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A reviser's bill to be entitled
 An act relating to the Florida Statutes; amending ss.
 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 63.087,
 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06,
 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042,
 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015,
 311.125, 322.135, 327.395, 339.55, 339.64, 364.604,
 373.145, 373.1963, 373.4592, 376.71, 376.80, 378.034,
 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655,
 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404,
 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563,
 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504,
 430.205, 440.05, 440.491, 440.591, 443.191, 445.003,
 445.009, 455.2177, 455.32, 475.615, 489.146, 497.103,
 497.140, 497.150, 497.152, 497.153, 497.160, 497.166,
 497.167, 497.260, 497.369, 497.453, 497.458, 497.466,
 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251,
 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408,
 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699,
 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50,
 650.05, 655.948, 658.60, 663.02, 663.318, 668.602,
 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021,
 782.081, 784.046, 895.02, 921.0022, 932.706, 943.125,
 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07,
 958.045, 985.404, 1009.765, and 1012.796, F.S.; reenacting
 ss. 110.161, 288.063, 381.0072, 430.04, 446.051, 450.081,
 489.531, 626.112, 718.112, and 721.075, F.S.; and
 repealing ss. 30.17, 202.205, 288.971, 295.184, 373.1995,
 394.498, 570.235, and 627.6685, F.S.; pursuant to s.

HB 1213

2005

30 11.242, F.S.; deleting provisions that have expired, have
 31 become obsolete, have had their effect, have served their
 32 purpose, or have been impliedly repealed or superseded;
 33 replacing incorrect cross-references and citations;
 34 correcting grammatical, typographical, and like errors;
 35 removing inconsistencies, redundancies, and unnecessary
 36 repetition in the statutes; improving the clarity of the
 37 statutes and facilitating their correct interpretation;
 38 and confirming the restoration of provisions
 39 unintentionally omitted from republication in the acts of
 40 the Legislature during the amendatory process; providing
 41 an effective date.

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

44
 45 Section 1. Subsection (1) of section 28.246, Florida
 46 Statutes, is amended to read:

47 28.246 Payment of court-related fees, charges, and costs;
 48 partial payments; distribution of funds.--

49 (1) ~~Beginning July 1, 2003,~~ The clerk of the circuit court
 50 shall report the following information to the Legislature and
 51 the Florida Clerks of Court Operations Corporation ~~Clerk of~~
 52 ~~Court Operations Conference~~ on a form developed by the
 53 Department of Financial Services:

54 (a) The total amount of mandatory fees, service charges,
 55 and costs; the total amount actually assessed; the total amount
 56 discharged, waived, or otherwise not assessed; and the total
 57 amount collected.

58 (b) The amount of discretionary fees, service charges, and

HB 1213

2005

59 costs assessed; the total amount discharged; and the total
60 amount collected.

61 (c) The total amount of mandatory fines and other monetary
62 penalties; the total amount assessed; the total amount
63 discharged, waived, or otherwise not assessed; and the total
64 amount collected.

65 (d) The amount of discretionary fines and other monetary
66 penalties assessed; the amount discharged; and the total amount
67 collected.

68
69 If provided to the clerk of court by the judge, the clerk, in
70 reporting the amount assessed, shall separately identify the
71 amount assessed pursuant to s. 938.30 as community service;
72 assessed by reducing the amount to a judgment or lien; satisfied
73 by time served; or other. The form developed by the Chief
74 Financial Officer shall include separate entries for recording
75 these amounts. The clerk shall submit the report on a ~~quarterly~~
76 ~~basis 30 days after the end of the quarter for the period from~~
77 ~~July 1, 2003, through June 30, 2004, and on an annual basis~~
78 ~~thereafter~~, 60 days after the end of the county fiscal year.

79
80 Reviser's note.--Section 23, ch. 2004-265, Laws of
81 Florida, replaced the Clerk of Court Operations
82 Conference with the Florida Clerks of Court Operations
83 Corporation. Subsection (1) is also amended to delete
84 material that has served its purpose.

85
86 Section 2. Paragraph (a) of subsection (3) of section
87 28.35, Florida Statutes, is amended to read:

HB 1213

2005

88 28.35 Florida Clerks of Court Operations Corporation.--
 89 (3)(a) The Clerks of Court Operations Corporation shall
 90 certify to the President of the Senate, the Speaker of the House
 91 of Representatives, the Chief Financial Officer, and the
 92 Department of Revenue by October 15 of each year, the amount of
 93 the proposed budget certified for each clerk; the revenue
 94 projection supporting each clerk's budget; each clerk eligible
 95 to retain some or all of the state's share of fines, fees,
 96 service charges, and costs; the amount to be paid to each clerk
 97 from the Clerks of the Court Trust Fund within the Department of
 98 Revenue; the performance measures and standards approved by the
 99 corporation ~~conference~~ for each clerk; and the performance of
 100 each clerk in meeting the performance standards.

101
 102 Reviser's note.--Section 23, ch. 2004-265, Laws of
 103 Florida, replaced the Clerk of Court Operations
 104 Conference with the Florida Clerks of Court Operations
 105 Corporation.

106
 107 Section 3. Paragraph (a) of subsection (3) of section
 108 28.36, Florida Statutes, is amended to read:

109 28.36 Budget procedure.--There is hereby established a
 110 budget procedure for the court-related functions of the clerks
 111 of the court.

112 (3) Each proposed budget shall further conform to the
 113 following requirements:

114 (a) On or before August 1 for each fiscal year thereafter,
 115 the proposed budget shall be prepared, summarized, and submitted
 116 by the clerk in each county to the Clerks of Court Operations

HB 1213

2005

117 Corporation in the manner and form prescribed by the corporation
 118 ~~conference~~. The proposed budget must provide detailed
 119 information on the anticipated revenues available and
 120 expenditures necessary for the performance of the standard list
 121 of court-related functions of the clerk's office developed
 122 pursuant to s. 28.35(4)(a) for the county fiscal year beginning
 123 the following October 1.

124
 125 Reviser's note.--Section 23, ch. 2004-265, Laws of
 126 Florida, replaced the Clerk of Court Operations
 127 Conference with the Florida Clerks of Court Operations
 128 Corporation.

129
 130 Section 4. Section 29.21, Florida Statutes, is amended to
 131 read:

132 29.21 Department of Management Services to provide
 133 assistance in procuring services.--In accordance with s.
 134 287.042, the Department of Management Services ~~department~~ may
 135 assist the Office of the State Courts Administrator and the
 136 Justice Administrative Commission with competitive solicitations
 137 for the procurement of state-funded services under this chapter.
 138 This may include assistance in the development and review of
 139 proposals in compliance with chapter 287, and rules adopted
 140 under that chapter.

141
 142 Reviser's note.--Amended to improve clarity and
 143 facilitate correct interpretation. The language of
 144 this section is derived from subsection (2) of s. 99,
 145 ch. 2004-265, Laws of Florida. Subsection (1) of s.

HB 1213

2005

146 99, ch. 2004-265, provides for certain time-limited
 147 duties of the Department of Management Services.

148
 149 Section 5. Section 30.17, Florida Statutes, is repealed.

150
 151 Reviser's note.--This section, which relates to
 152 docketing newly delivered writs of executions, until
 153 October 1, 2001, has served its purpose. The docket of
 154 executions was only required to be maintained until
 155 October 1, 2003.

