

By Senator Lee

rb01sa-03

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes;  
3           amending ss. 8.0001, 24.121, 27.710, 57.085,  
4           61.517, 106.07, 112.19, 112.191, 119.07,  
5           154.01, 163.31776, 163.31777, 196.1983,  
6           199.282, 210.20, 220.1501, 243.20, 267.173,  
7           288.1067, 288.7091, 295.0185, 318.14, 322.051,  
8           335.14, 341.8201, 381.0068, 381.60225,  
9           395.2050, 400.0089, 400.23, 402.305, 402.3131,  
10          403.706, 406.51, 409.1451, 409.815, 409.91196,  
11          409.912, 411.01, 435.03, 440.102, 440.15,  
12          445.0121, 467.0125, 470.002, 470.019, 470.036,  
13          489.510, 496.404, 499.033, 499.051, 501.608,  
14          507.05, 517.12, 553.73, 562.11, 562.111,  
15          624.04, 624.303, 624.313, 624.317, 624.501,  
16          624.504, 624.521, 624.523, 626.022, 626.112,  
17          626.266, 626.321, 626.461, 626.733, 626.7354,  
18          626.741, 626.753, 626.829, 626.852, 626.9541,  
19          627.3111, 627.351, 628.255, 631.111, 633.01,  
20          634.171, 634.420, 641.35, 642.034, 642.036,  
21          642.045, 648.355, 679.703, 679.704, 765.5216,  
22          765.522, 768.16, 768.17, 768.18, 790.06,  
23          921.0022, 943.22, 943.66, 945.355, 1000.01,  
24          1004.07, 1004.22, 1004.32, 1004.45, 1004.92,  
25          1008.35, 1009.40, 1009.66, 1009.74, 1010.07,  
26          1011.62, 1011.94, 1012.33, 1012.74, 1013.31,  
27          1013.33, 1013.35, 1013.356, 1013.36, and  
28          1013.68, F.S.; amending and transferring and  
29          renumbering s. 381.6025, F.S.; transferring and  
30          renumbering ss. 381.0602, 381.6021, 381.6022,  
31          381.6023, 381.6024, and 381.6026, F.S.;

1 reenacting ss. 121.055(4)(d), 316.640(1)(b),  
2 and 440.20(6), F.S.; and repealing ss. 20.12,  
3 20.13, 288.109(10), 334.0445, 400.191(2)(b)10.,  
4 and 420.504(9), F.S., pursuant to s. 11.242,  
5 F.S.; deleting provisions that have expired,  
6 have become obsolete, have had their effect,  
7 have served their purpose, or have been  
8 impliedly repealed or superseded; replacing  
9 incorrect cross-references and citations;  
10 correcting grammatical, typographical, and like  
11 errors; removing inconsistencies, redundancies,  
12 and unnecessary repetition in the statutes;  
13 improving the clarity of the statutes and  
14 facilitating their correct interpretation; and  
15 confirming the restoration of provisions  
16 unintentionally omitted from republication in  
17 the acts of the Legislature during the  
18 amendatory process.

19

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

21

22 Section 1. Paragraph (b) of subsection (2) of section  
23 8.0001, Florida Statutes, is amended to read:

24 8.0001 Definitions.--In accordance with s. 8(a),  
25 Article X of the State Constitution, the United States  
26 Decennial Census of 2000 is the official census of the state  
27 for the purposes of congressional redistricting.

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

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

1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation.

3  
4 Section 2. Section 20.12, Florida Statutes, is  
5 repealed.

6  
7 Reviser's note.--Repeals an obsolete provision.  
8 The functions of the Department of Banking and  
9 Finance were transferred to the Department of  
10 Financial Services or the Financial Services  
11 Commission by ch. 2002-404, Laws of Florida.

12  
13 Section 3. Section 20.13, Florida Statutes, is  
14 repealed.

15  
16 Reviser's note.--Repeals an obsolete provision.  
17 The functions of the Department of Insurance  
18 were transferred to the Department of Financial  
19 Services or the Financial Services Commission  
20 by ch. 2002-404, Laws of Florida.

21  
22 Section 4. Paragraph (d) of subsection (5) of section  
23 24.121, Florida Statutes, is amended to read:

24 24.121 Allocation of revenues and expenditure of funds  
25 for public education.--

26 (5)

27 (d) No funds shall be released for any purpose from  
28 the Educational Enhancement Trust Fund to any school district  
29 in which one or more schools do not have an approved school  
30 improvement plan pursuant to s. 1001.42(16) or do not comply  
31 with school advisory council membership composition

1 requirements pursuant to s. 1001.452(1).~~229.58(1)~~. ~~Effective~~  
2 ~~July 1, 2002,~~The Commissioner of Education shall withhold  
3 disbursements from the trust fund to any school district that  
4 fails to adopt the performance-based salary schedule required  
5 by s. 1012.22(1).

6  
7 Reviser's note.--Amended to conform to the  
8 repeal of s. 229.58 by s. 1058, ch. 2002-387,  
9 Laws of Florida, and the enactment of similar  
10 material in s. 1001.452(1) by s. 59, ch.  
11 2002-387; and to delete obsolete language.

12  
13 Section 5. Subsection (1) of section 27.710, Florida  
14 Statutes, is amended to read:

15 27.710 Registry of attorneys applying to represent  
16 persons in postconviction capital collateral proceedings;  
17 certification of minimum requirements; appointment by trial  
18 court.--

19 (1) The executive director of the Commission on  
20 Capital Cases shall compile and maintain a statewide registry  
21 of attorneys in private practice who have certified that they  
22 meet the minimum requirements of s. 27.704(2), who are  
23 available for appointment by the court under this section to  
24 represent persons convicted and sentenced to death in this  
25 state in postconviction collateral proceedings, and who have  
26 attended within the last year a continuing legal education  
27 program of at least 10 hours' duration devoted specifically to  
28 the defense of capital cases, if available. Continuing legal  
29 education programs meeting the requirements of this rule  
30 offered by The Florida Bar or another recognized provider and  
31 approved for continuing legal education credit by The Florida

1 Bar shall satisfy this requirement. The failure to comply with  
2 this requirement may be cause for removal from the list until  
3 the requirement is fulfilled. To ensure that sufficient  
4 attorneys are available for appointment by the court, when the  
5 number of attorneys on the registry falls below 50, the  
6 executive director shall notify the chief judge of each  
7 circuit by letter and request the chief judge to promptly  
8 submit the names of at least three private attorneys who  
9 regularly practice criminal law in that circuit and who appear  
10 to meet the minimum requirements to represent persons in  
11 postconviction capital collateral proceedings. The executive  
12 director shall send an application to each attorney identified  
13 by the chief judge so that the attorney may register for  
14 appointment as counsel in postconviction capital collateral  
15 proceedings. As necessary, the executive director may also  
16 advertise in legal publications and other appropriate media  
17 for qualified attorneys interested in registering for  
18 appointment as counsel in postconviction capital collateral  
19 proceedings. Not later than September 1 of each year, and as  
20 necessary thereafter, the executive director shall provide to  
21 the Chief Justice of the Supreme Court, the chief judge and  
22 state attorney in each judicial circuit, and the Attorney  
23 General a current copy of its registry of attorneys who are  
24 available for appointment as counsel in postconviction capital  
25 collateral proceedings. The registry must be indexed by  
26 judicial circuit and must contain the requisite information  
27 submitted by the applicants in accordance with this section.

28

29 Reviser's note.--Amended to improve clarity and  
30 facilitate correct interpretation.

31

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

3           57.085 Waiver of prepayment of court costs and fees  
4 for indigent prisoners.--

5           (2) When a prisoner who is intervening in or  
6 initiating a judicial proceeding seeks waiver of prepayment of  
7 court costs and fees because of indigency, the prisoner must  
8 file an affidavit of indigency with the appropriate clerk of  
9 the court. The affidavit must contain complete information  
10 about the prisoner's identity; the nature and amount of the  
11 prisoner's income; all real property owned by the prisoner;  
12 all tangible and intangible property worth more than \$100  
13 which is owned by the prisoner; the amount of cash held by the  
14 prisoner; the balance of any checking, savings, or money  
15 market account held by the prisoner; the prisoner's  
16 dependents, including their names and ages; the prisoner's  
17 debts, including the name of each creditor ~~debtor~~ and the  
18 amount owed to each creditor ~~debtor~~; and the prisoner's  
19 monthly expenses. The prisoner must certify in the affidavit  
20 whether the prisoner has been adjudicated indigent under this  
21 section, certified indigent under s. 57.081, or authorized to  
22 proceed as an indigent under 28 U.S.C. s. 1915 by a federal  
23 court. The prisoner must attach to the affidavit a photocopy  
24 of the prisoner's trust account records for the preceding 6  
25 months or for the length of the prisoner's incarceration,  
26 whichever period is shorter. The affidavit must contain the  
27 following statements: "I am unable to pay court costs and  
28 fees. Under penalty of perjury, I swear or affirm that all  
29 statements in this affidavit are true and complete."  
30  
31

1 Reviser's note.--Amended to correct an apparent  
2 error and conform to context.

3  
4 Section 7. Subsection (2) of section 61.517, Florida  
5 Statutes, is amended to read:

6 61.517 Temporary emergency jurisdiction.--

7 (2) If there is no previous child custody  
8 determination that is entitled to be enforced under this part,  
9 and a child custody proceeding has not been commenced in a  
10 court of a state having jurisdiction under ss. 61.514-61.516  
11 ~~61.514-61.616~~, a child custody determination made under this  
12 section remains in effect until an order is obtained from a  
13 court of a state having jurisdiction under ss. 61.514-61.516.  
14 If a child custody proceeding has not been or is not commenced  
15 in a court of a state having jurisdiction under ss.  
16 61.514-61.516, a child custody determination made under this  
17 section becomes a final determination if it so provides and  
18 this state becomes the home state of the child.

19  
20 Reviser's note.--Amended to correct an apparent  
21 error and facilitate correct interpretation.

22 Section 61.616 does not exist; the reference is  
23 consistent with s. 61.516.

24  
25 Section 8. Paragraph (b) of subsection (8) of section  
26 106.07, Florida Statutes, is amended to read:

27 106.07 Reports; certification and filing.--

28 (8)

29 (b) Upon determining that a report is late, the filing  
30 officer shall immediately notify the candidate or chair of the  
31 political committee as to the failure to file a report by the

1 designated due date and that a fine is being assessed for each  
2 late day. The fine shall be \$50 per day for the first 3 days  
3 late and, thereafter, \$500 per day for each late day, not to  
4 exceed 25 percent of the total receipts or expenditures,  
5 whichever is greater, for the period covered by the late  
6 report. However, for the reports immediately preceding each  
7 primary and general election, the fine shall be \$500 per day  
8 for each late day, not to exceed 25 percent of the total  
9 receipts or expenditures, whichever is ~~if~~ greater, for the  
10 period covered by the late report. For reports required under  
11 s. 106.141(7), the fine is \$50 per day for each late day, not  
12 to exceed 25 percent of the total receipts or expenditures,  
13 whichever is greater, for the period covered by the late  
14 report. Upon receipt of the report, the filing officer shall  
15 determine the amount of the fine which is due and shall notify  
16 the candidate or chair. The filing officer shall determine  
17 the amount of the fine due based upon the earliest of the  
18 following:

- 19 1. When the report is actually received by such
- 20 officer.
- 21 2. When the report is postmarked.
- 22 3. When the certificate of mailing is dated.
- 23 4. When the receipt from an established courier
- 24 company is dated.

25  
26 Such fine shall be paid to the filing officer within 20 days  
27 after receipt of the notice of payment due, unless appeal is  
28 made to the Florida Elections Commission pursuant to paragraph  
29 (c). In the case of a candidate, such fine shall not be an  
30 allowable campaign expenditure and shall be paid only from  
31 personal funds of the candidate. An officer or member of a



1 political committee shall not be personally liable for such  
2 fine.

3

4 Reviser's note.--Amended to improve clarity and  
5 facilitate correct interpretation.

6

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

10 112.19 Law enforcement, correctional, and correctional  
11 probation officers; death benefits.--

12 (3) If a law enforcement, correctional, or  
13 correctional probation officer is accidentally killed as  
14 specified in paragraph (2)(b) on or after June 22, 1990, or  
15 unlawfully and intentionally killed as specified in paragraph  
16 (2)(c) on or after July 1, 1980, the state shall waive certain  
17 educational expenses that children of the deceased officer  
18 incur while obtaining a vocational-technical certificate, an  
19 undergraduate education, or a graduate or postbaccalaureate  
20 professional degree. The amount waived by the state shall be  
21 an amount equal to the cost of tuition, matriculation, and  
22 other statutorily authorized fees for a total of 120 credit  
23 hours for a vocational-technical certificate or an  
24 undergraduate education. For a child pursuing a graduate or  
25 postbaccalaureate professional degree, the amount waived shall  
26 equal the cost of matriculation and other statutorily  
27 authorized fees incurred while the child continues to fulfill  
28 the professional requirements associated with the graduate or  
29 postbaccalaureate professional degree program, and eligibility  
30 continues until the child's 29th birthday. The child may  
31 attend a state vocational-technical school, a state community

1 college, or a state university. The child may attend any or  
2 all of the institutions specified in this subsection, on  
3 either a full-time or part-time basis. For a child pursuing a  
4 vocational-technical certificate or an undergraduate  
5 education, the benefits provided under this subsection shall  
6 continue to the child until the child's 25th birthday. To be  
7 eligible for the benefits provided under this subsection for  
8 enrollment in a graduate or postbaccalaureate professional  
9 degree program, the child must be a state resident, as defined  
10 in s. 1009.21 ~~240.1201~~, at the time of enrollment.

11 (a) Upon failure of any child benefited by the  
12 provisions of this section to comply with the ordinary and  
13 minimum requirements of the institution attended, both as to  
14 discipline and scholarship, the benefits shall be withdrawn as  
15 to the child and no further moneys may be expended for the  
16 child's benefits so long as such failure or delinquency  
17 continues.

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

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

23  
24 Reviser's note.--Amended to conform to the  
25 repeal of s. 240.1201 by s. 1058, ch. 2002-387,  
26 Laws of Florida, and the enactment of similar  
27 material in s. 1009.21 by s. 400, ch. 2002-387.

28  
29 Section 10. Subsection (3) of section 112.191, Florida  
30 Statutes, as amended by section 2 of chapter 2002-232, Laws of  
31 Florida, is amended to read:

1           112.191 Firefighters; death benefits.--  
2           (3) If a firefighter is accidentally killed as  
3 specified in paragraph (2)(b) on or after June 22, 1990, or  
4 unlawfully and intentionally killed as specified in paragraph  
5 (2)(c), on or after July 1, 1980, the state shall waive  
6 certain educational expenses that children of the deceased  
7 firefighter incur while obtaining a vocational-technical  
8 certificate, an undergraduate education, or a graduate or  
9 postbaccalaureate professional degree. The amount waived by  
10 the state shall be an amount equal to the cost of tuition,  
11 matriculation, and other statutorily authorized fees for a  
12 total of 120 credit hours for a vocational-technical  
13 certificate or an undergraduate education. For a child  
14 pursuing a graduate or postbaccalaureate professional degree,  
15 the amount waived shall equal the cost of matriculation and  
16 other statutorily authorized fees incurred while the child  
17 continues to fulfill the professional requirements associated  
18 with the graduate or postbaccalaureate professional degree  
19 program, and eligibility continues until the child's 29th  
20 birthday. The child may attend a state vocational-technical  
21 school, a state community college, or a state university. The  
22 child may attend any or all of the institutions specified in  
23 this subsection, on either a full-time or part-time basis. For  
24 a child pursuing a vocational-technical certificate or an  
25 undergraduate education, the benefits provided under this  
26 subsection shall continue to such a child until the child's  
27 25th birthday. To be eligible for the benefits provided under  
28 this subsection for enrollment in a graduate or  
29 postbaccalaureate professional degree program, the child must  
30 be a state resident, as defined in s. 1009.21 ~~240.1201~~, at the  
31 time of enrollment.

1 (a) Upon failure of any child benefited by the  
2 provisions of this section to comply with the ordinary and  
3 minimum requirements of the institution attended, both as to  
4 discipline and scholarship, the benefits thereof shall be  
5 withdrawn as to the child and no further moneys expended for  
6 the child's benefits so long as such failure or delinquency  
7 continues.

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

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

13  
14 Reviser's note.--Amended to conform to the  
15 repeal of s. 240.1201 by s. 1058, ch. 2002-387,  
16 Laws of Florida, and the enactment of similar  
17 material in s. 1009.21 by s. 400, ch. 2002-387.

18  
19 Section 11. Paragraph (ff) of subsection (3) of  
20 section 119.07, Florida Statutes, is amended to read:

21 119.07 Inspection, examination, and duplication of  
22 records; exemptions.--

23 (3)

24 (ff)1. Until January 1, 2006, if a social security  
25 number, made confidential and exempt pursuant to s. 119.0721  
26 ~~119.072~~, created pursuant to s. 1, ch. 2002-256, passed during  
27 the 2002 regular legislative session, or a complete bank  
28 account, debit, charge, or credit card number made exempt  
29 pursuant to paragraph (dd)s. ~~119.07(ee)~~, created pursuant to  
30 s. 1, ch. 2002-257, passed during the 2002 regular legislative  
31 session, is or has been included in a court file, such number

1 may be included as part of the court record available for  
2 public inspection and copying unless redaction is requested by  
3 the holder of such number, or by the holder's attorney or  
4 legal guardian, in a signed, legibly written request  
5 specifying the case name, case number, document heading, and  
6 page number. The request must be delivered by mail, facsimile,  
7 electronic transmission, or in person to the clerk of the  
8 court. The clerk of the court does not have a duty to inquire  
9 beyond the written request to verify the identity of a person  
10 requesting redaction. A fee may not be charged for the  
11 redaction of a social security number or a bank account,  
12 debit, charge, or credit card number pursuant to such request.

13         2. Any person who prepares or files a document to be  
14 recorded in the official records by the county recorder as  
15 provided in chapter 28 may not include a person's social  
16 security number or complete bank account, debit, charge, or  
17 credit card number in that document unless otherwise expressly  
18 required by law. Until January 1, 2006, if a social security  
19 number or a complete bank account, debit, charge or credit  
20 card number is or has been included in a document presented to  
21 the county recorder for recording in the official records of  
22 the county, such number may be made available as part of the  
23 official record available for public inspection and copying.  
24 Any person, or his or her attorney or legal guardian, may  
25 request that a county recorder remove from an image or copy of  
26 an official record placed on a county recorder's publicly  
27 available Internet website, or a publicly available Internet  
28 website used by a county recorder to display public records  
29 outside the office or otherwise made electronically available  
30 outside the county recorder's office to the general public,  
31 his or her social security number or complete account, debit,

1 charge, or credit card number contained in that official  
2 record. Such request must be legibly written, signed by the  
3 requester, and delivered by mail, facsimile, electronic  
4 transmission, or in person to the county recorder. The request  
5 must specify the identification page number of the document  
6 that contains the number to be redacted. The county recorder  
7 does not have a duty to inquire beyond the written request to  
8 verify the identity of a person requesting redaction. A fee  
9 may not be charged for redacting such numbers.

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

14 4. On January 1, 2006, and thereafter, the clerk of  
15 the court and the county recorder must keep complete bank  
16 account, debit, charge, and credit card numbers exempt as  
17 provided for in paragraph (dd) ~~s. 119.07(3)(ee)~~, and must keep  
18 social security numbers confidential and exempt as provided  
19 for in s. 119.0721 ~~119.072~~, without any person having to  
20 request redaction.

21  
22 Reviser's note.--Amended to conform to the  
23 redesignation of the referenced s. 119.072 as  
24 s. 119.0721 and the redesignation of s.  
25 119.07(3)(ee) as s. 119.07(3)(dd) by the  
26 reviser incident to compiling the 2002 Florida  
27 Statutes.

28  
29 Section 12. Paragraph (d) of subsection (4) of section  
30 121.055, Florida Statutes, is reenacted to read:

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

6           (4)

7           (d) A member of the Senior Management Service Class  
8 shall receive retirement credit at the rate of 2 percent of  
9 average final compensation for each year of service in such  
10 class after January 31, 1987.

11  
12           Reviser's note.--Section 5, ch. 2002-273, Laws  
13 of Florida, purported to amend paragraph (4)(d)  
14 but failed to publish the amended paragraph.  
15 Absent affirmative evidence that the  
16 Legislature intended to repeal it, paragraph  
17 (4)(d) is reenacted to confirm that the  
18 omission was not intended.

19  
20           Section 13. Subsection (3) of section 154.01, Florida  
21 Statutes, is amended to read:

22           154.01 County health department delivery system.--

23           (3) The Department of Health shall enter into  
24 contracts with the several counties for the purposes of this  
25 part. All contracts shall be negotiated and approved by the  
26 appropriate local governing bodies ~~and the appropriate~~  
27 ~~district administrators~~ on behalf of the department. In  
28 accordance with federal guidelines, the state may utilize  
29 federal funds for county health department services. A  
30 standard contract format shall be developed and used by the  
31 department in contract negotiations. The contract shall

1 include the three levels of county health department services  
2 outlined in subsection (2) above and shall contain a section  
3 which stipulates, for the contract year:

4 (a) All revenue sources, including federal, state, and  
5 local general revenue, fees, and other cash contributions,  
6 which shall be used by the county health department for county  
7 health department services;

8 (b) The types of services to be provided in each level  
9 of service;

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

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

14 (e) The estimated number of staff positions (full-time  
15 equivalent positions) who will work in each type of service  
16 area; and

17 (f) The estimated expenditures for each type of  
18 service and for each level of service.

19

20 The contract shall also provide for financial and service  
21 reporting for each type of service according to standard  
22 service and reporting procedures established by the  
23 department.

24

25 Reviser's note.--Amended to delete an obsolete  
26 reference to district administrators that  
27 remains from the time when the State Health  
28 Officer was under the former Department of  
29 Health and Rehabilitative Services. The  
30 Department of Health does not have districts or  
31 district administrators.



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

4           163.31776 Public educational facilities element.--

5           (1) A county, in conjunction with the municipalities  
6 within the county, may adopt an optional public educational  
7 facilities element in cooperation with the applicable school  
8 district. In order to enact an optional public educational  
9 facilities element, the county and each municipality, unless  
10 the municipality is exempt as defined in this subsection, must  
11 adopt a consistent public educational facilities element and  
12 enter the interlocal agreement pursuant to ss.

13 163.3177(6)(h)4. and 163.31777(2). A municipality is exempt if  
14 it has no established need for a new school facility and it  
15 meets the following criteria:

16           (b) The district school board's 5-year facilities work  
17 program and the long-term 10-year work program, as provided in  
18 s. 1013.35 ~~235.185~~, demonstrate that no new school facility is  
19 needed in the municipality. In addition, the district school  
20 board must verify in writing that no new school facility will  
21 be needed in the municipality within the 5-year and 10-year  
22 timeframes.

23           (2) The public educational facilities element must be  
24 based on data and analysis, including the interlocal agreement  
25 defined by ss. 163.3177(6)(h)4. and 163.31777(2), and on the  
26 educational facilities plan required by s. 1013.35 ~~235.185~~.  
27 Each local government public educational facilities element  
28 within a county must be consistent with the other elements and  
29 must address:

30           (a) The need for, strategies for, and commitments to  
31 addressing improvements to infrastructure, safety, and

1 community conditions in areas proximate to existing public  
2 schools.

3 (b) The need for and strategies for providing adequate  
4 infrastructure necessary to support proposed schools,  
5 including potable water, wastewater, drainage, solid waste,  
6 transportation, and means by which to assure safe access to  
7 schools, including sidewalks, bicycle paths, turn lanes, and  
8 signalization.

9 (c) Colocation of other public facilities, such as  
10 parks, libraries, and community centers, in proximity to  
11 public schools.

