individual
1796 case. Failure to file a statement relieves the carrier of
1797 liability for supplemental benefits for the period during which
1798 a statement is not filed.

1799 5. The carrier shall begin payment of supplemental
1800 benefits not later than the seventh day after the expiration
1801 date of the impairment income benefit period and shall continue
1802 to timely pay those benefits. The carrier may request a
1803 mediation conference for the purpose of contesting the
1804 employee's entitlement to or the amount of supplemental income
1805 benefits.

1806 6. Supplemental benefits are calculated quarterly and paid
1807 monthly. For purposes of calculating supplemental benefits, 80
1808 percent of the employee's average weekly wage and the average
1809 wages the employee has earned per week are compared quarterly.
1810 For purposes of this paragraph, if the employee is offered a
1811 bona fide position of employment that the employee is capable of
1812 performing, given the physical condition of the employee and the



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1813 geographic accessibility of the position, the employee's weekly
 1814 wages are considered equivalent to the weekly wages for the
 1815 position offered to the employee.

1816 7. Supplemental benefits are payable at the rate of 80
 1817 percent of the difference between 80 percent of the employee's
 1818 average weekly wage determined pursuant to s. 440.14 and the
 1819 weekly wages the employee has earned during the reporting
 1820 period, not to exceed the maximum weekly income benefit under s.
 1821 440.12.

1822 8. The department may by rule define terms that are
 1823 necessary for the administration of this section and forms and
 1824 procedures governing the method of payment of supplemental
 1825 benefits for dates of accidents before January 1, 1994, and for
 1826 dates of accidents on or after January 1, 1994.

1827
 1828 Reviser's note.--Amended to conform to the deletion of
 1829 former subparagraph(3)(b)4. by s. 28, ch. 2002-194,
 1830 Laws of Florida, and the redesignation of the
 1831 remaining subparagraphs to conform.

1832
 1833 Section 53. Subsection (6) of section 440.20, Florida
 1834 Statutes, is reenacted to read:

1835 440.20 Time for payment of compensation; penalties for
 1836 late payment.--

1837 (6) If any installment of compensation for death or
 1838 dependency benefits, disability, permanent impairment, or wage
 1839 loss payable without an award is not paid within 7 days after it
 1840 becomes due, as provided in subsection (2), subsection (3), or
 1841 subsection (4), there shall be added to such unpaid installment
 1842 a punitive penalty of an amount equal to 20 percent of the



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1843 unpaid installment or \$5, which shall be paid at the same time
1844 as, but in addition to, such installment of compensation, unless
1845 notice is filed under subsection (4) or unless such nonpayment
1846 results from conditions over which the employer or carrier had
1847 no control. When any installment of compensation payable without
1848 an award has not been paid within 7 days after it became due and
1849 the claimant concludes the prosecution of the claim before a
1850 judge of compensation claims without having specifically claimed
1851 additional compensation in the nature of a penalty under this
1852 section, the claimant will be deemed to have acknowledged that,
1853 owing to conditions over which the employer or carrier had no
1854 control, such installment could not be paid within the period
1855 prescribed for payment and to have waived the right to claim
1856 such penalty. However, during the course of a hearing, the judge
1857 of compensation claims shall on her or his own motion raise the
1858 question of whether such penalty should be awarded or excused.
1859 The department may assess without a hearing the punitive penalty
1860 against either the employer or the insurance carrier, depending
1861 upon who was at fault in causing the delay. The insurance policy
1862 cannot provide that this sum will be paid by the carrier if the
1863 department or the judge of compensation claims determines that
1864 the punitive penalty should be made by the employer rather than
1865 the carrier. Any additional installment of compensation paid by
1866 the carrier pursuant to this section shall be paid directly to
1867 the employee by check or, if authorized by the employee, by
1868 direct deposit into the employee's account at a financial
1869 institution. As used in this subsection, the term "financial
1870 institution" means a financial institution as defined in s.
1871 655.005(1)(h).

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1873 Reviser's note.--Reenacted to confirm legislative
 1874 intent to incorporate amendments by s. 17, ch. 2001-
 1875 91, Laws of Florida, and s. 33, ch. 2002-194, Laws of
 1876 Florida. The amendment to subsection (6) by s. 33, ch.
 1877 2002-194, failed to incorporate the changes by s. 17,
 1878 ch. 2001-91. The subsection, as published here, gives
 1879 full effect to both amendments.

1880
 1881 Section 54. Paragraph (a) of subsection (1) of section
 1882 445.0121, Florida Statutes, is amended to read:

1883 445.0121 Student eligibility requirements for initial
 1884 awards.--

1885 (1) To be eligible for an initial award for lower-division
 1886 college credit courses that lead to a baccalaureate degree, as
 1887 defined in s. 445.0122(5), a student must:

1888 (a)1. Have been a resident of this state for no less than
 1889 3 years for purposes other than to obtain an education; or

1890 2. Have received a standard Florida high school diploma,
 1891 as provided in s. 1003.43, or its equivalent, as described in s.
 1892 1003.435 ~~229.814~~, unless:

1893 a. The student is enrolled full-time in the early-
 1894 admission program of an eligible postsecondary education
 1895 institution or completes a home education program in accordance
 1896 with s. 1002.41; or

1897 b. The student earns a high school diploma from a non-
 1898 Florida school while living with a parent or guardian who is on
 1899 military or public service assignment outside this state.

1900
 1901 Reviser's note.--Amended to conform to the repeal of
 1902 s. 229.814 by s. 1058, ch. 2002-387, Laws of Florida,



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1903 and the enactment of similar material in s. 1003.435
 1904 by s. 133, ch. 2002-387.

1905
 1906 Section 55. Paragraph (e) of subsection (2) of section
 1907 467.0125, Florida Statutes, is amended to read:

1908 467.0125 Licensure by endorsement.--

1909 (2) The department may issue a temporary certificate to
 1910 practice in areas of critical need to any midwife who is
 1911 qualifying for licensure by endorsement under subsection (1),
 1912 with the following restrictions:

1913 (e) The department shall review the practice under a
 1914 temporary certificate at least annually to ascertain that the
 1915 minimum requirements of the midwifery rules promulgated under
 1916 this chapter are being met. If it ~~is~~ is determined that the
 1917 minimum requirements are not being met, the department shall
 1918 immediately revoke the temporary certificate.

1919
 1920 Reviser's note.--Amended to correct an apparent error
 1921 and facilitate correct interpretation.

1922
 1923 Section 56. Subsection (18) of section 470.002, Florida
 1924 Statutes, is amended to read:

1925 470.002 Definitions.--As used in this chapter:

1926 (18) "Legally authorized person" means, in the priority
 1927 listed, the decedent, when written inter vivos authorizations
 1928 and directions are provided by the decedent, the surviving
 1929 spouse, unless the spouse has been arrested for committing
 1930 against the deceased an act of domestic violence as defined in
 1931 s. 741.28, a son or daughter who is 18 years of age or older, a
 1932 parent, a brother or sister 18 years of age or over, a



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1933 grandchild who is 18 years of age or older, or a grandparent; or
 1934 any person in the next degree of kinship. In addition, the term
 1935 may include, if no family exists or is available, the following:
 1936 the guardian of the dead person at the time of death; the
 1937 personal representative of the deceased; the attorney in fact of
 1938 the dead person at the time of death; the health surrogate of
 1939 the dead person at the time of death; a public health officer;
 1940 the medical examiner, county commission or administrator acting
 1941 under part II of chapter 406 ~~245~~, or other public administrator;
 1942 a representative of a nursing home or other health care
 1943 institution in charge of final disposition; or a friend or other
 1944 person not listed in this subsection who is willing to assume
 1945 the responsibility as authorized person.

1946
 1947 Reviser's note.--Amended to conform to the
 1948 redesignation of chapter 245 as part II of chapter 406
 1949 by the reviser incident to compiling the 2002 Florida
 1950 Statutes.

1951
 1952 Section 57. Paragraph (c) of subsection (2) of section
 1953 470.019, Florida Statutes, is amended to read:

1954 470.019 Disciplinary actions against direct disposers and
 1955 direct disposal establishments.--

1956 (2) The following shall be sufficient grounds for the
 1957 penalties imposed under subsection (1):

1958 (c) Having been disciplined by a regulatory agency in any
 1959 jurisdiction for any offense that would constitute a violation
 1960 of this chapter, ~~chapter 245~~, chapter 382, chapter 406, chapter
 1961 497, or chapter 872 or that directly relates to the practice of
 1962 direct disposition.



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Reviser's note.--Amended to conform to the redesignation of chapter 245 as part II of chapter 406 by the reviser incident to compiling the 2002 Florida Statutes.

Section 58. Paragraph (x) of subsection (1) of section 470.036, Florida Statutes, is amended to read:

470.036 Disciplinary proceedings.--

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(x) Having been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter, ~~chapter 245~~, chapter 382, chapter 406, chapter 497, or chapter 872 or that directly relates to the ability to practice under this chapter.

Reviser's note.--Amended to conform to the redesignation of chapter 245 as part II of chapter 406 by the reviser incident to compiling the 2002 Florida Statutes.

Section 59. Section 489.510, Florida Statutes, is amended to read:

489.510 Evidence of workers' compensation coverage.--Except as provided in s. 489.515(3)(b), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the



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1993 contractor, provide to the Electrical Contractors' Licensing
 1994 Board, as provided by board rule, evidence of workers'
 1995 compensation coverage pursuant to chapter 440. In the event
 1996 that the Division of Workers' Compensation of the Department of
 1997 Labor and Employment Security receives notice of the
 1998 cancellation of a policy of workers' compensation insurance
 1999 insuring a person or entity governed by this section, the
 2000 Division of Workers' Compensation shall certify and identify all
 2001 persons or entities by certification or registration license
 2002 number to the department after verification is made by the
 2003 Division of Workers' Compensation that persons or entities
 2004 governed by this section are no longer covered by workers'
 2005 compensation insurance. Such certification and verification by
 2006 the Division of Workers' Compensation may ~~shall~~ result from
 2007 records furnished to the Division of Workers' Compensation by
 2008 the persons or entities governed by this section or an
 2009 investigation completed by the Division of Workers'
 2010 Compensation. The department shall notify the persons or
 2011 entities governed by this section who have been determined to be
 2012 in noncompliance with chapter 440, and the persons or entities
 2013 notified shall provide certification of compliance with chapter
 2014 440 to the department and pay an administrative fine in the
 2015 amount of \$500. The failure to maintain workers' compensation
 2016 coverage as required by law shall be grounds for the board to
 2017 revoke, suspend, or deny the issuance or renewal of a
 2018 certificate or registration of the contractor under the
 2019 provisions of s. 489.533.

2020
 2021 Reviser's note.--Amended to correct an apparent coding
 2022 error and facilitate correct interpretation. The



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2023 amendment by s. 18, ch. 2002-236, Laws of Florida,
 2024 inserted the word "may" and inadvertently failed to
 2025 delete the word "shall."

2026
 2027 Section 60. Subsection (8) of section 496.404, Florida
 2028 Statutes, is amended to read:

2029 496.404 Definitions.--As used in ss. 496.401-496.424:

2030 (8) "Educational institutions" means those institutions
 2031 and organizations described in s. 212.08(7)(cc)8.a. The term
 2032 includes private nonprofit organizations, the purpose of which
 2033 is to raise funds for schools teaching grades kindergarten
 2034 through grade 12, colleges, and universities, including any
 2035 nonprofit newspaper of free or paid circulation primarily on
 2036 university or college campuses which holds a current exemption
 2037 from federal income tax under s. 501(c)(3) of the Internal
 2038 Revenue Code, any educational television or radio network or
 2039 system established pursuant to s. 1001.25 ~~229.805~~ or s. 1001.26
 2040 ~~229.8051~~, and any nonprofit television or radio station that is
 2041 a part of such network or system and that holds a current
 2042 exemption from federal income tax under s. 501(c)(3) of the
 2043 Internal Revenue Code. The term also includes a nonprofit
 2044 educational cable consortium that holds a current exemption from
 2045 federal income tax under s. 501(c)(3) of the Internal Revenue
 2046 Code, whose primary purpose is the delivery of educational and
 2047 instructional cable television programming and whose members are
 2048 composed exclusively of educational organizations that hold a
 2049 valid consumer certificate of exemption and that are either an
 2050 educational institution as defined in this subsection or
 2051 qualified as a nonprofit organization pursuant to s. 501(c)(3)
 2052 of the Internal Revenue Code.



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Reviser's note.--Amended to conform to the repeal of ss. 229.805 and 229.8051 by s. 1058, ch. 2002-387, Laws of Florida, and the enactment of similar material in ss. 1001.25 and 1001.26 by ss. 31 and 32, ch. 2002-387, respectively.

Section 61. Subsection (1) of section 499.033, Florida Statutes, is amended to read:

499.033 Ephedrine; prescription required.--Ephedrine is declared to be a prescription drug.

(1) Except as provided in ~~this~~ subsection (2), any product that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine may be dispensed only upon the prescription of a duly licensed practitioner authorized by the laws of the state to prescribe medicinal drugs.

Reviser's note.--Amended to conform a cross-reference to context. Subsection (1) does not provide exceptions to the requirement of a prescription for dispensing of ephedrine; subsection (2) provides exemptions from the subsection (1) requirement.

Section 62. Subsection (2) of section 499.051, Florida Statutes, is amended to read:

499.051 Inspections and investigations.--

(2) In addition to the authority set forth in subsection (1), the department and any duly designated officer or employee of the department may enter and inspect any other establishment



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2083 for the purpose of determining compliance with ss. 499.001-
2084 499.081 and rules adopted under those sections regarding any
2085 drug, device, or cosmetic product. ~~The authority to enter and~~
2086 ~~inspect does not extend to the practice of the profession of~~
2087 ~~pharmacy, as defined in chapter 465 and the rules adopted under~~
2088 ~~that chapter, in a pharmacy permitted under chapter 465. The~~
2089 ~~Department of Business and Professional Regulation shall conduct~~
2090 ~~routine inspections of retail pharmacy wholesalers at the time~~
2091 ~~of the regular pharmacy permit inspection and shall send the~~
2092 ~~inspection report regarding drug wholesale activity to the~~
2093 ~~Department of Health.~~

2094

2095 Reviser's note.--Amended to reflect that the
2096 Department of Business and Professional Regulation no
2097 longer enforces chapters 465 and 499. The Department
2098 of Health is now responsible for enforcement of those
2099 chapters.

2100

2101 Section 63. Subsection (3) of section 501.608, Florida
2102 Statutes, is amended to read:

2103 501.608 License or affidavit of exemption; occupational
2104 license.--

2105 (3) Failure to display a license or a copy of the
2106 affidavit of exemption is sufficient grounds for the department
2107 to issue an immediate cease and desist order, which shall act as
2108 an immediate final order under s. 120.569(2)(n). The order may
2109 ~~shall~~ remain in effect until the commercial telephone seller or
2110 a person claiming to be exempt shows the authorities that he or
2111 she is licensed or exempt. The department may order the
2112 business to cease operations and shall order the phones to be



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2113 shut off. Failure of a salesperson to display a license may
 2114 result in the salesperson being summarily ordered by the
 2115 department to leave the office until he or she can produce a
 2116 license for the department.