156
 157 Section 6. Section 34.191, Florida Statutes, is amended to
 158 read:

159 34.191 Fines and forfeitures; dispositions.--All fines and
 160 forfeitures arising from offenses tried in the county court
 161 shall be collected and accounted for by the clerk of the court
 162 and, other than the charge provided in s. 318.1215, disbursed in
 163 accordance with ss. 28.2402, 34.045, 142.01, and 142.03 ~~142.13~~
 164 and subject to the provisions of s. 28.246(5) and (6).

165 Notwithstanding the provisions of this section, all fines and
 166 forfeitures arising from operation of the provisions of s.
 167 318.1215 shall be disbursed in accordance with that section. All
 168 fines and forfeitures received from violations of municipal
 169 ordinances committed within a municipality within the
 170 territorial jurisdiction of the county court, other than the
 171 charge provided in s. 318.1215, shall be paid monthly to the
 172 municipality except as provided in s. 28.2402(2), s. 34.045(2),
 173 s. 318.21, or s. 943.25. All other fines and forfeitures
 174 collected by the clerk, other than the charge provided in s.

HB 1213

2005

175 318.1215, shall be considered income of the office of the clerk
 176 for use in performing court-related duties of the office.

177

178 Reviser's note.--Amended to conform to the repeal of
 179 s. 142.13 by s. 101, ch. 2004-265, Laws of Florida.

180 Section 142.03 relates to disposition of fines,
 181 forfeitures, and civil penalties to municipalities.

182

183 Section 7. Paragraph (c) of subsection (2) and paragraph
 184 (a) of subsection (9) of section 39.701, Florida Statutes, are
 185 amended to read:

186 39.701 Judicial review.--

187 (2)

188 (c) Notice of a hearing by a citizen review panel must be
 189 provided as set forth in subsection (5). At the conclusion of a
 190 citizen review panel hearing, each party may propose a
 191 recommended order to the chairperson of the panel. Thereafter,
 192 the citizen review panel shall submit its report, copies of the
 193 proposed recommended orders, and a copy of the panel's
 194 recommended order to the court. The citizen review panel's
 195 recommended order must be limited to the dispositional options
 196 available to the court in subsection (9)~~(8)~~. Each party may file
 197 exceptions to the report and recommended order of the citizen
 198 review panel in accordance with Rule 1.490, Florida Rules of
 199 Civil Procedure.

200 (9)(a) Based upon the criteria set forth in subsection
 201 (8)~~(7)~~ and the recommended order of the citizen review panel, if
 202 any, the court shall determine whether or not the social service
 203 agency shall initiate proceedings to have a child declared a

HB 1213

2005

204 dependent child, return the child to the parent, continue the
 205 child in out-of-home care for a specified period of time, or
 206 initiate termination of parental rights proceedings for
 207 subsequent placement in an adoptive home. Modifications to the
 208 plan must be handled as prescribed in s. 39.601. If the court
 209 finds that the prevention or reunification efforts of the
 210 department will allow the child to remain safely at home or be
 211 safely returned to the home, the court shall allow the child to
 212 remain in or return to the home after making a specific finding
 213 of fact that the reasons for the creation of the case plan have
 214 been remedied to the extent that the child's safety, well-being,
 215 and physical, mental, and emotional health will not be
 216 endangered.

217
 218 Reviser's note.--Amended to conform to the
 219 redesignation of s. 39.701(8) as s. 39.701(9) and the
 220 redesignation of s. 39.701(7) as s. 39.701(8) by s. 2,
 221 ch. 2004-362, Laws of Florida.

222
 223 Section 8. Paragraph (e) of subsection (4) of section
 224 63.087, Florida Statutes, is amended to read:

225 63.087 Proceeding to terminate parental rights pending
 226 adoption; general provisions.--

227 (4) PETITION.--

228 (e) The petition must include:

- 229 1. The minor's name, gender, date of birth, and place of
 230 birth. The petition must contain all names by which the minor is
 231 or has been known, excluding the minor's prospective adoptive
 232 name but including the minor's legal name at the time of the

HB 1213

2005

233 filing of the petition. In the case of an infant child whose
 234 adoptive name appears on the original birth certificate, the
 235 adoptive name shall not be included in the petition, nor shall
 236 it be included elsewhere in the termination of parental rights
 237 proceeding.

238 2. All information required by the Uniform Child Custody
 239 Jurisdiction and Enforcement Act and the Indian Child Welfare
 240 Act.

241 3. A statement of the grounds under s. 63.089 upon which
 242 the petition is based.

243 4. The name, address, and telephone number of any adoption
 244 entity seeking to place the minor for adoption.

245 5. The name, address, and telephone number of the division
 246 of the circuit court in which the petition is to be filed.

247 6. A certification of compliance with the requirements of
 248 s. 63.0425 regarding notice to grandparents of an impending
 249 adoption.

250
 251 Reviser's note.--Amended to conform to the repeal and
 252 replacement of the Uniform Child Custody Jurisdiction
 253 Act with the Uniform Child Custody Jurisdiction and
 254 Enforcement Act by chapter 2002-65, Laws of Florida.

255
 256 Section 9. Subsection (2) of section 63.102, Florida
 257 Statutes, is amended to read:

258 63.102 Filing of petition for adoption or declaratory
 259 statement; venue; proceeding for approval of fees and costs.--

260 (2) VENUE.--A petition for adoption or for a declaratory
 261 statement as to the adoption contract shall be filed in the

HB 1213

2005

262 county where the petition for termination of parental rights was
 263 granted, unless the court, in accordance with s. 47.122, changes
 264 the venue to the county where the petitioner or petitioners or
 265 the minor resides or where the adoption entity with which the
 266 minor has been placed is located. The circuit court in this
 267 state must retain jurisdiction over the matter until a final
 268 judgment is entered on the adoption. The Uniform Child Custody
 269 Jurisdiction and Enforcement Act does not apply until a final
 270 judgment is entered on the adoption.

271
 272 Reviser's note.--Amended to conform to the repeal and
 273 replacement of the Uniform Child Custody Jurisdiction
 274 Act with the Uniform Child Custody Jurisdiction and
 275 Enforcement Act by chapter 2002-65, Laws of Florida.

276
 277 Section 10. Subsection (13) of section 70.20, Florida
 278 Statutes, is repealed.

279
 280 Reviser's note.--Repealed to delete obsolete language
 281 relating to a study of the value of offsite signs in
 282 relation to the valuation of commercial properties for
 283 ad valorem tax purposes. The Office of Program Policy
 284 Analysis and Government Accountability was to have
 285 completed the study by December 31, 2002.

286
 287 Section 11. Subsection (3) of section 101.161, Florida
 288 Statutes, is amended to read:

289 101.161 Referenda; ballots.--
 290 (3)(a) ~~The ballot for the general election in the year~~

HB 1213

2005

291 ~~2000 must contain a statement allowing voters to determine~~
 292 ~~whether circuit or county court judges will be selected by merit~~
 293 ~~selection and retention as provided in s. 10, Art. V of the~~
 294 ~~State Constitution. The ballot in each circuit must contain the~~
 295 ~~statement in paragraph (c). The ballot in each county must~~
 296 ~~contain the statement in paragraph (c).~~

297 (a)~~(b)~~ For any general election in which the Secretary of
 298 State, for any circuit, or the supervisor of elections, for any
 299 county, has certified the ballot position for an initiative to
 300 change the method of selection of judges, the ballot for any
 301 circuit must contain the statement in paragraph (b)~~(e)~~ or
 302 paragraph (c)~~(d)~~ and the ballot for any county must contain the
 303 statement in paragraph (d)~~(e)~~ or paragraph (e)~~(f)~~.