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

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

17 (f) Consideration of the existing and planned capacity  
18 of public schools when reviewing comprehensive plan amendments  
19 and rezonings that are likely to increase residential  
20 development and that are reasonably expected to have an impact  
21 on the demand for public school facilities, with the review to  
22 be based on uniform, level-of-service standards, availability  
23 standards for public schools, and the financially feasible  
24 5-year district facilities work program adopted by the school  
25 board pursuant to s. 1013.35 ~~235.185~~.

26 (g) A uniform methodology for determining school  
27 capacity consistent with the interlocal agreement entered  
28 pursuant to ss. 163.3177(6)(h)4. and 163.31777(2).

29 (3) The future land-use map series must incorporate  
30 maps that are the result of a collaborative process for  
31 identifying school sites in the educational facilities plan

1 adopted by the school board pursuant to s. 1013.35 ~~235.185~~ and  
2 must show the locations of existing public schools and the  
3 general locations of improvements to existing schools or new  
4 schools anticipated over the 5-year, 10-year, and 20-year time  
5 periods, or such maps must constitute data and analysis in  
6 support of the future land-use map series. Maps indicating  
7 general locations of future schools or school improvements  
8 should not prescribe a land use on a particular parcel of  
9 land.

10

11 Reviser's note.--Amended to conform to the  
12 repeal of s. 235.185 by s. 1058, ch. 2002-387,  
13 Laws of Florida, and the enactment of similar  
14 material in s. 1013.35 by s. 830, ch. 2002-387.

15

16 Section 15. Paragraph (c) of subsection (1),  
17 paragraphs (e) and (f) of subsection (2), paragraph (c) of  
18 subsection (3), subsection (4), and paragraph (b) of  
19 subsection (6) of section 163.31777, Florida Statutes, are  
20 amended to read:

21 163.31777 Public schools interlocal agreement.--

22 (1)

23 (c) If the student population has declined over the  
24 5-year period preceding the due date for submittal of an  
25 interlocal agreement by the local government and the district  
26 school board, the local government and the district school  
27 board may petition the state land planning agency for a waiver  
28 of one or more requirements of subsection (2). The waiver must  
29 be granted if the procedures called for in subsection (2) are  
30 unnecessary because of the school district's declining school  
31 age population, considering the district's 5-year facilities

1 work program prepared pursuant to s. 1013.35 ~~235.185~~. The  
2 state land planning agency may modify or revoke the waiver  
3 upon a finding that the conditions upon which the waiver was  
4 granted no longer exist. The district school board and local  
5 governments must submit an interlocal agreement within 1 year  
6 after notification by the state land planning agency that the  
7 conditions for a waiver no longer exist.

8 (2) At a minimum, the interlocal agreement must  
9 address the following issues:

10 (e) A process for the school board to inform the local  
11 government regarding school capacity. The capacity reporting  
12 must be consistent with laws and rules relating to measurement  
13 of school facility capacity and must also identify how the  
14 district school board will meet the public school demand based  
15 on the facilities work program adopted pursuant to s. 1013.35  
16 ~~235.185~~.

17 (f) Participation of the local governments in the  
18 preparation of the annual update to the district school  
19 board's 5-year district facilities work program and  
20 educational plant survey prepared pursuant to s. 1013.35  
21 ~~235.185~~.

22  
23 A signatory to the interlocal agreement may elect not to  
24 include a provision meeting the requirements of paragraph (e);  
25 however, such a decision may be made only after a public  
26 hearing on such election, which may include the public hearing  
27 in which a district school board or a local government adopts  
28 the interlocal agreement. An interlocal agreement entered into  
29 pursuant to this section must be consistent with the adopted  
30 comprehensive plan and land development regulations of any  
31 local government that is a signatory.

1 (3)

2 (c) If the state land planning agency enters a final  
3 order that finds that the interlocal agreement is inconsistent  
4 with the requirements of subsection (2) or this subsection, it  
5 shall forward it to the Administration Commission, which may  
6 impose sanctions against the local government pursuant to s.  
7 163.3184(11) and may impose sanctions against the district  
8 school board by directing the Department of Education to  
9 withhold from the district school board an equivalent amount  
10 of funds for school construction available pursuant to ss.  
11 1013.65, 1013.68, 1013.70, and 1013.72 ~~235.187, 235.216,~~  
12 ~~235.2195, and 235.42.~~

13 (4) If an executed interlocal agreement is not timely  
14 submitted to the state land planning agency for review, the  
15 state land planning agency shall, within 15 working days after  
16 the deadline for submittal, issue to the local government and  
17 the district school board a Notice to Show Cause why sanctions  
18 should not be imposed for failure to submit an executed  
19 interlocal agreement by the deadline established by the  
20 agency. The agency shall forward the notice and the responses  
21 to the Administration Commission, which may enter a final  
22 order citing the failure to comply and imposing sanctions  
23 against the local government and district school board by  
24 directing the appropriate agencies to withhold at least 5  
25 percent of state funds pursuant to s. 163.3184(11) and by  
26 directing the Department of Education to withhold from the  
27 district school board at least 5 percent of funds for school  
28 construction available pursuant to ss. 1013.65, 1013.68,  
29 1013.70, and 1013.72 ~~235.187, 235.216, 235.2195, and 235.42.~~

30 (6) Except as provided in subsection (7),  
31 municipalities having no established need for a new school

1 facility and meeting the following criteria are exempt from  
2 the requirements of subsections (1), (2), and (3):

3 (b) The district school board's 5-year facilities work  
4 program and the long-term 10-year and 20-year work programs,  
5 as provided in s. 1013.35 ~~235.185~~, demonstrate that no new  
6 school facility is needed in the municipality. In addition,  
7 the district school board must verify in writing that no new  
8 school facility will be needed in the municipality within the  
9 5-year and 10-year timeframes.

10  
11 Reviser's note.--Amended to conform to the  
12 repeal of chapter 235 by s. 1058, ch. 2002-387,  
13 Laws of Florida, and the enactment of similar  
14 material in chapter 1013 by ch. 2002-387.

15  
16 Section 16. Section 196.1983, Florida Statutes, is  
17 amended to read:

18 196.1983 Charter school exemption from ad valorem  
19 taxes.--Any facility, or portion thereof, used to house a  
20 charter school whose charter has been approved by the sponsor  
21 and the governing board pursuant to s. 1002.33(7) ~~228.056(9)~~  
22 shall be exempt from ad valorem taxes. For leasehold  
23 properties, the landlord must certify by affidavit to the  
24 charter school that the lease payments shall be reduced to the  
25 extent of the exemption received. The owner of the property  
26 shall disclose to a charter school the full amount of the  
27 benefit derived from the exemption and the method for ensuring  
28 that the charter school receives such benefit. The charter  
29 school shall receive the full benefit derived from the  
30 exemption through either an annual or monthly credit to the  
31 charter school's lease payments.

1 Reviser's note.--Amended to conform to the  
2 repeal of s. 228.056 by s. 1058, ch. 2002-387,  
3 Laws of Florida, and the enactment of similar  
4 material in s. 1002.33(7) by s. 98, ch.  
5 2002-387.

6  
7 Section 17. Paragraph (b) of subsection (6) of section  
8 199.282, Florida Statutes, is amended to read:

9 199.282 Penalties for violation of this chapter.--

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

12 (b) An initial penalty of \$10 per customer position  
13 statement, plus an additional penalty of the greater of 1  
14 percent of the initial penalty or \$50 for each month or  
15 portion of a month, from the date due until filing is made,  
16 upon any security dealer or investment adviser who does not  
17 timely file or fails to file the statements required by s.  
18 199.062(1)~~199.062(3)~~. The submission of a position statement  
19 that does not comply with the department's specifications and  
20 instructions or the submission of an inaccurate position  
21 statement is not a timely filing. The department shall notify  
22 any security dealer or investment adviser who fails to timely  
23 file the required statements. The minimum penalty imposed upon  
24 a security dealer or investment adviser under this paragraph  
25 is \$100.

26  
27 Reviser's note.--Amended to conform to the  
28 redesignation of s. 199.062(3) as s. 199.062(1)  
29 necessitated by the repeal of former  
30 subsections (1) and (2) by s. 60, ch. 2002-218,  
31 Laws of Florida.

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

3           210.20 Employees and assistants; distribution of  
4 funds.--

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

9           (b)1. Beginning January 1, 1999, and continuing for 10  
10 years thereafter, the division shall from month to month  
11 certify to the Comptroller the amount derived from the  
12 cigarette tax imposed by s. 210.02, less the service charges  
13 provided for in s. 215.20 and less 0.9 percent of the amount  
14 derived from the cigarette tax imposed by s. 210.02, which  
15 shall be deposited into the Alcoholic Beverage and Tobacco  
16 Trust Fund, specifying an amount equal to 2.59 percent of the  
17 net collections, and that amount shall be paid to the Board of  
18 Directors of the H. Lee Moffitt Cancer Center and Research  
19 Institute, established under s. 1004.43, by warrant drawn by  
20 the Comptroller upon the State Treasury. These funds are  
21 hereby appropriated monthly out of the Cigarette Tax  
22 Collection Trust Fund, to be used for the purpose of  
23 constructing, furnishing, and equipping a cancer research  
24 facility at the University of South Florida adjacent to the H.  
25 Lee Moffitt Cancer Center and Research Institute. In fiscal  
26 years 1999-2000 and thereafter with the exception of fiscal  
27 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer  
28 Center and Research Institute authorized by this subparagraph  
29 shall not be less than the amount that would have been paid to  
30 the H. Lee Moffitt Cancer Center and Research Institute for  
31



1 fiscal year 1998-1999 had payments been made for the entire  
2 fiscal year rather than for a 6-month period thereof.

3 2. Beginning July 1, 2002, and continuing through June  
4 30, 2004, the division shall, in addition to the distribution  
5 authorized in subparagraph 1., from month to month certify to  
6 the Comptroller the amount derived from the cigarette tax  
7 imposed by s. 210.02, less the service charges provided for in  
8 s. 215.20 and less 0.9 percent of the amount derived from the  
9 cigarette tax imposed by s. 210.02, which shall be deposited  
10 into the Alcoholic Beverage and Tobacco Trust Fund, specifying  
11 an amount equal to 0.2632 percent of the net collections, and  
12 that amount shall be paid to the Board of Directors of the H.  
13 Lee Moffitt Cancer Center and Research Institute, established  
14 under s. 1004.43 ~~240.512~~, by warrant drawn by the Comptroller.  
15 Beginning July 1, 2004, and continuing through June 30, 2016,  
16 the division shall, in addition to the distribution authorized  
17 in subparagraph 1., from month to month certify to the  
18 Comptroller the amount derived from the cigarette tax imposed  
19 by s. 210.02, less the service charges provided for in s.  
20 215.20 and less 0.9 percent of the amount derived from the  
21 cigarette tax imposed by s. 210.02, which shall be deposited  
22 into the Alcoholic Beverage and Tobacco Trust Fund, specifying  
23 an amount equal to 1.47 percent of the net collections, and  
24 that amount shall be paid to the Board of Directors of the H.  
25 Lee Moffitt Cancer Center and Research Institute, established  
26 under s. 1004.43 ~~240.512~~, by warrant drawn by the Comptroller.  
27 These funds are appropriated monthly out of the Cigarette Tax  
28 Collection Trust Fund, to be used for the purpose of  
29 constructing, furnishing, and equipping a cancer research  
30 facility at the University of South Florida adjacent to the H.  
31 Lee Moffitt Cancer Center and Research Institute. In fiscal

1 years 2004-2005 and thereafter, the appropriation to the H.  
2 Lee Moffitt Cancer Center and Research Institute authorized by  
3 this subparagraph shall not be less than the amount that would  
4 have been paid to the H. Lee Moffitt Cancer Center and  
5 Research Institute in fiscal year 2001-2002, had this  
6 subparagraph been in effect.

7  
8 Reviser's note.--Amended to conform to the  
9 repeal of s. 240.512 by s. 1058, ch. 2002-387,  
10 Laws of Florida, and the enactment of similar  
11 material in s. 1004.43 by s. 188, ch. 2002-387.

12  
13 Section 19. Section 220.1501, Florida Statutes, is  
14 amended to read:

15 220.1501 Rulemaking authority to implement s.  
16 220.15(2)(c), (4)(c), and (8).--The Department of Revenue has  
17 authority to adopt rules pursuant to the Administrative  
18 Procedure Act to implement s. 220.15(2)(c), (4)(c), and (8),  
19 as created by chapter 98-325, Laws of Florida. ~~The Board of  
20 Regents and the president of each participating nonpublic  
21 university shall monitor the various sponsored research  
22 contracts and make a report to the Speaker of the House of  
23 Representatives and to the President of the Senate by February  
24 1, 2000, which shall provide any necessary information which  
25 indicates if the provisions of chapter 98-325 have been  
26 successful in attracting additional sponsored research  
27 contracts.~~

28  
29 Reviser's note.--Amended to delete obsolete  
30 language.

31

1           Section 20. Subsection (10) of section 243.20, Florida  
2 Statutes, is amended to read:

3           243.20 Definitions.--The following terms, wherever  
4 used or referred to in this part shall have the following  
5 respective meanings, unless a different meaning clearly  
6 appears from the context:

7           (10) "Loan in anticipation of tuition revenues" means  
8 a loan to a private institution for higher education under  
9 circumstances in which tuition revenues anticipated to be  
10 received by the institution in any budget year are estimated  
11 to be insufficient at any time during the budget year to pay  
12 the operating expenses or other obligations of the institution  
13 in accordance with the budget of the institution. The loans  
14 are permitted within guidelines adopted by the authority  
15 consistent with the provisions for similar loans undertaken by  
16 school districts under s. 1011.13 ~~237.151~~, excluding  
17 provisions applicable to the limitations on borrowings  
18 relating to the levy of taxes and the adoption of budgets in  
19 accordance with law applicable solely to school districts.  
20 The Florida Resident Access Grant shall not be considered  
21 tuition revenues for the purpose of calculating a loan to a  
22 private institution pursuant to the provision of this chapter.  
23

24           Reviser's note.--Amended to conform to the  
25 repeal of s. 237.151 by s. 1058, ch. 2002-387,  
26 Laws of Florida, and the enactment of similar  
27 material in s. 1011.13 by s. 616, ch. 2002-387.  
28

29           Section 21. Subsection (8) of section 267.173, Florida  
30 Statutes, is amended to read:  
31

1           267.173 Historic preservation in West Florida; goals;  
2 contracts for historic preservation; powers and duties.--

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

7  
8           Reviser's note.--Amended to conform to the  
9 complete name of the fund as provided in s.  
10 1011.94.

11  
12           Section 22. Paragraph (a) of subsection (2) of section  
13 288.1067, Florida Statutes, is amended to read:

14           288.1067 Confidentiality of records.--

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

18           (a) The names of qualified businesses, the total  
19 number of jobs each business expects to create, the total  
20 number of jobs created by each business, and the amount of tax  
21 refunds awarded to and claimed by each business under s.  
22 288.1045 ~~228.1045~~ or s. 288.106. However, for a business  
23 applying under s. 288.1045 based on obtaining a new Department  
24 of Defense contract, the total number of jobs expected and the  
25 amount of tax refunds claimed shall not be released until the  
26 new Department of Defense contract is awarded;

27  
28           Reviser's note.--Amended to correct an apparent  
29 error and facilitate correct interpretation.  
30           Section 228.1045 does not exist; s. 288.1045

1 relates to the qualified defense contractor tax  
2 refund program.

3  
4 Section 23. Subsection (10) of section 288.109,  
5 Florida Statutes, is repealed.

6  
7 Reviser's note.--The cited subsection, which  
8 provided fee exemptions for certain development  
9 permits, was originally repealed by s. 6, ch.  
10 2001-278, Laws of Florida. Subsequently, there  
11 was a technical amendment to subsection (10) by  
12 s. 51, ch. 2002-20, Laws of Florida, to delete  
13 a reference to the former High Speed Rail  
14 Transportation Siting Act, but this amendment  
15 was not intended to revive subsection (10).

16  
17 Section 24. Subsection (7) of section 288.7091,  
18 Florida Statutes, is amended to read:

19 288.7091 Duties of the Florida Black Business  
20 Investment Board, Inc.--The Florida Black Business Investment  
21 Board, Inc., shall:

22 (7) Develop memoranda of understanding with the  
23 Departments of Education, Transportation, Community Affairs,  
24 and Management Services, as well as with Workforce Florida,  
25 Inc., and the State ~~Florida~~ Board of Education, detailing  
26 efforts of common interest and collaborations to expand black  
27 business development;

28  
29 Reviser's note.--Amended to improve clarity and  
30 facilitate correct interpretation. Section  
31 229.004, which established the Florida Board of

1 Education, was repealed by s. 1058, ch.  
2 2002-387, Laws of Florida. Section 19, ch.  
3 2002-387, established the State Board of  
4 Education.

5  
6 Section 25. Subsection (2) of section 295.0185,  
7 Florida Statutes, is amended to read:  
8 295.0185 Children of deceased or disabled military  
9 personnel who die or become disabled in Operation Enduring  
10 Freedom; educational opportunity.--

11 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04,  
12 295.05, and 1009.40 apply.

13  
14 Reviser's note.--Amended to conform to the  
15 repeal of s. 240.404 by s. 1058, ch. 2002-387,  
16 Laws of Florida, and the enactment of similar  
17 material in s. 1009.40 by s. 413, ch. 2002-387.

18  
19 Section 26. Paragraph (b) of subsection (1) of section  
20 316.640, Florida Statutes, is reenacted to read:

21 316.640 Enforcement.--The enforcement of the traffic  
22 laws of this state is vested as follows:

23 (1) STATE.--

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

27 2.a. The Department of Transportation shall develop  
28 training and qualifications standards for toll enforcement  
29 officers whose sole authority is to enforce the payment of  
30 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
31 shall be construed to permit the carrying of firearms or other

1 weapons, nor shall a toll enforcement officer have arrest  
2 authority.

3       b. For the purpose of enforcing s. 316.1001,  
4 governmental entities, as defined in s. 334.03, which own or  
5 operate a toll facility may employ independent contractors or  
6 designate employees as toll enforcement officers; however, any  
7 such toll enforcement officer must successfully meet the  
8 training and qualifications standards for toll enforcement  
9 officers established by the Department of Transportation.

10

11       Reviser's note.--Section 109, ch. 2002-20, Laws  
12 of Florida, purported to amend subsection (1)  
13 but failed to publish paragraph (b) of that  
14 subsection. Absent affirmative evidence that  
15 the Legislature intended to repeal it,  
16 paragraph (1)(b) is reenacted to confirm that  
17 the omission was not intended.

18

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

21       318.14 Noncriminal traffic infractions; exception;  
22 procedures.--

23       (1) Except as provided in ss. 318.17 and 320.07(3)(c),  
24 any person cited for a violation of ~~s. 1006.66(3)~~, chapter  
25 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s.  
26 322.15(1), s. 322.16(2) or (3), s. 322.161(5), s. 322.19, or  
27 s. 1006.66(3)~~1006.66~~ is charged with a noncriminal infraction  
28 and must be cited for such an infraction and cited to appear  
29 before an official. If another person dies as a result of the  
30 noncriminal infraction, the person cited may be required to  
31

1 perform 120 community service hours under s. 316.027(4), in  
2 addition to any other penalties.

3

4 Reviser's note.--The amendment to this section  
5 by s. 963, ch. 2002-387, Laws of Florida,  
6 deleted a reference to former s. 240.265 and  
7 added references to both ss. 1006.66 and  
8 1006.66(3). Section 1006.66(3) is the successor  
9 provision to former s. 240.265.

10

11 Section 28. Paragraph (c) of subsection (2) of section  
12 322.051, Florida Statutes, is amended to read:

13 322.051 Identification cards.--

14 (2)

15 (c) Notwithstanding any other provisions of this  
16 chapter, if an applicant establishes his or her identity  
17 ~~identify~~ for an identification card using an identification  
18 document authorized under sub-subparagraphs (a)3.e.-f., the  
19 identification card shall expire 4 years after the date of  
20 issuance or upon the expiration date cited on the United  
21 States Department of Justice documents, whichever date first  
22 occurs, and may not be renewed or obtain a duplicate except in  
23 person.

24

25 Reviser's note.--Amended to improve clarity and  
26 facilitate correct interpretation.

27

28 Section 29. Section 334.0445, Florida Statutes, is  
29 repealed.

30

31



1 Reviser's note.--Repeals an obsolete provision.  
2 The section authorized a model career service  
3 classification and compensation plan.  
4 Authorization for the program expired June 30,  
5 2002.

6  
7 Section 30. Subsection (2) of section 335.14, Florida  
8 Statutes, is amended to read:

9 335.14 Traffic control devices on State Highway System  
10 or State Park Road System; exemption for computerized traffic  
11 systems and control devices.--

12 (2) Computerized traffic systems and control devices  
13 which are used solely for the purpose of motor vehicle traffic  
14 control and surveillance shall be exempted from the provisions  
15 of chapter 282 ~~and s. 287.073~~.

16  
17 Reviser's note.--Amended to conform to the  
18 repeal of s. 287.073 by s. 20, ch. 2002-207,  
19 Laws of Florida.

20  
21 Section 31. Section 341.8201, Florida Statutes, is  
22 amended to read:

23 341.8201 Short title.--Sections 341.8201-341.842  
24 ~~341.8201-341.843~~ may be cited as the "Florida High-Speed Rail  
25 Authority Act."

26  
27 Reviser's note.--Amended to conform to context;  
28 there is no s. 341.843.

29  
30 Section 32. Subsection (2) of section 381.0068,  
31 Florida Statutes, is amended to read:

1           381.0068 Technical review and advisory panel.--

2           (2) The primary purpose of the panel is to assist the  
3 department in rulemaking and decisionmaking by drawing on the  
4 expertise of representatives from several groups that are  
5 affected by onsite sewage treatment and disposal systems. The  
6 panel may also review and comment on any legislation or any  
7 existing or proposed state policy or issue related to onsite  
8 sewage treatment and disposal systems. If requested by the  
9 panel, the chair will advise any affected person or member of  
10 the Legislature of the panel's position on the legislation or  
11 any existing or proposed state policy or issue. The chair may  
12 also take such other action as is appropriate to allow the  
13 panel to function. At a minimum, the panel shall consist of a  
14 soil scientist; a professional engineer registered in this  
15 state who is recommended by the Florida Engineering Society  
16 and who has work experience in onsite sewage treatment and  
17 disposal systems; two representatives from the home-building  
18 industry recommended by the Florida Home Builders Association,  
19 including one who is a developer in this state who develops  
20 lots using onsite sewage treatment and disposal systems; a  
21 representative from the county health departments who has  
22 experience permitting and inspecting the installation of  
23 onsite sewage treatment and disposal systems in this state; a  
24 representative from the real estate industry who is  
25 recommended by the Florida Association of Realtors; a consumer  
26 representative with a science background; two representatives  
27 of the septic tank industry recommended by the Florida Onsite  
28 Wastewater ~~Septic Tank~~ Association, including one who is a  
29 manufacturer of onsite sewage treatment and disposal systems;  
30 and a representative from the environmental health profession  
31 who is recommended by the Florida Environmental Health

1 Association and who is not employed by a county health  
2 department. Members are to be appointed for a term of 2  
3 years. The panel may also, as needed, be expanded to include  
4 ad hoc, nonvoting representatives who have topic-specific  
5 expertise. All rules proposed by the department which relate  
6 to onsite sewage treatment and disposal systems must be  
7 presented to the panel for review and comment prior to  
8 adoption. The panel's position on proposed rules shall be  
9 made a part of the rulemaking record that is maintained by the  
10 agency. The panel shall select a chair, who shall serve for a  
11 period of 1 year and who shall direct, coordinate, and execute  
12 the duties of the panel. The panel shall also solicit input  
13 from the department's variance review and advisory committee  
14 before submitting any comments to the department concerning  
15 proposed rules. The panel's comments must include any  
16 dissenting points of view concerning proposed rules. The  
17 panel shall hold meetings as it determines necessary to  
18 conduct its business, except that the chair, a quorum of the  
19 voting members of the panel, or the department may call  
20 meetings. The department shall keep minutes of all meetings  
21 of the panel. Panel members shall serve without remuneration,  
22 but, if requested, shall be reimbursed for per diem and travel  
23 expenses as provided in s. 112.061.