2117
 2118 Reviser's note.--Amended to conform to the addition of
 2119 the word "may" preceding the word "shall" by s. 2, ch.
 2120 93-235, Laws of Florida, and to improve clarity.

2121
 2122 Section 64. Subsection (6) of section 507.05, Florida
 2123 Statutes, is amended to read:

2124 507.05 Estimates and contracts for service.--Prior to
 2125 providing any moving or accessorial services, a contract and
 2126 estimate must be provided to a prospective shipper in writing,
 2127 must be signed and dated by the shipper and the mover, and must
 2128 include:

2129 (6) Acceptable forms of payment. A mover shall accept a
 2130 minimum of two of the three following forms of payment:

2131 (a) Cash, cashier's check, money order, or traveler's
 2132 check;

2133 (b) Valid personal check, showing upon its face the name
 2134 and address of the shipper or authorized representative; or

2135 (c) Valid credit card, which shall include, but not be
 2136 limited to, Visa or MasterCard.

2137
 2138 A mover shall clearly and conspicuously disclose to the shipper
 2139 in the estimate and contract for services the forms of payments
 2140 the mover ~~it~~ will accept from those categories described in
 2141 paragraphs(a)-(c).
 2142



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2143 Reviser's note.--Amended to improve clarity and
 2144 sentence construction.

2145
 2146 Section 65. Subsection (20) of section 517.12, Florida
 2147 Statutes, is amended to read:

2148 517.12 Registration of dealers, associated persons,
 2149 investment advisers, and branch offices.--

2150 (20) The registration requirements of this section do not
 2151 apply to individuals licensed under s. 626.015(7) ~~626.041 or its~~
 2152 ~~successor statute, or (12) s. 626.051 or its successor statute,~~
 2153 for the sale of a security as defined in s. 517.021(19)(g), if
 2154 the individual is directly authorized by the issuer to offer or
 2155 sell the security on behalf of the issuer and the issuer is a
 2156 federally chartered savings bank subject to regulation by the
 2157 Federal Deposit Insurance Corporation. Actions under this
 2158 subsection shall constitute activity under the insurance agent's
 2159 license for purposes of ss. 626.611 and 626.621.

2160
 2161 Reviser's note.--Amended to replace references to s.
 2162 626.041 or s. 626.051, which were repealed by s. 72,
 2163 ch. 2002-206, Laws of Florida, with references to s.
 2164 626.015(7) or (12), respectively, the replacement
 2165 provisions for ss. 626.041 and 626.051.

2166
 2167 Section 66. Paragraph (b) of subsection (1) and paragraph
 2168 (e) of subsection (8) of section 553.73, Florida Statutes, are
 2169 amended to read:

2170 553.73 Florida Building Code.--
 2171 (1)



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2172 (b) The technical portions of the Florida Accessibility
2173 Code for Building Construction shall be contained in their
2174 entirety in the Florida Building Code. The civil rights
2175 portions and the technical portions of the accessibility laws of
2176 this state shall remain as currently provided by law. Any
2177 revision or amendments to the Florida Accessibility Code for
2178 Building Construction pursuant to part II ¶ shall be considered
2179 adopted by the commission as part of the Florida Building Code.
2180 Neither the commission nor any local government shall revise or
2181 amend any standard of the Florida Accessibility Code for
2182 Building Construction except as provided for in part II ¶.

2183 (8) The following buildings, structures, and facilities
2184 are exempt from the Florida Building Code as provided by law,
2185 and any further exemptions shall be as determined by the
2186 Legislature and provided by law:

2187 (e) Mobile or modular structures used as temporary
2188 offices, except that the provisions of part II ¶ relating to
2189 accessibility by persons with disabilities shall apply to such
2190 mobile or modular structures.

2191
2192 With the exception of paragraphs (a), (b), (c), and (f), in
2193 order to preserve the health, safety, and welfare of the public,
2194 the Florida Building Commission may, by rule adopted pursuant to
2195 chapter 120, provide for exceptions to the broad categories of
2196 buildings exempted in this section, including exceptions for
2197 application of specific sections of the code or standards
2198 adopted therein. The Department of Agriculture and Consumer
2199 Services shall have exclusive authority to adopt by rule,
2200 pursuant to chapter 120, exceptions to nonresidential farm
2201 buildings exempted in paragraph (c) when reasonably necessary to



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2202 preserve public health, safety, and welfare. The exceptions must
 2203 be based upon specific criteria, such as under-roof floor area,
 2204 aggregate electrical service capacity, HVAC system capacity, or
 2205 other building requirements. Further, the commission may
 2206 recommend to the Legislature additional categories of buildings,
 2207 structures, or facilities which should be exempted from the
 2208 Florida Building Code, to be provided by law.

2209
 2210 Reviser's note.--Amended to conform to the repeal of
 2211 the provisions comprising former parts I-III by s. 68,
 2212 ch. 98-287, Laws of Florida, as amended by s. 108, ch.
 2213 2000-141, Laws of Florida, as amended by s. 39, ch.
 2214 2001-186, Laws of Florida, and as amended by s. 8, ch.
 2215 2001-372, Laws of Florida.

2216
 2217 Section 67. Subsection (4) of section 562.11, Florida
 2218 Statutes, is amended to read:

2219 562.11 Selling, giving, or serving alcoholic beverages to
 2220 person under age 21; misrepresenting or misstating age or age of
 2221 another to induce licensee to serve alcoholic beverages to
 2222 person under 21; penalties.--

2223 (4) This section does not apply to a person who gives,
 2224 serves, or permits to be served an alcoholic beverage to a
 2225 student who is at least 18 years of age, if the alcoholic
 2226 beverage is delivered as part of the student's required
 2227 curriculum at a postsecondary educational institution that is
 2228 institutionally accredited by an agency recognized by the United
 2229 States Department of Education and is licensed or exempt from
 2230 licensure pursuant to the provisions of chapter 1005 ~~246~~ or that
 2231 is a public postsecondary education institution; if the student



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2232 is enrolled in the college and is required to taste alcoholic
 2233 beverages that are provided only for instructional purposes
 2234 during classes conducted under the supervision of authorized
 2235 instructional personnel pursuant to such a curriculum; if the
 2236 alcoholic beverages are never offered for consumption or imbibed
 2237 by such a student and at all times remain in the possession and
 2238 control of such instructional personnel, who must be 21 years of
 2239 age or older; and if each participating student executes a
 2240 waiver and consent in favor of the state and indemnifies the
 2241 state and holds it harmless.

2242

2243 Reviser's note.--Amended to conform to the repeal of
 2244 the sections comprising chapter 246 by s. 1058, ch.
 2245 2002-387, Laws of Florida, and the enactment of
 2246 similar material in chapter 1005 by ch. 2002-387.

2247

2248 Section 68. Subsection (2) of section 562.111, Florida
 2249 Statutes, is amended to read:

2250 562.111 Possession of alcoholic beverages by persons under
 2251 age 21 prohibited.--

2252 (2) The prohibition in this section against the possession
 2253 of alcoholic beverages does not apply to the tasting of
 2254 alcoholic beverages by a student who is at least 18 years of
 2255 age, who is tasting the alcoholic beverages as part of the
 2256 student's required curriculum at a postsecondary educational
 2257 institution that is institutionally accredited by an agency
 2258 recognized by the United States Department of Education and that
 2259 is licensed or exempt from licensure pursuant to the provisions
 2260 of chapter 1005 ~~246~~ or is a public postsecondary education
 2261 institution; if the student is enrolled in the college and is



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2262 tasting the alcoholic beverages only for instructional purposes
 2263 during classes that are part of such a curriculum; if the
 2264 student is allowed only to taste, but not consume or imbibe, the
 2265 alcoholic beverages; and if the alcoholic beverages at all times
 2266 remain in the possession and control of authorized instructional
 2267 personnel of the college who are 21 years of age or older.

2268

2269 Reviser's note.--Amended to conform to the repeal of
 2270 the sections comprising chapter 246 by s. 1058, ch.
 2271 2002-387, Laws of Florida, and the enactment of
 2272 similar material in chapter 1005 by ch. 2002-387.

2273

2274 Section 69. Section 624.04, Florida Statutes, is amended
 2275 to read:

2276 624.04 "Person" defined.--"Person" includes an individual,
 2277 insurer, company, association, organization, Lloyds, society,
 2278 reciprocal insurer or interinsurance exchange, partnership,
 2279 syndicate, business trust, corporation, agent, general agent,
 2280 broker, ~~solicitor~~, service representative, adjuster, and every
 2281 legal entity.

2282

2283 Reviser's note.--Amended to delete a reference to
 2284 "solicitor" to conform to the repeal of s. 626.071,
 2285 which defined "solicitor," by s. 72, ch. 2002-206,
 2286 Laws of Florida.

2287

2288 Section 70. Subsection (2) of section 624.303, Florida
 2289 Statutes, is amended to read:

2290 624.303 Seal; certified copies as evidence.--



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2291 (2) All certificates executed by the department, other
 2292 than licenses of agents, ~~solicitors~~, or adjusters or similar
 2293 licenses or permits, shall bear its seal.

2294

2295 Reviser's note.--Amended to delete a reference to
 2296 "solicitors" to conform to the repeal of s. 626.071,
 2297 which defined "solicitor," by s. 72, ch. 2002-206,
 2298 Laws of Florida.

2299

2300 Section 71. Paragraph (a) of subsection (2) of section
 2301 624.313, Florida Statutes, is amended to read:

2302 624.313 Publications.--

2303 (2) The department may prepare and have printed and
 2304 published in pamphlet or book form the following:

2305 (a) As needed, questions and answers for the use of
 2306 persons applying for an examination for licensing as agents ~~or~~
 2307 ~~solicitors~~ for property, casualty, surety, health, and
 2308 miscellaneous insurers.

2309

2310 Reviser's note.--Amended to delete a reference to
 2311 "solicitors" to conform to the repeal of s. 626.071,
 2312 which defined "solicitor," by s. 72, ch. 2002-206,
 2313 Laws of Florida.

2314

2315 Section 72. Subsection (2) of section 624.317, Florida
 2316 Statutes, is amended to read:

2317 624.317 Investigation of agents, adjusters,
 2318 administrators, service companies, and others.--If it has reason
 2319 to believe that any person has violated or is violating any
 2320 provision of this code, or upon the written complaint signed by



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2321 any interested person indicating that any such violation may
 2322 exist, the department shall conduct such investigation as it
 2323 deems necessary of the accounts, records, documents, and
 2324 transactions pertaining to or affecting the insurance affairs of
 2325 any:

2326 (2) Insurance agent or, customer representative, ~~or~~
 2327 ~~solicitor~~, subject to the requirements of s. 626.601.

2328
 2329 Reviser's note.--Amended to delete a reference to
 2330 "solicitor" to conform to the repeal of s. 626.071,
 2331 which defined "solicitor," by s. 72, ch. 2002-206,
 2332 Laws of Florida.

2333
 2334 Section 73. Paragraph (b) of subsection (6) and paragraph
 2335 (c) of subsection (19) of section 624.501, Florida Statutes, are
 2336 amended to read:

2337 624.501 Filing, license, appointment, and miscellaneous
 2338 fees.--The department shall collect in advance, and persons so
 2339 served shall pay to it in advance, fees, licenses, and
 2340 miscellaneous charges as follows:

2341 (6) Insurance representatives, property, marine, casualty,
 2342 and surety insurance.

2343 (b) ~~Solicitor's~~ or Customer representative's original
 2344 appointment and biennial renewal or continuation thereof:

| | | |
|------|----------------------|---------|
| 2345 | Appointment fee..... | \$42.00 |
| 2346 | State tax..... | 12.00 |
| 2347 | County tax..... | 6.00 |
| 2348 | Total..... | \$60.00 |

2349 (19) Miscellaneous services:



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2350 (c) For preparing lists of agents, ~~solicitors~~, adjusters,
 2351 and other insurance representatives, and for other miscellaneous
 2352 services, such reasonable charge as may be fixed by the
 2353 department.

2354
 2355 Reviser's note.--Amended to delete references to
 2356 "[s]olicitor's" and "solicitors" to conform to the
 2357 repeal of s. 626.071, which defined "solicitor," by s.
 2358 72, ch. 2002-206, Laws of Florida.

2359
 2360 Section 74. Section 624.504, Florida Statutes, is amended
 2361 to read:

2362 624.504 Liability for state, county tax.--

2363 ~~(1)~~ Each authorized insurer that uses insurance agents in
 2364 this state shall be liable for and shall pay the state and
 2365 county taxes required therefor under s. 624.501 or s. 624.505.

2366 ~~(2) Each insurance agent in this state that uses~~
 2367 ~~solicitors shall be liable for and shall pay the state and~~
 2368 ~~county taxes required therefor under s. 624.501.~~

2369
 2370 Reviser's note.--Amended to delete a provision
 2371 relating to solicitors to conform to the repeal of s.
 2372 626.071, which defined "solicitor," by s. 72, ch.
 2373 2002-206, Laws of Florida.

2374
 2375 Section 75. Subsection (1) of section 624.521, Florida
 2376 Statutes, is amended to read:

2377 624.521 Deposit of certain tax receipts; refund of
 2378 improper payments.--



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2379 (1) The Department of Insurance shall promptly deposit in
 2380 the State Treasury to the credit of the Insurance Commissioner's
 2381 Regulatory Trust Fund all "state tax" portions of agents' ~~and~~
 2382 ~~solicitors'~~ licenses collected under s. 624.501 necessary to
 2383 fund the Division of Insurance Fraud. The balance of the tax
 2384 shall be credited to the General Fund. All moneys received by
 2385 the Department of Insurance not in accordance with the
 2386 provisions of this code or not in the exact amount as specified
 2387 by the applicable provisions of this code shall be returned to
 2388 the remitter. The records of the department shall show the date
 2389 and reason for such return.

2390

2391 Reviser's note.--Amended to delete a reference to
 2392 "solicitors'" to conform to the repeal of s. 626.071,
 2393 which defined "solicitor," by s. 72, ch. 2002-206,
 2394 Laws of Florida.

2395

2396 Section 76. Paragraph (1) of subsection (1) of section
 2397 624.523, Florida Statutes, is amended to read:

2398 624.523 Insurance Commissioner's Regulatory Trust Fund.--

2399 (1) There is created in the State Treasury a trust fund
 2400 designated "Insurance Commissioner's Regulatory Trust Fund" to
 2401 which shall be credited all payments received on account of the
 2402 following items:

2403 (1) All sums received under s. 648.27 (bail bond agent,
 2404 limited surety agent, continuation fee), the "appointment fee"
 2405 portion of any license or permit provided for under s. 648.31,
 2406 and the application fees provided for under s. ~~ss.~~ 648.34(3) ~~and~~
 2407 ~~648.37(3)~~.

2408



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2409 Reviser's note.--Amended to conform to the repeal of
 2410 s. 648.37 by s. 31, ch. 2002-260, Laws of Florida.