304 (b)~~(e)~~ In any circuit where the initiative is to change
 305 the selection of circuit court judges to selection by merit
 306 selection and retention, the ballot shall state: "Shall the
 307 method of selecting circuit court judges in the (number of the
 308 circuit) judicial circuit be changed from election by a vote of
 309 the people to selection by the judicial nominating commission
 310 and appointment by the Governor with subsequent terms determined
 311 by a retention vote of the people?" This statement must be
 312 followed by the word "yes" and also by the word "no."

313 (c)~~(d)~~ In any circuit where the initiative is to change
 314 the selection of circuit court judges to election by the voters,
 315 the ballot shall state: "Shall the method of selecting circuit
 316 court judges in the (number of the circuit) judicial circuit be
 317 changed from selection by the judicial nominating commission and
 318 appointment by the Governor with subsequent terms determined by
 319 a retention vote of the people to election by a vote of the

HB 1213

2005

320 people?" This statement must be followed by the word "yes" and
 321 also by the word "no."

322 (d)~~(e)~~ In any county where the initiative is to change the
 323 selection of county court judges to merit selection and
 324 retention, the ballot shall state: "Shall the method of
 325 selecting county court judges in ...(name of county)... be
 326 changed from election by a vote of the people to selection by
 327 the judicial nominating commission and appointment by the
 328 Governor with subsequent terms determined by a retention vote of
 329 the people?" This statement must be followed by the word "yes"
 330 and also by the word "no."

331 (e)~~(f)~~ In any county where the initiative is to change the
 332 selection of county court judges to election by the voters, the
 333 ballot shall state: "Shall the method of selecting county court
 334 judges in ...(name of the county)... be changed from selection
 335 by the judicial nominating commission and appointment by the
 336 Governor with subsequent terms determined by a retention vote of
 337 the people to election by a vote of the people?" This statement
 338 must be followed by the word "yes" and also by the word "no."
 339

340 Reviser's note.--Amended to delete obsolete language
 341 relating to the ballot for the general election in the
 342 year 2000.

343
 344 Section 12. Subsection (3) of section 110.161, Florida
 345 Statutes, is reenacted to read:

346 110.161 State employees; pretax benefits program.--

347 (3) It is found and declared that the maintenance of a
 348 system of personnel management which ensures the state the

HB 1213

2005

349 delivery of high-quality performance by employees is facilitated
 350 by the state's ability to attract and retain qualified
 351 personnel. The Legislature recognizes that the public interest
 352 is best served by development of a benefits program which is not
 353 only cost-efficient but sufficiently flexible to meet the
 354 individual needs of its employees.

355
 356 Reviser's note.--Section 6, ch. 2004-347, Laws of
 357 Florida, purported to amend subsections (2) and (3)
 358 but actually amended subsections (2) and (7), failing
 359 to publish subsection (3). Absent affirmative evidence
 360 that the Legislature intended to repeal it, subsection
 361 (3) is reenacted to confirm that the omission was not
 362 intended.

363
 364 Section 13. Paragraph (b) of subsection (2) of section
 365 112.08, Florida Statutes, is amended to read:

366 112.08 Group insurance for public officers, employees, and
 367 certain volunteers; physical examinations.--

368 (2)

369 (b) In order to obtain approval from the Office of
 370 Insurance Regulation of any self-insured plan for health,
 371 accident, and hospitalization coverage, each local governmental
 372 unit or consortium shall submit its plan along with a
 373 certification as to the actuarial soundness of the plan, which
 374 certification is prepared by an actuary who is a member of the
 375 Society of Actuaries or the American Academy of Actuaries. The
 376 Office of Insurance Regulation shall not approve the plan unless
 377 it determines that the plan is designed to provide sufficient

HB 1213

2005

378 revenues to pay current and future liabilities, as determined
 379 according to generally accepted actuarial principles. After
 380 implementation of an approved plan, each local governmental unit
 381 or consortium shall annually submit to the Office of Insurance
 382 Regulation a report which includes a statement prepared by an
 383 actuary who is a member of the Society of Actuaries or the
 384 American Academy of Actuaries as to the actuarial soundness of
 385 the plan. The report is due 90 days after the close of the
 386 fiscal year of the plan. The report shall consist of, but is not
 387 limited to:

388 1. The adequacy of contribution rates in meeting the level
 389 of benefits provided and the changes, if any, needed in the
 390 contribution rates to achieve or preserve a level of funding
 391 deemed adequate to enable payment of the benefit amounts
 392 provided under the plan and a valuation of present assets, based
 393 on statement value, and prospective assets and liabilities of
 394 the plan and the extent of any unfunded accrued liabilities.

395 2. A plan to amortize any unfunded liabilities and a
 396 description of actions taken to reduce unfunded liabilities.

397 3. A description and explanation of actuarial assumptions.

398 4. A schedule illustrating the amortization of any
 399 unfunded liabilities.

400 5. A comparative review illustrating the level of funds
 401 available to the plan from rates, investment income, and other
 402 sources realized over the period covered by the report with the
 403 assumptions used.

404 6. A statement by the actuary that the report is complete
 405 and accurate and that in the actuary's opinion the techniques
 406 and assumptions used are reasonable and meet the requirements

HB 1213

2005

407 and intent of this subsection.

408 7. Other factors or statements as required by the office
 409 ~~Department of Insurance~~ in order to determine the actuarial
 410 soundness of the plan.

411
 412 All assumptions used in the report shall be based on recognized
 413 actuarial principles acceptable to the Office of Insurance
 414 Regulation. The office shall review the report and shall notify
 415 the administrator of the plan and each entity participating in
 416 the plan, as identified by the administrator, of any actuarial
 417 deficiencies. Each local governmental unit is responsible for
 418 payment of valid claims of its employees that are not paid
 419 within 60 days after receipt by the plan administrator or
 420 consortium.

421
 422 Reviser's note.--Amended to conform to the transfer of
 423 certain functions of the Department of Insurance to
 424 the Office of Insurance Regulation of the Department
 425 of Financial Services by ch. 2002-404, Laws of
 426 Florida.

427
 428 Section 14. Subsection (2) of section 112.63, Florida
 429 Statutes, is amended to read:

430 112.63 Actuarial reports and statements of actuarial
 431 impact; review.--

432 (2) The frequency of actuarial reports must be at least
 433 every 3 years commencing from the last actuarial report of the
 434 plan or system or October 1, 1980, if no actuarial report has
 435 been issued within the 3-year period prior to October 1, 1979.

HB 1213

2005

436 The results of each actuarial report shall be filed with the
 437 plan administrator within 60 days of certification. Thereafter,
 438 the results of each actuarial report shall be made available for
 439 inspection upon request. Additionally, each retirement system or
 440 plan covered by this act which is not administered directly by
 441 the Department of Management Services shall furnish a copy of
 442 each actuarial report to the Department of Management Services
 443 within 60 days after receipt from the actuary. The requirements
 444 of this section are supplemental to actuarial valuations
 445 necessary to comply with the requirements of s. ss. 218.321 and
 446 218.39.