24

25 Reviser's note.--Amended to conform to the  
26 renaming of the Florida Septic Tank Association  
27 as the Florida Onsite Wastewater Association.

28

29 Section 33. Sections 381.0602, 381.6021, 381.6022,  
30 381.6023, 381.6024, and 381.6026, Florida Statutes, are  
31 transferred and renumbered as sections 765.53, 765.541,

1 765.542, 765.543, 765.544, and 765.546, Florida Statutes,  
2 respectively.

3  
4 Reviser's note.--The cited sections, which  
5 relate to organ transplants, are transferred  
6 from chapter 381, the general public health  
7 chapter of the Florida Statutes, to part V of  
8 chapter 765, which relates to anatomical gifts.

9  
10 Section 34. Section 381.6025, Florida Statutes, is  
11 transferred and renumbered as section 765.545, Florida  
12 Statutes, and amended to read:

13 765.545 ~~381.6025~~ Physician supervision of cadaveric  
14 organ and tissue procurement coordinators.--Organ procurement  
15 organizations, tissue banks, and eye banks may employ  
16 coordinators, who are registered nurses, physician's  
17 assistants, or other medically trained personnel who meet the  
18 relevant standards for organ procurement organizations, tissue  
19 banks, or eye banks as adopted by the Agency for Health Care  
20 Administration under s. 765.541 ~~381.6021~~, to assist in the  
21 medical management of organ donors or in the surgical  
22 procurement of cadaveric organs, tissues, or eyes for  
23 transplantation or research. A coordinator who assists in the  
24 medical management of organ donors or in the surgical  
25 procurement of cadaveric organs, tissues, or eyes for  
26 transplantation or research must do so under the direction and  
27 supervision of a licensed physician medical director pursuant  
28 to rules and guidelines to be adopted by the Agency for Health  
29 Care Administration. With the exception of organ procurement  
30 surgery, this supervision may be indirect supervision. For  
31 purposes of this section, the term "indirect supervision"

1 means that the medical director is responsible for the medical  
2 actions of the coordinator, that the coordinator is operating  
3 under protocols expressly approved by the medical director,  
4 and that the medical director or his or her physician designee  
5 is always available, in person or by telephone, to provide  
6 medical direction, consultation, and advice in cases of organ,  
7 tissue, and eye donation and procurement. Although indirect  
8 supervision is authorized under this section, direct physician  
9 supervision is to be encouraged when appropriate.

10  
11 Reviser's note.--The cited section, which  
12 relates to physician supervision of cadaveric  
13 organ and tissue procurement coordinators, is  
14 transferred from chapter 381, the general  
15 public health chapter of the Florida Statutes,  
16 to part V of chapter 765, which relates to  
17 anatomical gifts. The section is amended to  
18 conform a cross-reference to s. 381.6021 to the  
19 transfer of that section to s. 765.541 by this  
20 act.

21  
22 Section 35. Subsection (2) of section 381.60225,  
23 Florida Statutes, is amended to read:

24 381.60225 Background screening.--

25 (2) An organ procurement organization, tissue bank, or  
26 eye bank certified by the Agency for Health Care  
27 Administration in accordance with ss. 765.541 ~~381.6021~~ and  
28 765.542 ~~381.6022~~ is not subject to the requirements of this  
29 section if the entity has no direct patient care  
30 responsibilities and does not bill patients or insurers

31

1 directly for services under the Medicare or Medicaid programs,  
2 or for privately insured services.

3

4 Reviser's note.--Amended to conform  
5 cross-references to ss. 381.6021 and 381.6022  
6 to the transfer of those sections to ss.  
7 765.541 and 765.542, respectively, by this act.

8

9 Section 36. Subsection (2) of section 395.2050,  
10 Florida Statutes, is amended to read:

11 395.2050 Routine inquiry for organ and tissue  
12 donation; certification for procurement activities; death  
13 records review.--

14 (2) Every hospital licensed under this chapter that is  
15 engaged in the procurement of organs, tissues, or eyes shall  
16 comply with the certification requirements of ss.  
17 765.541-765.546 ~~381.6021-381.6026~~.

18

19 Reviser's note.--Amended to conform  
20 cross-references to ss. 381.6021-381.6026 to  
21 the transfer of those sections to ss.  
22 765.541-765.546 by this act.

23

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

26 400.0089 Agency reports.--The Department of Elderly  
27 Affairs shall maintain a statewide uniform reporting system to  
28 collect and analyze data relating to complaints and conditions  
29 in long-term care facilities and to residents, for the purpose  
30 of identifying and resolving significant problems. The  
31 department and the State Long-Term Care Ombudsman Council

1 shall submit such data as part of its annual report required  
2 pursuant to s. 400.0067(2)(f)~~400.0067(2)(g)~~ to the Agency for  
3 Health Care Administration, the Department of Children and  
4 Family Services, the Florida Statewide Advocacy Council, the  
5 Advocacy Center for Persons with Disabilities, the  
6 Commissioner for the United States Administration on Aging,  
7 the National Ombudsman Resource Center, and any other state or  
8 federal entities that the ombudsman determines appropriate.  
9 The State Long-Term Care Ombudsman Council shall publish  
10 quarterly and make readily available information pertaining to  
11 the number and types of complaints received by the long-term  
12 care ombudsman program.

13

14 Reviser's note.--Amended to conform to the  
15 redesignation of s. 400.0067(2)(g) as s.  
16 400.0067(2)(f) by s. 22, ch. 2002-223, Laws of  
17 Florida.

18

19 Section 38. Subparagraph 10. of paragraph (b) of  
20 subsection (2) of section 400.191, Florida Statutes, is  
21 repealed.

22

23 Reviser's note.--The cited subparagraph, which  
24 relates to consumer and family satisfaction  
25 survey information to be provided in printed  
26 form by the Agency for Health Care  
27 Administration, as described in former s.  
28 400.0225, is obsolete. Section 400.0225 was  
29 repealed by s. 14, ch. 2001-377, Laws of  
30 Florida, along with other statutory references  
31 to the surveys.

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

3           400.23 Rules; evaluation and deficiencies; licensure  
4 status.--

5           (2) Pursuant to the intention of the Legislature, the  
6 agency, in consultation with the Department of Health and the  
7 Department of Elderly Affairs, shall adopt and enforce rules  
8 to implement this part, which shall include reasonable and  
9 fair criteria in relation to:

10           (h) ~~The implementation of the consumer satisfaction~~  
11 ~~survey pursuant to s. 400.0225;~~The availability,  
12 distribution, and posting of reports and records pursuant to  
13 s. 400.191~~and the Gold Seal Program pursuant to s. 400.235.~~

14  
15           Reviser's note.--Amended to conform to the  
16 repeal of s. 400.0225 by s. 14, ch. 2001-377,  
17 Laws of Florida.

18  
19           Section 40. Paragraph (d) of subsection (2) of section  
20 402.305, Florida Statutes, is amended to read:

21           402.305 Licensing standards; child care facilities.--

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

24           (d) Minimum training requirements for child care  
25 personnel.

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

30           a. State and local rules and regulations which govern  
31 child care.



1           b. Health, safety, and nutrition.  
2           c. Identifying and reporting child abuse and neglect.  
3           d. Child development, including typical and atypical  
4 language, cognitive, motor, social, and self-help skills  
5 development.  
6           e. Observation of developmental behaviors, including  
7 using a checklist or other similar observation tools and  
8 techniques to determine the child's developmental age level.  
9           f. Specialized areas, including computer technology  
10 for professional and classroom use, as determined by the  
11 department, for owner-operators and child care personnel of a  
12 child care facility.  
13  
14 Within 90 days after employment, child care personnel shall  
15 begin training to meet the training requirements. Child care  
16 personnel shall successfully complete such training within 1  
17 year after the date on which the training began, as evidenced  
18 by passage of a competency examination. Successful completion  
19 of the 40-clock-hour introductory course shall articulate into  
20 community college credit in early childhood education, ~~as~~  
21 ~~approved by the Articulation Coordinating Committee,~~ pursuant  
22 to ss. 1007.24 and 1007.25 ~~s. 229.551(1)(g)~~. Exemption from  
23 all or a portion of the required training shall be granted to  
24 child care personnel based upon educational credentials or  
25 passage of competency examinations. Child care personnel  
26 possessing a 2-year degree or higher that includes 6 college  
27 credit hours in early childhood development or child growth  
28 and development, or a child development associate credential  
29 or an equivalent state-approved child development associate  
30 credential, or a child development associate waiver  
31

1 certificate shall be automatically exempted from the training  
2 requirements in sub-subparagraphs b., d., and e.

3           2. The introductory course in child care shall stress,  
4 to the extent possible, an interdisciplinary approach to the  
5 study of children.

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

12           4. Procedures for ensuring the training of qualified  
13 child care professionals to provide training of child care  
14 personnel, including onsite training, shall be included in the  
15 minimum standards. It is recommended that the state community  
16 child care coordination agencies (central agencies) be  
17 contracted by the department to coordinate such training when  
18 possible. Other district educational resources, such as  
19 community colleges and vocational-technical programs, can be  
20 designated in such areas where central agencies may not exist  
21 or are determined not to have the capability to meet the  
22 coordination requirements set forth by the department.

23           5. Training requirements shall not apply to certain  
24 occasional or part-time support staff, including, but not  
25 limited to, swimming instructors, piano teachers, dance  
26 instructors, and gymnastics instructors.

27           6. The department shall evaluate or contract for an  
28 evaluation for the general purpose of determining the status  
29 of and means to improve staff training requirements and  
30 testing procedures. The evaluation shall be conducted every 2  
31 years. The evaluation shall include, but not be limited to,

1 determining the availability, quality, scope, and sources of  
2 current staff training; determining the need for specialty  
3 training; and determining ways to increase inservice training  
4 and ways to increase the accessibility, quality, and  
5 cost-effectiveness of current and proposed staff training. The  
6 evaluation methodology shall include a reliable and valid  
7 survey of child care personnel.

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

12  
13           Reviser's note.--Amended to conform to the  
14 elimination of the Articulation Coordinating  
15 Committee by ch. 2002-387, Laws of Florida. The  
16 paragraph is also amended to conform to the  
17 repeal of s. 229.551 by s. 1058, ch. 2002-387,  
18 and the enactment of similar material in ss.  
19 1007.24 and 1007.25 by ss. 350 and 351, ch.  
20 2002-387, respectively.

21  
22           Section 41. Subsection (3) of section 402.3131,  
23 Florida Statutes, is amended to read:

24           402.3131 Large family child care homes.--

25           (3) Operators of large family child care homes must  
26 successfully complete an approved 40-clock-hour introductory  
27 course in group child care, as evidenced by passage of a  
28 competency examination. Successful completion of the  
29 40-clock-hour introductory course shall articulate into  
30 community college credit in early childhood education, ~~as~~

31

1 ~~approved by the Articulation Coordinating Committee,~~ pursuant  
2 to ss. 1007.24 and 1007.25 ~~s. 229.551(1)(g)~~.

3  
4 Reviser's note.--Amended to conform to the  
5 elimination of the Articulation Coordinating  
6 Committee by ch. 2002-387, Laws of Florida. The  
7 subsection is also amended to conform to the  
8 repeal of s. 229.551 by s. 1058, ch. 2002-387,  
9 and the enactment of similar material in ss.  
10 1007.24 and 1007.25 by ss. 350 and 351, ch.  
11 2002-387, respectively.

12  
13 Section 42. Subsection (7) of section 403.706, Florida  
14 Statutes, is amended to read:

15 403.706 Local government solid waste  
16 responsibilities.--

17 (7) In order to assess the progress in meeting the  
18 goal established in subsection (4), each county shall, by  
19 November each year, provide information to the department  
20 regarding its annual solid waste management program and  
21 recycling activities. The information by the county must  
22 include:

23 (a) The amount of municipal solid waste disposed of at  
24 solid waste disposal facilities, by type of waste such as yard  
25 trash, white goods, clean debris, tires, and unseparated solid  
26 waste;

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

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

31

1 Reviser's note.--Amended to improve clarity and  
2 correct sentence construction.

3  
4 Section 43. Section 406.51, Florida Statutes, is  
5 amended to read:

6 406.51 Disposition of unclaimed deceased veterans;  
7 contract requirements.--Any contract by a local governmental  
8 entity for the disposal of unclaimed human remains must  
9 provide for compliance with s. 406.50(1)~~245.06(1)~~and require  
10 that the procedures in 38 C.F.R., relating to disposition of  
11 unclaimed deceased veterans, be followed.

12  
13 Reviser's note.--Amended to conform to the  
14 redesignation of s. 245.06 as s. 406.50 by the  
15 reviser incident to compiling the 2002 Florida  
16 Statutes.

17  
18 Section 44. Paragraph (b) of subsection (5) of section  
19 409.1451, Florida Statutes, is amended to read:

20 409.1451 Independent living transition services.--

21 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS  
22 FORMERLY IN FOSTER CARE.--Based on the availability of funds,  
23 the department shall provide or arrange for the following  
24 services to young adults formerly in foster care who meet the  
25 prescribed conditions and are determined eligible by the  
26 department. The categories of services available to assist a  
27 young adult formerly in foster care to achieve independence  
28 are:

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

30 1. The Road-to-Independence Scholarship Program is  
31 intended to help eligible students who are former foster

1 children in this state to receive the educational and  
2 vocational training needed to achieve independence. The amount  
3 of the award shall equal the earnings that the student would  
4 have been eligible to earn working a 40-hour-a-week federal  
5 minimum wage job, after considering other grants and  
6 scholarships that are in excess of the educational  
7 institutions' fees and costs, and contingent upon available  
8 funds. Students eligible for the Road-to-Independence  
9 Scholarship Program may also be eligible for educational fee  
10 waivers for workforce development postsecondary programs,  
11 community colleges, and universities, pursuant to s.  
12 1009.25(2)(c)~~ss. 239.117(4)(c), 240.235(5)(a), and~~  
13 ~~240.35(2)(a)~~.

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

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

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

22 c. Is a resident of this state as defined in s.  
23 1009.40 ~~240.404~~; and

24 d. Meets one of the following qualifications:

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

30 (II) Is enrolled full time in an accredited high  
31 school, is within 2 years of graduation, and has maintained a

1 grade point average of at least 2.0 on a scale of 4.0 for the  
2 two semesters preceding the date of his or her 18th birthday;  
3 or

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

9 3.a. The department must advertise the availability of  
10 the program and must ensure that the children and young adults  
11 leaving foster care, foster parents, or family services  
12 counselors are informed of the availability of the program and  
13 the application procedures.

14 b. A young adult must apply for the initial award  
15 during the 6 months immediately preceding his or her 18th  
16 birthday. A young adult who fails to make an initial  
17 application, but who otherwise meets the criteria for an  
18 initial award, may make one application for the initial award  
19 if such application is made before the young adult's 21st  
20 birthday.

21 c. If funding for the program is available, the  
22 department shall issue awards from the scholarship program for  
23 each young adult who meets all the requirements of the  
24 program.

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

27 e. If the award recipient transfers from one eligible  
28 institution to another and continues to meet eligibility  
29 requirements, the award must be transferred with the  
30 recipient.

31

1 f. Scholarship funds awarded to any eligible young  
2 adult under this program are in addition to any other services  
3 provided to the young adult by the department through its  
4 independent living transition services.

5 g. The department shall provide information concerning  
6 young adults receiving the Road-to-Independence Scholarship to  
7 the Department of Education for inclusion in the student  
8 financial assistance database, as provided in s. 1009.94  
9 ~~240.40401~~.

10 h. Scholarship funds shall be terminated when the  
11 young adult has attained a bachelor of arts or bachelor of  
12 science degree, or equivalent undergraduate degree, or reaches  
13 23 years of age, whichever occurs earlier.

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

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

22 (II) Maintain the cumulative grade point average  
23 required by the scholarship program, except that, if the young  
24 adult's grades are insufficient to renew the scholarship at  
25 any time during the eligibility period, the young adult may  
26 restore eligibility by improving the grade point average to  
27 the required level.

28 j. Scholarship funds may be terminated during the  
29 interim between an award and the evaluation for a renewal  
30 award if the department determines that the award recipient is  
31 no longer enrolled in an educational institution as defined in



1 sub-subparagraph 2.d., or is no longer a state resident. The  
2 department shall notify a student who is terminated and inform  
3 the student of his or her right to appeal.

4 k. An award recipient who does not qualify for a  
5 renewal award or who chooses not to renew the award may  
6 subsequently apply for reinstatement. An application for  
7 reinstatement must be made before the young adult reaches 23  
8 years of age, and a student may not apply for reinstatement  
9 more than once. In order to be eligible for reinstatement, the  
10 young adult must meet the eligibility criteria and the  
11 criteria for award renewal for the scholarship program.

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

15  
16 Reviser's note.--Amended to conform to the  
17 repeal of ss. 239.117, 240.235, and 240.35 by  
18 s. 1058, ch. 2002-387, Laws of Florida, and the  
19 enactment of similar material in s.  
20 1009.25(2)(c) by s. 404, ch. 2002-387; the  
21 repeal of s. 240.404 by s. 1058, ch. 2002-387,  
22 and the enactment of similar material in s.  
23 1009.40 by s. 413, ch. 2002-387; the repeal of  
24 ss. 232.246 and 229.814 by s. 1058, ch.  
25 2002-387, and the enactment of similar material  
26 in ss. 1003.43 and 1003.435 by ss. 132 and 133,  
27 ch. 2002-387, respectively; the repeal of s.  
28 240.40204 by s. 1058, ch. 2002-387, and the  
29 enactment of similar material in s. 1009.533 by  
30 s. 425, ch. 2002-387; the repeal of s.  
31 240.40401 by s. 1058, ch. 2002-387, and the

1 enactment of similar material in s. 1009.94 by  
2 s. 477, ch. 2002-387; and the repeal of s.  
3 240.4041 by s. 1058, ch. 2002-387, and the  
4 enactment of similar material in s. 1009.41 by  
5 s. 414, ch. 2002-387.

6  
7 Section 45. Paragraph (e) of subsection (2) of section  
8 409.815, Florida Statutes, is amended to read:

9 409.815 Health benefits coverage; limitations.--

10 (2) BENCHMARK BENEFITS.--In order for health benefits  
11 coverage to qualify for premium assistance payments for an  
12 eligible child under ss. 409.810-409.820, the health benefits  
13 coverage, except for coverage under Medicaid and Medikids,  
14 must include the following minimum benefits, as medically  
15 necessary.

16 (e) Organ transplantation services.--Covered services  
17 include pretransplant, transplant, and postdischarge services  
18 and treatment of complications after transplantation for  
19 transplants deemed necessary and appropriate within the  
20 guidelines set by the Organ Transplant Advisory Council under  
21 s. 765.53 ~~381.0602~~ or the Bone Marrow Transplant Advisory  
22 Panel under s. 627.4236.

23  
24 Reviser's note.--Amended to conform a  
25 cross-reference to s. 381.0602 to the transfer  
26 of that section to s. 765.53 by this act.

27  
28 Section 46. Subsections (1) and (2) of section  
29 409.91196, Florida Statutes, are amended to read:

30 409.91196 Supplemental rebate agreements;  
31 confidentiality of records and meetings.--

1 (1) Trade secrets, rebate amount, percent of rebate,  
2 manufacturer's pricing, and supplemental rebates which are  
3 contained in records of the Agency for Health Care  
4 Administration and its agents with respect to supplemental  
5 rebate negotiations and which are prepared pursuant to a  
6 supplemental rebate agreement under s. 409.912(38)(a)7.  
7 ~~409.912(37)(a)7~~ are confidential and exempt from s. 119.07  
8 and s. 24(a), Art. I of the State Constitution.

9 (2) Those portions of meetings of the Medicaid  
10 Pharmaceutical and Therapeutics Committee at which trade  
11 secrets, rebate amount, percent of rebate, manufacturer's  
12 pricing, and supplemental rebates are disclosed for discussion  
13 or negotiation of a supplemental rebate agreement under s.  
14 409.912(38)(a)7. ~~409.912(37)(a)7~~ are exempt from s. 286.011  
15 and s. 24(b), Art. I of the State Constitution.

16  
17 Reviser's note.--Amended to conform to the  
18 addition of a new subsection (13) to s. 409.912  
19 by s. 14, ch. 2002-223, Laws of Florida, and  
20 the redesignation of existing subsections to  
21 conform.

22  
23 Section 47. Paragraph (c) of subsection (3), paragraph  
24 (c) of subsection (19), and subsection (27) of section  
25 409.912, Florida Statutes, are amended to read:

26 409.912 Cost-effective purchasing of health care.--The  
27 agency shall purchase goods and services for Medicaid  
28 recipients in the most cost-effective manner consistent with  
29 the delivery of quality medical care. The agency shall  
30 maximize the use of prepaid per capita and prepaid aggregate  
31 fixed-sum basis services when appropriate and other

1 alternative service delivery and reimbursement methodologies,  
2 including competitive bidding pursuant to s. 287.057, designed  
3 to facilitate the cost-effective purchase of a case-managed  
4 continuum of care. The agency shall also require providers to  
5 minimize the exposure of recipients to the need for acute  
6 inpatient, custodial, and other institutional care and the  
7 inappropriate or unnecessary use of high-cost services. The  
8 agency may establish prior authorization requirements for  
9 certain populations of Medicaid beneficiaries, certain drug  
10 classes, or particular drugs to prevent fraud, abuse, overuse,  
11 and possible dangerous drug interactions. The Pharmaceutical  
12 and Therapeutics Committee shall make recommendations to the  
13 agency on drugs for which prior authorization is required. The  
14 agency shall inform the Pharmaceutical and Therapeutics  
15 Committee of its decisions regarding drugs subject to prior  
16 authorization.

17 (3) The agency may contract with:

18 (c) A federally qualified health center or an entity  
19 owned by one or more federally qualified health centers or an  
20 entity owned by other migrant and community health centers  
21 receiving non-Medicaid financial support from the Federal  
22 Government to provide health care services on a prepaid or  
23 fixed-sum basis to recipients. Such prepaid health care  
24 services entity must be licensed under parts I and III of  
25 chapter 641, but shall be prohibited from serving Medicaid  
26 recipients on a prepaid basis, until such licensure has been  
27 obtained. However, such an entity is exempt from s. 641.225  
28 if the entity meets the requirements specified in subsections  
29 (15) and (16)~~(14) and (15)~~.

30 (19) Any entity contracting with the agency pursuant  
31 to this section to provide health care services to Medicaid

1 recipients is prohibited from engaging in any of the following  
2 practices or activities:

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

6 (27) The agency shall perform enrollments and  
7 disenrollments for Medicaid recipients who are eligible for  
8 MediPass or managed care plans. Notwithstanding the  
9 prohibition contained in paragraph (19)(f)~~(18)(f)~~, managed  
10 care plans may perform preenrollments of Medicaid recipients  
11 under the supervision of the agency or its agents. For the  
12 purposes of this section, "preenrollment" means the provision  
13 of marketing and educational materials to a Medicaid recipient  
14 and assistance in completing the application forms, but shall  
15 not include actual enrollment into a managed care plan. An  
16 application for enrollment shall not be deemed complete until  
17 the agency or its agent verifies that the recipient made an  
18 informed, voluntary choice. The agency, in cooperation with  
19 the Department of Children and Family Services, may test new  
20 marketing initiatives to inform Medicaid recipients about  
21 their managed care options at selected sites. The agency shall  
22 report to the Legislature on the effectiveness of such  
23 initiatives. The agency may contract with a third party to  
24 perform managed care plan and MediPass enrollment and  
25 disenrollment services for Medicaid recipients and is  
26 authorized to adopt rules to implement such services. The  
27 agency may adjust the capitation rate only to cover the costs  
28 of a third-party enrollment and disenrollment contract, and  
29 for agency supervision and management of the managed care plan  
30 enrollment and disenrollment contract.