2411
 2412 Section 77. Subsection (1) of section 626.022, Florida
 2413 Statutes, is amended to read:

2414 626.022 Scope of part. --

2415 (1) This part applies as to insurance agents, ~~solicitors,~~
 2416 service representatives, adjusters, and insurance agencies; as
 2417 to any and all kinds of insurance; and as to stock insurers,
 2418 mutual insurers, reciprocal insurers, and all other types of
 2419 insurers, except that:

2420 (a) It does not apply as to reinsurance, except that ss.
 2421 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211, ss.
 2422 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-
 2423 626.591, and ss. 626.601-626.711 shall apply as to reinsurance
 2424 intermediaries as defined in s. 626.7492.

2425 (b) The applicability of this chapter as to fraternal
 2426 benefit societies shall be as provided in chapter 632.

2427 (c) It does not apply to a bail bond agent, as defined in
 2428 s. 648.25, except as provided in chapter 648 or chapter 903.

2429 (d) This part does not apply to a certified public
 2430 accountant licensed under chapter 473 who is acting within the
 2431 scope of the practice of public accounting, as defined in s.
 2432 473.302, provided that the activities of the certified public
 2433 accountant are limited to advising a client of the necessity of
 2434 obtaining insurance, the amount of insurance needed, or the line
 2435 of coverage needed, and provided that the certified public
 2436 accountant does not directly or indirectly receive or share in
 2437 any commission or, referral fee, ~~or solicitor's fee.~~

2438



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2439 Reviser's note.--Amended to delete references to
2440 "solicitors" and to "solicitor's fee" to conform to
2441 the repeal of s. 626.071, which defined "solicitor,"
2442 by s. 72, ch. 2002-206, Laws of Florida.

2443
2444 Section 78. Paragraph (a) of subsection (7) of section
2445 626.112, Florida Statutes, is amended to read:

2446 626.112 License and appointment required; agents, customer
2447 representatives, adjusters, insurance agencies, service
2448 representatives, managing general agents.--

2449 (7)(a) No individual, firm, partnership, corporation,
2450 association, or any other entity shall act in its own name or
2451 under a trade name, directly or indirectly, as an insurance
2452 agency, when required to be licensed by this subsection, unless
2453 it complies with s. 626.172 with respect to possessing an
2454 insurance agency license for each place of business at which it
2455 engages in any activity which may be performed only by a
2456 licensed insurance agent ~~or solicitor~~.

2457
2458 Reviser's note.--Amended to delete one remaining
2459 reference to "solicitor" to conform to the deletion of
2460 references to solicitors from other portions of s.
2461 626.112 by ss. 8 and 48, ch. 2002-206, Laws of
2462 Florida, and to conform to the repeal of s. 626.071,
2463 which defined "solicitor," by s. 72, ch. 2002-206.

2464
2465 Section 79. Section 626.266, Florida Statutes, is amended
2466 to read:

2467 626.266 Printing of examinations or related materials to
2468 preserve examination security.--A contract let for the



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2469 development, administration, or grading of examinations or
 2470 related materials by the Department of Insurance pursuant to the
 2471 various agent, customer representative, ~~solicitor~~, or adjuster
 2472 licensing and examination provisions of this code may include
 2473 the printing or furnishing of these examinations or related
 2474 materials in order to preserve security. Any such contract shall
 2475 be let as a contract for a contractual service pursuant to s.
 2476 287.057.

2477

2478 Reviser's note.--Amended to delete a reference to
 2479 "solicitor" to conform to the repeal of s. 626.071,
 2480 which defined "solicitor," by s. 72, ch. 2002-206,
 2481 Laws of Florida.

2482

2483 Section 80. Paragraphs (a) and (e) of subsection (1) of
 2484 section 626.321, Florida Statutes, are amended to read:

2485 626.321 Limited licenses.--

2486 (1) The department shall issue to a qualified individual,
 2487 or a qualified individual or entity under paragraphs (c), (d),
 2488 (e), and (i), a license as agent authorized to transact a
 2489 limited class of business in any of the following categories:

2490 (a) Motor vehicle physical damage and mechanical breakdown
 2491 insurance.--License covering insurance against only the loss of
 2492 or damage to any motor vehicle which is designed for use upon a
 2493 highway, including trailers and semitrailers designed for use
 2494 with such vehicles. Such license also covers insurance against
 2495 the failure of an original or replacement part to perform any
 2496 function for which it was designed. The applicant for such a
 2497 license shall pass a written examination covering motor vehicle
 2498 physical damage insurance and mechanical breakdown insurance.



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2499 No individual while so licensed shall hold a license as an agent
 2500 ~~or solicitor~~ as to any other or additional kind or class of
 2501 insurance coverage except as to a limited license for credit
 2502 life and disability insurances as provided in paragraph(e).

2503 (e) Credit life or disability insurance.--License covering
 2504 only credit life or disability insurance. The license may be
 2505 issued only to an individual employed by a life or health
 2506 insurer as an officer or other salaried or commissioned
 2507 representative, to an individual employed by or associated with
 2508 a lending or financial institution or creditor, or to a lending
 2509 or financial institution or creditor, and may authorize the sale
 2510 of such insurance only with respect to borrowers or debtors of
 2511 such lending or financing institution or creditor. However,
 2512 only the individual or entity whose tax identification number is
 2513 used in receiving or is credited with receiving the commission
 2514 from the sale of such insurance shall be the licensed agent of
 2515 the insurer. No individual while so licensed shall hold a
 2516 license as an agent ~~or solicitor~~ as to any other or additional
 2517 kind or class of life or health insurance coverage. An entity
 2518 holding a limited license under this paragraph is also
 2519 authorized to sell credit insurance and credit property
 2520 insurance. An entity applying for a license under this section:

2521 1. Is required to submit only one application for a
 2522 license under s. 626.171. The requirements of s. 626.171(5)
 2523 shall only apply to the officers and directors of the entity
 2524 submitting the application.

2525 2. Is required to obtain a license for each office, branch
 2526 office, or place of business making use of the entity's business
 2527 name by applying to the department for the license on a



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2528 simplified form developed by rule of the department for this
 2529 purpose.

2530 3. Is not required to pay any additional application fees
 2531 for a license issued to the offices or places of business
 2532 referenced in subsection (2), but is required to pay the license
 2533 fee as prescribed in s. 624.501, be appointed under s. 626.112,
 2534 and pay the prescribed appointment fee under s. 624.501. The
 2535 license obtained under this paragraph shall be posted at the
 2536 business location for which it was issued so as to be readily
 2537 visible to prospective purchasers of such coverage.

2538
 2539 Reviser's note.--Amended to delete remaining
 2540 references to "solicitor" to conform to the deletion
 2541 of references to solicitors from other portions of s.
 2542 626.321 by ss. 16 and 53, ch. 2002-206, Laws of
 2543 Florida, and to conform to the repeal of s. 626.071,
 2544 which defined "solicitor," by s. 72, ch. 2002-206.

2545
 2546 Section 81. Section 626.461, Florida Statutes, is amended
 2547 to read:

2548 626.461 Continuation of appointment of agent or other
 2549 representative.--Subject to renewal or continuation by the
 2550 appointing entity, the appointment of the agent, adjuster,
 2551 ~~solicitor~~, service representative, customer representative, or
 2552 managing general agent shall continue in effect until the
 2553 person's license is revoked or otherwise terminated, unless
 2554 written notice of earlier termination of the appointment is
 2555 filed with the department by either the appointing entity or the
 2556 appointee.

2557



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2558 Reviser's note.--Amended to delete a reference to
2559 "solicitor" to conform to the repeal of s. 626.071,
2560 which defined "solicitor," by s. 72, ch. 2002-206,
2561 Laws of Florida

2562
2563 Section 82. Section 626.733, Florida Statutes, is amended
2564 to read:

2565 626.733 Agency firms and corporations; special
2566 requirements.--If a sole proprietorship, partnership,
2567 corporation, or association holds an agency contract, all
2568 members thereof who solicit, negotiate, or effect insurance
2569 contracts, and all officers and stockholders of the corporation
2570 who solicit, negotiate, or effect insurance contracts, are
2571 required to qualify and be licensed individually as agents,
2572 ~~solicitors~~, or customer representatives; and all of such agents
2573 must be individually appointed as to each property and casualty
2574 insurer entering into an agency contract with such agency. Each
2575 such appointing insurer as soon as known to it shall comply with
2576 this section and shall determine and require that each agent so
2577 associated in or so connected with such agency is likewise
2578 appointed as to the same such insurer and for the same type and
2579 class of license. However, no insurer is required to comply
2580 with the provisions of this section if such insurer
2581 satisfactorily demonstrates to the department that the insurer
2582 has issued an aggregate net written premium, in an agency, in an
2583 amount of \$25,000 or less.

2584
2585 Reviser's note.--Amended to delete a reference to
2586 "solicitors" to conform to the repeal of s. 626.071,



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2587 which defined "solicitor," by s. 72, ch. 2002-206,
 2588 Laws of Florida.

2589
 2590 Section 83. Subsection (2) of section 626.7354, Florida
 2591 Statutes, is amended to read:

2592 626.7354 Customer representative's powers; agent's or
 2593 agency's responsibility.--

2594 (2) A customer representative may engage in transacting
 2595 insurance with customers who have been solicited by any agent,
 2596 ~~solicitor~~, or customer representative in the same agency, and
 2597 may engage in transacting insurance with customers who have not
 2598 been so solicited to the extent and under conditions that are
 2599 otherwise consistent with this part and with the insurer's
 2600 contract with the agent appointing him or her.

2601
 2602 Reviser's note.--Amended to delete a reference to
 2603 "solicitor" to conform to the repeal of s. 626.071,
 2604 which defined "solicitor," by s. 72, ch. 2002-206,
 2605 Laws of Florida.

2606
 2607 Section 84. Subsection (3) of section 626.741, Florida
 2608 Statutes, is amended to read:

2609 626.741 Nonresident agents; licensing and restrictions.--

2610 (3) The department shall not, however, issue any license
 2611 and appointment to any nonresident who has an office or place of
 2612 business in this state, or who has any direct or indirect
 2613 pecuniary interest in any insurance agent or insurance agency
 2614 ~~or in any solicitor~~ licensed as a resident of this state; nor to
 2615 any individual who does not, at the time of issuance and
 2616 throughout the existence of the Florida license, hold a license



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2617 as agent or broker issued by his or her home state; nor to any
2618 individual who is employed by any insurer as a service
2619 representative or who is a managing general agent in any state,
2620 whether or not also licensed in another state as an agent or
2621 broker. The foregoing requirement to hold a similar license in
2622 the applicant's home state does not apply to customer
2623 representatives unless the home state licenses residents of that
2624 state in a similar manner. The prohibition against having an
2625 office or place of business in this state does not apply to
2626 customer representatives who are required to conduct business
2627 solely within the confines of the office of a licensed and
2628 appointed Florida resident general lines agent in this state.
2629 The authority of such nonresident license is limited to the
2630 specific lines of authority granted in the license issued by the
2631 agent's home state and further limited to the specific lines
2632 authorized under the nonresident license issued by this state.
2633 The department shall have discretion to refuse to issue any
2634 license or appointment to a nonresident when it has reason to
2635 believe that the applicant by ruse or subterfuge is attempting
2636 to avoid the intent and prohibitions contained in this
2637 subsection or to believe that any of the grounds exist as for
2638 suspension or revocation of license as set forth in ss. 626.611
2639 and 626.621.

2640

2641 Reviser's note.--Amended to delete a reference to
2642 "solicitor" to conform to the repeal of s. 626.071,
2643 which defined "solicitor," by s. 72, ch. 2002-206,
2644 Laws of Florida.

2645



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2646 Section 85. Paragraph (a) of subsection (1) of section
 2647 626.753, Florida Statutes, is amended to read:

2648 626.753 Sharing commissions; penalty.--

2649 (1)(a) An agent may divide or share in commissions only
 2650 with ~~his or her own employed solicitors and with~~ other agents
 2651 appointed and licensed to write the same kind or kinds of
 2652 insurance.

2653
 2654 Reviser's note.--Amended to delete a reference to an
 2655 insurance agent's "own employed solicitors" to conform
 2656 to the repeal of s. 626.071, which defined
 2657 "solicitor," by s. 72, ch. 2002-206, Laws of Florida.

2658
 2659 Section 86. Subsection (2) of section 626.829, Florida
 2660 Statutes, is amended to read:

2661 626.829 "Health agent" defined.--

2662 (2) Any person who acts for an insurer, or on behalf of a
 2663 licensed representative of an insurer, to solicit applications
 2664 for or to negotiate and effectuate health insurance contracts,
 2665 whether or not he or she is appointed as an agent, subagent,
 2666 ~~solicitor~~, or canvasser or by any other title, shall be deemed
 2667 to be a health agent and shall be qualified, licensed, and
 2668 appointed as a health agent.

2669
 2670 Reviser's note.--Amended to delete a reference to
 2671 "solicitor" to conform to the repeal of s. 626.071,
 2672 which defined "solicitor," by s. 72, ch. 2002-206,
 2673 Laws of Florida.

2674



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2675 Section 87. Subsection (5) of section 626.852, Florida
 2676 Statutes, is amended to read:

2677 626.852 Scope of this part.--

2678 (5) This part does not apply to any employee or agent of a
 2679 state university board of trustees providing services in support
 2680 of any self-insurance program created under former s. 240.213 or
 2681 s. 1004.24.

2682
 2683 Reviser's note.--Amended to conform to the repeal of
 2684 s. 240.213 by s. 1058, ch. 2002-387, Laws of Florida.

2685
 2686 Section 88. Paragraph (h) of subsection (1) of section
 2687 626.9541, Florida Statutes, is amended to read:

2688 626.9541 Unfair methods of competition and unfair or
 2689 deceptive acts or practices defined.--

2690 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 2691 ACTS.--The following are defined as unfair methods of
 2692 competition and unfair or deceptive acts or practices:

2693 (h) Unlawful rebates.--

2694 1. Except as otherwise expressly provided by law, or in an
 2695 applicable filing with the department, knowingly:

2696 a. Permitting, or offering to make, or making, any
 2697 contract or agreement as to such contract other than as plainly
 2698 expressed in the insurance contract issued thereon;

2699 b. Paying, allowing, or giving, or offering to pay, allow,
 2700 or give, directly or indirectly, as inducement to such insurance
 2701 contract, any unlawful rebate of premiums payable on the
 2702 contract, any special favor or advantage in the dividends or
 2703 other benefits thereon, or any valuable consideration or
 2704 inducement whatever not specified in the contract;



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2705 c. Giving, selling, or purchasing, or offering to give,
2706 sell, or purchase, as inducement to such insurance contract or
2707 in connection therewith, any stocks, bonds, or other securities
2708 of any insurance company or other corporation, association, or
2709 partnership, or any dividends or profits accrued thereon, or
2710 anything of value whatsoever not specified in the insurance
2711 contract.

2712 2. Nothing in paragraph (g) or subparagraph 1. of this
2713 paragraph shall be construed as including within the definition
2714 of discrimination or unlawful rebates:

2715 a. In the case of any contract of life insurance or life
2716 annuity, paying bonuses to all policyholders or otherwise
2717 abating their premiums in whole or in part out of surplus
2718 accumulated from nonparticipating insurance; provided that any
2719 such bonuses or abatement of premiums is fair and equitable to
2720 all policyholders and for the best interests of the company and
2721 its policyholders.