447

448 Reviser's note.--Amended to conform to the repeal of
 449 s. 218.321 by s. 27, ch. 2004-305, Laws of Florida.

450

451 Section 15. Paragraph (a) of subsection (2) and subsection
 452 (3) of section 120.536, Florida Statutes, are repealed, and
 453 paragraph (b) of subsection (2) of that section is amended to
 454 read:

455 120.536 Rulemaking authority; listing of rules exceeding
 456 authority; repeal; challenge.--

457 (2)

458 ~~(b) By October 1, 1999, each agency shall provide to the~~
 459 ~~Administrative Procedures Committee a listing of each rule, or~~
 460 ~~portion thereof, adopted by that agency before June 18, 1999,~~
 461 ~~which exceeds the rulemaking authority permitted by this~~
 462 ~~section. For those rules of which only a portion exceeds the~~
 463 ~~rulemaking authority permitted by this section, the agency shall~~
 464 ~~also identify the language of the rule which exceeds this~~

HB 1213

2005

465 ~~authority. The Administrative Procedures Committee shall~~
 466 ~~combine the lists and provide the cumulative listing to the~~
 467 ~~President of the Senate and the Speaker of the House of~~
 468 ~~Representatives. The Legislature shall, at the 2000 Regular~~
 469 ~~Session, consider whether specific legislation authorizing the~~
 470 ~~identified rules, or portions thereof, should be enacted. By~~
 471 ~~January 1, 2001, each agency shall initiate proceedings pursuant~~
 472 ~~to s. 120.54 to repeal each rule, or portion thereof, identified~~
 473 ~~as exceeding the rulemaking authority permitted by this section~~
 474 ~~for which authorizing legislation does not exist. By February 1,~~
 475 ~~2001, the Administrative Procedures Committee shall submit to~~
 476 ~~the President of the Senate and the Speaker of the House of~~
 477 ~~Representatives a report identifying those rules that an agency~~
 478 ~~had previously identified as exceeding the rulemaking authority~~
 479 ~~permitted by this section for which proceedings to repeal the~~
 480 ~~rule have not been initiated. As of July 1, 2001, The~~
 481 ~~Administrative Procedures Committee or any substantially~~
 482 ~~affected person may petition an agency to repeal any rule, or~~
 483 ~~portion thereof, because it exceeds the rulemaking authority~~
 484 ~~permitted by this section. Not later than 30 days after the~~
 485 ~~date of filing the petition if the agency is headed by an~~
 486 ~~individual, or not later than 45 days if the agency is headed by~~
 487 ~~a collegial body, the agency shall initiate rulemaking~~
 488 ~~proceedings to repeal the rule, or portion thereof, or deny the~~
 489 ~~petition, giving a written statement of its reasons for the~~
 490 ~~denial.~~

491
 492 Reviser's note.--Amended to delete provisions that
 493 have served their purpose. Paragraph (2)(a) related to

HB 1213

2005

494 a review of all rules adopted prior to October 1,
 495 1996. Subsection (3) related to challenges to certain
 496 rules during the rule review process.

497
 498 Section 16. Section 202.205, Florida Statutes, is
 499 repealed.

500
 501 Reviser's note.--Repealed to delete obsolete language
 502 relating to transitional rates for local
 503 communications services.

504
 505 Section 17. Subsection (2) of section 211.06, Florida
 506 Statutes, is repealed.

507
 508 Reviser's note.--Repealed to delete an obsolete
 509 provision. This provision governs distributions for
 510 proceeds remaining in the Oil and Gas Tax Trust Fund
 511 through June 30, 1995.

512
 513 Section 18. Subparagraph 8. of paragraph (j) of subsection
 514 (4) of section 215.20, Florida Statutes, is repealed.

515
 516 Reviser's note.--Repealed to conform to the
 517 termination of the Forfeited Property Trust Fund by s.
 518 1, ch. 2004-234, Laws of Florida, and the transfer of
 519 current balances and revenues to the Internal
 520 Improvement Trust Fund. The Internal Improvement Trust
 521 Fund is already included in the list of funds under
 522 the Department of Environmental Protection in

HB 1213

2005

523 paragraph (4)(j).

524

525 Section 19. Paragraph (b) of subsection (6) of section
526 215.555, Florida Statutes, is amended to read:

527 215.555 Florida Hurricane Catastrophe Fund.--

528 (6) REVENUE BONDS.--

529 (b) Emergency assessments.--

530 1. If the board determines that the amount of revenue
531 produced under subsection (5) is insufficient to fund the
532 obligations, costs, and expenses of the fund and the
533 corporation, including repayment of revenue bonds and that
534 portion of the debt service coverage not met by reimbursement
535 premiums, the board shall direct the Office of Insurance
536 Regulation to levy, by order, an emergency assessment on direct
537 premiums for all property and casualty lines of business in this
538 state, including property and casualty business of surplus lines
539 insurers regulated under part VIII of chapter 626, but not
540 including any workers' compensation premiums or medical
541 malpractice premiums. As used in this subsection, the term
542 "property and casualty business" includes all lines of business
543 identified on Form 2, Exhibit of Premiums and Losses, in the
544 annual statement required of authorized insurers by s. 624.424
545 and any rule adopted under this section, except for those lines
546 identified as accident and health insurance and except for
547 policies written under the National Flood Insurance Program. The
548 assessment shall be specified as a percentage of future premium
549 collections and is subject to annual adjustments by the board to
550 reflect changes in premiums subject to assessments collected
551 under this subparagraph in order to meet debt obligations. The

HB 1213

2005

552 same percentage shall apply to all policies in lines of business
 553 subject to the assessment issued or renewed during the 12-month
 554 period beginning on the effective date of the assessment.

555 2. A premium is not subject to an annual assessment under
 556 this paragraph in excess of 6 percent of premium with respect to
 557 obligations arising out of losses attributable to any one
 558 contract year, and a premium is not subject to an aggregate
 559 annual assessment under this paragraph in excess of 10 percent
 560 of premium. An annual assessment under this paragraph shall
 561 continue until the revenue bonds issued with respect to which
 562 the assessment was imposed are outstanding, including any bonds
 563 the proceeds of which were used to refund the revenue bonds,
 564 unless adequate provision has been made for the payment of the
 565 bonds under the documents authorizing issuance of the bonds.

566 3. With respect to each insurer collecting premiums that
 567 are subject to the assessment, the insurer shall collect the
 568 assessment at the same time as it collects the premium payment
 569 for each policy and shall remit the assessment collected to the
 570 fund or corporation as provided in the order issued by the
 571 Office of Insurance Regulation. The office shall verify the
 572 accurate and timely collection and remittance of emergency
 573 assessments and shall report the information to the board in a
 574 form and at a time specified by the board. Each insurer
 575 collecting assessments shall provide the information with
 576 respect to premiums and collections as may be required by the
 577 office to enable the office to monitor and verify compliance
 578 with this paragraph.

579 4. With respect to assessments of surplus lines premiums,
 580 each surplus lines agent shall collect the assessment at the

HB 1213

2005

581 same time as the agent collects the surplus lines tax required
 582 by s. 626.932, and the surplus lines agent shall remit the
 583 assessment to the Florida Surplus Lines Service Office created
 584 by s. 626.921 at the same time as the agent remits the surplus
 585 lines tax to the Florida Surplus Lines Service Office. The
 586 emergency assessment on each insured procuring coverage and
 587 filing under s. 626.938 shall be remitted by the insured to the
 588 Florida Surplus Lines Service Office at the time the insured
 589 pays the surplus lines tax to the Florida Surplus Lines Service
 590 Office. The Florida Surplus Lines Service Office shall remit the
 591 collected assessments to the fund or corporation as provided in
 592 the order levied by the Office of Insurance Regulation. The
 593 Florida Surplus Lines Service Office shall verify the proper
 594 application of such emergency assessments and shall assist the
 595 board in ensuring the accurate and timely collection and
 596 remittance of assessments as required by the board. The Florida
 597 Surplus Lines Service Office shall annually calculate the
 598 aggregate written premium on property and casualty business,
 599 other than workers' compensation and medical malpractice,
 600 procured through surplus lines agents and insureds procuring
 601 coverage and filing under s. 626.938 and shall report the
 602 information to the board in a form and at a time specified by
 603 the board.