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of subsections of s. 409.912 by  
3 s. 14, ch. 2002-223, Laws of Florida.

4  
5 Section 48. Paragraphs (n), (o), and (s) of subsection  
6 (4) of section 411.01, Florida Statutes, are amended to read:  
7 411.01 Florida Partnership for School Readiness;  
8 school readiness coalitions.--

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

10 (n) The partnership shall coordinate the efforts  
11 toward school readiness in this state and provide independent  
12 policy analyses and recommendations to the Governor, the State  
13 ~~Florida~~ Board of Education, and the Legislature.

14 (o) The partnership shall prepare and submit to the  
15 State ~~Florida~~ Board of Education a system for measuring school  
16 readiness. The system must include a uniform screening, which  
17 shall provide objective data regarding the following  
18 expectations for school readiness which shall include, at a  
19 minimum:

20 1. The child's immunizations and other health  
21 requirements as necessary, including appropriate vision and  
22 hearing screening and examinations.

23 2. The child's physical development.

24 3. The child's compliance with rules, limitations, and  
25 routines.

26 4. The child's ability to perform tasks.

27 5. The child's interactions with adults.

28 6. The child's interactions with peers.

29 7. The child's ability to cope with challenges.

30 8. The child's self-help skills.

31 9. The child's ability to express his or her needs.

- 1           10. The child's verbal communication skills.  
2           11. The child's problem-solving skills.  
3           12. The child's following of verbal directions.  
4           13. The child's demonstration of curiosity,  
5 persistence, and exploratory behavior.  
6           14. The child's interest in books and other printed  
7 materials.  
8           15. The child's paying attention to stories.  
9           16. The child's participation in art and music  
10 activities.  
11           17. The child's ability to identify colors, geometric  
12 shapes, letters of the alphabet, numbers, and spatial and  
13 temporal relationships.  
14           (s) The partnership shall submit an annual report of  
15 its activities to the Governor, the executive director of the  
16 Florida Healthy Kids Corporation, the President of the Senate,  
17 the Speaker of the House of Representatives, and the minority  
18 leaders of both houses of the Legislature. In addition, the  
19 partnership's reports and recommendations shall be made  
20 available to the State ~~Florida~~ Board of Education, other  
21 appropriate state agencies and entities, district school  
22 boards, central agencies for child care, and county health  
23 departments. The annual report must provide an analysis of  
24 school readiness activities across the state, including the  
25 number of children who were served in the programs and the  
26 number of children who were ready for school.  
27  
28 To ensure that the system for measuring school readiness is  
29 comprehensive and appropriate statewide, as the system is  
30 developed and implemented, the partnership must consult with  
31 representatives of district school systems, providers of

1 public and private child care, health care providers, large  
2 and small employers, experts in education for children with  
3 disabilities, and experts in child development.

4  
5 Reviser's note.--Amended to improve clarity and  
6 facilitate correct interpretation. Section  
7 229.004, which established the Florida Board of  
8 Education, was repealed by s. 1058, ch.  
9 2002-387, Laws of Florida. Section 19, ch.  
10 2002-387, established the State Board of  
11 Education.

12  
13 Section 49. Subsection (9) of section 420.504, Florida  
14 Statutes, is repealed.

15  
16 Reviser's note.--Repealed to delete a provision  
17 that has served its purpose. The cited  
18 subsection provides for members of the board of  
19 directors of the former Florida Housing Finance  
20 Agency in office on December 31, 1997, to  
21 continue in office as directors of the Florida  
22 Housing Finance Corporation for the balance of  
23 their 4-year terms.

24  
25 Section 50. Paragraph (b) of subsection (3) of section  
26 435.03, Florida Statutes, is amended to read:

27 435.03 Level 1 screening standards.--

28 (3) Standards must also ensure that the person:

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

31



1 Reviser's note.--Amended to correct an apparent  
2 error and facilitate correct interpretation.  
3 Section 741.30 provides for injunctions against  
4 domestic violence; "domestic violence" is  
5 defined in s. 741.28.  
6

7 Section 51. Subsections (3) and (15) of section  
8 440.102, Florida Statutes, are amended to read:  
9 440.102 Drug-free workplace program requirements.--The  
10 following provisions apply to a drug-free workplace program  
11 implemented pursuant to law or to rules adopted by the Agency  
12 for Health Care Administration:

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

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

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

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

24 b. The actions the employer may take against an  
25 employee or job applicant on the basis of a positive confirmed  
26 drug test result.

27 2. A statement advising the employee or job applicant  
28 of the existence of this section.

29 3. A general statement concerning confidentiality.

30 4. Procedures for employees and job applicants to  
31 confidentially report to a medical review officer the use of

1 prescription or nonprescription medications to a medical  
2 review officer both before and after being tested.

3           5. A list of the most common medications, by brand  
4 name or common name, as applicable, as well as by chemical  
5 name, which may alter or affect a drug test. A list of such  
6 medications as developed by the Agency for Health Care  
7 Administration shall be available to employers through the  
8 department.

9           6. The consequences of refusing to submit to a drug  
10 test.

11           7. A representative sampling of names, addresses, and  
12 telephone numbers of employee assistance programs and local  
13 drug rehabilitation programs.

14           8. A statement that an employee or job applicant who  
15 receives a positive confirmed test result may contest or  
16 explain the result to the medical review officer within 5  
17 working days after receiving written notification of the test  
18 result; that if an employee's or job applicant's explanation  
19 or challenge is unsatisfactory to the medical review officer,  
20 the medical review officer shall report a positive test result  
21 back to the employer; and that a person may contest the drug  
22 test result pursuant to law or to rules adopted by the Agency  
23 for Health Care Administration.

24           9. A statement informing the employee or job applicant  
25 of his or her responsibility to notify the laboratory of any  
26 administrative or civil action brought pursuant to this  
27 section.

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

31

1           11. A statement regarding any applicable collective  
2 bargaining agreement or contract and the right to appeal to  
3 the Public Employees Relations Commission or applicable court.

4           12. A statement notifying employees and job applicants  
5 of their right to consult with a medical review officer for  
6 technical information regarding prescription or  
7 nonprescription medication.

8           (b) An employer not having a drug-testing program  
9 shall ensure that at least 60 days elapse between a general  
10 one-time notice to all employees that a drug-testing program  
11 is being implemented and the beginning of actual drug testing.  
12 An employer having a drug-testing program in place prior to  
13 July 1, 1990, is not required to provide a 60-day notice  
14 period.

15           (c) An employer shall include notice of drug testing  
16 on vacancy announcements for positions for which drug testing  
17 is required. A notice of the employer's drug-testing policy  
18 must also be posted in an appropriate and conspicuous location  
19 on the employer's premises, and copies of the policy must be  
20 made available for inspection by the employees or job  
21 applicants of the employer during regular business hours in  
22 the employer's personnel office or other suitable locations.

23           (15) STATE CONSTRUCTION CONTRACTS.--Each construction  
24 contractor regulated under part I of chapter 489, and each  
25 electrical contractor and alarm system contractor regulated  
26 under part II of chapter 489, who contracts to perform  
27 construction work under a state contract for educational  
28 facilities governed by chapter 1013 235, for public property  
29 or publicly owned buildings governed by chapter 255, or for  
30 state correctional facilities governed by chapter 944 shall  
31 implement a drug-free workplace program under this section.

1           Reviser's note.--Subsection (3) is amended to  
2           delete language which appeared without coding  
3           after floor amendment in C.S. for H.B. 1643  
4           (ch. 2002-194, Laws of Florida), an apparent  
5           error. Subsection (15) is amended to conform to  
6           the repeal of chapter 235 by s. 1058, ch.  
7           2002-387, Laws of Florida, and the enactment of  
8           similar material in chapter 1013 by ch.  
9           2002-387.

10  
11           Section 52. Paragraph (b) of subsection (3) of section  
12           440.15, Florida Statutes, is amended to read:

13           440.15 Compensation for disability.--Compensation for  
14           disability shall be paid to the employee, subject to the  
15           limits provided in s. 440.12(2), as follows:

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

17           (b) Supplemental benefits.--

18           1. All supplemental benefits must be paid in  
19           accordance with this subsection. An employee is entitled to  
20           supplemental benefits as provided in this paragraph as of the  
21           expiration of the impairment period, if:

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

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

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

31

1           2. If an employee is not entitled to supplemental  
2 benefits at the time of payment of the final weekly impairment  
3 income benefit because the employee is earning at least 80  
4 percent of the employee's average weekly wage, the employee  
5 may become entitled to supplemental benefits at any time  
6 within 1 year after the impairment income benefit period ends  
7 if:

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

11           b. The employee meets the other requirements of  
12 subparagraph 1.; and

13           c. The employee's decrease in earnings is a direct  
14 result of the employee's impairment from the compensable  
15 injury.

16           3. If an employee earns wages that are at least 80  
17 percent of the employee's average weekly wage for a period of  
18 at least 90 days during which the employee is receiving  
19 supplemental benefits, the employee ceases to be entitled to  
20 supplemental benefits for the filing period. Supplemental  
21 benefits that have been terminated shall be reinstated when  
22 the employee satisfies the conditions enumerated in  
23 subparagraph 2. and files the statement required under  
24 subparagraph 4 5. Notwithstanding any other provision, if an  
25 employee is not entitled to supplemental benefits for 12  
26 consecutive months, the employee ceases to be entitled to any  
27 additional income benefits for the compensable injury. If the  
28 employee is discharged within 12 months after losing  
29 entitlement under this subsection, benefits may be reinstated  
30 if the employee was discharged at that time with the intent to  
31 deprive the employee of supplemental benefits.

1           4. After the initial determination of supplemental  
2 benefits, the employee must file a statement with the carrier  
3 stating that the employee has earned less than 80 percent of  
4 the employee's average weekly wage as a direct result of the  
5 employee's impairment, stating the amount of wages the  
6 employee earned in the filing period, and stating that the  
7 employee has in good faith sought employment commensurate with  
8 the employee's ability to work. The statement must be filed  
9 quarterly on a form and in the manner prescribed by the  
10 department. The department may modify the filing period as  
11 appropriate to an individual case. Failure to file a statement  
12 relieves the carrier of liability for supplemental benefits  
13 for the period during which a statement is not filed.

14           5. The carrier shall begin payment of supplemental  
15 benefits not later than the seventh day after the expiration  
16 date of the impairment income benefit period and shall  
17 continue to timely pay those benefits. The carrier may request  
18 a mediation conference for the purpose of contesting the  
19 employee's entitlement to or the amount of supplemental income  
20 benefits.

21           6. Supplemental benefits are calculated quarterly and  
22 paid monthly. For purposes of calculating supplemental  
23 benefits, 80 percent of the employee's average weekly wage and  
24 the average wages the employee has earned per week are  
25 compared quarterly. For purposes of this paragraph, if the  
26 employee is offered a bona fide position of employment that  
27 the employee is capable of performing, given the physical  
28 condition of the employee and the geographic accessibility of  
29 the position, the employee's weekly wages are considered  
30 equivalent to the weekly wages for the position offered to the  
31 employee.

1           7. Supplemental benefits are payable at the rate of 80  
2 percent of the difference between 80 percent of the employee's  
3 average weekly wage determined pursuant to s. 440.14 and the  
4 weekly wages the employee has earned during the reporting  
5 period, not to exceed the maximum weekly income benefit under  
6 s. 440.12.

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

12  
13           Reviser's note.--Amended to conform to the  
14 deletion of former subparagraph (3)(b)4. by s.  
15 28, ch. 2002-194, Laws of Florida, and the  
16 redesignation of the remaining subparagraphs to  
17 conform.

18  
19           Section 53. Subsection (6) of section 440.20, Florida  
20 Statutes, is reenacted to read:

21           440.20 Time for payment of compensation; penalties for  
22 late payment.--

23           (6) If any installment of compensation for death or  
24 dependency benefits, disability, permanent impairment, or wage  
25 loss payable without an award is not paid within 7 days after  
26 it becomes due, as provided in subsection (2), subsection (3),  
27 or subsection (4), there shall be added to such unpaid  
28 installment a punitive penalty of an amount equal to 20  
29 percent of the unpaid installment or \$5, which shall be paid  
30 at the same time as, but in addition to, such installment of  
31 compensation, unless notice is filed under subsection (4) or

1 unless such nonpayment results from conditions over which the  
2 employer or carrier had no control. When any installment of  
3 compensation payable without an award has not been paid within  
4 7 days after it became due and the claimant concludes the  
5 prosecution of the claim before a judge of compensation claims  
6 without having specifically claimed additional compensation in  
7 the nature of a penalty under this section, the claimant will  
8 be deemed to have acknowledged that, owing to conditions over  
9 which the employer or carrier had no control, such installment  
10 could not be paid within the period prescribed for payment and  
11 to have waived the right to claim such penalty. However,  
12 during the course of a hearing, the judge of compensation  
13 claims shall on her or his own motion raise the question of  
14 whether such penalty should be awarded or excused. The  
15 department may assess without a hearing the punitive penalty  
16 against either the employer or the insurance carrier,  
17 depending upon who was at fault in causing the delay. The  
18 insurance policy cannot provide that this sum will be paid by  
19 the carrier if the department or the judge of compensation  
20 claims determines that the punitive penalty should be made by  
21 the employer rather than the carrier. Any additional  
22 installment of compensation paid by the carrier pursuant to  
23 this section shall be paid directly to the employee by check  
24 or, if authorized by the employee, by direct deposit into the  
25 employee's account at a financial institution. As used in this  
26 subsection, the term "financial institution" means a financial  
27 institution as defined in s. 655.005(1)(h).

28  
29 Reviser's note.--Reenacted to confirm  
30 legislative intent to incorporate amendments by  
31 s. 17, ch. 2001-91, Laws of Florida, and s. 33,



1 ch. 2002-194, Laws of Florida. The amendment to  
2 subsection (6) by s. 33, ch. 2002-194, failed  
3 to incorporate the changes by s. 17, ch.  
4 2001-91. The subsection, as published here,  
5 gives full effect to both amendments.  
6

7 Section 54. Paragraph (a) of subsection (1) of section  
8 445.0121, Florida Statutes, is amended to read:

9 445.0121 Student eligibility requirements for initial  
10 awards.--

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

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

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

21 a. The student is enrolled full-time in the  
22 early-admission program of an eligible postsecondary education  
23 institution or completes a home education program in  
24 accordance with s. 1002.41; or

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

29

30 Reviser's note.--Amended to conform to the  
31 repeal of s. 229.814 by s. 1058, ch. 2002-387,

1           Laws of Florida, and the enactment of similar  
2           material in s. 1003.435 by s. 133, ch.  
3           2002-387.

4  
5           Section 55. Paragraph (e) of subsection (2) of section  
6           467.0125, Florida Statutes, is amended to read:

7           467.0125 Licensure by endorsement.--

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

12          (e) The department shall review the practice under a  
13          temporary certificate at least annually to ascertain that the  
14          minimum requirements of the midwifery rules promulgated under  
15          this chapter are being met. If it ~~is~~ is determined that the  
16          minimum requirements are not being met, the department shall  
17          immediately revoke the temporary certificate.

18  
19          Reviser's note.--Amended to correct an apparent  
20          error and facilitate correct interpretation.

21  
22          Section 56. Subsection (18) of section 470.002,  
23          Florida Statutes, is amended to read:

24          470.002 Definitions.--As used in this chapter:

25          (18) "Legally authorized person" means, in the  
26          priority listed, the decedent, when written inter vivos  
27          authorizations and directions are provided by the decedent,  
28          the surviving spouse, unless the spouse has been arrested for  
29          committing against the deceased an act of domestic violence as  
30          defined in s. 741.28, a son or daughter who is 18 years of age  
31          or older, a parent, a brother or sister 18 years of age or

1 over, a grandchild who is 18 years of age or older, or a  
2 grandparent; or any person in the next degree of kinship. In  
3 addition, the term may include, if no family exists or is  
4 available, the following: the guardian of the dead person at  
5 the time of death; the personal representative of the  
6 deceased; the attorney in fact of the dead person at the time  
7 of death; the health surrogate of the dead person at the time  
8 of death; a public health officer; the medical examiner,  
9 county commission or administrator acting under part II of  
10 chapter 406 ~~245~~, or other public administrator; a  
11 representative of a nursing home or other health care  
12 institution in charge of final disposition; or a friend or  
13 other person not listed in this subsection who is willing to  
14 assume the responsibility as authorized person.

15

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

20

21 Section 57. Paragraph (c) of subsection (2) of section  
22 470.019, Florida Statutes, is amended to read:

23 470.019 Disciplinary actions against direct disposers  
24 and direct disposal establishments.--

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

27 (c) Having been disciplined by a regulatory agency in  
28 any jurisdiction for any offense that would constitute a  
29 violation of this chapter, ~~chapter 245~~, chapter 382, chapter  
30 406, chapter 497, or chapter 872 or that directly relates to  
31 the practice of direct disposition.

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

5  
6 Section 58. Paragraph (x) of subsection (1) of section  
7 470.036, Florida Statutes, is amended to read:

8 470.036 Disciplinary proceedings.--

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

11 (x) Having been disciplined by a regulatory agency in  
12 any jurisdiction for any offense that would constitute a  
13 violation of this chapter, ~~chapter 245~~, chapter 382, chapter  
14 406, chapter 497, or chapter 872 or that directly relates to  
15 the ability to practice under this chapter.

16  
17 Reviser's note.--Amended to conform to the  
18 redesignation of chapter 245 as part II of  
19 chapter 406 by the reviser incident to  
20 compiling the 2002 Florida Statutes.

21  
22 Section 59. Section 489.510, Florida Statutes, is  
23 amended to read:

24 489.510 Evidence of workers' compensation  
25 coverage.--Except as provided in s. 489.515(3)(b), any person,  
26 business organization, or qualifying agent engaged in the  
27 business of contracting in this state and certified or  
28 registered under this part shall, as a condition precedent to  
29 the issuance or renewal of a certificate or registration of  
30 the contractor, provide to the Electrical Contractors'  
31 Licensing Board, as provided by board rule, evidence of

1 workers' compensation coverage pursuant to chapter 440. In  
2 the event that the Division of Workers' Compensation of the  
3 Department of Labor and Employment Security receives notice of  
4 the cancellation of a policy of workers' compensation  
5 insurance insuring a person or entity governed by this  
6 section, the Division of Workers' Compensation shall certify  
7 and identify all persons or entities by certification or  
8 registration license number to the department after  
9 verification is made by the Division of Workers' Compensation  
10 that persons or entities governed by this section are no  
11 longer covered by workers' compensation insurance. Such  
12 certification and verification by the Division of Workers'  
13 Compensation may ~~shall~~ result from records furnished to the  
14 Division of Workers' Compensation by the persons or entities  
15 governed by this section or an investigation completed by the  
16 Division of Workers' Compensation. The department shall notify  
17 the persons or entities governed by this section who have been  
18 determined to be in noncompliance with chapter 440, and the  
19 persons or entities notified shall provide certification of  
20 compliance with chapter 440 to the department and pay an  
21 administrative fine in the amount of \$500. The failure to  
22 maintain workers' compensation coverage as required by law  
23 shall be grounds for the board to revoke, suspend, or deny the  
24 issuance or renewal of a certificate or registration of the  
25 contractor under the provisions of s. 489.533.

26  
27  
28  
29  
30  
31

Reviser's note.--Amended to correct an apparent  
coding error and facilitate correct  
interpretation. The amendment by s. 18, ch.  
2002-236, Laws of Florida, inserted the word

1 "may" and inadvertently failed to delete the  
2 word "shall."

3  
4 Section 60. Subsection (8) of section 496.404, Florida  
5 Statutes, is amended to read:

6 496.404 Definitions.--As used in ss. 496.401-496.424:

7 (8) "Educational institutions" means those  
8 institutions and organizations described in s.  
9 212.08(7)(cc)8.a. The term includes private nonprofit  
10 organizations, the purpose of which is to raise funds for  
11 schools teaching grades kindergarten through grade 12,  
12 colleges, and universities, including any nonprofit newspaper  
13 of free or paid circulation primarily on university or college  
14 campuses which holds a current exemption from federal income  
15 tax under s. 501(c)(3) of the Internal Revenue Code, any  
16 educational television or radio network or system established  
17 pursuant to s. 1001.25 ~~229.805~~ or s. 1001.26 ~~229.805~~, and any  
18 nonprofit television or radio station that is a part of such  
19 network or system and that holds a current exemption from  
20 federal income tax under s. 501(c)(3) of the Internal Revenue  
21 Code. The term also includes a nonprofit educational cable  
22 consortium that holds a current exemption from federal income  
23 tax under s. 501(c)(3) of the Internal Revenue Code, whose  
24 primary purpose is the delivery of educational and  
25 instructional cable television programming and whose members  
26 are composed exclusively of educational organizations that  
27 hold a valid consumer certificate of exemption and that are  
28 either an educational institution as defined in this  
29 subsection or qualified as a nonprofit organization pursuant  
30 to s. 501(c)(3) of the Internal Revenue Code.

31

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

7  
8 Section 61. Subsection (1) of section 499.033, Florida  
9 Statutes, is amended to read:

10 499.033 Ephedrine; prescription required.--Ephedrine  
11 is declared to be a prescription drug.

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

18  
19 Reviser's note.--Amended to conform a  
20 cross-reference to context. Subsection (1) does  
21 not provide exceptions to the requirement of a  
22 prescription for dispensing of ephedrine;  
23 subsection (2) provides exemptions from the  
24 subsection (1) requirement.

25  
26 Section 62. Subsection (2) of section 499.051, Florida  
27 Statutes, is amended to read:

28 499.051 Inspections and investigations.--

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

1 establishment for the purpose of determining compliance with  
2 ss. 499.001-499.081 and rules adopted under those sections  
3 regarding any drug, device, or cosmetic product. ~~The authority~~  
4 ~~to enter and inspect does not extend to the practice of the~~  
5 ~~profession of pharmacy, as defined in chapter 465 and the~~  
6 ~~rules adopted under that chapter, in a pharmacy permitted~~  
7 ~~under chapter 465. The Department of Business and Professional~~  
8 ~~Regulation shall conduct routine inspections of retail~~  
9 ~~pharmacy wholesalers at the time of the regular pharmacy~~  
10 ~~permit inspection and shall send the inspection report~~  
11 ~~regarding drug wholesale activity to the Department of Health.~~

12

13 Reviser's note.--Amended to reflect that the  
14 Department of Business and Professional  
15 Regulation no longer enforces chapters 465 and  
16 499. The Department of Health is now  
17 responsible for enforcement of those chapters.

18

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

21 501.608 License or affidavit of exemption;  
22 occupational license.--

23 (3) Failure to display a license or a copy of the  
24 affidavit of exemption is sufficient grounds for the  
25 department to issue an immediate cease and desist order, which  
26 shall act as an immediate final order under s. 120.569(2)(n).  
27 The order may ~~shall~~ remain in effect until the commercial  
28 telephone seller or a person claiming to be exempt shows the  
29 authorities that he or she is licensed or exempt. The  
30 department may order the business to cease operations and  
31 shall order the phones to be shut off. Failure of a



1 salesperson to display a license may result in the salesperson  
2 being summarily ordered by the department to leave the office  
3 until he or she can produce a license for the department.

4  
5 Reviser's note.--Amended to conform to the  
6 addition of the word "may" preceding the word  
7 "shall" by s. 2, ch. 93-235, Laws of Florida,  
8 and to improve clarity.