2722 b. In the case of life insurance policies issued on the
2723 industrial debit plan, making allowance to policyholders who
2724 have continuously for a specified period made premium payments
2725 directly to an office of the insurer in an amount which fairly
2726 represents the saving in collection expenses.

2727 c. Readjustment of the rate of premium for a group
2728 insurance policy based on the loss or expense thereunder, at the
2729 end of the first or any subsequent policy year of insurance
2730 thereunder, which may be made retroactive only for such policy
2731 year.

2732 d. Issuance of life insurance policies or annuity
2733 contracts at rates less than the usual rates of premiums for



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2734 such policies or contracts, as group insurance or employee
 2735 insurance as defined in this code.

2736 e. Issuing life or disability insurance policies on a
 2737 salary savings, bank draft, preauthorized check, payroll
 2738 deduction, or other similar plan at a reduced rate reasonably
 2739 related to the savings made by the use of such plan.

2740 3.a. No title insurer, or any member, employee, attorney,
 2741 agent, or agency, ~~or solicitor~~ thereof, shall pay, allow, or
 2742 give, or offer to pay, allow, or give, directly or indirectly,
 2743 as inducement to title insurance, or after such insurance has
 2744 been effected, any rebate or abatement of the agent's, agency's,
 2745 or title insurer's share of the premium or any charge for
 2746 related title services below the cost for providing such
 2747 services, or provide any special favor or advantage, or any
 2748 monetary consideration or inducement whatever. Nothing herein
 2749 contained shall preclude an abatement in an attorney's fee
 2750 charged for legal services.

2751 b. Nothing in this subparagraph shall be construed as
 2752 prohibiting the payment of fees to attorneys at law duly
 2753 licensed to practice law in the courts of this state, for
 2754 professional services, or as prohibiting the payment of earned
 2755 portions of the premium to duly appointed agents or agencies who
 2756 actually perform services for the title insurer.

2757 c. No insured named in a policy, or any other person
 2758 directly or indirectly connected with the transaction involving
 2759 the issuance of such policy, including, but not limited to, any
 2760 mortgage broker, real estate broker, builder, or attorney, any
 2761 employee, agent, agency, or representative thereof, or any other
 2762 person whatsoever, shall knowingly receive or accept, directly
 2763 or indirectly, any rebate or abatement of said charge, or any



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2764 monetary consideration or inducement, other than as set forth in
 2765 sub-subparagraph b.

2766
 2767 Reviser's note.--Amended to delete a reference to
 2768 "solicitor" to conform to the deletion of references
 2769 to solicitors from other portions of s. 626.9541 by s.
 2770 65, ch. 2002-206, Laws of Florida, and to conform to
 2771 the repeal of s. 626.071, which defined "solicitor,"
 2772 by s. 72, ch. 2002-206.

2773
 2774 Section 89. Section 627.3111, Florida Statutes, is amended
 2775 to read:

2776 627.3111 Public records exemption.--All bank account
 2777 numbers and debit, charge, and credit card numbers, and all
 2778 other personal financial and health information of a consumer
 2779 held by the Department of Insurance or its service providers or
 2780 agents, relating to a consumer's complaint or inquiry regarding
 2781 a matter or activity regulated under the Florida Insurance Code,
 2782 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 2783 I of the State Constitution. For the purpose of this section,
 2784 the term "consumer" includes but is not limited to a prospective
 2785 purchaser, purchaser, or beneficiary of, or applicant for, any
 2786 product or service regulated under the Florida Insurance Code,
 2787 and a family member or dependent of a consumer, a subscriber
 2788 under a group policy, or a policyholder. This information shall
 2789 be redacted from records that contain nonexempt information
 2790 prior to disclosure. This exemption applies to information made
 2791 confidential and exempt by this section held by the Department
 2792 of Insurance or its service providers or agents before, on, or
 2793 after the effective date of this exemption. Such confidential



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2794 and exempt information may be disclosed to another governmental
 2795 entity, if disclosure is necessary for the receiving entity to
 2796 perform its duties and responsibilities, and may be disclosed to
 2797 the National Association of Insurance Commissioners. The
 2798 receiving governmental entity and the association must maintain
 2799 the confidential and exempt status of such information. The
 2800 information made confidential and exempt by this section may be
 2801 used in a criminal, civil, or administrative proceeding so long
 2802 as the confidential and exempt status of such information is
 2803 maintained. This exemption does not include the name and
 2804 address of an inquirer or complainant to the department or the
 2805 name of an insurer or other regulated entity which is the
 2806 subject of the inquiry or ~~of~~ complaint. This section is subject
 2807 to the Open Government Sunset Review Act of 1995 in accordance
 2808 with s. 119.15 and shall stand repealed on October 2, 2007,
 2809 unless reviewed and saved from repeal through reenactment by the
 2810 Legislature.

2811
 2812 Reviser's note.--Amended to improve clarity and
 2813 provide contextual consistency.

2814
 2815 Section 90. Paragraphs (j), (k), and (r) of subsection (6)
 2816 of section 627.351, Florida Statutes, are amended to read:

2817 627.351 Insurance risk apportionment plans.--

2818 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

2819 (j) For the purposes of s. 199.183(1), the corporation
 2820 shall be considered a political subdivision of the state and
 2821 shall be exempt from the corporate income tax. The premiums,
 2822 assessments, investment income, and other revenue of the
 2823 corporation are funds received for providing property insurance



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2824 coverage as required by this subsection, paying claims for
 2825 Florida citizens insured by the corporation, securing and
 2826 repaying debt obligations issued by the corporation, and
 2827 conducting all other activities of the corporation, and shall
 2828 not be considered taxes, fees, licenses, or charges for services
 2829 imposed by the Legislature on individuals, businesses, or
 2830 agencies outside state government. Bonds and other debt
 2831 obligations issued by or on behalf of the corporation are not to
 2832 be considered "state bonds" within the meaning of s. 215.58(10).
 2833 The corporation is not subject to the procurement provisions of
 2834 chapter 287, and policies and decisions of the corporation
 2835 relating to incurring debt, levying of assessments and the sale,
 2836 issuance, continuation, terms and claims under corporation
 2837 policies, and all services relating thereto, are not subject to
 2838 the provisions of chapter 120. The corporation is not required
 2839 to obtain or to hold a certificate of authority issued by the
 2840 department, nor is it required to participate as a member
 2841 insurer of the Florida Insurance Guaranty Association. However,
 2842 the corporation is required to pay, in the same manner as an
 2843 authorized insurer, assessments pledged by the Florida Insurance
 2844 Guaranty Association to secure bonds issued or other
 2845 indebtedness incurred to pay covered claims arising from insurer
 2846 insolvencies caused by, or proximately related to, hurricane
 2847 losses. It is the intent of the Legislature that the tax
 2848 exemptions provided in this paragraph will augment the financial
 2849 resources of the corporation to better enable the corporation to
 2850 fulfill its public purposes. Any bonds issued by the
 2851 corporation, their transfer, and the income therefrom, including
 2852 any profit made on the sale thereof, shall at all times be free
 2853 from taxation of every kind by the state and any political



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2854 subdivision or local unit or other instrumentality thereof;
 2855 however, this exemption does not apply to any tax imposed by
 2856 chapter 220 ~~200~~ on interest, income, or profits on debt
 2857 obligations owned by corporations other than the corporation.

2858 (k) Upon a determination by the department that the
 2859 conditions giving rise to the establishment and activation of
 2860 the corporation no longer exist, the corporation is dissolved.
 2861 Upon dissolution, the assets of the corporation ~~association~~
 2862 shall be applied first to pay all debts, liabilities, and
 2863 obligations of the corporation, including the establishment of
 2864 reasonable reserves for any contingent liabilities or
 2865 obligations, and all remaining assets of the corporation shall
 2866 become property of the state and shall be deposited in the
 2867 Florida Hurricane Catastrophe Fund. However, no dissolution
 2868 shall take effect as long as the corporation has bonds or other
 2869 financial obligations outstanding unless adequate provision has
 2870 been made for the payment of the bonds or other financial
 2871 obligations pursuant to the documents authorizing the issuance
 2872 of the bonds or other financial obligations.

2873 (r) The corporation shall not require the securing of
 2874 flood insurance as a condition of coverage if the insured or
 2875 applicant executes a form approved by the department affirming
 2876 that flood insurance is not provided by the corporation and that
 2877 if flood insurance is not secured by the applicant or insured in
 2878 addition to coverage by the corporation, the risk will not be
 2879 covered for flood damage. A corporation policyholder electing
 2880 not to secure flood insurance and executing a form as provided
 2881 herein making a claim ~~claim~~ for water damage against the
 2882 corporation shall have the burden of proving the damage was not
 2883 caused by flooding. Notwithstanding other provisions of this



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2884 subsection, the corporation may deny coverage to an applicant or
 2885 insured who refuses to execute the form described herein.

2886
 2887 Reviser's note.--Paragraph (6)(j) is amended to
 2888 correct a cross-reference and conform to context;
 2889 chapter 200 does not impose a tax on interest, income,
 2890 or profits on debt obligations owned by corporations,
 2891 but chapter 220 does. Paragraph (6)(k) is amended to
 2892 substitute a reference to the "corporation" for a
 2893 reference to the "association" to conform to that
 2894 change made elsewhere by s. 2, ch. 2002-240, Laws of
 2895 Florida, and s. 11, ch. 2002-282, Laws of Florida. The
 2896 paragraph is also amended to improve clarity and
 2897 sentence construction. Paragraph (6)(r) is amended to
 2898 correct an apparent error and conform to context.

2899 Section 91. Subsection (3) of section 628.255, Florida
 2900 Statutes, is amended to read:

2901 628.255 Person with effective control cannot receive
 2902 commission unless contract approved; penalties.--

2903 (3) For the purposes of this section, "effective control"
 2904 means ownership of 10 percent or more of company stock or
 2905 receipt of \$25,000 or more cumulatively in compensation in 1
 2906 calendar year other than commissions resulting from insurance
 2907 business produced by an agent ~~or solicitor~~.

2908
 2909 Reviser's note.--Amended to delete a reference to
 2910 "solicitor" to conform to the repeal of s. 626.071,
 2911 which defined "solicitor," by s. 72, ch. 2002-206,
 2912 Laws of Florida.

2913



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2914 Section 92. Subsection (2) of section 631.111, Florida
 2915 Statutes, is amended to read:

2916 631.111 Order of liquidation; domestic insurers.--

2917 (2) The order of liquidation shall authorize and direct
 2918 the department to take immediate possession of all the property,
 2919 assets, and estate, including, but not limited to, all offices
 2920 maintained by the insurer and all rights of action, books,
 2921 documents, papers, evidences of debt, and all other property of
 2922 every kind whatsoever and wheresoever located belonging to the
 2923 insurer, including, but not limited to, all bank accounts,
 2924 stocks, bonds, debentures, mortgages, all premiums collected by
 2925 premium finance companies or any person otherwise engaged in
 2926 premium financing, agents, subagents, producing agents, brokers,
 2927 ~~solicitors~~, service representatives, or others and not paid to
 2928 the insurer, furniture, fixtures, equipment, office supplies,
 2929 and all real property of the insurer and to hold all such assets
 2930 pending further orders of the court.

2931
 2932 Reviser's note.--Amended to delete a reference to
 2933 "solicitors" to conform to the repeal of s. 626.071,
 2934 which defined "solicitor," by s. 72, ch. 2002-206,
 2935 Laws of Florida.

2936
 2937 Section 93. Subsection (7) of section 633.01, Florida
 2938 Statutes, is amended to read:

2939 633.01 State Fire Marshal; powers and duties; rules.--

2940 (7) The State Fire Marshal shall adopt and administer
 2941 rules prescribing standards for the safety and health of
 2942 occupants of educational and ancillary facilities pursuant to
 2943 ss. 633.022, 1013.12, 1013.37, and 1013.371 ~~235.06, and 235.26.~~



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2944 In addition, in any county that does not employ or appoint a
 2945 local fire official, the State Fire Marshal shall assume the
 2946 duties of the local fire official with respect to firesafety
 2947 inspections of educational property required under s.
 2948 1013.12(2)(b) ~~235.06(2)(b)~~, and the State Fire Marshal may take
 2949 necessary corrective action as authorized under s. 1013.12(5)
 2950 ~~235.06(4)~~.

2951
 2952 Reviser's note.--Amended to conform to the repeal of
 2953 ss. 235.06 and 235.26 by s. 1058, ch. 2002-387, Laws
 2954 of Florida, and the enactment of similar material in
 2955 ss. 1013.12, 1013.37, and 1013.371, by ss. 805, 834,
 2956 and 835, ch. 2002-387, respectively.

2957
 2958 Section 94. Section 634.171, Florida Statutes, is amended
 2959 to read:

2960 634.171 Salesperson to be licensed and
 2961 appointed.--Salespersons for motor vehicle service agreement
 2962 companies and insurers shall be licensed, appointed, renewed,
 2963 continued, reinstated, or terminated as prescribed in chapter
 2964 626 for insurance representatives in general. However, they
 2965 shall be exempt from all other provisions of chapter 626
 2966 including fingerprinting, photo identification, education, and
 2967 examination provisions. License, appointment, and other fees
 2968 shall be those prescribed in s. 624.501. A licensed and
 2969 appointed salesperson shall be directly responsible and
 2970 accountable for all acts of her or his employees and other
 2971 representatives. Each service agreement company or insurer
 2972 shall, on forms prescribed by the department, within 30 days
 2973 after termination of the appointment, notify the department of



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2974 such termination. No employee or salesperson of a motor vehicle
 2975 service agreement company or insurer may directly or indirectly
 2976 solicit or negotiate insurance contracts, or hold herself or
 2977 himself out in any manner to be an insurance agent ~~or solicitor~~,
 2978 unless so qualified, licensed, and appointed therefor under the
 2979 Florida Insurance Code. A motor vehicle service agreement
 2980 company is not required to be licensed as a salesperson to
 2981 solicit, sell, issue, or otherwise transact the motor vehicle
 2982 service agreements issued by the motor vehicle service agreement
 2983 company.

2984
 2985 Reviser's note.--Amended to delete a reference to
 2986 "solicitor" to conform to the repeal of s. 626.071,
 2987 which defined "solicitor," by s. 72, ch. 2002-206,
 2988 Laws of Florida.

2989
 2990 Section 95. Section 634.420, Florida Statutes, is amended
 2991 to read:

2992 634.420 License and appointment of sales
 2993 representatives.--Sales representatives for service warranty
 2994 associations or insurers shall be licensed, appointed, renewed,
 2995 continued, reinstated, or terminated in accordance with
 2996 procedures as prescribed in chapter 626 for insurance
 2997 representatives in general. However, they shall be exempt from
 2998 all other provisions of chapter 626, including fingerprinting,
 2999 photo identification, education, and examination. License,
 3000 appointment, and other fees shall be those prescribed in s.
 3001 624.501. A licensed and appointed sales representative shall be
 3002 directly responsible and accountable for all acts of the
 3003 licensed sales representative's employees or other



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3004 representatives. Each service warranty association or insurer
 3005 shall, on forms prescribed by the department, within 30 days
 3006 after termination of the appointment, notify the department of
 3007 such termination. No employee or sales representative of a
 3008 service warranty association or insurer may directly or
 3009 indirectly solicit or negotiate insurance contracts, or hold
 3010 herself or himself out in any manner to be an insurance agent ~~or~~
 3011 ~~solicitor~~, unless so qualified, licensed, and appointed therefor
 3012 under the insurance code.