604 5. Any assessment authority not used for a particular
 605 contract year may be used for a subsequent contract year. If,
 606 for a subsequent contract year, the board determines that the
 607 amount of revenue produced under subsection (5) is insufficient
 608 to fund the obligations, costs, and expenses of the fund and the
 609 corporation, including repayment of revenue bonds and that

HB 1213

2005

610 portion of the debt service coverage not met by reimbursement
 611 premiums, the board shall direct the Office of Insurance
 612 Regulation to levy an emergency assessment up to an amount not
 613 exceeding the amount of unused assessment authority from a
 614 previous contract year or years, plus an additional 4 percent
 615 provided that the assessments in the aggregate do not exceed the
 616 limits specified in subparagraph 2.

617 6. The assessments otherwise payable to the corporation
 618 under this paragraph shall be paid to the fund unless and until
 619 the Office of Insurance Regulation and the Florida Surplus Lines
 620 Service Office have received from the corporation and the fund a
 621 notice, which shall be conclusive and upon which they may rely
 622 without further inquiry, that the corporation has issued bonds
 623 and the fund has no agreements in effect with local governments
 624 under paragraph (c). On or after the date of the notice and
 625 until the date the corporation has no bonds outstanding, the
 626 fund shall have no right, title, or interest in or to the
 627 assessments, except as provided in the fund's agreement with the
 628 corporation.

629 7. Emergency assessments are not premium and are not
 630 subject to the premium tax, to the surplus lines tax, to any
 631 fees, or to any commissions. An insurer is liable for all
 632 assessments that it collects and must treat the failure of an
 633 insured to pay an assessment as a failure to pay the premium. An
 634 insurer is not liable for uncollectible assessments.

635 8. When an insurer is required to return an unearned
 636 premium, it shall also return any collected assessment
 637 attributable to the unearned premium. A credit adjustment to the
 638 collected assessment may be made by the insurer with regard to

HB 1213

2005

639 future remittances that are payable to the fund or corporation,
 640 but the insurer is not entitled to a refund.

641 9. When a surplus lines insured or an insured who has
 642 procured coverage and filed under s. 626.938 is entitled to the
 643 return of an unearned premium, the Florida Surplus Lines Service
 644 Office shall provide a credit or refund to the agent or such
 645 insured for the collected assessment attributable to the
 646 unearned premium prior to remitting the emergency assessment
 647 collected to the fund or corporation.

648 10. The exemption of medical malpractice insurance
 649 premiums from emergency assessments under this paragraph is
 650 repealed May 31, 2007, and medical malpractice insurance
 651 premiums shall be subject to emergency assessments attributable
 652 to loss events occurring in the contract years commencing on
 653 June 1, 2007.

654
 655 Reviser's note.--Amended to conform to the correct
 656 name of the Florida Surplus Lines Service Office as
 657 referenced elsewhere in that paragraph.

658
 659 Section 20. Subsection (5) of section 216.023, Florida
 660 Statutes, is amended to read:

661 216.023 Legislative budget requests to be furnished to
 662 Legislature by agencies.--

663 (5) At the time specified in the legislative budget
 664 instructions and in sufficient time to be included in the
 665 Governor's recommended budget, the judicial branch is required
 666 to submit a performance-based program budget request. The Chief
 667 Justice of the Supreme Court shall identify and, after

HB 1213

2005

668 consultation with the Office of Program Policy Analysis and
 669 Government Accountability, submit to the President of the Senate
 670 and the Speaker of the House of Representatives a list of
 671 proposed programs and associated performance measures. The
 672 judicial branch shall provide documentation to accompany the
 673 list of proposed programs and performance measures as provided
 674 under subsection (4). The judicial branch shall submit a
 675 performance-based program agency budget request using the
 676 programs and performance measures adopted by the Legislature.
 677 The Chief Justice may propose revisions to approved programs or
 678 performance measures for the judicial branch. The Legislature
 679 shall have final approval of all programs and associated
 680 performance measures and standards for the judicial branch
 681 through the General Appropriations Act or legislation
 682 implementing the General Appropriations Act. ~~By September 15,~~
 683 ~~2001, the Chief Justice of the Supreme Court shall submit to the~~
 684 ~~President of the Senate and the Speaker of the House of~~
 685 ~~Representatives a performance-based program budget request for~~
 686 ~~programs of the judicial branch approved by the Legislature and~~
 687 ~~provide a copy to the Executive Office of the Governor.~~

688
 689 Reviser's note.--Amended to delete a provision that
 690 has served its purpose.

691
 692 Section 21. Section 220.1895, Florida Statutes, is amended
 693 to read:

694 220.1895 Rural Job Tax Credit and Urban High-Crime Area
 695 Job Tax Credit.--There shall be allowed a credit against the tax
 696 imposed by this chapter amounts approved by the Office of

HB 1213

2005

697 Tourism, Trade, and Economic Development pursuant to the Rural
 698 Job Tax Credit Program in s. 212.098 and the Urban High-Crime
 699 Area Job Tax Credit Program in s. 212.097. A corporation that
 700 uses its credit against the tax imposed by this chapter may not
 701 take the credit against the tax imposed by chapter 212. If any
 702 credit granted under this section is not fully used in the first
 703 year for which it becomes available, the unused amount may be
 704 carried forward for a period not to exceed 5 years. The
 705 carryover may be used in a subsequent year when the tax imposed
 706 by this chapter for such year exceeds the credit for such year
 707 under this section after applying the other credits and unused
 708 credit carryovers in the order provided in s. 220.02(8). ~~The~~
 709 ~~Office of Tourism, Trade, and Economic Development shall conduct~~
 710 ~~a review of the Urban High-Crime Area Job Tax Credit and the~~
 711 ~~Rural Job Tax Credit Program and submit its report to the~~
 712 ~~Governor, the President of the Senate, and the Speaker of the~~
 713 ~~House of Representatives by February 1, 2000.~~

714
 715 Reviser's note.--Amended to delete a provision that
 716 has served its purpose.

717
 718 Section 22. Paragraph (d) of subsection (1) of section
 719 280.16, Florida Statutes, is amended to read:

720 280.16 Requirements of qualified public depositories;
 721 confidentiality.--

722 (1) In addition to any other requirements specified in
 723 this chapter, qualified public depositories shall:

724 (d) Submit to the Chief Financial Officer annually, not
 725 later than November 30, a report of all public deposits held for

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

HB 1213

2005

726 the credit of all public depositors at the close of business on
 727 September 30. Such annual report shall consist of public deposit
 728 information in a report format prescribed by the Chief Financial
 729 Officer. The manner of required filing may be as a signed
 730 writing or electronic data transmission, at the discretion of
 731 the Chief Financial Officer ~~Treasurer~~.