9  
10 Section 64. Subsection (6) of section 507.05, Florida  
11 Statutes, is amended to read:

12 507.05 Estimates and contracts for service.--Prior to  
13 providing any moving or accessorial services, a contract and  
14 estimate must be provided to a prospective shipper in writing,  
15 must be signed and dated by the shipper and the mover, and  
16 must include:

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

19 (a) Cash, cashier's check, money order, or traveler's  
20 check;

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

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

26  
27 A mover shall clearly and conspicuously disclose to the  
28 shipper in the estimate and contract for services the forms of  
29 payments the mover ~~it~~ will accept from those categories  
30 described in paragraphs (a)-(c).

31

1 Reviser's note.--Amended to improve clarity and  
2 sentence construction.

3  
4 Section 65. Subsection (20) of section 517.12, Florida  
5 Statutes, is amended to read:

6 517.12 Registration of dealers, associated persons,  
7 investment advisers, and branch offices.--

8 (20) The registration requirements of this section do  
9 not apply to individuals licensed under s. 626.015(7) ~~626.041~~  
10 ~~or its successor statute, or (12) s. 626.051 or its successor~~  
11 ~~statute,~~ for the sale of a security as defined in s.  
12 517.021(19)(g), if the individual is directly authorized by  
13 the issuer to offer or sell the security on behalf of the  
14 issuer and the issuer is a federally chartered savings bank  
15 subject to regulation by the Federal Deposit Insurance  
16 Corporation. Actions under this subsection shall constitute  
17 activity under the insurance agent's license for purposes of  
18 ss. 626.611 and 626.621.

19  
20 Reviser's note.--Amended to replace references  
21 to s. 626.041 or s. 626.051, which were  
22 repealed by s. 72, ch. 2002-206, Laws of  
23 Florida, with references to s. 626.015(7) or  
24 (12), respectively, the replacement provisions  
25 for ss. 626.041 and 626.051.

26  
27 Section 66. Paragraph (b) of subsection (1) and  
28 paragraph (e) of subsection (8) of section 553.73, Florida  
29 Statutes, are amended to read:

30 553.73 Florida Building Code.--  
31 (1)

1           (b) The technical portions of the Florida  
2 Accessibility Code for Building Construction shall be  
3 contained in their entirety in the Florida Building Code. The  
4 civil rights portions and the technical portions of the  
5 accessibility laws of this state shall remain as currently  
6 provided by law. Any revision or amendments to the Florida  
7 Accessibility Code for Building Construction pursuant to part  
8 II ~~▼~~ shall be considered adopted by the commission as part of  
9 the Florida Building Code. Neither the commission nor any  
10 local government shall revise or amend any standard of the  
11 Florida Accessibility Code for Building Construction except as  
12 provided for in part II ~~▼~~.

13           (8) The following buildings, structures, and  
14 facilities are exempt from the Florida Building Code as  
15 provided by law, and any further exemptions shall be as  
16 determined by the Legislature and provided by law:

17           (e) Mobile or modular structures used as temporary  
18 offices, except that the provisions of part II ~~▼~~ relating to  
19 accessibility by persons with disabilities shall apply to such  
20 mobile or modular structures.

21  
22 With the exception of paragraphs (a), (b), (c), and (f), in  
23 order to preserve the health, safety, and welfare of the  
24 public, the Florida Building Commission may, by rule adopted  
25 pursuant to chapter 120, provide for exceptions to the broad  
26 categories of buildings exempted in this section, including  
27 exceptions for application of specific sections of the code or  
28 standards adopted therein. The Department of Agriculture and  
29 Consumer Services shall have exclusive authority to adopt by  
30 rule, pursuant to chapter 120, exceptions to nonresidential  
31 farm buildings exempted in paragraph (c) when reasonably

1 necessary to preserve public health, safety, and welfare. The  
2 exceptions must be based upon specific criteria, such as  
3 under-roof floor area, aggregate electrical service capacity,  
4 HVAC system capacity, or other building requirements. Further,  
5 the commission may recommend to the Legislature additional  
6 categories of buildings, structures, or facilities which  
7 should be exempted from the Florida Building Code, to be  
8 provided by law.

9  
10 Reviser's note.--Amended to conform to the  
11 repeal of the provisions comprising former  
12 parts I-III by s. 68, ch. 98-287, Laws of  
13 Florida, as amended by s. 108, ch. 2000-141,  
14 Laws of Florida, as amended by s. 39, ch.  
15 2001-186, Laws of Florida, and as amended by s.  
16 8, ch. 2001-372, Laws of Florida.

17  
18 Section 67. Subsection (4) of section 562.11, Florida  
19 Statutes, is amended to read:  
20 562.11 Selling, giving, or serving alcoholic beverages  
21 to person under age 21; misrepresenting or misstating age or  
22 age of another to induce licensee to serve alcoholic beverages  
23 to person under 21; penalties.--  
24 (4) This section does not apply to a person who gives,  
25 serves, or permits to be served an alcoholic beverage to a  
26 student who is at least 18 years of age, if the alcoholic  
27 beverage is delivered as part of the student's required  
28 curriculum at a postsecondary educational institution that is  
29 institutionally accredited by an agency recognized by the  
30 United States Department of Education and is licensed or  
31 exempt from licensure pursuant to the provisions of chapter

1 1005 ~~246~~ or that is a public postsecondary education  
2 institution; if the student is enrolled in the college and is  
3 required to taste alcoholic beverages that are provided only  
4 for instructional purposes during classes conducted under the  
5 supervision of authorized instructional personnel pursuant to  
6 such a curriculum; if the alcoholic beverages are never  
7 offered for consumption or imbibed by such a student and at  
8 all times remain in the possession and control of such  
9 instructional personnel, who must be 21 years of age or older;  
10 and if each participating student executes a waiver and  
11 consent in favor of the state and indemnifies the state and  
12 holds it harmless.

13

14 Reviser's note.--Amended to conform to the  
15 repeal of the sections comprising chapter 246  
16 by s. 1058, ch. 2002-387, Laws of Florida, and  
17 the enactment of similar material in chapter  
18 1005 by ch. 2002-387.

19

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

22 562.111 Possession of alcoholic beverages by persons  
23 under age 21 prohibited.--

24 (2) The prohibition in this section against the  
25 possession of alcoholic beverages does not apply to the  
26 tasting of alcoholic beverages by a student who is at least 18  
27 years of age, who is tasting the alcoholic beverages as part  
28 of the student's required curriculum at a postsecondary  
29 educational institution that is institutionally accredited by  
30 an agency recognized by the United States Department of  
31 Education and that is licensed or exempt from licensure

1 pursuant to the provisions of chapter 1005 ~~246~~ or is a public  
2 postsecondary education institution; if the student is  
3 enrolled in the college and is tasting the alcoholic beverages  
4 only for instructional purposes during classes that are part  
5 of such a curriculum; if the student is allowed only to taste,  
6 but not consume or imbibe, the alcoholic beverages; and if the  
7 alcoholic beverages at all times remain in the possession and  
8 control of authorized instructional personnel of the college  
9 who are 21 years of age or older.

10  
11 Reviser's note.--Amended to conform to the  
12 repeal of the sections comprising chapter 246  
13 by s. 1058, ch. 2002-387, Laws of Florida, and  
14 the enactment of similar material in chapter  
15 1005 by ch. 2002-387.

16  
17 Section 69. Section 624.04, Florida Statutes, is  
18 amended to read:

19 624.04 "Person" defined.--"Person" includes an  
20 individual, insurer, company, association, organization,  
21 Lloyds, society, reciprocal insurer or interinsurance  
22 exchange, partnership, syndicate, business trust, corporation,  
23 agent, general agent, broker, ~~solicitor~~, service  
24 representative, adjuster, and every legal entity.

25  
26 Reviser's note.--Amended to delete a reference  
27 to "solicitor" to conform to the repeal of s.  
28 626.071, which defined "solicitor," by s. 72,  
29 ch. 2002-206, Laws of Florida.

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

3           624.303 Seal; certified copies as evidence.--

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

7  
8           Reviser's note.--Amended to delete a reference  
9 to "solicitors" to conform to the repeal of s.  
10 626.071, which defined "solicitor," by s. 72,  
11 ch. 2002-206, Laws of Florida.

12  
13           Section 71. Paragraph (a) of subsection (2) of section  
14 624.313, Florida Statutes, is amended to read:

15           624.313 Publications.--

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

18           (a) As needed, questions and answers for the use of  
19 persons applying for an examination for licensing as agents ~~or~~  
20 ~~solicitors~~ for property, casualty, surety, health, and  
21 miscellaneous insurers.

22  
23           Reviser's note.--Amended to delete a reference  
24 to "solicitors" to conform to the repeal of s.  
25 626.071, which defined "solicitor," by s. 72,  
26 ch. 2002-206, Laws of Florida.

27  
28           Section 72. Subsection (2) of section 624.317, Florida  
29 Statutes, is amended to read:

30           624.317 Investigation of agents, adjusters,  
31 administrators, service companies, and others.--If it has

1 reason to believe that any person has violated or is violating  
2 any provision of this code, or upon the written complaint  
3 signed by any interested person indicating that any such  
4 violation may exist, the department shall conduct such  
5 investigation as it deems necessary of the accounts, records,  
6 documents, and transactions pertaining to or affecting the  
7 insurance affairs of any:

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

10

11 Reviser's note.--Amended to delete a reference  
12 to "solicitor" to conform to the repeal of s.  
13 626.071, which defined "solicitor," by s. 72,  
14 ch. 2002-206, Laws of Florida.

15

16 Section 73. Paragraph (b) of subsection (6) and  
17 paragraph (c) of subsection (19) of section 624.501, Florida  
18 Statutes, are amended to read:

19 624.501 Filing, license, appointment, and  
20 miscellaneous fees.--The department shall collect in advance,  
21 and persons so served shall pay to it in advance, fees,  
22 licenses, and miscellaneous charges as follows:

23 (6) Insurance representatives, property, marine,  
24 casualty, and surety insurance.

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

27	Appointment fee.....	\$42.00
28	State tax.....	12.00
29	County tax.....	6.00
30	Total.....	\$60.00

31 (19) Miscellaneous services:



1 (c) For preparing lists of agents, ~~solicitors,~~  
2 adjusters, and other insurance representatives, and for other  
3 miscellaneous services, such reasonable charge as may be fixed  
4 by the department.

5  
6 Reviser's note.--Amended to delete references  
7 to "[s]olicitor's" and "solicitors" to conform  
8 to the repeal of s. 626.071, which defined  
9 "solicitor," by s. 72, ch. 2002-206, Laws of  
10 Florida.

11  
12 Section 74. Section 624.504, Florida Statutes, is  
13 amended to read:

14 624.504 Liability for state, county tax.--

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

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

21  
22 Reviser's note.--Amended to delete a provision  
23 relating to solicitors to conform to the repeal  
24 of s. 626.071, which defined "solicitor," by s.  
25 72, ch. 2002-206, Laws of Florida.

26  
27 Section 75. Subsection (1) of section 624.521, Florida  
28 Statutes, is amended to read:

29 624.521 Deposit of certain tax receipts; refund of  
30 improper payments.--

1           (1) The Department of Insurance shall promptly deposit  
2 in the State Treasury to the credit of the Insurance  
3 Commissioner's Regulatory Trust Fund all "state tax" portions  
4 of agents' ~~and solicitors'~~ licenses collected under s. 624.501  
5 necessary to fund the Division of Insurance Fraud. The  
6 balance of the tax shall be credited to the General Fund. All  
7 moneys received by the Department of Insurance not in  
8 accordance with the provisions of this code or not in the  
9 exact amount as specified by the applicable provisions of this  
10 code shall be returned to the remitter. The records of the  
11 department shall show the date and reason for such return.

12  
13           Reviser's note.--Amended to delete a reference  
14 to "solicitors'" to conform to the repeal of s.  
15 626.071, which defined "solicitor," by s. 72,  
16 ch. 2002-206, Laws of Florida.

17  
18           Section 76. Paragraph (1) of subsection (1) of section  
19 624.523, Florida Statutes, is amended to read:

20           624.523 Insurance Commissioner's Regulatory Trust  
21 Fund.--

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

26           (1) All sums received under s. 648.27 (bail bond  
27 agent, limited surety agent, continuation fee), the  
28 "appointment fee" portion of any license or permit provided  
29 for under s. 648.31, and the application fees provided for  
30 under s. ss. 648.34(3) and 648.37(3).

31

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

4  
5 Section 77. Subsection (1) of section 626.022, Florida  
6 Statutes, is amended to read:

7 626.022 Scope of part.--

8 (1) This part applies as to insurance agents,  
9 ~~solicitors~~, service representatives, adjusters, and insurance  
10 agencies; as to any and all kinds of insurance; and as to  
11 stock insurers, mutual insurers, reciprocal insurers, and all  
12 other types of insurers, except that:

13 (a) It does not apply as to reinsurance, except that  
14 ss. 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211,  
15 ss. 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss.  
16 626.541-626.591, and ss. 626.601-626.711 shall apply as to  
17 reinsurance intermediaries as defined in s. 626.7492.

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

20 (c) It does not apply to a bail bond agent, as defined  
21 in s. 648.25, except as provided in chapter 648 or chapter  
22 903.

23 (d) This part does not apply to a certified public  
24 accountant licensed under chapter 473 who is acting within the  
25 scope of the practice of public accounting, as defined in s.  
26 473.302, provided that the activities of the certified public  
27 accountant are limited to advising a client of the necessity  
28 of obtaining insurance, the amount of insurance needed, or the  
29 line of coverage needed, and provided that the certified  
30 public accountant does not directly or indirectly receive or  
31 share in any commission or referral fee, ~~or solicitor's fee.~~

1 Reviser's note.--Amended to delete references  
2 to "solicitors" and to "solicitor's fee" to  
3 conform to the repeal of s. 626.071, which  
4 defined "solicitor," by s. 72, ch. 2002-206,  
5 Laws of Florida.

6  
7 Section 78. Paragraph (a) of subsection (7) of section  
8 626.112, Florida Statutes, is amended to read:

9 626.112 License and appointment required; agents,  
10 customer representatives, adjusters, insurance agencies,  
11 service representatives, managing general agents.--

12 (7)(a) No individual, firm, partnership, corporation,  
13 association, or any other entity shall act in its own name or  
14 under a trade name, directly or indirectly, as an insurance  
15 agency, when required to be licensed by this subsection,  
16 unless it complies with s. 626.172 with respect to possessing  
17 an insurance agency license for each place of business at  
18 which it engages in any activity which may be performed only  
19 by a licensed insurance agent ~~or solicitor~~.

20  
21 Reviser's note.--Amended to delete one  
22 remaining reference to "solicitor" to conform  
23 to the deletion of references to solicitors  
24 from other portions of s. 626.112 by ss. 8 and  
25 48, ch. 2002-206, Laws of Florida, and to  
26 conform to the repeal of s. 626.071, which  
27 defined "solicitor," by s. 72, ch. 2002-206.

28  
29 Section 79. Section 626.266, Florida Statutes, is  
30 amended to read:

31

1           626.266 Printing of examinations or related materials  
2 to preserve examination security.--A contract let for the  
3 development, administration, or grading of examinations or  
4 related materials by the Department of Insurance pursuant to  
5 the various agent, customer representative, ~~solicitor~~, or  
6 adjuster licensing and examination provisions of this code may  
7 include the printing or furnishing of these examinations or  
8 related materials in order to preserve security. Any such  
9 contract shall be let as a contract for a contractual service  
10 pursuant to s. 287.057.

11

12           Reviser's note.--Amended to delete a reference  
13 to "solicitor" to conform to the repeal of s.  
14 626.071, which defined "solicitor," by s. 72,  
15 ch. 2002-206, Laws of Florida.

16

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

19           626.321 Limited licenses.--

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

25           (a) Motor vehicle physical damage and mechanical  
26 breakdown insurance.--License covering insurance against only  
27 the loss of or damage to any motor vehicle which is designed  
28 for use upon a highway, including trailers and semitrailers  
29 designed for use with such vehicles. Such license also covers  
30 insurance against the failure of an original or replacement  
31 part to perform any function for which it was designed. The

1 applicant for such a license shall pass a written examination  
2 covering motor vehicle physical damage insurance and  
3 mechanical breakdown insurance. No individual while so  
4 licensed shall hold a license as an agent ~~or solicitor~~ as to  
5 any other or additional kind or class of insurance coverage  
6 except as to a limited license for credit life and disability  
7 insurances as provided in paragraph (e).

8 (e) Credit life or disability insurance.--License  
9 covering only credit life or disability insurance. The license  
10 may be issued only to an individual employed by a life or  
11 health insurer as an officer or other salaried or commissioned  
12 representative, to an individual employed by or associated  
13 with a lending or financial institution or creditor, or to a  
14 lending or financial institution or creditor, and may  
15 authorize the sale of such insurance only with respect to  
16 borrowers or debtors of such lending or financing institution  
17 or creditor. However, only the individual or entity whose tax  
18 identification number is used in receiving or is credited with  
19 receiving the commission from the sale of such insurance shall  
20 be the licensed agent of the insurer. No individual while so  
21 licensed shall hold a license as an agent ~~or solicitor~~ as to  
22 any other or additional kind or class of life or health  
23 insurance coverage. An entity holding a limited license under  
24 this paragraph is also authorized to sell credit insurance and  
25 credit property insurance. An entity applying for a license  
26 under this section:

27 1. Is required to submit only one application for a  
28 license under s. 626.171. The requirements of s. 626.171(5)  
29 shall only apply to the officers and directors of the entity  
30 submitting the application.

31

1           2. Is required to obtain a license for each office,  
2 branch office, or place of business making use of the entity's  
3 business name by applying to the department for the license on  
4 a simplified form developed by rule of the department for this  
5 purpose.

6           3. Is not required to pay any additional application  
7 fees for a license issued to the offices or places of business  
8 referenced in subsection (2), but is required to pay the  
9 license fee as prescribed in s. 624.501, be appointed under s.  
10 626.112, and pay the prescribed appointment fee under s.  
11 624.501. The license obtained under this paragraph shall be  
12 posted at the business location for which it was issued so as  
13 to be readily visible to prospective purchasers of such  
14 coverage.

15  
16           Reviser's note.--Amended to delete remaining  
17 references to "solicitor" to conform to the  
18 deletion of references to solicitors from other  
19 portions of s. 626.321 by ss. 16 and 53, ch.  
20 2002-206, Laws of Florida, and to conform to  
21 the repeal of s. 626.071, which defined  
22 "solicitor," by s. 72, ch. 2002-206.

23  
24           Section 81. Section 626.461, Florida Statutes, is  
25 amended to read:

26           626.461 Continuation of appointment of agent or other  
27 representative.--Subject to renewal or continuation by the  
28 appointing entity, the appointment of the agent, adjuster,  
29 ~~solicitor~~, service representative, customer representative, or  
30 managing general agent shall continue in effect until the  
31 person's license is revoked or otherwise terminated, unless

1 written notice of earlier termination of the appointment is  
2 filed with the department by either the appointing entity or  
3 the appointee.

4  
5 Reviser's note.--Amended to delete a reference  
6 to "solicitor" to conform to the repeal of s.  
7 626.071, which defined "solicitor," by s. 72,  
8 ch. 2002-206, Laws of Florida.

9  
10 Section 82. Section 626.733, Florida Statutes, is  
11 amended to read:

12 626.733 Agency firms and corporations; special  
13 requirements.--If a sole proprietorship, partnership,  
14 corporation, or association holds an agency contract, all  
15 members thereof who solicit, negotiate, or effect insurance  
16 contracts, and all officers and stockholders of the  
17 corporation who solicit, negotiate, or effect insurance  
18 contracts, are required to qualify and be licensed  
19 individually as agents, ~~solicitors,~~ or customer  
20 representatives; and all of such agents must be individually  
21 appointed as to each property and casualty insurer entering  
22 into an agency contract with such agency. Each such  
23 appointing insurer as soon as known to it shall comply with  
24 this section and shall determine and require that each agent  
25 so associated in or so connected with such agency is likewise  
26 appointed as to the same such insurer and for the same type  
27 and class of license. However, no insurer is required to  
28 comply with the provisions of this section if such insurer  
29 satisfactorily demonstrates to the department that the insurer  
30 has issued an aggregate net written premium, in an agency, in  
31 an amount of \$25,000 or less.



1 Reviser's note.--Amended to delete a reference  
2 to "solicitors" to conform to the repeal of s.  
3 626.071, which defined "solicitor," by s. 72,  
4 ch. 2002-206, Laws of Florida.

5  
6 Section 83. Subsection (2) of section 626.7354,  
7 Florida Statutes, is amended to read:

8 626.7354 Customer representative's powers; agent's or  
9 agency's responsibility.--

10 (2) A customer representative may engage in  
11 transacting insurance with customers who have been solicited  
12 by any agent, ~~solicitor~~, or customer representative in the  
13 same agency, and may engage in transacting insurance with  
14 customers who have not been so solicited to the extent and  
15 under conditions that are otherwise consistent with this part  
16 and with the insurer's contract with the agent appointing him  
17 or her.

18  
19 Reviser's note.--Amended to delete a reference  
20 to "solicitor" to conform to the repeal of s.  
21 626.071, which defined "solicitor," by s. 72,  
22 ch. 2002-206, Laws of Florida.

23  
24 Section 84. Subsection (3) of section 626.741, Florida  
25 Statutes, is amended to read:

26 626.741 Nonresident agents; licensing and  
27 restrictions.--

28 (3) The department shall not, however, issue any  
29 license and appointment to any nonresident who has an office  
30 or place of business in this state, or who has any direct or  
31 indirect pecuniary interest in any insurance agent or

1 insurance agency, ~~or in any solicitor~~ licensed as a resident  
2 of this state; nor to any individual who does not, at the time  
3 of issuance and throughout the existence of the Florida  
4 license, hold a license as agent or broker issued by his or  
5 her home state; nor to any individual who is employed by any  
6 insurer as a service representative or who is a managing  
7 general agent in any state, whether or not also licensed in  
8 another state as an agent or broker. The foregoing  
9 requirement to hold a similar license in the applicant's home  
10 state does not apply to customer representatives unless the  
11 home state licenses residents of that state in a similar  
12 manner. The prohibition against having an office or place of  
13 business in this state does not apply to customer  
14 representatives who are required to conduct business solely  
15 within the confines of the office of a licensed and appointed  
16 Florida resident general lines agent in this state. The  
17 authority of such nonresident license is limited to the  
18 specific lines of authority granted in the license issued by  
19 the agent's home state and further limited to the specific  
20 lines authorized under the nonresident license issued by this  
21 state. The department shall have discretion to refuse to issue  
22 any license or appointment to a nonresident when it has reason  
23 to believe that the applicant by ruse or subterfuge is  
24 attempting to avoid the intent and prohibitions contained in  
25 this subsection or to believe that any of the grounds exist as  
26 for suspension or revocation of license as set forth in ss.  
27 626.611 and 626.621.

28

29 Reviser's note.--Amended to delete a reference  
30 to "solicitor" to conform to the repeal of s.

31

1           626.071, which defined "solicitor," by s. 72,  
2           ch. 2002-206, Laws of Florida.

3  
4           Section 85. Paragraph (a) of subsection (1) of section  
5 626.753, Florida Statutes, is amended to read:

6           626.753 Sharing commissions; penalty.--

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

11  
12           Reviser's note.--Amended to delete a reference  
13 to an insurance agent's "own employed  
14 solicitors" to conform to the repeal of s.  
15 626.071, which defined "solicitor," by s. 72,  
16 ch. 2002-206, Laws of Florida.

17  
18           Section 86. Subsection (2) of section 626.829, Florida  
19 Statutes, is amended to read:

20           626.829 "Health agent" defined.--

21           (2) Any person who acts for an insurer, or on behalf  
22 of a licensed representative of an insurer, to solicit  
23 applications for or to negotiate and effectuate health  
24 insurance contracts, whether or not he or she is appointed as  
25 an agent, subagent, ~~solicitor~~, or canvasser or by any other  
26 title, shall be deemed to be a health agent and shall be  
27 qualified, licensed, and appointed as a health agent.