3013

3014 Reviser's note.--Amended to delete a reference to
 3015 "solicitor" to conform to the repeal of s. 626.071,
 3016 which defined "solicitor," by s. 72, ch. 2002-206,
 3017 Laws of Florida.

3018

3019 Section 96. Paragraph (a) of subsection (15) of section
 3020 641.35, Florida Statutes, is amended to read:

3021 641.35 Assets, liabilities, and investments.--

3022 (15) INVESTMENT OF EXCESS FUNDS.--

3023 (a) After satisfying the requirements of this part, any
 3024 funds of a health maintenance organization in excess of its
 3025 statutorily required reserves and surplus may be invested:

3026 1. Without limitation in any investments otherwise
 3027 authorized by this part; or

3028 2. In such other investments not specifically authorized
 3029 by this part, provided such investments do not exceed the lesser
 3030 of 5 percent of the health maintenance organization's admitted
 3031 assets or 25 percent of the amount by which a health maintenance
 3032 organization's surplus exceeds its statutorily required minimum
 3033 surplus. A health maintenance organization may exceed the



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3034 limitations of this subparagraph only with the prior written
 3035 approval of the department.

3036

3037 Reviser's note.--Amended to improve clarity and
 3038 sentence construction.

3039

3040 Section 97. Section 642.034, Florida Statutes, is amended
 3041 to read:

3042 642.034 License and appointment required.--No person may
 3043 solicit, negotiate, sell, or execute legal expense insurance
 3044 contracts on behalf of an insurer in this state unless such
 3045 person is licensed and appointed as a sales representative or is
 3046 licensed and appointed under the insurance code as a general
 3047 lines agent ~~or solicitor~~. No person licensed and appointed as a
 3048 legal expense insurance sales representative may solicit,
 3049 negotiate, sell, or execute any other contract of insurance
 3050 unless such person is duly licensed and appointed to do so under
 3051 the provisions of chapter 626.

3052

3053 Reviser's note.--Amended to delete a reference to
 3054 "solicitor" to conform to the repeal of s. 626.071,
 3055 which defined "solicitor," by s. 72, ch. 2002-206,
 3056 Laws of Florida.

3057

3058 Section 98. Section 642.036, Florida Statutes, is amended
 3059 to read:

3060 642.036 Sales representatives to be licensed and
 3061 appointed.--Sales representatives of legal expense insurers
 3062 shall be licensed, appointed, renewed, continued, reinstated, or
 3063 terminated as prescribed in chapter 626 for insurance



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3064 representatives in general, and shall pay the license and
3065 appointment fees prescribed in s. 624.501. No employee or sales
3066 representative of an insurer may directly or indirectly solicit
3067 or negotiate insurance contracts, or hold herself or himself out
3068 in any manner to be an insurance agent ~~or solicitor~~, unless so
3069 qualified, licensed, and appointed therefor under the insurance
3070 code.

3071
3072 Reviser's note.--Amended to delete a reference to
3073 "solicitor" to conform to the repeal of s. 626.071,
3074 which defined "solicitor," by s. 72, ch. 2002-206,
3075 Laws of Florida.

3076
3077 Section 99. Subsection (2) of section 642.045, Florida
3078 Statutes, is amended to read:

3079 642.045 Procedure for refusal, suspension, or revocation
3080 of license and appointment of sales representative; departmental
3081 action upon violation by licensed insurance agent ~~or~~
3082 ~~solicitor~~.--

3083 (2) Whenever it appears that any licensed insurance agent
3084 ~~or solicitor~~ has violated the provisions of ss. 642.011-642.049,
3085 or if any grounds listed in s. 642.041 or s. 642.043 exist as to
3086 such agent ~~or solicitor~~, the department may take such action as
3087 is authorized by the insurance code for a violation of the
3088 insurance code by such agent ~~or solicitor~~, or such action as is
3089 authorized by this chapter for a violation of this chapter by a
3090 sales representative.

3091
3092 Reviser's note.--Amended to delete references to
3093 "solicitor" to conform to the repeal of s. 626.071,



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3094 which defined "solicitor," by s. 72, ch. 2002-206,
 3095 Laws of Florida.

3096
 3097 Section 100. Paragraph (g) of subsection (1) of section
 3098 648.355, Florida Statutes, is amended to read:

3099 648.355 Temporary limited license as limited surety agent
 3100 or professional bail bond agent; pending examination.--

3101 (1) The department may, in its discretion, issue a
 3102 temporary license as a limited surety agent or professional bail
 3103 bond agent, subject to the following conditions:

3104 (g) The applicant must file with the department statements
 3105 by at a least three reputable citizens who are residents of the
 3106 same counties in which the applicant proposes to engage as a
 3107 temporary licensee.

3108
 3109 Reviser's note.--Amended to improve clarity and
 3110 conform to context.

3111
 3112 Section 101. Paragraph (b) of subsection (2) of section
 3113 679.703, Florida Statutes, is amended to read:

3114 679.703 Security interest perfected before effective
 3115 date.--

3116 (2) Except as otherwise provided in s. 679.705, if,
 3117 immediately before this act takes effect, a security interest is
 3118 enforceable and would have priority over the rights of a person
 3119 who becomes a lien creditor at that time, but the applicable
 3120 requirements for enforceability or perfection under this act are
 3121 not satisfied when this act takes effect, the security interest:



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3122 (b) Remains enforceable thereafter only if the security
 3123 interest becomes enforceable under former s. 679.203 before the
 3124 year expires; and

3125
 3126 Reviser's note.--Amended to conform to the repeal of
 3127 s. 679.203 by s. 2, ch. 2001-198, Laws of Florida.

3128
 3129 Section 102. Subsection (2) of section 679.704, Florida
 3130 Statutes, is amended to read:

3131 679.704 Security interest unperfected before effective
 3132 date.--A security interest that is enforceable immediately
 3133 before this act takes effect but that would be subordinate to
 3134 the rights of a person who becomes a lien creditor at that time:

3135 (2) Remains enforceable thereafter if the security
 3136 interest becomes enforceable under former s. 679.203 when this
 3137 act takes effect or within 1 year thereafter; and

3138
 3139 Reviser's note.--Amended to conform to the repeal of
 3140 s. 679.203 by s. 2, ch. 2001-198, Laws of Florida.

3141
 3142 Section 103. Subsection (2) of section 765.5216, Florida
 3143 Statutes, is amended to read:

3144 765.5216 Organ and tissue donor education panel.--

3145 (2) There is created within the Agency for Health Care
 3146 Administration a statewide organ and tissue donor education
 3147 panel, consisting of 12 members, to represent the interests of
 3148 the public with regard to increasing the number of organ and
 3149 tissue donors within the state. The panel and the Organ and
 3150 Tissue Procurement and Transplantation Advisory Board
 3151 established in s. 765.543 ~~381.6023~~ shall jointly develop,



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3152 subject to the approval of the Agency for Health Care
3153 Administration, education initiatives pursuant to s. 765.5215,
3154 which the agency shall implement. The membership must be
3155 balanced with respect to gender, ethnicity, and other
3156 demographic characteristics so that the appointees reflect the
3157 diversity of the population of this state. The panel members
3158 must include:

3159 (a) A representative from the Agency for Health Care
3160 Administration, who shall serve as chairperson of the panel.

3161 (b) A representative from a Florida licensed organ
3162 procurement organization.

3163 (c) A representative from a Florida licensed tissue bank.

3164 (d) A representative from a Florida licensed eye bank.

3165 (e) A representative from a Florida licensed hospital.

3166 (f) A representative from the Division of Driver Licenses
3167 of the Department of Highway Safety and Motor Vehicles, who
3168 possesses experience and knowledge in dealing with the public.

3169 (g) A representative from the family of an organ, tissue,
3170 or eye donor.

3171 (h) A representative who has been the recipient of a
3172 transplanted organ, tissue, or eye, or is a family member of a
3173 recipient.

3174 (i) A representative who is a minority person as defined
3175 in former s. 381.81.

3176 (j) A representative from a professional association or
3177 public relations or advertising organization.

3178 (k) A representative from a community service club or
3179 organization.

3180 (l) A representative from the Department of Education.

3181



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3182 Reviser's note.--Amended to conform a cross-reference
 3183 to s. 381.6023 to the transfer of that section to s.
 3184 765.543 by this act.

3185
 3186 Section 104. Subsection (5) of section 765.522, Florida
 3187 Statutes, is amended to read:

3188 765.522 Duty of certain hospital administrators; liability
 3189 of hospital administrators, organ procurement organizations, eye
 3190 banks, and tissue banks.--

3191 (5) There shall be no civil or criminal liability against
 3192 any organ procurement organization, eye bank, or tissue bank
 3193 certified under s. 765.542 ~~381.6022~~, or against any hospital or
 3194 hospital administrator or designee, when complying with the
 3195 provisions of this part and the rules of the Agency for Health
 3196 Care Administration or when, in the exercise of reasonable care,
 3197 a request for organ donation is inappropriate and the gift is
 3198 not made according to this part and the rules of the Agency for
 3199 Health Care Administration.

3200
 3201 Reviser's note.--Amended to conform a cross-reference
 3202 to s. 381.6022 to the transfer of that section to s.
 3203 765.542 by this act.

3204
 3205 Section 105. Section 768.16, Florida Statutes, is amended
 3206 to read:

3207 768.16 Wrongful Death Act.--Sections 768.16-768.26 ~~768.16-~~
 3208 ~~768.27~~ may be cited as the "Florida Wrongful Death Act."

3209
 3210 Reviser's note.--Amended to conform to the repeal of
 3211 s. 768.27 by s. 3, ch. 2000-341, Laws of Florida.



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Section 106. Section 768.17, Florida Statutes, is amended to read:

768.17 Legislative intent.--It is the public policy of the state to shift the losses resulting when wrongful death occurs from the survivors of the decedent to the wrongdoer. Sections 768.16-768.26 ~~768.16-768.27~~ are remedial and shall be liberally construed.

Reviser's note.--Amended to conform to the repeal of s. 768.27 by s. 3, ch. 2000-341, Laws of Florida.

Section 107. Section 768.18, Florida Statutes, is amended to read:

768.18 Definitions.--As used in ss. 768.16-768.26 ~~768.16-768.27~~:

(1) "Survivors" means the decedent's spouse, children, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive brothers and sisters. It includes the child born out of wedlock of a mother, but not the child born out of wedlock of the father unless the father has recognized a responsibility for the child's support.

(2) "Minor children" means children under 25 years of age, notwithstanding the age of majority.

(3) "Support" includes contributions in kind as well as money.

(4) "Services" means tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the survivors of the decedent. These services may



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3242 vary according to the identity of the decedent and survivor and
 3243 shall be determined under the particular facts of each case.

3244 (5) "Net accumulations" means the part of the decedent's
 3245 expected net business or salary income, including pension
 3246 benefits, that the decedent probably would have retained as
 3247 savings and left as part of her or his estate if the decedent
 3248 had lived her or his normal life expectancy. "Net business or
 3249 salary income" is the part of the decedent's probable gross
 3250 income after taxes, excluding income from investments continuing
 3251 beyond death, that remains after deducting the decedent's
 3252 personal expenses and support of survivors, excluding
 3253 contributions in kind.

3254

3255 Reviser's note.--Amended to conform to the repeal of
 3256 s. 768.27 by s. 3, ch. 2000-341, Laws of Florida.

3257

3258 Section 108. Paragraph (h) of subsection (2) of section
 3259 790.06, Florida Statutes, is amended to read:

3260 790.06 License to carry concealed weapon or firearm.--

3261 (2) The Department of Agriculture and Consumer Services
 3262 shall issue a license if the applicant:

3263 (h) Demonstrates competence with a firearm by any one of
 3264 the following:

3265 1. Completion of any hunter education or hunter safety
 3266 course approved by the Fish and Wildlife Conservation Commission
 3267 or a similar agency of another state;

3268 2. Completion of any National Rifle Association firearms
 3269 safety or training course;

3270 3. Completion of any firearms safety or training course or
 3271 class available to the general public offered by a law



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3272 enforcement, junior college, college, or private or public
 3273 institution or organization or firearms training school,
 3274 utilizing instructors certified by the National Rifle
 3275 Association, Criminal Justice Standards and Training Commission,
 3276 or the Department of Agriculture and Consumer Services
 3277 ~~Department of State;~~

3278 4. Completion of any law enforcement firearms safety or
 3279 training course or class offered for security guards,
 3280 investigators, special deputies, or any division or subdivision
 3281 of law enforcement or security enforcement;

3282 5. Presents evidence of equivalent experience with a
 3283 firearm through participation in organized shooting competition
 3284 or military service;

3285 6. Is licensed or has been licensed to carry a firearm in
 3286 this state or a county or municipality of this state, unless
 3287 such license has been revoked for cause; or

3288 7. Completion of any firearms training or safety course or
 3289 class conducted by a state-certified or National Rifle
 3290 Association certified firearms instructor;

3291
 3292 A photocopy of a certificate of completion of any of the courses
 3293 or classes; or an affidavit from the instructor, school, club,
 3294 organization, or group that conducted or taught said course or
 3295 class attesting to the completion of the course or class by the
 3296 applicant; or a copy of any document which shows completion of
 3297 the course or class or evidences participation in firearms
 3298 competition shall constitute evidence of qualification under
 3299 this paragraph; any person who conducts a course pursuant to
 3300 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
 3301 an instructor, attests to the completion of such courses, must



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3302 maintain records certifying that he or she observed the student
 3303 safely handle and discharge the firearm;

3304
 3305 Reviser's note.--Amended to improve clarity and
 3306 facilitate correct interpretation. The Division of
 3307 Licensing of the Department of State was transferred
 3308 to the Department of Agriculture and Consumer Services
 3309 and reestablished as a division within that department
 3310 by s. 1, ch. 2002-295, Laws of Florida.