732
 733 Reviser's note.--Amended to conform to the
 734 redesignation of the Treasurer as the Chief Financial
 735 Officer by ch. 2002-404, Laws of Florida.

736
 737 Section 23. Paragraph (b) of subsection (3) of section
 738 287.042, Florida Statutes, is amended to read:

739 287.042 Powers, duties, and functions.--The department
 740 shall have the following powers, duties, and functions:

741 (3) To establish a system of coordinated, uniform
 742 procurement policies, procedures, and practices to be used by
 743 agencies in acquiring commodities and contractual services,
 744 which shall include, but not be limited to:

745 (b)1. Development of procedures for advertising
 746 solicitations. These procedures must provide for electronic
 747 posting of solicitations for at least 10 days before the date
 748 set for receipt of bids, proposals, or replies, unless the
 749 department or other agency determines in writing that a shorter
 750 period of time is necessary to avoid harming the interests of
 751 the state. The Office of Supplier Diversity may consult with the
 752 department regarding the development of solicitation
 753 distribution procedures to ensure that maximum distribution is
 754 afforded to certified minority business enterprises as defined

HB 1213

2005

755 in s. 288.703.

756 2. Development of procedures for electronic posting. The
 757 department shall designate a centralized website on the Internet
 758 for the department and other agencies to electronically post
 759 solicitations, decisions or intended decisions, and other
 760 matters relating to procurement. ~~From July 1, 2002, until July~~
 761 ~~1, 2003, the department shall publish a notice in each edition~~
 762 ~~of the Florida Administrative Weekly which indicates the~~
 763 ~~specific URL or Internet address for the centralized website.~~

764

765 Reviser's note.--Amended to delete a provision that
 766 has served its purpose.

767

768 Section 24. Subsection (5) of section 287.17, Florida
 769 Statutes, is repealed.

770

771 Reviser's note.--Repealed to delete an obsolete
 772 provision. The required reviews of motor vehicle use
 773 were to be conducted by December 31, 2000.

774

775 Section 25. Subsection (10) of section 288.063, Florida
 776 Statutes, is reenacted to read:

777 288.063 Contracts for transportation projects.--

778 (10) In addition to the other provisions of this section,
 779 projects that the Legislature deems necessary to facilitate the
 780 economic development and growth of the state may be designated
 781 and funded in the General Appropriations Act. Such
 782 transportation projects create new employment opportunities,
 783 expand transportation infrastructure, improve mobility, or

HB 1213

2005

784 increase transportation innovation. The Office of Tourism,
 785 Trade, and Economic Development shall enter into contracts with,
 786 and make expenditures to, the appropriate entities for the costs
 787 of transportation projects designated in the General
 788 Appropriations Act.

789
 790 Reviser's note.--Subsection (10) was amended by s. 7,
 791 ch. 2004-242, Laws of Florida, to delete the July 1,
 792 2003, repeal formerly set out in the section. Section
 793 5, ch. 2004-6, a reviser's bill, repealed the
 794 subsection pursuant to the July 1, 2003, repeal.
 795 Absent affirmative evidence of legislative intent to
 796 repeal it, subsection (10) is reenacted to confirm its
 797 status.

798
 799 Section 26. Paragraph (e) of subsection (4) of section
 800 288.1224, Florida Statutes, is repealed.

801
 802 Reviser's note.--Repealed to delete an obsolete
 803 provision. The required review and subsequent report
 804 were to be completed by January 1, 2003.

805
 806 Section 27. Section 288.12265, Florida Statutes, is
 807 amended to read:

808 288.12265 Welcome centers.--

809 (1) ~~Effective July 1, 1999,~~ Responsibility for the welcome
 810 centers is assigned to the Florida Commission on Tourism which
 811 shall contract with the commission's direct-support organization
 812 to employ all welcome center staff. ~~On or before June 30, 1999,~~

HB 1213

2005

813 ~~all welcome center staff shall be offered employment through the~~
 814 ~~direct support organization at the same salary such staff~~
 815 ~~received through the Department of Transportation, prior to July~~
 816 ~~1, 1999, but with the same benefits provided by the direct-~~
 817 ~~support organization to the organization's employees. Welcome~~
 818 ~~center employees shall have until January 1, 2000, to choose to~~
 819 ~~be employed by the direct support organization or to remain~~
 820 ~~employed by the state. Those employees who choose to remain~~
 821 ~~employed by the state may continue to be assigned by the~~
 822 ~~Department of Transportation to the welcome centers until June~~
 823 ~~30, 2001. Upon vacating a career service position by a career~~
 824 ~~service employee, the position shall be abolished. The~~
 825 ~~agreement between the Department of Transportation and the~~
 826 ~~Florida Commission on Tourism concerning the funding of~~
 827 ~~positions in the welcome centers shall continue until all~~
 828 ~~welcome center employees are employed by the direct support~~
 829 ~~organization, or until those employees choosing to remain~~
 830 ~~employed by the state have found other state employment, or~~
 831 ~~until June 30, 2001, whichever occurs first.~~

832 (2) ~~Effective July 1, 1999,~~ The Florida Commission on
 833 Tourism, through its direct-support organization, shall
 834 administer and operate the welcome centers. Pursuant to a
 835 contract with the Department of Transportation, the commission
 836 shall be responsible for routine repair, replacement, or
 837 improvement and the day-to-day management of interior areas
 838 occupied by the welcome centers. All other repairs,
 839 replacements, or improvements to the welcome centers shall be
 840 the responsibility of the Department of Transportation.

841

HB 1213

2005

842 Reviser's note.--Amended to delete provisions that
 843 have served their purpose.

844
 845 Section 28. Paragraph (c) of subsection (4) of section
 846 288.905, Florida Statutes, is repealed.

847
 848 Reviser's note.--Repealed to delete a provision that
 849 has served its purpose. The required review and
 850 subsequent report were to be completed by January 1,
 851 2002.

852
 853 Section 29. Section 288.971, Florida Statutes, is
 854 repealed.

855
 856 Reviser's note.--Repealed to delete findings which
 857 have served their purpose. The findings refer to
 858 military base closing decisions expected to be made in
 859 1995 and reductions in military spending and personnel
 860 by 1997.

861
 862 Section 30. Subsection (6) of section 290.00689, Florida
 863 Statutes, is repealed.

864
 865 Reviser's note.--Repealed to delete obsolete
 866 provisions. The required review and evaluation of an
 867 enterprise zone pilot project area was to be completed
 868 prior to the 2004 Regular Session of the Legislature.
 869 The report of findings and recommendations was to be
 870 submitted by January 15, 2004.

HB 1213

2005

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Section 31. Subsection (3) of section 290.015, Florida Statutes, is repealed.

Reviser's note.--Repealed to delete an obsolete provision. The required review and evaluation of ss. 290.001-290.016 by substantive committees was to be completed prior to the 2001 Regular Session of the Legislature.

Section 32. Section 295.184, Florida Statutes, is repealed.

Reviser's note.--Repealed to delete provisions that have served their purpose. The recommendations for the design and location of the memorial to Florida World War II veterans was to be submitted on or before January 31, 2002.