28  
29           Reviser's note.--Amended to delete a reference  
30 to "solicitor" to conform to the repeal of s.

31

1           626.071, which defined "solicitor," by s. 72,  
2           ch. 2002-206, Laws of Florida.

3  
4           Section 87. Subsection (5) of section 626.852, Florida  
5 Statutes, is amended to read:

6           626.852 Scope of this part.--

7           (5) This part does not apply to any employee or agent  
8 of a state university board of trustees providing services in  
9 support of any self-insurance program created under former s.  
10 240.213 or s. 1004.24.

11  
12           Reviser's note.--Amended to conform to the  
13 repeal of s. 240.213 by s. 1058, ch. 2002-387,  
14 Laws of Florida.

15  
16           Section 88. Paragraph (h) of subsection (1) of section  
17 626.9541, Florida Statutes, is amended to read:

18           626.9541 Unfair methods of competition and unfair or  
19 deceptive acts or practices defined.--

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

23           (h) Unlawful rebates.--

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

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

29           b. Paying, allowing, or giving, or offering to pay,  
30 allow, or give, directly or indirectly, as inducement to such  
31 insurance contract, any unlawful rebate of premiums payable on

1 the contract, any special favor or advantage in the dividends  
2 or other benefits thereon, or any valuable consideration or  
3 inducement whatever not specified in the contract;

4 c. Giving, selling, or purchasing, or offering to  
5 give, sell, or purchase, as inducement to such insurance  
6 contract or in connection therewith, any stocks, bonds, or  
7 other securities of any insurance company or other  
8 corporation, association, or partnership, or any dividends or  
9 profits accrued thereon, or anything of value whatsoever not  
10 specified in the insurance contract.

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

14 a. In the case of any contract of life insurance or  
15 life annuity, paying bonuses to all policyholders or otherwise  
16 abating their premiums in whole or in part out of surplus  
17 accumulated from nonparticipating insurance; provided that any  
18 such bonuses or abatement of premiums is fair and equitable to  
19 all policyholders and for the best interests of the company  
20 and its policyholders.

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

26 c. Readjustment of the rate of premium for a group  
27 insurance policy based on the loss or expense thereunder, at  
28 the end of the first or any subsequent policy year of  
29 insurance thereunder, which may be made retroactive only for  
30 such policy year.

31

1           d. Issuance of life insurance policies or annuity  
2 contracts at rates less than the usual rates of premiums for  
3 such policies or contracts, as group insurance or employee  
4 insurance as defined in this code.

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

9           3.a. No title insurer, or any member, employee,  
10 attorney, agent, or agency, ~~or solicitor~~ thereof, shall pay,  
11 allow, or give, or offer to pay, allow, or give, directly or  
12 indirectly, as inducement to title insurance, or after such  
13 insurance has been effected, any rebate or abatement of the  
14 agent's, agency's, or title insurer's share of the premium or  
15 any charge for related title services below the cost for  
16 providing such services, or provide any special favor or  
17 advantage, or any monetary consideration or inducement  
18 whatever. Nothing herein contained shall preclude an  
19 abatement in an attorney's fee charged for legal services.

20           b. Nothing in this subparagraph shall be construed as  
21 prohibiting the payment of fees to attorneys at law duly  
22 licensed to practice law in the courts of this state, for  
23 professional services, or as prohibiting the payment of earned  
24 portions of the premium to duly appointed agents or agencies  
25 who actually perform services for the title insurer.

26           c. No insured named in a policy, or any other person  
27 directly or indirectly connected with the transaction  
28 involving the issuance of such policy, including, but not  
29 limited to, any mortgage broker, real estate broker, builder,  
30 or attorney, any employee, agent, agency, or representative  
31 thereof, or any other person whatsoever, shall knowingly

1 receive or accept, directly or indirectly, any rebate or  
2 abatement of said charge, or any monetary consideration or  
3 inducement, other than as set forth in sub-subparagraph b.

4  
5 Reviser's note.--Amended to delete a reference  
6 to "solicitor" to conform to the deletion of  
7 references to solicitors from other portions of  
8 s. 626.9541 by s. 65, ch. 2002-206, Laws of  
9 Florida, and to conform to the repeal of s.  
10 626.071, which defined "solicitor," by s. 72,  
11 ch. 2002-206.

12  
13 Section 89. Section 627.3111, Florida Statutes, is  
14 amended to read:

15 627.3111 Public records exemption.--All bank account  
16 numbers and debit, charge, and credit card numbers, and all  
17 other personal financial and health information of a consumer  
18 held by the Department of Insurance or its service providers  
19 or agents, relating to a consumer's complaint or inquiry  
20 regarding a matter or activity regulated under the Florida  
21 Insurance Code, are confidential and exempt from s. 119.07(1)  
22 and s. 24(a), Art. I of the State Constitution. For the  
23 purpose of this section, the term "consumer" includes but is  
24 not limited to a prospective purchaser, purchaser, or  
25 beneficiary of, or applicant for, any product or service  
26 regulated under the Florida Insurance Code, and a family  
27 member or dependent of a consumer, a subscriber under a group  
28 policy, or a policyholder. This information shall be redacted  
29 from records that contain nonexempt information prior to  
30 disclosure. This exemption applies to information made  
31 confidential and exempt by this section held by the Department

1 of Insurance or its service providers or agents before, on, or  
2 after the effective date of this exemption. Such confidential  
3 and exempt information may be disclosed to another  
4 governmental entity, if disclosure is necessary for the  
5 receiving entity to perform its duties and responsibilities,  
6 and may be disclosed to the National Association of Insurance  
7 Commissioners. The receiving governmental entity and the  
8 association must maintain the confidential and exempt status  
9 of such information. The information made confidential and  
10 exempt by this section may be used in a criminal, civil, or  
11 administrative proceeding so long as the confidential and  
12 exempt status of such information is maintained. This  
13 exemption does not include the name and address of an inquirer  
14 or complainant to the department or the name of an insurer or  
15 other regulated entity which is the subject of the inquiry or  
16 ~~of~~ complaint. This section is subject to the Open Government  
17 Sunset Review Act of 1995 in accordance with s. 119.15 and  
18 shall stand repealed on October 2, 2007, unless reviewed and  
19 saved from repeal through reenactment by the Legislature.

20

21 Reviser's note.--Amended to improve clarity and  
22 provide contextual consistency.

23

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

26

627.351 Insurance risk apportionment plans.--

27

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

28

(j) For the purposes of s. 199.183(1), the corporation  
29 shall be considered a political subdivision of the state and  
30 shall be exempt from the corporate income tax. The premiums,  
31 assessments, investment income, and other revenue of the



1 corporation are funds received for providing property  
2 insurance coverage as required by this subsection, paying  
3 claims for Florida citizens insured by the corporation,  
4 securing and repaying debt obligations issued by the  
5 corporation, and conducting all other activities of the  
6 corporation, and shall not be considered taxes, fees,  
7 licenses, or charges for services imposed by the Legislature  
8 on individuals, businesses, or agencies outside state  
9 government. Bonds and other debt obligations issued by or on  
10 behalf of the corporation are not to be considered "state  
11 bonds" within the meaning of s. 215.58(10). The corporation is  
12 not subject to the procurement provisions of chapter 287, and  
13 policies and decisions of the corporation relating to  
14 incurring debt, levying of assessments and the sale, issuance,  
15 continuation, terms and claims under corporation policies, and  
16 all services relating thereto, are not subject to the  
17 provisions of chapter 120. The corporation is not required to  
18 obtain or to hold a certificate of authority issued by the  
19 department, nor is it required to participate as a member  
20 insurer of the Florida Insurance Guaranty Association.  
21 However, the corporation is required to pay, in the same  
22 manner as an authorized insurer, assessments pledged by the  
23 Florida Insurance Guaranty Association to secure bonds issued  
24 or other indebtedness incurred to pay covered claims arising  
25 from insurer insolvencies caused by, or proximately related  
26 to, hurricane losses. It is the intent of the Legislature that  
27 the tax exemptions provided in this paragraph will augment the  
28 financial resources of the corporation to better enable the  
29 corporation to fulfill its public purposes. Any bonds issued  
30 by the corporation, their transfer, and the income therefrom,  
31 including any profit made on the sale thereof, shall at all

1 times be free from taxation of every kind by the state and any  
2 political subdivision or local unit or other instrumentality  
3 thereof; however, this exemption does not apply to any tax  
4 imposed by chapter 220 ~~200~~ on interest, income, or profits on  
5 debt obligations owned by corporations other than the  
6 corporation.

7 (k) Upon a determination by the department that the  
8 conditions giving rise to the establishment and activation of  
9 the corporation no longer exist, the corporation is dissolved.  
10 Upon dissolution, the assets of the corporation ~~association~~  
11 shall be applied first to pay all debts, liabilities, and  
12 obligations of the corporation, including the establishment of  
13 reasonable reserves for any contingent liabilities or  
14 obligations, and all remaining assets of the corporation shall  
15 become property of the state and shall be deposited in the  
16 Florida Hurricane Catastrophe Fund. However, no dissolution  
17 shall take effect as long as the corporation has bonds or  
18 other financial obligations outstanding unless adequate  
19 provision has been made for the payment of the bonds or other  
20 financial obligations pursuant to the documents authorizing  
21 the issuance of the bonds or other financial obligations.

22 (r) The corporation shall not require the securing of  
23 flood insurance as a condition of coverage if the insured or  
24 applicant executes a form approved by the department affirming  
25 that flood insurance is not provided by the corporation and  
26 that if flood insurance is not secured by the applicant or  
27 insured in addition to coverage by the corporation, the risk  
28 will not be covered for flood damage. A corporation  
29 policyholder electing not to secure flood insurance and  
30 executing a form as provided herein making a claim ~~claim~~ for  
31 water damage against the corporation shall have the burden of

1 proving the damage was not caused by flooding. Notwithstanding  
2 other provisions of this subsection, the corporation may deny  
3 coverage to an applicant or insured who refuses to execute the  
4 form described herein.

5  
6 Reviser's note.--Paragraph (6)(j) is amended to  
7 correct a cross-reference and conform to  
8 context; chapter 200 does not impose a tax on  
9 interest, income, or profits on debt  
10 obligations owned by corporations, but chapter  
11 220 does. Paragraph (6)(k) is amended to  
12 substitute a reference to the "corporation" for  
13 a reference to the "association" to conform to  
14 that change made elsewhere by s. 2, ch.  
15 2002-240, Laws of Florida, and s. 11, ch.  
16 2002-282, Laws of Florida. The paragraph is  
17 also amended to improve clarity and sentence  
18 construction. Paragraph (6)(r) is amended to  
19 correct an apparent error and conform to  
20 context.

21  
22 Section 91. Subsection (3) of section 628.255, Florida  
23 Statutes, is amended to read:

24 628.255 Person with effective control cannot receive  
25 commission unless contract approved; penalties.--

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

1 Reviser's note.--Amended to delete a reference  
2 to "solicitor" to conform to the repeal of s.  
3 626.071, which defined "solicitor," by s. 72,  
4 ch. 2002-206, Laws of Florida.

5  
6 Section 92. Subsection (2) of section 631.111, Florida  
7 Statutes, is amended to read:

8 631.111 Order of liquidation; domestic insurers.--

9 (2) The order of liquidation shall authorize and  
10 direct the department to take immediate possession of all the  
11 property, assets, and estate, including, but not limited to,  
12 all offices maintained by the insurer and all rights of  
13 action, books, documents, papers, evidences of debt, and all  
14 other property of every kind whatsoever and wheresoever  
15 located belonging to the insurer, including, but not limited  
16 to, all bank accounts, stocks, bonds, debentures, mortgages,  
17 all premiums collected by premium finance companies or any  
18 person otherwise engaged in premium financing, agents,  
19 subagents, producing agents, brokers, ~~solicitors~~, service  
20 representatives, or others and not paid to the insurer,  
21 furniture, fixtures, equipment, office supplies, and all real  
22 property of the insurer and to hold all such assets pending  
23 further orders of the court.

24  
25 Reviser's note.--Amended to delete a reference  
26 to "solicitors" to conform to the repeal of s.  
27 626.071, which defined "solicitor," by s. 72,  
28 ch. 2002-206, Laws of Florida.

29  
30 Section 93. Subsection (7) of section 633.01, Florida  
31 Statutes, is amended to read:

1           633.01 State Fire Marshal; powers and duties; rules.--  
2           (7) The State Fire Marshal shall adopt and administer  
3 rules prescribing standards for the safety and health of  
4 occupants of educational and ancillary facilities pursuant to  
5 ss. 633.022, 1013.12, 1013.37, and 1013.371 ~~235.06, and~~  
6 ~~235.26~~. In addition, in any county that does not employ or  
7 appoint a local fire official, the State Fire Marshal shall  
8 assume the duties of the local fire official with respect to  
9 firesafety inspections of educational property required under  
10 s. 1013.12(2)(b)~~235.06(2)(b)~~, and the State Fire Marshal may  
11 take necessary corrective action as authorized under s.  
12 1013.12(5)~~235.06(4)~~.

13  
14           Reviser's note.--Amended to conform to the  
15 repeal of ss. 235.06 and 235.26 by s. 1058, ch.  
16 2002-387, Laws of Florida, and the enactment of  
17 similar material in ss. 1013.12, 1013.37, and  
18 1013.371, by ss. 805, 834, and 835, ch.  
19 2002-387, respectively.

20  
21           Section 94. Section 634.171, Florida Statutes, is  
22 amended to read:

23           634.171 Salesperson to be licensed and  
24 appointed.--Salespersons for motor vehicle service agreement  
25 companies and insurers shall be licensed, appointed, renewed,  
26 continued, reinstated, or terminated as prescribed in chapter  
27 626 for insurance representatives in general. However, they  
28 shall be exempt from all other provisions of chapter 626  
29 including fingerprinting, photo identification, education, and  
30 examination provisions. License, appointment, and other fees  
31 shall be those prescribed in s. 624.501. A licensed and

1 appointed salesperson shall be directly responsible and  
2 accountable for all acts of her or his employees and other  
3 representatives. Each service agreement company or insurer  
4 shall, on forms prescribed by the department, within 30 days  
5 after termination of the appointment, notify the department of  
6 such termination. No employee or salesperson of a motor  
7 vehicle service agreement company or insurer may directly or  
8 indirectly solicit or negotiate insurance contracts, or hold  
9 herself or himself out in any manner to be an insurance agent  
10 ~~or solicitor~~, unless so qualified, licensed, and appointed  
11 therefor under the Florida Insurance Code. A motor vehicle  
12 service agreement company is not required to be licensed as a  
13 salesperson to solicit, sell, issue, or otherwise transact the  
14 motor vehicle service agreements issued by the motor vehicle  
15 service agreement company.

16  
17 Reviser's note.--Amended to delete a reference  
18 to "solicitor" to conform to the repeal of s.  
19 626.071, which defined "solicitor," by s. 72,  
20 ch. 2002-206, Laws of Florida.

21  
22 Section 95. Section 634.420, Florida Statutes, is  
23 amended to read:

24 634.420 License and appointment of sales  
25 representatives.--Sales representatives for service warranty  
26 associations or insurers shall be licensed, appointed,  
27 renewed, continued, reinstated, or terminated in accordance  
28 with procedures as prescribed in chapter 626 for insurance  
29 representatives in general. However, they shall be exempt  
30 from all other provisions of chapter 626, including  
31 fingerprinting, photo identification, education, and

1 examination. License, appointment, and other fees shall be  
2 those prescribed in s. 624.501. A licensed and appointed  
3 sales representative shall be directly responsible and  
4 accountable for all acts of the licensed sales  
5 representative's employees or other representatives. Each  
6 service warranty association or insurer shall, on forms  
7 prescribed by the department, within 30 days after termination  
8 of the appointment, notify the department of such termination.  
9 No employee or sales representative of a service warranty  
10 association or insurer may directly or indirectly solicit or  
11 negotiate insurance contracts, or hold herself or himself out  
12 in any manner to be an insurance agent ~~or solicitor~~, unless so  
13 qualified, licensed, and appointed therefor under the  
14 insurance code.

15

16 Reviser's note.--Amended to delete a reference  
17 to "solicitor" to conform to the repeal of s.  
18 626.071, which defined "solicitor," by s. 72,  
19 ch. 2002-206, Laws of Florida.

20

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

23 641.35 Assets, liabilities, and investments.--

24 (15) INVESTMENT OF EXCESS FUNDS.--

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

28 1. Without limitation in any investments otherwise  
29 authorized by this part; or

30 2. In such other investments not specifically  
31 authorized by this part, provided such investments do not

1 exceed the lesser of 5 percent of the health maintenance  
2 organization's admitted assets or 25 percent of the amount by  
3 which a health maintenance organization's surplus exceeds its  
4 statutorily required minimum surplus. A health maintenance  
5 organization may exceed the limitations of this subparagraph  
6 only with the prior written approval of the department.

7  
8 Reviser's note.--Amended to improve clarity and  
9 sentence construction.

10  
11 Section 97. Section 642.034, Florida Statutes, is  
12 amended to read:

13 642.034 License and appointment required.--No person  
14 may solicit, negotiate, sell, or execute legal expense  
15 insurance contracts on behalf of an insurer in this state  
16 unless such person is licensed and appointed as a sales  
17 representative or is licensed and appointed under the  
18 insurance code as a general lines agent ~~or solicitor~~. No  
19 person licensed and appointed as a legal expense insurance  
20 sales representative may solicit, negotiate, sell, or execute  
21 any other contract of insurance unless such person is duly  
22 licensed and appointed to do so under the provisions of  
23 chapter 626.

24  
25 Reviser's note.--Amended to delete a reference  
26 to "solicitor" to conform to the repeal of s.  
27 626.071, which defined "solicitor," by s. 72,  
28 ch. 2002-206, Laws of Florida.

29  
30 Section 98. Section 642.036, Florida Statutes, is  
31 amended to read:



1           642.036 Sales representatives to be licensed and  
2 appointed.--Sales representatives of legal expense insurers  
3 shall be licensed, appointed, renewed, continued, reinstated,  
4 or terminated as prescribed in chapter 626 for insurance  
5 representatives in general, and shall pay the license and  
6 appointment fees prescribed in s. 624.501. No employee or  
7 sales representative of an insurer may directly or indirectly  
8 solicit or negotiate insurance contracts, or hold herself or  
9 himself out in any manner to be an insurance agent ~~or~~  
10 ~~solicitor~~, unless so qualified, licensed, and appointed  
11 therefor under the insurance code.

12  
13           Reviser's note.--Amended to delete a reference  
14 to "solicitor" to conform to the repeal of s.  
15 626.071, which defined "solicitor," by s. 72,  
16 ch. 2002-206, Laws of Florida.

17  
18           Section 99. Subsection (2) of section 642.045, Florida  
19 Statutes, is amended to read:

20           642.045 Procedure for refusal, suspension, or  
21 revocation of license and appointment of sales representative;  
22 departmental action upon violation by licensed insurance agent  
23 ~~or solicitor~~--

24           (2) Whenever it appears that any licensed insurance  
25 agent ~~or solicitor~~ has violated the provisions of ss.  
26 642.011-642.049, or if any grounds listed in s. 642.041 or s.  
27 642.043 exist as to such agent ~~or solicitor~~, the department  
28 may take such action as is authorized by the insurance code  
29 for a violation of the insurance code by such agent ~~or~~  
30 ~~solicitor~~, or such action as is authorized by this chapter for  
31 a violation of this chapter by a sales representative.

1 Reviser's note.--Amended to delete references  
2 to "solicitor" to conform to the repeal of s.  
3 626.071, which defined "solicitor," by s. 72,  
4 ch. 2002-206, Laws of Florida.

5  
6 Section 100. Paragraph (g) of subsection (1) of  
7 section 648.355, Florida Statutes, is amended to read:

8 648.355 Temporary limited license as limited surety  
9 agent or professional bail bond agent; pending examination.--

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

13 (g) The applicant must file with the department  
14 statements by at ~~a~~ least three reputable citizens who are  
15 residents of the same counties in which the applicant proposes  
16 to engage as a temporary licensee.

17  
18 Reviser's note.--Amended to improve clarity and  
19 conform to context.

20  
21 Section 101. Paragraph (b) of subsection (2) of  
22 section 679.703, Florida Statutes, is amended to read:

23 679.703 Security interest perfected before effective  
24 date.--

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

1 (b) Remains enforceable thereafter only if the  
2 security interest becomes enforceable under former s. 679.203  
3 before the year expires; and

4  
5 Reviser's note.--Amended to conform to the  
6 repeal of s. 679.203 by s. 2, ch. 2001-198,  
7 Laws of Florida.

8  
9 Section 102. Subsection (2) of section 679.704,  
10 Florida Statutes, is amended to read:

11 679.704 Security interest unperfected before effective  
12 date.--A security interest that is enforceable immediately  
13 before this act takes effect but that would be subordinate to  
14 the rights of a person who becomes a lien creditor at that  
15 time:

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

19  
20 Reviser's note.--Amended to conform to the  
21 repeal of s. 679.203 by s. 2, ch. 2001-198,  
22 Laws of Florida.

23  
24 Section 103. Subsection (2) of section 765.5216,  
25 Florida Statutes, is amended to read:

26 765.5216 Organ and tissue donor education panel.--

27 (2) There is created within the Agency for Health Care  
28 Administration a statewide organ and tissue donor education  
29 panel, consisting of 12 members, to represent the interests of  
30 the public with regard to increasing the number of organ and  
31 tissue donors within the state. The panel and the Organ and

1 Tissue Procurement and Transplantation Advisory Board  
2 established in s. 765.543 ~~381.6023~~ shall jointly develop,  
3 subject to the approval of the Agency for Health Care  
4 Administration, education initiatives pursuant to s. 765.5215,  
5 which the agency shall implement. The membership must be  
6 balanced with respect to gender, ethnicity, and other  
7 demographic characteristics so that the appointees reflect the  
8 diversity of the population of this state. The panel members  
9 must include:

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

12 (b) A representative from a Florida licensed organ  
13 procurement organization.

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

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

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

18 (f) A representative from the Division of Driver  
19 Licenses of the Department of Highway Safety and Motor  
20 Vehicles, who possesses experience and knowledge in dealing  
21 with the public.

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

24 (h) A representative who has been the recipient of a  
25 transplanted organ, tissue, or eye, or is a family member of a  
26 recipient.

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

29 (j) A representative from a professional association  
30 or public relations or advertising organization.

31

1           (k) A representative from a community service club or  
2 organization.

3           (l) A representative from the Department of Education.  
4

5           Reviser's note.--Amended to conform a  
6 cross-reference to s. 381.6023 to the transfer  
7 of that section to s. 765.543 by this act.  
8

9           Section 104. Subsection (5) of section 765.522,  
10 Florida Statutes, is amended to read:

11           765.522 Duty of certain hospital administrators;  
12 liability of hospital administrators, organ procurement  
13 organizations, eye banks, and tissue banks.--

14           (5) There shall be no civil or criminal liability  
15 against any organ procurement organization, eye bank, or  
16 tissue bank certified under s. 765.542 ~~381.6022~~, or against  
17 any hospital or hospital administrator or designee, when  
18 complying with the provisions of this part and the rules of  
19 the Agency for Health Care Administration or when, in the  
20 exercise of reasonable care, a request for organ donation is  
21 inappropriate and the gift is not made according to this part  
22 and the rules of the Agency for Health Care Administration.  
23

24           Reviser's note.--Amended to conform a  
25 cross-reference to s. 381.6022 to the transfer  
26 of that section to s. 765.542 by this act.  
27

28           Section 105. Section 768.16, Florida Statutes, is  
29 amended to read:  
30  
31

1           768.16 Wrongful Death Act.--Sections 768.16-768.26  
2 ~~768.16-768.27~~ may be cited as the "Florida Wrongful Death  
3 Act."