3311
 3312 Section 109. Paragraph (a) of subsection (3) of section
 3313 921.0022, Florida Statutes, is amended to read:

3314 921.0022 Criminal Punishment Code; offense severity
 3315 ranking chart.--

3316 (3) OFFENSE SEVERITY RANKING CHART

| Florida | Felony | |
|---------------|--------|--|
| Statute | Degree | Description |
| | | (a) LEVEL 1 |
| 24.118(3)(a) | 3rd | Counterfeit or altered state lottery ticket. |
| 212.054(2)(b) | 3rd | Discretionary sales surtax; limitations, administration, and collection. |
| 212.15(2)(b) | 3rd | Failure to remit sales taxes, |



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| | | | amount greater than \$300 but less than \$20,000. |
| 3324 | 319.30(5) | 3rd | Sell, exchange, give away certificate of title or identification number plate. |
| 3325 | 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an odometer. |
| 3326 | 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell registration license plates or validation stickers. |
| 3327 | 322.212 (1)(a)-(c) | 3rd | Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification. |
| 3328 | 322.212(4) | 3rd | Supply or aid in supplying unauthorized driver's license or identification card. |
| 3329 | 322.212(5)(a) | 3rd | False application for driver's license or identification card. |
| 3330 | <u>370.13(2)(c)1.</u> 370.13(3)(a) | 3rd | Molest any stone crab trap, line, or buoy which is property of licenseholder. |
| 3331 | 370.135(1) | 3rd | Molest any blue crab trap, line, or buoy which is property |



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| | | | of licenseholder. |
| 3332 | 372.663(1) | 3rd | Poach any alligator or crocodilia. |
| 3333 | 414.39(2) | 3rd | Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200. |
| 3334 | 414.39(3)(a) | 3rd | Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200. |
| 3335 | 443.071(1) | 3rd | False statement or representation to obtain or increase unemployment compensation benefits. |
| 3336 | 509.151(1) | 3rd | Defraud an innkeeper, food or lodging value greater than \$300. |
| 3337 | 517.302(1) | 3rd | Violation of the Florida Securities and Investor Protection Act. |
| 3338 | 562.27(1) | 3rd | Possess still or still apparatus. |
| 3339 | 713.69 | 3rd | Tenant removes property upon which lien has accrued, value |



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| | | | more than \$50. |
| 3340 | 812.014(3)(c) | 3rd | Petit theft (3rd conviction); theft of any property not specified in subsection (2). |
| 3341 | 812.081(2) | 3rd | Unlawfully makes or causes to be made a reproduction of a trade secret. |
| 3342 | 815.04(4)(a) | 3rd | Offense against intellectual property (i.e., computer programs, data). |
| 3343 | 817.52(2) | 3rd | Hiring with intent to defraud, motor vehicle services. |
| 3344 | 817.569(2) | 3rd | Use of public record or public records information to facilitate commission of a felony. |
| 3345 | 826.01 | 3rd | Bigamy. |
| 3346 | 828.122(3) | 3rd | Fighting or baiting animals. |
| 3347 | 831.04(1) | 3rd | Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28. |
| 3348 | 831.31(1)(a) | 3rd | Sell, deliver, or possess counterfeit controlled |



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| | | | substances, all but s. 893.03(5) drugs. |
| 3349 | 832.041(1) | 3rd | Stopping payment with intent to defraud \$150 or more. |
| 3350 | 832.05 (2)(b)&(4)(c) | 3rd | Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more. |
| 3351 | 838.015(3) | 3rd | Bribery. |
| 3352 | 838.016(1) | 3rd | Public servant receiving unlawful compensation. |
| 3353 | 838.15(2) | 3rd | Commercial bribe receiving. |
| 3354 | 838.16 | 3rd | Commercial bribery. |
| 3355 | 843.18 | 3rd | Fleeing by boat to elude a law enforcement officer. |
| 3356 | 847.011(1)(a) | 3rd | Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction). |
| 3357 | 849.01 | 3rd | Keeping gambling house. |
| 3358 | 849.09(1)(a)-(d) | 3rd | Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money |



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by means of lottery.

849.23 3rd Gambling-related machines;
"common offender" as to
property rights.

849.25(2) 3rd Engaging in bookmaking.

860.08 3rd Interfere with a railroad
signal.

860.13(1)(a) 3rd Operate aircraft while under
the influence.

893.13(2)(a)2. 3rd Purchase of cannabis.

893.13(6)(a) 3rd Possession of cannabis (more
than 20 grams).

934.03(1)(a) 3rd Intercepts, or procures any
other person to intercept, any
wire or oral communication.

Reviser's note.--Amended to improve clarity and
facilitate correct interpretation. Section
370.13(3)(a) no longer exists. Section 370.13 was
substantially reworded by s. 38, ch. 2000-364, Laws of
Florida, and material similar to the contents of
former s. 370.13(3)(a) can now be found at s.
370.13(2)(c)1.

Section 110. Paragraph (a) of subsection (1) of section
943.22, Florida Statutes, is amended to read:



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3377 943.22 Salary incentive program for full-time officers.--

3378 (1) For the purpose of this section, the term:

3379 (a) "Accredited college, university, or community college"
 3380 means a college, university, or community college which has been
 3381 accredited by the Southern Association of Colleges and Schools,
 3382 another regional accrediting agency, or the Accrediting Council
 3383 for Independent Colleges and Schools ~~Accrediting Commission for~~
 3384 ~~Independent Colleges and Schools~~.

3385

3386 Reviser's note.--Amended to improve clarity and
 3387 facilitate correct interpretation and to conform to
 3388 the correct name of the Accrediting Council for
 3389 Independent Colleges and Schools.

3390

3391 Section 111. Section 943.66, Florida Statutes, is amended
 3392 to read:

3393 943.66 Rules; Facilities Program, Capitol Police; traffic
 3394 regulation.--The Capitol Police may enforce rules of the
 3395 Department of Management Services governing the administration,
 3396 operation, and management of the Facilities Program and
 3397 regulating traffic and parking at ~~on~~ state-owned buildings or on
 3398 state-owned property and any local ordinance on the violation of
 3399 such if such rules are not in conflict with any state law or
 3400 county or municipal ordinance, and are not inconsistent with the
 3401 other requirements of ss. 943.61-943.68 or any security plan
 3402 developed and approved thereunder.

3403

3404 Reviser's note.--Amended to improve clarity and
 3405 facilitate correct interpretation.

3406



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3407 Section 112. Subsection (6) of section 945.355, Florida
3408 Statutes, is amended to read:

3409 945.355 HIV testing of inmates prior to release.--

3410 (6) Notwithstanding any provision of the Florida Statutes
3411 providing for a waiver of sovereign immunity, neither the state,
3412 its agencies, subdivisions nor employees of the state, its
3413 agencies, or subdivisions shall be liable to any person for
3414 negligently causing death or personal injury arising out of
3415 complying with this section ~~s. 944.355~~.

3416

3417 Reviser's note.--Amended to substitute a reference to
3418 s. 945.355 for a reference to s. 944.355, which does
3419 not exist. Reference to immunity for the referenced
3420 actions arising out of compliance with "this section"
3421 (s. 945.355) conforms to context.

3422

3423 Section 113. Paragraph (a) of subsection (5) of section
3424 1000.01, Florida Statutes, is amended to read:

3425 1000.01 The Florida K-20 education system; technical
3426 provisions.--

3427 (5) EDUCATION GOVERNANCE TRANSFERS.--

3428 (a) Effective July 1, 2001:

3429 1. The Board of Regents is abolished.

3430 2. All of the powers, duties, functions, records,
3431 personnel, and property; unexpended balances of appropriations,
3432 allocations, and other funds; administrative authority;
3433 administrative rules; pending issues; and existing contracts of
3434 the Board of Regents are transferred by a type two transfer,
3435 pursuant to s. 20.06(2), to the State ~~Florida~~ Board of
3436 Education.



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3437 3. The State Board of Community Colleges is abolished.

3438 4. All of the powers, duties, functions, records,
 3439 personnel, and property; unexpended balances of appropriations,
 3440 allocations, and other funds; administrative authority;
 3441 administrative rules; pending issues; and existing contracts of
 3442 the State Board of Community Colleges are transferred by a type
 3443 two transfer, pursuant to s. 20.06(2), from the Department of
 3444 Education to the State Florida Board of Education.

3445 5. The Postsecondary Education Planning Commission is
 3446 abolished.

3447 6. The Council for Education Policy Research and
 3448 Improvement is created as an independent office under the Office
 3449 of Legislative Services.

3450 7. All personnel, unexpended balances of appropriations,
 3451 and allocations of the Postsecondary Education Planning
 3452 Commission are transferred to the Council for Education Policy
 3453 Research and Improvement.

3454 8. The Articulation Coordinating Committee and the
 3455 Education Standards Commission are transferred by a type two
 3456 transfer, pursuant to s. 20.06(2), from the Department of
 3457 Education to the State Florida Board of Education.

3458
 3459 Reviser's note.--Amended to improve clarity and
 3460 facilitate correct interpretation. Section 229.004,
 3461 which established the Florida Board of Education, was
 3462 repealed by s. 1058, ch. 2002-387, Laws of Florida.
 3463 Section 19, ch. 2002-387, established the State Board
 3464 of Education.

3465



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3466 Section 114. Section 1004.07, Florida Statutes, is amended
3467 to read:

3468 1004.07 Student withdrawal from courses due to military
3469 service; effect.--Each district school board, community college
3470 district board of trustees, and university board of trustees
3471 shall establish, by rule and pursuant to guidelines of the State
3472 ~~Florida~~ Board of Education, policies regarding currently
3473 enrolled students who are called to, or enlist in, active
3474 military service. Such policies shall provide that any student
3475 enrolled in a postsecondary course or courses at an area
3476 technical center, a public community college, a public college,
3477 or a state university shall not incur academic or financial
3478 penalties by virtue of performing military service on behalf of
3479 our country. Such student shall be permitted the option of
3480 either completing the course or courses at a later date without
3481 penalty or withdrawing from the course or courses with a full
3482 refund of fees paid. If the student chooses to withdraw, the
3483 student's record shall reflect that the withdrawal is due to
3484 active military service.

3485

3486 Reviser's note.--Amended to improve clarity and
3487 facilitate correct interpretation. Section 229.004,
3488 which established the Florida Board of Education, was
3489 repealed by s. 1058, ch. 2002-387, Laws of Florida.
3490 Section 19, ch. 2002-387, established the State Board
3491 of Education.

3492

3493 Section 115. Subsection (7) of section 1004.22, Florida
3494 Statutes, is amended to read:



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3495 1004.22 Divisions of sponsored research at state
 3496 universities.--

3497 (7) All purchases of a division of sponsored research
 3498 shall be made in accordance with the policies and procedures of
 3499 the university; however, upon certification addressed to the
 3500 university president that it is necessary for the efficient or
 3501 expeditious prosecution of a research project, the president may
 3502 exempt the purchase of material, supplies, equipment, or
 3503 services for research purposes ~~shall be exempt~~ from the general
 3504 purchasing requirement of the Florida Statutes.

3505
 3506 Reviser's note.--Amended to improve clarity and
 3507 facilitate correct interpretation.

3508
 3509 Section 116. Subsection (3) of section 1004.32, Florida
 3510 Statutes, is amended to read:

3511 1004.32 New College of Florida.--

3512 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
 3513 members to the Board of Trustees, to serve 4-year staggered
 3514 terms, as follows:

3515 (a) Three residents of Sarasota County.

3516 (b) Two residents of Manatee County.

3517 (c) Until the expiration date of the terms of office of
 3518 the members who are on the board June 30, 2001, seven members
 3519 selected from the Board of Trustees of the New College
 3520 Foundation.

3521
 3522 In addition, the student body president of New College of
 3523 Florida elected pursuant to s. 1004.26 ~~240.236~~ shall serve ex
 3524 officio as a voting member of the board of trustees.



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Reviser's note.--Amended to conform to the renumbering of s. 240.236, created by s. 3, ch. 2002-188, Laws of Florida, as s. 1004.26 by the reviser to conform to the numbering scheme for provisions in the School Code per ch. 2002-387, Laws of Florida.

Section 117. Paragraph (j) of subsection (2) of section 1004.45, Florida Statutes, is amended to read:

1004.45 Ringling Center for Cultural Arts.--

(2)

(j) Notwithstanding any other provision of law, the John and Mable Ringling Museum of Art direct-support organization is eligible to match state funds in the Trust Fund for University Major Gifts ~~Trust Fund~~ established pursuant to s. 1011.94 as follows:

1. For the first \$1,353,750, matching shall be on the basis of 75 cents in state matching for each dollar of private funds.

2. For additional funds, matching shall be provided on the same basis as is authorized in s. 1011.94.

Reviser's note.--Amended to conform to the complete title of the fund as provided in s. 1011.94.

Section 118. Paragraph (b) of subsection (2) of section 1004.92, Florida Statutes, is amended to read:

1004.92 Purpose and responsibilities for career and technical education.--

(2)



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3555 (b) Department of Education accountability for career and
3556 technical education includes, but is not limited to:

3557 1. The provision of timely, accurate technical assistance
3558 to school districts and community colleges.

3559 2. The provision of timely, accurate information to the
3560 State Board of Education, the Legislature, and the public.

3561 3. The development of policies, rules, and procedures that
3562 facilitate institutional attainment of the accountability
3563 standards and coordinate the efforts of all divisions within the
3564 department.

3565 4. The development of program standards and industry-
3566 driven benchmarks for career and technical, adult, and community
3567 education programs, which must be updated every 3 years. The
3568 standards must include technical, academic, and workplace
3569 skills; viability of distance learning for instruction; and
3570 work/learn cycles that are responsive to business and industry.

3571 5. Overseeing school district and community college
3572 compliance with the provisions of this chapter.

3573 6. Ensuring that the educational outcomes for the
3574 technical component of career and technical programs ~~and~~ are
3575 uniform and designed to provide a graduate who is capable of
3576 entering the workforce on an equally competitive basis
3577 regardless of the institution of choice.

3578

3579 Reviser's note.--Amended to improve clarity and
3580 facilitate correct interpretation.

3581

3582 Section 119. Subsection (11) of section 1008.35, Florida
3583 Statutes, is amended to read:



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3584 1008.35 Best financial management practices for school
 3585 districts; standards; reviews; designation of school
 3586 districts.--

3587 (11) District reviews conducted under this section must be
 3588 completed within 6 months after commencement. OPPAGA shall issue
 3589 a final report to the President of the Senate, the Speaker of
 3590 the House of Representatives, and the district regarding the
 3591 district's use of best financial management practices and cost
 3592 savings recommendations within 60 days after completing the
 3593 reviews. Copies of the final report shall be provided to the
 3594 Governor, the Commissioner of Education, and to the chairs of
 3595 school advisory councils and district advisory councils
 3596 established pursuant to s. 1001.452(1)(a) and (b) ~~229.58(1)(a)~~
 3597 ~~and (b)~~. The district school board shall notify all members of
 3598 the school advisory councils and district advisory council by
 3599 mail that the final report has been delivered to the school
 3600 district and to the council chairs. The notification shall also
 3601 inform members of the OPPAGA website address at which an
 3602 electronic copy of the report is available.

3603
 3604 Reviser's note.--Amended to conform to the repeal of
 3605 s. 229.58 by s. 1058, ch. 2002-387, Laws of Florida,
 3606 and the enactment of similar material in s. 1001.452
 3607 by s. 59, ch. 2002-387.

3608
 3609 Section 120. Paragraph (a) of subsection (1) and
 3610 subsection (3) of section 1009.40, Florida Statutes, are amended
 3611 to read:

3612 1009.40 General requirements for student eligibility for
 3613 state financial aid.--



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3614 (1)(a) The general requirements for eligibility of
 3615 students for state financial aid awards consist of the
 3616 following:

3617 1. Achievement of the academic requirements of and
 3618 acceptance at a state university or community college; a nursing
 3619 diploma school approved by the Florida Board of Nursing; a
 3620 Florida college, university, or community college which is
 3621 accredited by an accrediting agency recognized by the State
 3622 Board of Education; any Florida institution the credits of which
 3623 are acceptable for transfer to state universities; any technical
 3624 center; or any private technical institution accredited by an
 3625 accrediting agency recognized by the State Board of Education.