Section 33. Paragraph (a) of subsection (2) of section 311.125, Florida Statutes, is amended to read:

311.125 Uniform Port Access Credential System.--

(2)(a) The Department of Highway Safety and Motor Vehicles, in consultation with the Department of Law Enforcement, the Florida Seaport Transportation and Economic Development Council, the Florida Trucking Association, and the United States Transportation ~~and~~ Security Administration shall develop a Uniform Port Access Credential System for use in onsite verification of access authority for all persons on a

HB 1213

2005

900 seaport as defined in s. 311.12(2), utilizing the Uniform Port
 901 Access Credential Card as authorized herein. Each seaport, in a
 902 manner consistent with the "Port Security Standards Compliance
 903 Plan" delivered to the Speaker of the House of Representatives
 904 and the President of the Senate on December 11, 2000, pursuant
 905 to s. 311.12, and this section, is responsible for granting,
 906 restricting, or modifying access authority provided to each
 907 Uniform Port Access Credential Card holder and promptly
 908 communicating the levels of access or changes in the level of
 909 access to the department for its use in administering the
 910 Uniform Port Access Credential System. Each seaport is
 911 responsible for the proper operation and maintenance of the
 912 Uniform Port Access Credential Card reader and access
 913 verification utilizing the Uniform Port Access Credential System
 914 at its location. The Uniform Port Access Credential Card reader
 915 and Uniform Port Access Credential System shall be utilized by
 916 each seaport to ensure compliance with the access restrictions
 917 provided by s. 311.12.

918
 919 Reviser's note.--Amended to conform to the correct
 920 title of the United States Transportation Security
 921 Administration.

922
 923 Section 34. Paragraph (b) of subsection (5) and subsection
 924 (6) of section 322.135, Florida Statutes, are amended to read:

925 322.135 Driver's license agents.--

926 (5) The county tax collector at his or her option may
 927 apply to the department for approval by the executive director
 928 to be the exclusive agent of the department for his or her

HB 1213

2005

929 county to administer driver license services as provided and
 930 authorized in this chapter.

931 (b) The department shall provide a form for such
 932 application, which shall include the following information
 933 ~~unless this information has been included in the report~~
 934 ~~submitted by the Cost Determination and Allocation Task Force:~~

935 1. Locations within the county where offices and branch
 936 offices for driver license services are proposed.

937 2. The designation by the tax collector of the driver
 938 license functions to be performed by the tax collector in the
 939 county.

940 3. Any anticipated capital acquisition or construction
 941 costs.

942 4. A projection of equipment available or to be provided
 943 by the department.

944 5. All anticipated operating costs, including facilities,
 945 equipment, and personnel to administer driver license services.

946 (6) Administration of driver license services by a county
 947 tax collector as the exclusive agent of the department must be
 948 revenue neutral with no adverse state fiscal impact and with no
 949 adverse unfunded mandate to the tax collector. ~~Toward this end,~~
 950 ~~the Cost Determination and Allocation Task Force is created, to~~
 951 ~~be established by July 1, 2001. The task force shall be~~
 952 ~~composed of two representatives appointed by the executive~~
 953 ~~director of the department, two tax collectors appointed by the~~
 954 ~~president of the Florida Tax Collectors, Inc., one from a small-~~
 955 ~~population county and one from a large population county; one~~
 956 ~~person appointed by the Speaker of the House of Representatives;~~
 957 ~~one person appointed by the President of the Senate; and the~~

HB 1213

2005

958 ~~Governor's appointee. If requested by the task force, the~~
 959 ~~Auditor General must provide technical assistance. The purpose~~
 960 ~~of the task force is to recommend the allocation of cost between~~
 961 ~~the Department of Highway Safety and Motor Vehicles and tax~~
 962 ~~collectors to administer driver license services authorized in~~
 963 ~~this chapter. These recommendations must be submitted in a~~
 964 ~~written report by January 1, 2002. The task force shall~~
 965 ~~dissolve on January 1, 2002. The written report shall be~~
 966 ~~presented to the President of the Senate, the Speaker of the~~
 967 ~~House of Representatives, and the Executive Office of the~~
 968 ~~Governor, and shall contain findings and determinations and~~
 969 ~~related allocation recommendations dealing with costs, both~~
 970 ~~construction and operating costs, of both the department and the~~
 971 ~~applicable tax collectors, appropriate allocations of costs~~
 972 ~~between the department and the tax collectors, and fee~~
 973 ~~recommendations to assure that the fees paid for these driver~~
 974 ~~license services do not result in a loss of revenue to the state~~
 975 ~~in excess of costs incurred by the state.~~

976
 977 Reviser's note.--Amended to delete obsolete
 978 provisions. The Cost Determination and Allocation Task
 979 Force was dissolved in 2002.

980
 981 Section 35. Subsection (1) of section 327.395, Florida
 982 Statutes, is amended to read:

983 327.395 Boating safety identification cards.--

984 (1) ~~Until October 1, 2001, a person born after September~~
 985 ~~30, 1980, and on or after October 1, 2001, A person 21 years of~~
 986 ~~age or younger may not operate a vessel powered by a motor of 10~~

HB 1213

2005

987 horsepower or greater unless such person has in his or her
 988 possession aboard the vessel photographic identification and a
 989 boater safety identification card issued by the commission which
 990 shows that he or she has:

991 (a) Completed a commission-approved boater education
 992 course that meets the minimum 8-hour instruction requirement
 993 established by the National Association of State Boating Law
 994 Administrators;

995 (b) Passed a course equivalency examination approved by
 996 the commission; or

997 (c) Passed a temporary certificate examination developed
 998 or approved by the commission.

999
 1000 Reviser's note.--Amended to delete an obsolete
 1001 provision.

1002
 1003 Section 36. Subsection (4) of section 339.55, Florida
 1004 Statutes, is amended to read:

1005 339.55 State-funded infrastructure bank.--

1006 (4) ~~Except as provided in s. 339.137,~~ To be eligible for
 1007 consideration, projects must be consistent, to the maximum
 1008 extent feasible, with local metropolitan planning organization
 1009 plans and local government comprehensive plans and must provide
 1010 a dedicated repayment source to ensure the loan is repaid to the
 1011 bank.

1012
 1013 Reviser's note.--Amended to conform to the repeal of
 1014 s. 339.137 by s. 10, ch. 2004-366, Laws of Florida.

1015

HB 1213

2005

1016 Section 37. Subsection (2) of section 339.64, Florida
 1017 Statutes, is repealed.

1018
 1019 Reviser's note.--Repealed to delete an obsolete
 1020 provision. The required report was to be delivered to
 1021 the Governor and Legislature by December 15, 2003.

1022
 1023 Section 38. Subsection (1) of section 364.604, Florida
 1024 Statutes, is amended to read:

1025 364.604 Billing practices.--

1026 (1) Each billing party must clearly identify on its bill
 1027 the name and toll-free number of the originating party; the
 1028 telecommunications service or information service billed; and
 1029 the specific charges, taxes, and fees associated with each
 1030 telecommunications or information service. The originating party
 1031 is responsible for providing the billing party with all required
 1032 information. The toll-free number of the originating party or
 1033 its agent must be answered by a customer service representative
 1034 or a voice response unit. If the customer reaches a voice
 1035 response unit, the originating party or its agent must initiate
 1036 a response to a customer inquiry within 24 hours, excluding
 1037 weekends and holidays. ~~Each telecommunications carrier shall~~
 1038 ~~have until June 30, 1999, to comply with this subsection.~~

1039
 1040 Reviser's note.--Amended to delete an obsolete
 1041 provision.