4  
5           Reviser's note.--Amended to conform to the  
6           repeal of s. 768.27 by s. 3, ch. 2000-341, Laws  
7           of Florida.

8  
9           Section 106. Section 768.17, Florida Statutes, is  
10 amended to read:

11           768.17 Legislative intent.--It is the public policy of  
12 the state to shift the losses resulting when wrongful death  
13 occurs from the survivors of the decedent to the wrongdoer.  
14 Sections 768.16-768.26 ~~768.16-768.27~~ are remedial and shall be  
15 liberally construed.

16  
17           Reviser's note.--Amended to conform to the  
18           repeal of s. 768.27 by s. 3, ch. 2000-341, Laws  
19           of Florida.

20  
21           Section 107. Section 768.18, Florida Statutes, is  
22 amended to read:

23           768.18 Definitions.--As used in ss. 768.16-768.26  
24 ~~768.16-768.27~~:

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

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

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

5           (4) "Services" means tasks, usually of a household  
6 nature, regularly performed by the decedent that will be a  
7 necessary expense to the survivors of the decedent. These  
8 services may vary according to the identity of the decedent  
9 and survivor and shall be determined under the particular  
10 facts of each case.

11           (5) "Net accumulations" means the part of the  
12 decedent's expected net business or salary income, including  
13 pension benefits, that the decedent probably would have  
14 retained as savings and left as part of her or his estate if  
15 the decedent had lived her or his normal life expectancy. "Net  
16 business or salary income" is the part of the decedent's  
17 probable gross income after taxes, excluding income from  
18 investments continuing beyond death, that remains after  
19 deducting the decedent's personal expenses and support of  
20 survivors, excluding contributions in kind.

21  
22           Reviser's note.--Amended to conform to the  
23 repeal of s. 768.27 by s. 3, ch. 2000-341, Laws  
24 of Florida.

25  
26           Section 108. Paragraph (h) of subsection (2) of  
27 section 790.06, Florida Statutes, is amended to read:

28           790.06 License to carry concealed weapon or firearm.--

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

31

1           (h) Demonstrates competence with a firearm by any one  
2 of the following:  
3           1. Completion of any hunter education or hunter safety  
4 course approved by the Fish and Wildlife Conservation  
5 Commission or a similar agency of another state;  
6           2. Completion of any National Rifle Association  
7 firearms safety or training course;  
8           3. Completion of any firearms safety or training  
9 course or class available to the general public offered by a  
10 law enforcement, junior college, college, or private or public  
11 institution or organization or firearms training school,  
12 utilizing instructors certified by the National Rifle  
13 Association, Criminal Justice Standards and Training  
14 Commission, or the Department of Agriculture and Consumer  
15 Services ~~Department of State~~;  
16           4. Completion of any law enforcement firearms safety  
17 or training course or class offered for security guards,  
18 investigators, special deputies, or any division or  
19 subdivision of law enforcement or security enforcement;  
20           5. Presents evidence of equivalent experience with a  
21 firearm through participation in organized shooting  
22 competition or military service;  
23           6. Is licensed or has been licensed to carry a firearm  
24 in this state or a county or municipality of this state,  
25 unless such license has been revoked for cause; or  
26           7. Completion of any firearms training or safety  
27 course or class conducted by a state-certified or National  
28 Rifle Association certified firearms instructor;  
29  
30 A photocopy of a certificate of completion of any of the  
31 courses or classes; or an affidavit from the instructor,



1 school, club, organization, or group that conducted or taught  
2 said course or class attesting to the completion of the course  
3 or class by the applicant; or a copy of any document which  
4 shows completion of the course or class or evidences  
5 participation in firearms competition shall constitute  
6 evidence of qualification under this paragraph; any person who  
7 conducts a course pursuant to subparagraph 2., subparagraph  
8 3., or subparagraph 7., or who, as an instructor, attests to  
9 the completion of such courses, must maintain records  
10 certifying that he or she observed the student safely handle  
11 and discharge the firearm;

12

13 Reviser's note.--Amended to improve clarity and  
14 facilitate correct interpretation. The Division  
15 of Licensing of the Department of State was  
16 transferred to the Department of Agriculture  
17 and Consumer Services and reestablished as a  
18 division within that department by s. 1, ch.  
19 2002-295, Laws of Florida.

20

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

23 921.0022 Criminal Punishment Code; offense severity  
24 ranking chart.--

25

(3) OFFENSE SEVERITY RANKING CHART

26

Florida	Felony	
Statute	Degree	Description

29

30

(a) LEVEL 1

31

1	24.118(3)(a)	3rd	Counterfeit or altered state
2			lottery ticket.
3	212.054(2)(b)	3rd	Discretionary sales surtax;
4			limitations, administration, and
5			collection.
6	212.15(2)(b)	3rd	Failure to remit sales taxes,
7			amount greater than \$300 but less
8			than \$20,000.
9	319.30(5)	3rd	Sell, exchange, give away
10			certificate of title or
11			identification number plate.
12	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
13			odometer.
14	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
15			registration license plates or
16			validation stickers.
17	322.212		
18	(1)(a)-(c)	3rd	Possession of forged, stolen,
19			counterfeit, or unlawfully issued
20			driver's license; possession of
21			simulated identification.
22	322.212(4)	3rd	Supply or aid in supplying
23			unauthorized driver's license or
24			identification card.
25	322.212(5)(a)	3rd	False application for driver's
26			license or identification card.
27	<u>370.13(2)(c)1.</u>		
28	<del>370.13(3)(a)</del>	3rd	Molest any stone crab trap, line,
29			or buoy which is property of
30			licenseholder.
31			

1	370.135(1)	3rd	Molest any blue crab trap, line,
2			or buoy which is property of
3			licenseholder.
4	372.663(1)	3rd	Poach any alligator or
5			crocodilia.
6	414.39(2)	3rd	Unauthorized use, possession,
7			forgery, or alteration of food
8			stamps, Medicaid ID, value
9			greater than \$200.
10	414.39(3)(a)	3rd	Fraudulent misappropriation of
11			public assistance funds by
12			employee/official, value more
13			than \$200.
14	443.071(1)	3rd	False statement or representation
15			to obtain or increase
16			unemployment compensation
17			benefits.
18	509.151(1)	3rd	Defraud an innkeeper, food or
19			lodging value greater than \$300.
20	517.302(1)	3rd	Violation of the Florida
21			Securities and Investor
22			Protection Act.
23	562.27(1)	3rd	Possess still or still apparatus.
24	713.69	3rd	Tenant removes property upon
25			which lien has accrued, value
26			more than \$50.
27	812.014(3)(c)	3rd	Petit theft (3rd conviction);
28			theft of any property not
29			specified in subsection (2).
30			
31			

1	812.081(2)	3rd	Unlawfully makes or causes to be
2			made a reproduction of a trade
3			secret.
4	815.04(4)(a)	3rd	Offense against intellectual
5			property (i.e., computer
6			programs, data).
7	817.52(2)	3rd	Hiring with intent to defraud,
8			motor vehicle services.
9	817.569(2)	3rd	Use of public record or public
10			records information to facilitate
11			commission of a felony.
12	826.01	3rd	Bigamy.
13	828.122(3)	3rd	Fighting or baiting animals.
14	831.04(1)	3rd	Any erasure, alteration, etc., of
15			any replacement deed, map, plat,
16			or other document listed in s.
17			92.28.
18	831.31(1)(a)	3rd	Sell, deliver, or possess
19			counterfeit controlled
20			substances, all but s. 893.03(5)
21			drugs.
22	832.041(1)	3rd	Stopping payment with intent to
23			defraud \$150 or more.
24	832.05		
25	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
26			worthless checks \$150 or more or
27			obtaining property in return for
28			worthless check \$150 or more.
29	838.015(3)	3rd	Bribery.
30	838.016(1)	3rd	Public servant receiving unlawful
31			compensation.

1	838.15(2)	3rd	Commercial bribe receiving.
2	838.16	3rd	Commercial bribery.
3	843.18	3rd	Fleeing by boat to elude a law
4			enforcement officer.
5	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
6			lewd, etc., material (2nd
7			conviction).
8	849.01	3rd	Keeping gambling house.
9	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
10			or assist therein, conduct or
11			advertise drawing for prizes, or
12			dispose of property or money by
13			means of lottery.
14	849.23	3rd	Gambling-related machines;
15			"common offender" as to property
16			rights.
17	849.25(2)	3rd	Engaging in bookmaking.
18	860.08	3rd	Interfere with a railroad signal.
19	860.13(1)(a)	3rd	Operate aircraft while under the
20			influence.
21	893.13(2)(a)2.	3rd	Purchase of cannabis.
22	893.13(6)(a)	3rd	Possession of cannabis (more than
23			20 grams).
24	934.03(1)(a)	3rd	Intercepts, or procures any other
25			person to intercept, any wire or
26			oral communication.
27			
28			Reviser's note.--Amended to improve clarity and
29			facilitate correct interpretation. Section
30			370.13(3)(a) no longer exists. Section 370.13
31			was substantially reworded by s. 38, ch.

1           2000-364, Laws of Florida, and material similar  
2           to the contents of former s. 370.13(3)(a) can  
3           now be found at s. 370.13(2)(c)1.

4  
5           Section 110. Paragraph (a) of subsection (1) of  
6 section 943.22, Florida Statutes, is amended to read:

7           943.22 Salary incentive program for full-time  
8 officers.--

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

10           (a) "Accredited college, university, or community  
11 college" means a college, university, or community college  
12 which has been accredited by the Southern Association of  
13 Colleges and Schools, another regional accrediting agency, or  
14 the Accrediting Council for Independent Colleges and Schools  
15 ~~Accrediting Commission for Independent Colleges and Schools.~~

16  
17           Reviser's note.--Amended to improve clarity and  
18 facilitate correct interpretation and to  
19 conform to the correct name of the Accrediting  
20 Council for Independent Colleges and Schools.

21  
22           Section 111. Section 943.66, Florida Statutes, is  
23 amended to read:

24           943.66 Rules; Facilities Program, Capitol Police;  
25 traffic regulation.--The Capitol Police may enforce rules of  
26 the Department of Management Services governing the  
27 administration, operation, and management of the Facilities  
28 Program and regulating traffic and parking at ~~on~~ state-owned  
29 buildings or on state-owned property and any local ordinance  
30 on the violation of such if such rules are not in conflict  
31 with any state law or county or municipal ordinance, and are

1 not inconsistent with the other requirements of ss.  
2 943.61-943.68 or any security plan developed and approved  
3 thereunder.

4  
5 Reviser's note.--Amended to improve clarity and  
6 facilitate correct interpretation.

7  
8 Section 112. Subsection (6) of section 945.355,  
9 Florida Statutes, is amended to read:

10 945.355 HIV testing of inmates prior to release.--

11 (6) Notwithstanding any provision of the Florida  
12 Statutes providing for a waiver of sovereign immunity, neither  
13 the state, its agencies, subdivisions nor employees of the  
14 state, its agencies, or subdivisions shall be liable to any  
15 person for negligently causing death or personal injury  
16 arising out of complying with this section ~~s. 944.355~~.

17  
18 Reviser's note.--Amended to substitute a  
19 reference to s. 945.355 for a reference to s.  
20 944.355, which does not exist. Reference to  
21 immunity for the referenced actions arising out  
22 of compliance with "this section" (s. 945.355)  
23 conforms to context.

24  
25 Section 113. Paragraph (a) of subsection (5) of  
26 section 1000.01, Florida Statutes, is amended to read:

27 1000.01 The Florida K-20 education system; technical  
28 provisions.--

29 (5) EDUCATION GOVERNANCE TRANSFERS.--

30 (a) Effective July 1, 2001:

31 1. The Board of Regents is abolished.

1           2. All of the powers, duties, functions, records,  
2 personnel, and property; unexpended balances of  
3 appropriations, allocations, and other funds; administrative  
4 authority; administrative rules; pending issues; and existing  
5 contracts of the Board of Regents are transferred by a type  
6 two transfer, pursuant to s. 20.06(2), to the State Florida  
7 Board of Education.

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

9           4. All of the powers, duties, functions, records,  
10 personnel, and property; unexpended balances of  
11 appropriations, allocations, and other funds; administrative  
12 authority; administrative rules; pending issues; and existing  
13 contracts of the State Board of Community Colleges are  
14 transferred by a type two transfer, pursuant to s. 20.06(2),  
15 from the Department of Education to the State Florida Board of  
16 Education.

17           5. The Postsecondary Education Planning Commission is  
18 abolished.

19           6. The Council for Education Policy Research and  
20 Improvement is created as an independent office under the  
21 Office of Legislative Services.

22           7. All personnel, unexpended balances of  
23 appropriations, and allocations of the Postsecondary Education  
24 Planning Commission are transferred to the Council for  
25 Education Policy Research and Improvement.

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

30  
31



1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation. Section  
3 229.004, which established the Florida Board of  
4 Education, was repealed by s. 1058, ch.  
5 2002-387, Laws of Florida. Section 19, ch.  
6 2002-387, established the State Board of  
7 Education.

8  
9 Section 114. Section 1004.07, Florida Statutes, is  
10 amended to read:

11 1004.07 Student withdrawal from courses due to  
12 military service; effect.--Each district school board,  
13 community college district board of trustees, and university  
14 board of trustees shall establish, by rule and pursuant to  
15 guidelines of the State Florida Board of Education, policies  
16 regarding currently enrolled students who are called to, or  
17 enlist in, active military service. Such policies shall  
18 provide that any student enrolled in a postsecondary course or  
19 courses at an area technical center, a public community  
20 college, a public college, or a state university shall not  
21 incur academic or financial penalties by virtue of performing  
22 military service on behalf of our country. Such student shall  
23 be permitted the option of either completing the course or  
24 courses at a later date without penalty or withdrawing from  
25 the course or courses with a full refund of fees paid. If the  
26 student chooses to withdraw, the student's record shall  
27 reflect that the withdrawal is due to active military service.

28  
29 Reviser's note.--Amended to improve clarity and  
30 facilitate correct interpretation. Section  
31 229.004, which established the Florida Board of

1 Education, was repealed by s. 1058, ch.  
2 2002-387, Laws of Florida. Section 19, ch.  
3 2002-387, established the State Board of  
4 Education.

5  
6 Section 115. Subsection (7) of section 1004.22,  
7 Florida Statutes, is amended to read:

8 1004.22 Divisions of sponsored research at state  
9 universities.--

10 (7) All purchases of a division of sponsored research  
11 shall be made in accordance with the policies and procedures  
12 of the university; however, upon certification addressed to  
13 the university president that it is necessary for the  
14 efficient or expeditious prosecution of a research project,  
15 the president may exempt the purchase of material, supplies,  
16 equipment, or services for research purposes ~~shall be exempt~~  
17 from the general purchasing requirement of the Florida  
18 Statutes.

19  
20 Reviser's note.--Amended to improve clarity and  
21 facilitate correct interpretation.

22  
23 Section 116. Subsection (3) of section 1004.32,  
24 Florida Statutes, is amended to read:

25 1004.32 New College of Florida.--

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

29 (a) Three residents of Sarasota County.

30 (b) Two residents of Manatee County.

31

1 (c) Until the expiration date of the terms of office  
2 of the members who are on the board June 30, 2001, seven  
3 members selected from the Board of Trustees of the New College  
4 Foundation.

5  
6 In addition, the student body president of New College of  
7 Florida elected pursuant to s. 1004.26 ~~240.236~~ shall serve ex  
8 officio as a voting member of the board of trustees.

9  
10 Reviser's note.--Amended to conform to the  
11 renumbering of s. 240.236, created by s. 3, ch.  
12 2002-188, Laws of Florida, as s. 1004.26 by the  
13 reviser to conform to the numbering scheme for  
14 provisions in the School Code per ch. 2002-387,  
15 Laws of Florida.

16  
17 Section 117. Paragraph (j) of subsection (2) of  
18 section 1004.45, Florida Statutes, is amended to read:

19 1004.45 Ringling Center for Cultural Arts.--

20 (2)

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

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

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

31

1 Reviser's note.--Amended to conform to the  
2 complete title of the fund as provided in s.  
3 1011.94.

4  
5 Section 118. Paragraph (b) of subsection (2) of  
6 section 1004.92, Florida Statutes, is amended to read:

7 1004.92 Purpose and responsibilities for career and  
8 technical education.--

9 (2)

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

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

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

16 3. The development of policies, rules, and procedures  
17 that facilitate institutional attainment of the accountability  
18 standards and coordinate the efforts of all divisions within  
19 the department.

20 4. The development of program standards and  
21 industry-driven benchmarks for career and technical, adult,  
22 and community education programs, which must be updated every  
23 3 years. The standards must include technical, academic, and  
24 workplace skills; viability of distance learning for  
25 instruction; and work/learn cycles that are responsive to  
26 business and industry.

27 5. Overseeing school district and community college  
28 compliance with the provisions of this chapter.

29 6. Ensuring that the educational outcomes for the  
30 technical component of career and technical programs ~~and~~ are  
31 uniform and designed to provide a graduate who is capable of

1 entering the workforce on an equally competitive basis  
2 regardless of the institution of choice.

3

4 Reviser's note.--Amended to improve clarity and  
5 facilitate correct interpretation.

6

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

9 1008.35 Best financial management practices for school  
10 districts; standards; reviews; designation of school  
11 districts.--

12 (11) District reviews conducted under this section  
13 must be completed within 6 months after commencement. OPPAGA  
14 shall issue a final report to the President of the Senate, the  
15 Speaker of the House of Representatives, and the district  
16 regarding the district's use of best financial management  
17 practices and cost savings recommendations within 60 days  
18 after completing the reviews. Copies of the final report shall  
19 be provided to the Governor, the Commissioner of Education,  
20 and to the chairs of school advisory councils and district  
21 advisory councils established pursuant to s. 1001.452(1)(a)  
22 and (b)~~229.58(1)(a) and (b)~~. The district school board shall  
23 notify all members of the school advisory councils and  
24 district advisory council by mail that the final report has  
25 been delivered to the school district and to the council  
26 chairs. The notification shall also inform members of the  
27 OPPAGA website address at which an electronic copy of the  
28 report is available.

29

30 Reviser's note.--Amended to conform to the  
31 repeal of s. 229.58 by s. 1058, ch. 2002-387,

1           Laws of Florida, and the enactment of similar  
2           material in s. 1001.452 by s. 59, ch. 2002-387.

3  
4           Section 120. Paragraph (a) of subsection (1) and  
5 subsection (3) of section 1009.40, Florida Statutes, are  
6 amended to read:

7           1009.40 General requirements for student eligibility  
8 for state financial aid.--

9           (1)(a) The general requirements for eligibility of  
10 students for state financial aid awards consist of the  
11 following:

12           1. Achievement of the academic requirements of and  
13 acceptance at a state university or community college; a  
14 nursing diploma school approved by the Florida Board of  
15 Nursing; a Florida college, university, or community college  
16 which is accredited by an accrediting agency recognized by the  
17 State Board of Education; any Florida institution the credits  
18 of which are acceptable for transfer to state universities;  
19 any technical center; or any private technical institution  
20 accredited by an accrediting agency recognized by the State  
21 Board of Education.

22           2. Residency in this state for no less than 1 year  
23 preceding the award of aid for a program established pursuant  
24 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54,  
25 s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.  
26 1009.68 ~~1009.60~~, s. 1009.72, s. 1009.73, s. 1009.76, s.  
27 1009.77, or s. 1009.89. Residency in this state must be for  
28 purposes other than to obtain an education. Resident status  
29 for purposes of receiving state financial aid awards shall be  
30 determined in the same manner as resident status for tuition

31

1 purposes pursuant to s. 1009.21 and rules of the State Board  
2 of Education.

3           3. Submission of certification attesting to the  
4 accuracy, completeness, and correctness of information  
5 provided to demonstrate a student's eligibility to receive  
6 state financial aid awards. Falsification of such information  
7 shall result in the denial of any pending application and  
8 revocation of any award currently held to the extent that no  
9 further payments shall be made. Additionally, students who  
10 knowingly make false statements in order to receive state  
11 financial aid awards shall be guilty of a misdemeanor of the  
12 second degree subject to the provisions of s. 837.06 and shall  
13 be required to return all state financial aid awards  
14 wrongfully obtained.

15           (3) Undergraduate students are ~~be~~ eligible to receive  
16 financial aid for a maximum of 8 semesters or 12 quarters.  
17 However, undergraduate students participating in  
18 college-preparatory instruction, students requiring additional  
19 time to complete the college-level communication and  
20 computation skills testing programs, or students enrolled in a  
21 5-year undergraduate degree program are eligible to receive  
22 financial aid for a maximum of 10 semesters or 15 quarters.

23  
24           Reviser's note.--Paragraph (1)(a) is amended to  
25 substitute for a duplicate reference to s.  
26 1009.60. Inclusion of the cite to s. 1009.68  
27 conforms the list of cited sections to the  
28 comparable list under prior law. Subsection (3)  
29 is amended to improve clarity and facilitate  
30 correct interpretation.

31

1           Section 121. Subsection (12) of section 1009.66,  
2 Florida Statutes, is amended to read:

3           1009.66 Nursing Student Loan Forgiveness Program.--  
4           (12) Students receiving a nursing scholarship pursuant  
5 to s. 1009.67 ~~240.4076~~ are not eligible to participate in the  
6 Nursing Student Loan Forgiveness Program.

7  
8           Reviser's note.--Amended to conform to the  
9 repeal of s. 240.4076 by s. 1058, ch. 2002-387,  
10 Laws of Florida, and the enactment of similar  
11 material in s. 1009.67 by s. 450, ch. 2002-387.

12  
13           Section 122. Subsections (1) and (2) of section  
14 1009.74, Florida Statutes, are amended to read:

15           1009.74 The Theodore R. and Vivian M. Johnson  
16 Scholarship Program.--

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

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



1 Reviser's note.--Amended to conform to the  
2 complete name of the fund as provided in s.  
3 1011.94.

4  
5 Section 123. Subsection (2) of section 1010.07,  
6 Florida Statutes, is amended to read:

7 1010.07 Bonds or insurance required.--

8 (2) Contractors paid from school district, community  
9 college, or university funds shall give bond for the faithful  
10 performance of their contracts in such amount and for such  
11 purposes as prescribed by s. 255.05 or by rules of the State  
12 Board of Education relating to the type of contract involved.  
13 It shall be the duty of the district school board, community  
14 college board of trustees, and university board of trustees to  
15 require from construction contractors a bond adequate to  
16 protect the board and the board's funds involved.

17

18 Reviser's note.--Amended to improve clarity and  
19 facilitate correct interpretation.

20

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

23 1011.62 Funds for operation of schools.--If the annual  
24 allocation from the Florida Education Finance Program to each  
25 district for operation of schools is not determined in the  
26 annual appropriations act or the substantive bill implementing  
27 the annual appropriations act, it shall be determined as  
28 follows:

29 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
30 OPERATION.--The following procedure shall be followed in

31

1 determining the annual allocation to each district for  
2 operation:  
3 (i) Calculation of full-time equivalent membership  
4 with respect to instruction from community colleges or state  
5 universities.--Students enrolled in community college or  
6 university dual enrollment instruction pursuant to s. 1007.271  
7 may be included in calculations of full-time equivalent  
8 student memberships for basic programs for grades 9 through 12  
9 by a district school board. Such students may also be  
10 calculated as the proportional shares of full-time equivalent  
11 enrollments they generate for the community college or  
12 university conducting the dual enrollment instruction. Early  
13 admission students shall be considered dual enrollments for  
14 funding purposes. Students may be enrolled in dual enrollment  
15 instruction provided by an eligible independent college or  
16 university and may be included in calculations of full-time  
17 equivalent student memberships for basic programs for grades 9  
18 through 12 by a district school board. However, those  
19 provisions of law which exempt dual enrolled and early  
20 admission students from payment of instructional materials and  
21 tuition and fees, including laboratory fees, shall not apply  
22 to students who select the option of enrolling in an eligible  
23 independent institution. An independent college or university  
24 which is located and chartered in Florida, is not for profit,  
25 is accredited by the Commission on Colleges of the Southern  
26 Association of Colleges and Schools or the Accrediting Council  
27 for Independent Colleges and Schools ~~Accrediting Commission of~~  
28 ~~the Association of Independent Colleges and Schools~~, and which  
29 confers degrees as defined in s. 1005.02 shall be eligible for  
30 inclusion in the dual enrollment or early admission program.  
31 Students enrolled in dual enrollment instruction shall be

1 exempt from the payment of tuition and fees, including  
2 laboratory fees. No student enrolled in college credit  
3 mathematics or English dual enrollment instruction shall be  
4 funded as a dual enrollment unless the student has  
5 successfully completed the relevant section of the entry-level  
6 examination required pursuant to s. 1008.30.