3626 2. Residency in this state for no less than 1 year
 3627 preceding the award of aid for a program established pursuant to
 3628 s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
 3629 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.
 3630 1009.68 ~~1009.60~~, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77,
 3631 or s. 1009.89. Residency in this state must be for purposes
 3632 other than to obtain an education. Resident status for purposes
 3633 of receiving state financial aid awards shall be determined in
 3634 the same manner as resident status for tuition purposes pursuant
 3635 to s. 1009.21 and rules of the State Board of Education.

3636 3. Submission of certification attesting to the accuracy,
 3637 completeness, and correctness of information provided to
 3638 demonstrate a student's eligibility to receive state financial
 3639 aid awards. Falsification of such information shall result in
 3640 the denial of any pending application and revocation of any
 3641 award currently held to the extent that no further payments
 3642 shall be made. Additionally, students who knowingly make false
 3643 statements in order to receive state financial aid awards shall



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3644 be guilty of a misdemeanor of the second degree subject to the
 3645 provisions of s. 837.06 and shall be required to return all
 3646 state financial aid awards wrongfully obtained.

3647 (3) Undergraduate students are ~~be~~ eligible to receive
 3648 financial aid for a maximum of 8 semesters or 12 quarters.
 3649 However, undergraduate students participating in college-
 3650 preparatory instruction, students requiring additional time to
 3651 complete the college-level communication and computation skills
 3652 testing programs, or students enrolled in a 5-year undergraduate
 3653 degree program are eligible to receive financial aid for a
 3654 maximum of 10 semesters or 15 quarters.

3655
 3656 Reviser's note.--Paragraph (1)(a) is amended to
 3657 substitute for a duplicate reference to s. 1009.60.
 3658 Inclusion of the cite to s. 1009.68 conforms the list
 3659 of cited sections to the comparable list under prior
 3660 law. Subsection (3) is amended to improve clarity and
 3661 facilitate correct interpretation.

3662
 3663 Section 121. Subsection (12) of section 1009.66, Florida
 3664 Statutes, is amended to read:

3665 1009.66 Nursing Student Loan Forgiveness Program.--
 3666 (12) Students receiving a nursing scholarship pursuant to
 3667 s. 1009.67 ~~240.4076~~ are not eligible to participate in the
 3668 Nursing Student Loan Forgiveness Program.

3669
 3670 Reviser's note.--Amended to conform to the repeal of
 3671 s. 240.4076 by s. 1058, ch. 2002-387, Laws of Florida,
 3672 and the enactment of similar material in s. 1009.67 by
 3673 s. 450, ch. 2002-387.



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Section 122. Subsections (1) and (2) of section 1009.74, Florida Statutes, are amended to read:

1009.74 The Theodore R. and Vivian M. Johnson Scholarship Program.--

(1) There is established the Theodore R. and Vivian M. Johnson Scholarship Program to be administered by the Department of Education. The program shall provide scholarships to students attending a state university. The program shall be funded by contributions from the Theodore R. and Vivian M. Johnson Scholarship Foundation and from state matching funds to be allocated from the Trust Fund for University Major Gifts.

(2) The amount to be allocated to the program shall be on the basis of a 50-percent match of funds from the Trust Fund for University Major Gifts for each contribution received from the Theodore R. and Vivian M. Johnson Scholarship Foundation. The funds allocated to the program, including the corpus and interest income, shall be expended for scholarships to benefit disabled students attending a state university.

Reviser's note.--Amended to conform to the complete name of the fund as provided in s. 1011.94.

Section 123. Subsection (2) of section 1010.07, Florida Statutes, is amended to read:

1010.07 Bonds or insurance required.--

(2) Contractors paid from school district, community college, or university funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State



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3704 Board of Education relating to the type of contract involved. It
 3705 shall be the duty of the district school board, community
 3706 college board of trustees, and university board of trustees to
 3707 require from construction contractors a bond adequate to protect
 3708 the board and the board's funds involved.

3709

3710 Reviser's note.--Amended to improve clarity and
 3711 facilitate correct interpretation.

3712

3713 Section 124. Paragraph (i) of subsection (1) of section
 3714 1011.62, Florida Statutes, is amended to read:

3715 1011.62 Funds for operation of schools.--If the annual
 3716 allocation from the Florida Education Finance Program to each
 3717 district for operation of schools is not determined in the
 3718 annual appropriations act or the substantive bill implementing
 3719 the annual appropriations act, it shall be determined as
 3720 follows:

3721 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 3722 OPERATION.--The following procedure shall be followed in
 3723 determining the annual allocation to each district for
 3724 operation:

3725 (i) Calculation of full-time equivalent membership with
 3726 respect to instruction from community colleges or state
 3727 universities.--Students enrolled in community college or
 3728 university dual enrollment instruction pursuant to s. 1007.271
 3729 may be included in calculations of full-time equivalent student
 3730 memberships for basic programs for grades 9 through 12 by a
 3731 district school board. Such students may also be calculated as
 3732 the proportional shares of full-time equivalent enrollments they
 3733 generate for the community college or university conducting the



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3734 dual enrollment instruction. Early admission students shall be
3735 considered dual enrollments for funding purposes. Students may
3736 be enrolled in dual enrollment instruction provided by an
3737 eligible independent college or university and may be included
3738 in calculations of full-time equivalent student memberships for
3739 basic programs for grades 9 through 12 by a district school
3740 board. However, those provisions of law which exempt dual
3741 enrolled and early admission students from payment of
3742 instructional materials and tuition and fees, including
3743 laboratory fees, shall not apply to students who select the
3744 option of enrolling in an eligible independent institution. An
3745 independent college or university which is located and chartered
3746 in Florida, is not for profit, is accredited by the Commission
3747 on Colleges of the Southern Association of Colleges and Schools
3748 or the Accrediting Council for Independent Colleges and Schools
3749 ~~Accrediting Commission of the Association of Independent~~
3750 ~~Colleges and Schools~~, and which confers degrees as defined in s.
3751 1005.02 shall be eligible for inclusion in the dual enrollment
3752 or early admission program. Students enrolled in dual enrollment
3753 instruction shall be exempt from the payment of tuition and
3754 fees, including laboratory fees. No student enrolled in college
3755 credit mathematics or English dual enrollment instruction shall
3756 be funded as a dual enrollment unless the student has
3757 successfully completed the relevant section of the entry-level
3758 examination required pursuant to s. 1008.30.

3759

3760 Reviser's note.--Amended to improve clarity and
3761 facilitate correct interpretation and to conform to
3762 the correct name of the Accrediting Council for
3763 Independent Colleges and Schools.



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Section 125. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

1011.94 Trust Fund for University Major Gifts.--

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program must be deposited into the trust fund and invested pursuant to s. 18.125 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and



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3794 development projects requested by the certified business. The
 3795 State Board of Education may authorize any university to
 3796 encumber the state matching portion of a challenge grant from
 3797 funds available under s. 1011.45.

3798
 3799 Reviser's note.--Amended to improve clarity,
 3800 facilitate correct interpretation, and provide
 3801 contextual consistency with the fund name as it exists
 3802 elsewhere in this section.

3803
 3804 Section 126. Subsection (1) of section 1012.33, Florida
 3805 Statutes, is amended to read:

3806 1012.33 Contracts with instructional staff, supervisors,
 3807 and school principals.--

3808 (1)(a) Each person employed as a member of the
 3809 instructional staff in any district school system shall be
 3810 properly certified pursuant to s. 1012.56 or s. 1012.57 or
 3811 employed pursuant to s. 1012.39 and shall be entitled to and
 3812 shall receive a written contract as specified in this section
 3813 ~~chapter 230~~. All such contracts, except continuing contracts as
 3814 specified in subsection (4), shall contain provisions for
 3815 dismissal during the term of the contract only for just cause.
 3816 Just cause includes, but is not limited to, the following
 3817 instances, as defined by rule of the State Board of Education:
 3818 misconduct in office, incompetency, gross insubordination,
 3819 willful neglect of duty, or conviction of a crime involving
 3820 moral turpitude.

3821 (b) A supervisor or school principal shall be properly
 3822 certified and shall receive a written contract as specified in
 3823 this section ~~chapter 1001~~. Such contract may be for an initial



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3824 period not to exceed 3 years, subject to annual review and
 3825 renewal. The first 97 days of an initial contract is a
 3826 probationary period. During the probationary period, the
 3827 employee may be dismissed without cause or may resign from the
 3828 contractual position without breach of contract. After the first
 3829 3 years, the contract may be renewed for a period not to exceed
 3830 3 years and shall contain provisions for dismissal during the
 3831 term of the contract only for just cause, in addition to such
 3832 other provisions as are prescribed by the district school board.

3833
 3834 Reviser's note.--Amended to improve clarity and
 3835 facilitate correct interpretation. Chapter 230 was
 3836 repealed by s. 1058, ch. 2002-387, Laws of Florida.
 3837 Contracts are now provided for in s. 1012.33.

3838
 3839 Section 127. Paragraphs (b) and (c) of subsection (2) of
 3840 section 1012.74, Florida Statutes, are amended to read:

3841 1012.74 Florida educators professional liability insurance
 3842 protection.--

3843 (2)
 3844 (b) Educator professional liability coverage shall be
 3845 extended at cost to all instructional personnel, as defined by
 3846 s. 1012.01(2) ~~1012.01(3)~~, who are part-time personnel, as
 3847 defined by the district school board policy, and choose to
 3848 participate in the state-provided program.

3849 (c) Educator professional liability coverage shall be
 3850 extended at cost to all administrative personnel, as defined by
 3851 s. 1012.01(3) ~~1012.01(2)~~, who choose to participate in the
 3852 state-provided program.

3853



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3854 Reviser's note.--Paragraphs (2)(b) and (c) are amended
3855 to improve clarity and facilitate correct
3856 interpretation. Instructional personnel are defined in
3857 s. 1012.01(2). Administrative personnel are defined in
3858 s. 1012.01(3).

3859

3860 Section 128. Paragraph (b) of subsection (1) of section
3861 1013.31, Florida Statutes, is amended to read:

3862 1013.31 Educational plant survey; localized need
3863 assessment; PECO project funding.--

3864 (1) At least every 5 years, each board shall arrange for
3865 an educational plant survey, to aid in formulating plans for
3866 housing the educational program and student population, faculty,
3867 administrators, staff, and auxiliary and ancillary services of
3868 the district or campus, including consideration of the local
3869 comprehensive plan. The Office of Workforce and Economic
3870 Development shall document the need for additional career and
3871 adult education programs and the continuation of existing
3872 programs before facility construction or renovation related to
3873 career or adult education may be included in the educational
3874 plant survey of a school district or community college that
3875 delivers career or adult education programs. Information used by
3876 the Office of Workforce and Economic Development to establish
3877 facility needs must include, but need not be limited to, labor
3878 market data, needs analysis, and information submitted by the
3879 school district or community college.

3880 (b) Required need assessment criteria for district,
3881 community college, college and state university plant
3882 surveys.-Educational plant surveys must use uniform data sources
3883 and criteria specified in this paragraph. Each revised



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3884 educational plant survey and each new educational plant survey
3885 supersedes previous surveys.

3886 1. The school district's survey must be submitted as a
3887 part of the district educational facilities plan defined in s.
3888 1013.35 ~~235.185~~. To ensure that the data reported to the
3889 Department of Education as required by this section is correct,
3890 the department shall annually conduct an onsite review of 5
3891 percent of the facilities reported for each school district
3892 completing a new survey that year. If the department's review
3893 finds the data reported by a district is less than 95 percent
3894 accurate, within 1 year from the time of notification by the
3895 department the district must submit revised reports correcting
3896 its data. If a district fails to correct its reports, the
3897 commissioner may direct that future fixed capital outlay funds
3898 be withheld until such time as the district has corrected its
3899 reports so that they are not less than 95 percent accurate.

3900 2. Each survey of a special facility, joint-use facility,
3901 or cooperative career and technical education facility must be
3902 based on capital outlay full-time equivalent student enrollment
3903 data prepared by the department for school districts, community
3904 colleges, colleges, and universities. A survey of space needs of
3905 a joint-use facility shall be based upon the respective space
3906 needs of the school districts, community colleges, colleges, and
3907 universities, as appropriate. Projections of a school district's
3908 facility space needs may not exceed the norm space and occupant
3909 design criteria established by the State Requirements for
3910 Educational Facilities.

3911 3. Each community college's survey must reflect the
3912 capacity of existing facilities as specified in the inventory
3913 maintained by the Department of Education. Projections of



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3914 facility space needs must comply with standards for determining
3915 space needs as specified by rule of the State Board of
3916 Education. The 5-year projection of capital outlay student
3917 enrollment must be consistent with the annual report of capital
3918 outlay full-time student enrollment prepared by the Department
3919 of Education.

3920 4. Each college and state university's survey must reflect
3921 the capacity of existing facilities as specified in the
3922 inventory maintained and validated by the Division of Colleges
3923 and Universities. Projections of facility space needs must be
3924 consistent with standards for determining space needs approved
3925 by the Division of Colleges and Universities. The projected
3926 capital outlay full-time equivalent student enrollment must be
3927 consistent with the 5-year planned enrollment cycle for the
3928 State University System approved by the Division of Colleges and
3929 Universities.

3930 5. The district educational facilities plan of a school
3931 district and the educational plant survey of a community
3932 college, or college or state university may include space needs
3933 that deviate from approved standards for determining space needs
3934 if the deviation is justified by the district or institution and
3935 approved by the department, as necessary for the delivery of an
3936 approved educational program.

3937
3938 Reviser's note.--Amended to conform to the repeal of
3939 s. 235.185 by s. 1058, ch. 2002-387, Laws of Florida,
3940 and the enactment of similar material in s. 1013.35 by
3941 s. 830, ch. 2002-387.

3942



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3943 Section 129. Paragraph (c) of subsection (2), paragraphs
 3944 (e) and (f) of subsection (3), paragraph (c) of subsection (4),
 3945 subsection (5), and paragraph (b) of subsection (7) of section
 3946 1013.33, Florida Statutes, are amended to read:

3947 1013.33 Coordination of planning with local governing
 3948 bodies.--

3949 (2)

3950 (c) If the student population has declined over the 5-year
 3951 period preceding the due date for submittal of an interlocal
 3952 agreement by the local government and the district school board,
 3953 the local government and district school board may petition the
 3954 state land planning agency for a waiver of one or more of the
 3955 requirements of subsection (3). The waiver must be granted if
 3956 the procedures called for in subsection (3) are unnecessary
 3957 because of the school district's declining school age
 3958 population, considering the district's 5-year work program
 3959 prepared pursuant to s. 1013.35 ~~235.185~~. The state land planning
 3960 agency may modify or revoke the waiver upon a finding that the
 3961 conditions upon which the waiver was granted no longer exist.
 3962 The district school board and local governments must submit an
 3963 interlocal agreement within 1 year after notification by the
 3964 state land planning agency that the conditions for a waiver no
 3965 longer exist.