7  
8 Reviser's note.--Amended to improve clarity and  
9 facilitate correct interpretation and to  
10 conform to the correct name of the Accrediting  
11 Council for Independent Colleges and Schools.

12  
13 Section 125. Subsection (1) of section 1011.94,  
14 Florida Statutes, is amended to read:

15 1011.94 Trust Fund for University Major Gifts.--  
16 (1) There is established a Trust Fund for University  
17 Major Gifts. The purpose of the trust fund is to enable each  
18 university and New College to provide donors with an incentive  
19 in the form of matching grants for donations for the  
20 establishment of permanent endowments and sales tax exemption  
21 matching funds received pursuant to s. 212.08(5)(j), which  
22 must be invested, with the proceeds of the investment used to  
23 support libraries and instruction and research programs, as  
24 defined by the State Board of Education. All funds  
25 appropriated for the challenge grants, new donors, major  
26 gifts, sales tax exemption matching funds pursuant to s.  
27 212.08(5)(j), or eminent scholars program must be deposited  
28 into the trust fund and invested pursuant to s. 18.125 until  
29 the State Board of Education allocates the funds to  
30 universities to match private donations. Notwithstanding s.  
31 216.301 and pursuant to s. 216.351, any undisbursed balance

1 remaining in the trust fund and interest income accruing to  
2 the portion of the trust fund which is not matched and  
3 distributed to universities must remain in the trust fund and  
4 be used to increase the total funds available for challenge  
5 grants. Funds deposited in the trust fund for the sales tax  
6 exemption matching program authorized in s. 212.08(5)(j), and  
7 interest earnings thereon, shall be maintained in a separate  
8 account within the Trust Fund for University Major Gifts, and  
9 may be used only to match qualified sales tax exemptions that  
10 a certified business designates for use by state universities  
11 and community colleges to support research and development  
12 projects requested by the certified business. The State Board  
13 of Education may authorize any university to encumber the  
14 state matching portion of a challenge grant from funds  
15 available under s. 1011.45.

16

17 Reviser's note.--Amended to improve clarity,  
18 facilitate correct interpretation, and provide  
19 contextual consistency with the fund name as it  
20 exists elsewhere in this section.

21

22 Section 126. Subsection (1) of section 1012.33,  
23 Florida Statutes, is amended to read:

24 1012.33 Contracts with instructional staff,  
25 supervisors, and school principals.--

26 (1)(a) Each person employed as a member of the  
27 instructional staff in any district school system shall be  
28 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
29 employed pursuant to s. 1012.39 and shall be entitled to and  
30 shall receive a written contract as specified in this section  
31 ~~chapter 230~~. All such contracts, except continuing contracts

1 as specified in subsection (4), shall contain provisions for  
2 dismissal during the term of the contract only for just cause.  
3 Just cause includes, but is not limited to, the following  
4 instances, as defined by rule of the State Board of Education:  
5 misconduct in office, incompetency, gross insubordination,  
6 willful neglect of duty, or conviction of a crime involving  
7 moral turpitude.

8 (b) A supervisor or school principal shall be properly  
9 certified and shall receive a written contract as specified in  
10 this section ~~chapter 1001~~. Such contract may be for an initial  
11 period not to exceed 3 years, subject to annual review and  
12 renewal. The first 97 days of an initial contract is a  
13 probationary period. During the probationary period, the  
14 employee may be dismissed without cause or may resign from the  
15 contractual position without breach of contract. After the  
16 first 3 years, the contract may be renewed for a period not to  
17 exceed 3 years and shall contain provisions for dismissal  
18 during the term of the contract only for just cause, in  
19 addition to such other provisions as are prescribed by the  
20 district school board.

21  
22 Reviser's note.--Amended to improve clarity and  
23 facilitate correct interpretation. Chapter 230  
24 was repealed by s. 1058, ch. 2002-387, Laws of  
25 Florida. Contracts are now provided for in s.  
26 1012.33.

27  
28 Section 127. Paragraphs (b) and (c) of subsection (2)  
29 of section 1012.74, Florida Statutes, are amended to read:  
30 1012.74 Florida educators professional liability  
31 insurance protection.--

1 (2)

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

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

11

12 Reviser's note.--Paragraphs (2)(b) and (c) are  
13 amended to improve clarity and facilitate  
14 correct interpretation. Instructional personnel  
15 are defined in s. 1012.01(2). Administrative  
16 personnel are defined in s. 1012.01(3).

17

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

20 1013.31 Educational plant survey; localized need  
21 assessment; PECO project funding.--

22 (1) At least every 5 years, each board shall arrange  
23 for an educational plant survey, to aid in formulating plans  
24 for housing the educational program and student population,  
25 faculty, administrators, staff, and auxiliary and ancillary  
26 services of the district or campus, including consideration of  
27 the local comprehensive plan. The Office of Workforce and  
28 Economic Development shall document the need for additional  
29 career and adult education programs and the continuation of  
30 existing programs before facility construction or renovation  
31 related to career or adult education may be included in the

1 educational plant survey of a school district or community  
2 college that delivers career or adult education programs.  
3 Information used by the Office of Workforce and Economic  
4 Development to establish facility needs must include, but need  
5 not be limited to, labor market data, needs analysis, and  
6 information submitted by the school district or community  
7 college.

8 (b) Required need assessment criteria for district,  
9 community college, college and state university plant  
10 surveys.--Educational plant surveys must use uniform data  
11 sources and criteria specified in this paragraph. Each revised  
12 educational plant survey and each new educational plant survey  
13 supersedes previous surveys.

14 1. The school district's survey must be submitted as a  
15 part of the district educational facilities plan defined in s.  
16 1013.35 ~~235.185~~. To ensure that the data reported to the  
17 Department of Education as required by this section is  
18 correct, the department shall annually conduct an onsite  
19 review of 5 percent of the facilities reported for each school  
20 district completing a new survey that year. If the  
21 department's review finds the data reported by a district is  
22 less than 95 percent accurate, within 1 year from the time of  
23 notification by the department the district must submit  
24 revised reports correcting its data. If a district fails to  
25 correct its reports, the commissioner may direct that future  
26 fixed capital outlay funds be withheld until such time as the  
27 district has corrected its reports so that they are not less  
28 than 95 percent accurate.

29 2. Each survey of a special facility, joint-use  
30 facility, or cooperative career and technical education  
31 facility must be based on capital outlay full-time equivalent

1 student enrollment data prepared by the department for school  
2 districts, community colleges, colleges, and universities. A  
3 survey of space needs of a joint-use facility shall be based  
4 upon the respective space needs of the school districts,  
5 community colleges, colleges, and universities, as  
6 appropriate. Projections of a school district's facility space  
7 needs may not exceed the norm space and occupant design  
8 criteria established by the State Requirements for Educational  
9 Facilities.

10 3. Each community college's survey must reflect the  
11 capacity of existing facilities as specified in the inventory  
12 maintained by the Department of Education. Projections of  
13 facility space needs must comply with standards for  
14 determining space needs as specified by rule of the State  
15 Board of Education. The 5-year projection of capital outlay  
16 student enrollment must be consistent with the annual report  
17 of capital outlay full-time student enrollment prepared by the  
18 Department of Education.

19 4. Each college and state university's survey must  
20 reflect the capacity of existing facilities as specified in  
21 the inventory maintained and validated by the Division of  
22 Colleges and Universities. Projections of facility space needs  
23 must be consistent with standards for determining space needs  
24 approved by the Division of Colleges and Universities. The  
25 projected capital outlay full-time equivalent student  
26 enrollment must be consistent with the 5-year planned  
27 enrollment cycle for the State University System approved by  
28 the Division of Colleges and Universities.

29 5. The district educational facilities plan of a  
30 school district and the educational plant survey of a  
31 community college, or college or state university may include



1 space needs that deviate from approved standards for  
2 determining space needs if the deviation is justified by the  
3 district or institution and approved by the department, as  
4 necessary for the delivery of an approved educational program.

5  
6 Reviser's note.--Amended to conform to the  
7 repeal of s. 235.185 by s. 1058, ch. 2002-387,  
8 Laws of Florida, and the enactment of similar  
9 material in s. 1013.35 by s. 830, ch. 2002-387.

10  
11 Section 129. Paragraph (c) of subsection (2),  
12 paragraphs (e) and (f) of subsection (3), paragraph (c) of  
13 subsection (4), subsection (5), and paragraph (b) of  
14 subsection (7) of section 1013.33, Florida Statutes, are  
15 amended to read:

16 1013.33 Coordination of planning with local governing  
17 bodies.--

18 (2)

19 (c) If the student population has declined over the  
20 5-year period preceding the due date for submittal of an  
21 interlocal agreement by the local government and the district  
22 school board, the local government and district school board  
23 may petition the state land planning agency for a waiver of  
24 one or more of the requirements of subsection (3). The waiver  
25 must be granted if the procedures called for in subsection (3)  
26 are unnecessary because of the school district's declining  
27 school age population, considering the district's 5-year work  
28 program prepared pursuant to s. 1013.35 ~~235.185~~. The state  
29 land planning agency may modify or revoke the waiver upon a  
30 finding that the conditions upon which the waiver was granted  
31 no longer exist. The district school board and local

1 governments must submit an interlocal agreement within 1 year  
2 after notification by the state land planning agency that the  
3 conditions for a waiver no longer exist.

4 (3) At a minimum, the interlocal agreement must  
5 address the following issues:

6 (e) A process for the school board to inform the local  
7 government regarding school capacity. The capacity reporting  
8 must be consistent with laws and rules regarding measurement  
9 of school facility capacity and must also identify how the  
10 district school board will meet the public school demand based  
11 on the facilities work program adopted pursuant to s. 1013.35  
12 ~~235.185~~.

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

17  
18 A signatory to the interlocal agreement may elect not to  
19 include a provision meeting the requirements of paragraph (e);  
20 however, such a decision may be made only after a public  
21 hearing on such election, which may include the public hearing  
22 in which a district school board or a local government adopts  
23 the interlocal agreement. An interlocal agreement entered into  
24 pursuant to this section must be consistent with the adopted  
25 comprehensive plan and land development regulations of any  
26 local government that is a signatory.

27 (4)

28 (c) If the state land planning agency enters a final  
29 order that finds that the interlocal agreement is inconsistent  
30 with the requirements of subsection (3) or this subsection,  
31 the state land planning agency shall forward it to the

1 Administration Commission, which may impose sanctions against  
2 the local government pursuant to s. 163.3184(11) and may  
3 impose sanctions against the district school board by  
4 directing the Department of Education to withhold an  
5 equivalent amount of funds for school construction available  
6 pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72  
7 ~~235.187, 235.216, 235.2195, and 235.42.~~

8 (5) If an executed interlocal agreement is not timely  
9 submitted to the state land planning agency for review, the  
10 state land planning agency shall, within 15 working days after  
11 the deadline for submittal, issue to the local government and  
12 the district school board a notice to show cause why sanctions  
13 should not be imposed for failure to submit an executed  
14 interlocal agreement by the deadline established by the  
15 agency. The agency shall forward the notice and the responses  
16 to the Administration Commission, which may enter a final  
17 order citing the failure to comply and imposing sanctions  
18 against the local government and district school board by  
19 directing the appropriate agencies to withhold at least 5  
20 percent of state funds pursuant to s. 163.3184(11) and by  
21 directing the Department of Education to withhold from the  
22 district school board at least 5 percent of funds for school  
23 construction available pursuant to ss. 1013.65, 1013.68,  
24 1013.70, and 1013.72 ~~235.187, 235.216, 235.2195, and 235.42.~~

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

29 (b) The district school board's 5-year facilities work  
30 program and the long-term 10-year and 20-year work programs,  
31 as provided in s. 1013.35 ~~235.185~~, demonstrate that no new

1 school facility is needed in the municipality. In addition,  
2 the district school board must verify in writing that no new  
3 school facility will be needed in the municipality within the  
4 5-year and 10-year timeframes.

5  
6 Reviser's note.--Paragraphs (2)(c), (3)(e) and  
7 (f), and (7)(b) are amended to conform to the  
8 repeal of s. 235.185 by s. 1058, ch. 2002-387,  
9 Laws of Florida, and the enactment of similar  
10 material in s. 1013.35 by s. 830, ch. 2002-387.  
11 Paragraph (4)(c) and subsection (5) are amended  
12 to conform to the repeal of ss. 235.187,  
13 235.216, 235.2195, and 235.42 by s. 1058, ch.  
14 2002-387, and the enactment of similar material  
15 in ss. 1013.68, 1013.72, 1013.70, and 1013.65,  
16 respectively, by ss. 865, 869, 867, and 862,  
17 ch. 2002-387, respectively.

18  
19 Section 130. Paragraphs (b) and (f) of subsection (2),  
20 and subsection (3) of section 1013.35, Florida Statutes, are  
21 amended to read:

22 1013.35 School district educational facilities plan;  
23 definitions; preparation, adoption, and amendment; long-term  
24 work programs.--

25 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
26 FACILITIES PLAN.--

27 (b) The plan must also include a financially feasible  
28 district facilities work program for a 5-year period. The work  
29 program must include:

30  
31

1           1. A schedule of major repair and renovation projects  
2 necessary to maintain the educational facilities and ancillary  
3 facilities of the district.

4           2. A schedule of capital outlay projects necessary to  
5 ensure the availability of satisfactory student stations for  
6 the projected student enrollment in K-12 programs. This  
7 schedule shall consider:

8           a. The locations, capacities, and planned utilization  
9 rates of current educational facilities of the district. The  
10 capacity of existing satisfactory facilities, as reported in  
11 the Florida Inventory of School Houses must be compared to the  
12 capital outlay full-time-equivalent student enrollment as  
13 determined by the department, including all enrollment used in  
14 the calculation of the distribution formula in s. 1013.64  
15 ~~235.435(3)~~.

16           b. The proposed locations of planned facilities,  
17 whether those locations are consistent with the comprehensive  
18 plans of all affected local governments, and recommendations  
19 for infrastructure and other improvements to land adjacent to  
20 existing facilities. The provisions of ss. 1013.33(12), (13),  
21 and (14) and 1013.36 ~~235.19 and 235.193(12), (13), and (14)~~  
22 must be addressed for new facilities planned within the first  
23 3 years of the work plan, as appropriate.

24           c. Plans for the use and location of relocatable  
25 facilities, leased facilities, and charter school facilities.

26           d. Plans for multitrack scheduling, grade level  
27 organization, block scheduling, or other alternatives that  
28 reduce the need for additional permanent student stations.

29           e. Information concerning average class size and  
30 utilization rate by grade level within the district which will  
31

1 result if the tentative district facilities work program is  
2 fully implemented.

3 f. The number and percentage of district students  
4 planned to be educated in relocatable facilities during each  
5 year of the tentative district facilities work program. For  
6 determining future needs, student capacity may not be assigned  
7 to any relocatable classroom that is scheduled for elimination  
8 or replacement with a permanent educational facility in the  
9 current year of the adopted district educational facilities  
10 plan and in the district facilities work program adopted under  
11 this section. Those relocatable classrooms clearly identified  
12 and scheduled for replacement in a school-board-adopted,  
13 financially feasible, 5-year district facilities work program  
14 shall be counted at zero capacity at the time the work program  
15 is adopted and approved by the school board. However, if the  
16 district facilities work program is changed and the  
17 relocatable classrooms are not replaced as scheduled in the  
18 work program, the classrooms must be reentered into the system  
19 and be counted at actual capacity. Relocatable classrooms may  
20 not be perpetually added to the work program or continually  
21 extended for purposes of circumventing this section. All  
22 relocatable classrooms not identified and scheduled for  
23 replacement, including those owned, lease-purchased, or leased  
24 by the school district, must be counted at actual student  
25 capacity. The district educational facilities plan must  
26 identify the number of relocatable student stations scheduled  
27 for replacement during the 5-year survey period and the total  
28 dollar amount needed for that replacement.

29 g. Plans for the closure of any school, including  
30 plans for disposition of the facility or usage of facility  
31 space, and anticipated revenues.

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

6           3. The projected cost for each project identified in  
7 the district facilities work program. For proposed projects  
8 for new student stations, a schedule shall be prepared  
9 comparing the planned cost and square footage for each new  
10 student station, by elementary, middle, and high school  
11 levels, to the low, average, and high cost of facilities  
12 constructed throughout the state during the most recent fiscal  
13 year for which data is available from the Department of  
14 Education.

15           4. A schedule of estimated capital outlay revenues  
16 from each currently approved source which is estimated to be  
17 available for expenditure on the projects included in the  
18 district facilities work program.

19           5. A schedule indicating which projects included in  
20 the district facilities work program will be funded from  
21 current revenues projected in subparagraph 4.

22           6. A schedule of options for the generation of  
23 additional revenues by the district for expenditure on  
24 projects identified in the district facilities work program  
25 which are not funded under subparagraph 5. Additional  
26 anticipated revenues may include effort index grants, SIT  
27 Program awards, and Classrooms First funds.

28           (f) Commencing on October 1, 2002, and not less than  
29 once every 5 years thereafter, the district school board shall  
30 contract with a qualified, independent third party to conduct  
31 a financial management and performance audit of the

1 educational planning and construction activities of the  
2 district. An audit conducted by the Office of Program Policy  
3 Analysis and Government Accountability and the Auditor General  
4 pursuant to s. 1008.35 ~~230.23025~~ satisfies this requirement.

5 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL  
6 FACILITIES PLAN TO LOCAL GOVERNMENT.--The district school  
7 board shall submit a copy of its tentative district  
8 educational facilities plan to all affected local governments  
9 prior to adoption by the board. The affected local governments  
10 shall review the tentative district educational facilities  
11 plan and comment to the district school board on the  
12 consistency of the plan with the local comprehensive plan,  
13 whether a comprehensive plan amendment will be necessary for  
14 any proposed educational facility, and whether the local  
15 government supports a necessary comprehensive plan amendment.  
16 If the local government does not support a comprehensive plan  
17 amendment for a proposed educational facility, the matter  
18 shall be resolved pursuant to the interlocal agreement when  
19 required by ss. 163.3177(6)(h), 163.31777, and 1013.33(2)  
20 ~~235.193(2)~~. The process for the submittal and review shall be  
21 detailed in the interlocal agreement when required pursuant to  
22 ss. 163.3177(6)(h), 163.31777, and 1013.33(2) ~~235.193(2)~~.

23  
24 Reviser's note.--Paragraph (2)(b) is amended to  
25 conform to the repeal of ss. 235.435, 235.19,  
26 and 235.193 by s. 1058, ch. 2002-387, Laws of  
27 Florida, and the enactment of similar material  
28 in ss. 1013.64, 1013.36, and 1013.33,  
29 respectively, by ss. 861, 831, and 828, ch.  
30 2002-387, respectively. Paragraph (2)(f) is  
31 amended to conform to the repeal of s.



1           230.23025 by s. 1058, ch. 2002-387, and the  
2           enactment of similar material in s. 1008.35 by  
3           s. 380, ch. 2002-387. Subsection (3) is amended  
4           to conform to the repeal of s. 235.193 by s.  
5           1058, ch. 2002-387, and the enactment of  
6           similar material in s. 1013.33 by s. 828, ch.  
7           2002-387.

8  
9           Section 131. Subsection (2) of section 1013.356,  
10          Florida Statutes, is amended to read:

11           1013.356 Local funding for educational facilities  
12          benefit districts or community development districts.--Upon  
13          confirmation by a district school board of the commitment of  
14          revenues by an educational facilities benefit district or  
15          community development district necessary to construct and  
16          maintain an educational facility contained within an  
17          individual district facilities work program or proposed by an  
18          approved charter school or a charter school applicant, the  
19          following funds shall be provided to the educational  
20          facilities benefit district or community development district  
21          annually, beginning with the next fiscal year after  
22          confirmation until the district's financial obligations are  
23          completed:

24           (2) For construction and capital maintenance costs not  
25          covered by the funds provided under subsection (1), an annual  
26          amount contributed by the district school board equal to  
27          one-half of the remaining costs of construction and capital  
28          maintenance of the educational facility. Any construction  
29          costs above the cost-per-student criteria established for the  
30          SIT Program in s. 1013.72(2)~~235.216(2)~~ shall be funded  
31          exclusively by the educational facilities benefit district or

1 the community development district. Funds contributed by a  
2 district school board shall not be used to fund operational  
3 costs.

4  
5 Educational facilities funded pursuant to this act may be  
6 constructed on land that is owned by any person after the  
7 district school board has acquired from the owner of the land  
8 a long-term lease for the use of this land for a period of not  
9 less than 40 years or the life expectancy of the permanent  
10 facilities constructed thereon, whichever is longer. All  
11 interlocal agreements entered into pursuant to this act shall  
12 provide for ownership of educational facilities funded  
13 pursuant to this act to revert to the district school board if  
14 such facilities cease to be used for public educational  
15 purposes prior to 40 years after construction or prior to the  
16 end of the life expectancy of the educational facilities,  
17 whichever is longer.

18  
19 Reviser's note.--Amended to conform to the  
20 repeal of s. 235.216 by s. 1058, ch. 2002-387,  
21 Laws of Florida, and the enactment of similar  
22 material in s. 1013.72 by s. 869, ch. 2002-387.

23  
24 Section 132. Subsection (6) of section 1013.36,  
25 Florida Statutes, is amended to read:

26 1013.36 Site planning and selection.--

27 (6) If the school board and local government have  
28 entered into an interlocal agreement pursuant to s. 1013.33(2)  
29 ~~235.193(2)~~ and either s. 163.3177(6)(h)4. or s. 163.31777 or  
30 have developed a process to ensure consistency between the  
31 local government comprehensive plan and the school district

1 educational facilities plan, site planning and selection must  
2 be consistent with the interlocal agreements and the plans.

3  
4 Reviser's note.--Amended to conform to the  
5 repeal of s. 235.193 by s. 1058, ch. 2002-387,  
6 Laws of Florida, and the enactment of similar  
7 material in s. 1013.33 by s. 828, ch. 2002-387.

8  
9 Section 133. Subsection (6) of section 1013.68,  
10 Florida Statutes, is amended to read:

11 1013.68 Classrooms First Program; uses.--

12 (6) School districts may enter into interlocal  
13 agreements to lend their Classrooms First Program funds as  
14 provided in paragraph (2)(c). A school district or multiple  
15 school districts that receive cash proceeds may, after  
16 considering their own new construction needs outlined in their  
17 5-year district facilities work program, lend their Classrooms  
18 First Program funds to another school district that has need  
19 for new facilities. The interlocal agreement must be approved  
20 by the Commissioner of Education ~~Secretary of Education~~ and  
21 must outline the amount of the funds to be lent, the term of  
22 the loan, the repayment schedule, and any interest amount to  
23 be repaid in addition to the principal amount of the loan.

24  
25 Reviser's note.--Amended to improve clarity and  
26 facilitate correct interpretation. Florida does  
27 not have a Secretary of Education. Interlocal  
28 agreements are approved by the Commissioner of  
29 Education.