3966 (3) At a minimum, the interlocal agreement must address
 3967 the following issues:

3968 (e) A process for the school board to inform the local
 3969 government regarding school capacity. The capacity reporting
 3970 must be consistent with laws and rules regarding measurement of
 3971 school facility capacity and must also identify how the district



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3972 school board will meet the public school demand based on the
 3973 facilities work program adopted pursuant to s. 1013.35 ~~235.185~~.

3974 (f) Participation of the local governments in the
 3975 preparation of the annual update to the school board's 5-year
 3976 district facilities work program and educational plant survey
 3977 prepared pursuant to s. 1013.35 ~~235.185~~.

3978
 3979 A signatory to the interlocal agreement may elect not to include
 3980 a provision meeting the requirements of paragraph (e); however,
 3981 such a decision may be made only after a public hearing on such
 3982 election, which may include the public hearing in which a
 3983 district school board or a local government adopts the
 3984 interlocal agreement. An interlocal agreement entered into
 3985 pursuant to this section must be consistent with the adopted
 3986 comprehensive plan and land development regulations of any local
 3987 government that is a signatory.

3988 (4)

3989 (c) If the state land planning agency enters a final order
 3990 that finds that the interlocal agreement is inconsistent with
 3991 the requirements of subsection(3) or this subsection, the state
 3992 land planning agency shall forward it to the Administration
 3993 Commission, which may impose sanctions against the local
 3994 government pursuant to s. 163.3184(11) and may impose sanctions
 3995 against the district school board by directing the Department of
 3996 Education to withhold an equivalent amount of funds for school
 3997 construction available pursuant to ss. 1013.65, 1013.68,
 3998 1013.70, and 1013.72 ~~235.187, 235.216, 235.2195, and 235.42~~.

3999 (5) If an executed interlocal agreement is not timely
 4000 submitted to the state land planning agency for review, the
 4001 state land planning agency shall, within 15 working days after



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4002 the deadline for submittal, issue to the local government and
 4003 the district school board a notice to show cause why sanctions
 4004 should not be imposed for failure to submit an executed
 4005 interlocal agreement by the deadline established by the agency.
 4006 The agency shall forward the notice and the responses to the
 4007 Administration Commission, which may enter a final order citing
 4008 the failure to comply and imposing sanctions against the local
 4009 government and district school board by directing the
 4010 appropriate agencies to withhold at least 5 percent of state
 4011 funds pursuant to s. 163.3184(11) and by directing the
 4012 Department of Education to withhold from the district school
 4013 board at least 5 percent of funds for school construction
 4014 available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72
 4015 ~~235.187, 235.216, 235.2195, and 235.42.~~

4016 (7) Except as provided in subsection (8), municipalities
 4017 having no established need for a new facility and meeting the
 4018 following criteria are exempt from the requirements of
 4019 subsections (2), (3) and (4):

4020 (b) The district school board's 5-year facilities work
 4021 program and the long-term 10-year and 20-year work programs, as
 4022 provided in s. 1013.35 ~~235.185~~, demonstrate that no new school
 4023 facility is needed in the municipality. In addition, the
 4024 district school board must verify in writing that no new school
 4025 facility will be needed in the municipality within the 5-year
 4026 and 10-year timeframes.

4027
 4028 Reviser's note.--Paragraphs (2)(c), (3)(e) and (f),
 4029 and (7)(b) are amended to conform to the repeal of s.
 4030 235.185 by s. 1058, ch. 2002-387, Laws of Florida, and
 4031 the enactment of similar material in s. 1013.35 by s.



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4032 830, ch. 2002-387. Paragraph (4)(c) and subsection (5)
 4033 are amended to conform to the repeal of ss. 235.187,
 4034 235.216, 235.2195, and 235.42 by s. 1058, ch. 2002-
 4035 387, and the enactment of similar material in ss.
 4036 1013.68, 1013.72, 1013.70, and 1013.65, respectively,
 4037 by ss. 865, 869, 867, and 862, ch. 2002-387,
 4038 respectively.

4039
 4040 Section 130. Paragraphs (b) and (f) of subsection (2), and
 4041 subsection (3) of section 1013.35, Florida Statutes, are amended
 4042 to read:

4043 1013.35 School district educational facilities plan;
 4044 definitions; preparation, adoption, and amendment; long-term
 4045 work programs.--

4046 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 4047 FACILITIES PLAN.--

4048 (b) The plan must also include a financially feasible
 4049 district facilities work program for a 5-year period. The work
 4050 program must include:

4051 1. A schedule of major repair and renovation projects
 4052 necessary to maintain the educational facilities and ancillary
 4053 facilities of the district.

4054 2. A schedule of capital outlay projects necessary to
 4055 ensure the availability of satisfactory student stations for the
 4056 projected student enrollment in K-12 programs. This schedule
 4057 shall consider:

4058 a. The locations, capacities, and planned utilization
 4059 rates of current educational facilities of the district. The
 4060 capacity of existing satisfactory facilities, as reported in the
 4061 Florida Inventory of School Houses must be compared to the



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4062 capital outlay full-time-equivalent student enrollment as
4063 determined by the department, including all enrollment used in
4064 the calculation of the distribution formula in s. 1013.64
4065 ~~235.435(3)~~.

4066 b. The proposed locations of planned facilities, whether
4067 those locations are consistent with the comprehensive plans of
4068 all affected local governments, and recommendations for
4069 infrastructure and other improvements to land adjacent to
4070 existing facilities. The provisions of ss. 1013.33(12), (13),
4071 and (14) and 1013.36 ~~235.19 and 235.193(12), (13), and (14)~~ must
4072 be addressed for new facilities planned within the first 3 years
4073 of the work plan, as appropriate.

4074 c. Plans for the use and location of relocatable
4075 facilities, leased facilities, and charter school facilities.

4076 d. Plans for multitrack scheduling, grade level
4077 organization, block scheduling, or other alternatives that
4078 reduce the need for additional permanent student stations.

4079 e. Information concerning average class size and
4080 utilization rate by grade level within the district which will
4081 result if the tentative district facilities work program is
4082 fully implemented.

4083 f. The number and percentage of district students planned
4084 to be educated in relocatable facilities during each year of the
4085 tentative district facilities work program. For determining
4086 future needs, student capacity may not be assigned to any
4087 relocatable classroom that is scheduled for elimination or
4088 replacement with a permanent educational facility in the current
4089 year of the adopted district educational facilities plan and in
4090 the district facilities work program adopted under this section.
4091 Those relocatable classrooms clearly identified and scheduled



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4092 for replacement in a school-board-adopted, financially feasible,
4093 5-year district facilities work program shall be counted at zero
4094 capacity at the time the work program is adopted and approved by
4095 the school board. However, if the district facilities work
4096 program is changed and the relocatable classrooms are not
4097 replaced as scheduled in the work program, the classrooms must
4098 be reentered into the system and be counted at actual capacity.
4099 Relocatable classrooms may not be perpetually added to the work
4100 program or continually extended for purposes of circumventing
4101 this section. All relocatable classrooms not identified and
4102 scheduled for replacement, including those owned, lease-
4103 purchased, or leased by the school district, must be counted at
4104 actual student capacity. The district educational facilities
4105 plan must identify the number of relocatable student stations
4106 scheduled for replacement during the 5-year survey period and
4107 the total dollar amount needed for that replacement.

4108 g. Plans for the closure of any school, including plans
4109 for disposition of the facility or usage of facility space, and
4110 anticipated revenues.

4111 h. Projects for which capital outlay and debt service
4112 funds accruing under s. 9(d), Art. XII of the State Constitution
4113 are to be used shall be identified separately in priority order
4114 on a project priority list within the district facilities work
4115 program.

4116 3. The projected cost for each project identified in the
4117 district facilities work program. For proposed projects for new
4118 student stations, a schedule shall be prepared comparing the
4119 planned cost and square footage for each new student station, by
4120 elementary, middle, and high school levels, to the low, average,
4121 and high cost of facilities constructed throughout the state



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4122 during the most recent fiscal year for which data is available
 4123 from the Department of Education.

4124 4. A schedule of estimated capital outlay revenues from
 4125 each currently approved source which is estimated to be
 4126 available for expenditure on the projects included in the
 4127 district facilities work program.

4128 5. A schedule indicating which projects included in the
 4129 district facilities work program will be funded from current
 4130 revenues projected in subparagraph 4.

4131 6. A schedule of options for the generation of additional
 4132 revenues by the district for expenditure on projects identified
 4133 in the district facilities work program which are not funded
 4134 under subparagraph 5. Additional anticipated revenues may
 4135 include effort index grants, SIT Program awards, and Classrooms
 4136 First funds.

4137 (f) Commencing on October 1, 2002, and not less than once
 4138 every 5 years thereafter, the district school board shall
 4139 contract with a qualified, independent third party to conduct a
 4140 financial management and performance audit of the educational
 4141 planning and construction activities of the district. An audit
 4142 conducted by the Office of Program Policy Analysis and
 4143 Government Accountability and the Auditor General pursuant to s.
 4144 1008.35 ~~230.23025~~ satisfies this requirement.

4145 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES
 4146 PLAN TO LOCAL GOVERNMENT.--The district school board shall
 4147 submit a copy of its tentative district educational facilities
 4148 plan to all affected local governments prior to adoption by the
 4149 board. The affected local governments shall review the tentative
 4150 district educational facilities plan and comment to the district
 4151 school board on the consistency of the plan with the local



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4152 comprehensive plan, whether a comprehensive plan amendment will
 4153 be necessary for any proposed educational facility, and whether
 4154 the local government supports a necessary comprehensive plan
 4155 amendment. If the local government does not support a
 4156 comprehensive plan amendment for a proposed educational
 4157 facility, the matter shall be resolved pursuant to the
 4158 interlocal agreement when required by ss. 163.3177(6)(h),
 4159 163.31777, and 1013.33(2) ~~235.193(2)~~. The process for the
 4160 submittal and review shall be detailed in the interlocal
 4161 agreement when required pursuant to ss. 163.3177(6)(h),
 4162 163.31777, and 1013.33(2) ~~235.193(2)~~.

4163

4164 Reviser's note.--Paragraph (2)(b) is amended to
 4165 conform to the repeal of ss. 235.435, 235.19, and
 4166 235.193 by s. 1058, ch. 2002-387, Laws of Florida, and
 4167 the enactment of similar material in ss. 1013.64,
 4168 1013.36, and 1013.33, respectively, by ss. 861, 831,
 4169 and 828, ch. 2002-387, respectively. Paragraph(2)(f)
 4170 is amended to conform to the repeal of s. 230.23025 by
 4171 s. 1058, ch. 2002-387, and the enactment of similar
 4172 material in s. 1008.35 by s. 380, ch. 2002-387.

4173 Subsection (3) is amended to conform to the repeal of
 4174 s. 235.193 by s. 1058, ch. 2002-387, and the enactment
 4175 of similar material in s. 1013.33 by s. 828, ch. 2002-
 4176 387.

4177

4178 Section 131. Subsection (2) of section 1013.356, Florida
 4179 Statutes, is amended to read:

4180 1013.356 Local funding for educational facilities benefit
 4181 districts or community development districts.--Upon confirmation



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4182 by a district school board of the commitment of revenues by an
4183 educational facilities benefit district or community development
4184 district necessary to construct and maintain an educational
4185 facility contained within an individual district facilities work
4186 program or proposed by an approved charter school or a charter
4187 school applicant, the following funds shall be provided to the
4188 educational facilities benefit district or community development
4189 district annually, beginning with the next fiscal year after
4190 confirmation until the district's financial obligations are
4191 completed:

4192 (2) For construction and capital maintenance costs not
4193 covered by the funds provided under subsection (1), an annual
4194 amount contributed by the district school board equal to one-
4195 half of the remaining costs of construction and capital
4196 maintenance of the educational facility. Any construction costs
4197 above the cost-per-student criteria established for the SIT
4198 Program in s. 1013.72(2) ~~235.216(2)~~ shall be funded exclusively
4199 by the educational facilities benefit district or the community
4200 development district. Funds contributed by a district school
4201 board shall not be used to fund operational costs.

4202
4203 Educational facilities funded pursuant to this act may be
4204 constructed on land that is owned by any person after the
4205 district school board has acquired from the owner of the land a
4206 long-term lease for the use of this land for a period of not
4207 less than 40 years or the life expectancy of the permanent
4208 facilities constructed thereon, whichever is longer. All
4209 interlocal agreements entered into pursuant to this act shall
4210 provide for ownership of educational facilities funded pursuant
4211 to this act to revert to the district school board if such



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4212 facilities cease to be used for public educational purposes
 4213 prior to 40 years after construction or prior to the end of the
 4214 life expectancy of the educational facilities, whichever is
 4215 longer.

4216
 4217 Reviser's note.--Amended to conform to the repeal of
 4218 s. 235.216 by s. 1058, ch. 2002-387, Laws of Florida,
 4219 and the enactment of similar material in s. 1013.72 by
 4220 s. 869, ch. 2002-387.

4221
 4222 Section 132. Subsection (6) of section 1013.36, Florida
 4223 Statutes, is amended to read:

4224 1013.36 Site planning and selection.--

4225 (6) If the school board and local government have entered
 4226 into an interlocal agreement pursuant to s. 1013.33(2)
 4227 ~~235.193(2)~~ and either s. 163.3177(6)(h)4. or s. 163.31777 or
 4228 have developed a process to ensure consistency between the local
 4229 government comprehensive plan and the school district
 4230 educational facilities plan, site planning and selection must be
 4231 consistent with the interlocal agreements and the plans.

4232
 4233 Reviser's note.--Amended to conform to the repeal of
 4234 s. 235.193 by s. 1058, ch. 2002-387, Laws of Florida,
 4235 and the enactment of similar material in s. 1013.33 by
 4236 s. 828, ch. 2002-387.

4237
 4238 Section 133. Subsection (6) of section 1013.68, Florida
 4239 Statutes, is amended to read:

4240 1013.68 Classrooms First Program; uses.--



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4241 (6) School districts may enter into interlocal agreements
 4242 to lend their Classrooms First Program funds as provided in
 4243 paragraph (2)(c). A school district or multiple school
 4244 districts that receive cash proceeds may, after considering
 4245 their own new construction needs outlined in their 5-year
 4246 district facilities work program, lend their Classrooms First
 4247 Program funds to another school district that has need for new
 4248 facilities. The interlocal agreement must be approved by the
 4249 Commissioner of Education ~~Secretary of Education~~ and must
 4250 outline the amount of the funds to be lent, the term of the
 4251 loan, the repayment schedule, and any interest amount to be
 4252 repaid in addition to the principal amount of the loan.

4253
 4254 Reviser's note.--Amended to improve clarity and
 4255 facilitate correct interpretation. Florida does not
 4256 have a Secretary of Education. Interlocal agreements
 4257 are approved by the Commissioner of Education.

4258
 4259 Section 134. This act shall take effect on the 60th day
 4260 after adjournment sine die of the session of the Legislature in
 4261 which enacted.