1042
 1043 Section 39. Section 373.145, Florida Statutes, is amended
 1044 to read:

HB 1213

2005

1045 373.145 Information program regarding hydrologic
 1046 conditioning and consumption of major surface and groundwater
 1047 sources.--In order to aid in the development of a better
 1048 understanding of the unique surface and groundwater resources of
 1049 this state, the water management districts shall develop an
 1050 information program designed to provide information concerning
 1051 existing hydrologic conditions of major surface and groundwater
 1052 sources in this state and suggestions for good conservation
 1053 practices within those areas. ~~The program shall be developed by~~
 1054 ~~December 31, 2002.~~ Beginning January 1, 2003, and on a regular
 1055 basis no less than every 6 months thereafter, the information
 1056 developed pursuant to this section shall be distributed to every
 1057 member of the Florida Senate and the Florida House of
 1058 Representatives and to local print and broadcast news
 1059 organizations. Each water management district shall be
 1060 responsible for the distribution of this information within its
 1061 established geographic area.

1062
 1063 Reviser's note.--Amended to delete a provision that
 1064 has served its purpose.

1066 Section 40. Paragraph (f) of subsection (1) of section
 1067 373.1963, Florida Statutes, is amended to read:

1068 373.1963 Assistance to West Coast Regional Water Supply
 1069 Authority.--

1070 (1) It is the intent of the Legislature to authorize the
 1071 implementation of changes in governance recommended by the West
 1072 Coast Regional Water Supply Authority in its reports to the
 1073 Legislature dated February 1, 1997, and January 5, 1998. The

HB 1213

2005

1074 authority and its member governments may reconstitute the
 1075 authority's governance and rename the authority under a
 1076 voluntary interlocal agreement with a term of not less than 20
 1077 years. The interlocal agreement must comply with this subsection
 1078 as follows:

1079 (f) Upon execution of the voluntary interlocal agreement
 1080 provided for herein, the authority shall jointly develop with
 1081 the Southwest Florida Water Management District alternative
 1082 sources of potable water and transmission pipelines to
 1083 interconnect regionally significant water supply sources and
 1084 facilities of the authority in amounts sufficient to meet the
 1085 needs of all member governments for a period of at least 20
 1086 years and for natural systems. Nothing herein, however, shall
 1087 preclude the authority and its member governments from
 1088 developing traditional water sources pursuant to the voluntary
 1089 interlocal agreement. Development and construction costs for
 1090 alternative source facilities, which may include a desalination
 1091 facility and significant regional interconnects, must be borne
 1092 as mutually agreed to by both the authority and the Southwest
 1093 Florida Water Management District. Nothing herein shall preclude
 1094 authority or district cost sharing with private entities for the
 1095 construction or ownership of alternative source facilities. By
 1096 December 31, 1997, the authority and the Southwest Florida Water
 1097 Management District shall:

1098 ~~1.~~ enter into a mutually acceptable agreement detailing
 1099 the development and implementation of directives contained in
 1100 this paragraph. ~~;~~ ~~or~~

1101 ~~2. Jointly prepare and submit to the President of the~~
 1102 ~~Senate and the Speaker of the House of Representatives a report~~

HB 1213

2005

1103 ~~describing the progress made and impediments encountered in~~
 1104 ~~their attempts to implement the water resource development and~~
 1105 ~~water supply development directives contained in this paragraph.~~
 1106 Nothing in this section shall be construed to modify the rights
 1107 or responsibilities of the authority or its member governments,
 1108 except as otherwise provided herein, or of the Southwest Florida
 1109 Water Management District or the department pursuant to this
 1110 chapter or chapter 403 and as otherwise set forth by statutes.

1111
 1112 Reviser's note.--Amended to delete a provision that
 1113 has served its purpose.

1114
 1115 Section 41. Section 373.1995, Florida Statutes, is
 1116 repealed.

1117
 1118 Reviser's note.--Repealed to delete an obsolete
 1119 provision. The required report and subsequent action
 1120 were to be completed prior to the beginning of the
 1121 2001 Regular Legislative Session.

1122
 1123 Section 42. Paragraph (f) of subsection (4) of section
 1124 373.4592, Florida Statutes, is amended to read:

1125 373.4592 Everglades improvement and management.--

1126 (4) EVERGLADES PROGRAM.--

1127 (f) EAA best management practices.--

1128 1. The district, in cooperation with the department, shall
 1129 develop and implement a water quality monitoring program to
 1130 evaluate the effectiveness of the BMPs in achieving and
 1131 maintaining compliance with state water quality standards and

HB 1213

2005

1132 restoring and maintaining designated and existing beneficial
 1133 uses. The program shall include an analysis of the effectiveness
 1134 of the BMPs in treating constituents that are not being
 1135 significantly improved by the STAs. The monitoring program shall
 1136 include monitoring of appropriate parameters at representative
 1137 locations.

1138 2. The district shall continue to require and enforce the
 1139 BMP and other requirements of chapters 40E-61 and 40E-63,
 1140 Florida Administrative Code, during the terms of the existing
 1141 permits issued pursuant to those rules. Chapter 40E-61, Florida
 1142 Administrative Code, may be amended to include the BMPs required
 1143 by chapter 40E-63, Florida Administrative Code. Prior to the
 1144 expiration of existing permits, and during each 5-year term of
 1145 subsequent permits as provided for in this section, those rules
 1146 shall be amended to implement a comprehensive program of
 1147 research, testing, and implementation of BMPs that will address
 1148 all water quality standards within the EAA and Everglades
 1149 Protection Area. Under this program:

1150 a. EAA landowners, through the EAA Environmental
 1151 Protection District or otherwise, shall sponsor a program of BMP
 1152 research with qualified experts to identify appropriate BMPs.

1153 b. Consistent with the water quality monitoring program,
 1154 BMPs will be field-tested in a sufficient number of
 1155 representative sites in the EAA to reflect soil and crop types
 1156 and other factors that influence BMP design and effectiveness.

1157 c. BMPs as required for varying crops and soil types shall
 1158 be included in permit conditions in the 5-year permits issued
 1159 pursuant to this section.

1160 d. The district shall conduct research in cooperation with

HB 1213

2005

1161 EAA landowners to identify water quality parameters that are not
 1162 being significantly improved either by the STAs or the BMPs, and
 1163 to identify further BMP strategies needed to address these
 1164 parameters.

1165 3. The Legislature finds that through the implementation
 1166 of the Everglades BMPs Program and the implementation of the
 1167 Everglades Construction Project, reasonable further progress
 1168 will be made towards addressing water quality requirements of
 1169 the EAA canals and the Everglades Protection Area. Permittees
 1170 within the EAA and the C-139 Basin who are in full compliance
 1171 with the conditions of permits under chapters 40E-61 and 40E-63,
 1172 Florida Administrative Code, have made all payments required
 1173 under the Everglades Program, and are in compliance with
 1174 subparagraph (a)7.~~(a)8.~~, if applicable, shall not be required to
 1175 implement additional water quality improvement measures, prior
 1176 to December 31, 2006, other than those required by subparagraph
 1177 2., with the following exceptions:

1178 a. Nothing in this subparagraph shall limit the existing
 1179 authority of the department or the district to limit or regulate
 1180 discharges that pose a significant danger to the public health
 1181 and safety; and

1182 b. New land uses and new stormwater management facilities
 1183 other than alterations to existing agricultural stormwater
 1184 management systems for water quality improvements shall not be
 1185 accorded the compliance established by this section. Permits may
 1186 be required to implement improvements or alterations to existing
 1187 agricultural water management systems.

1188 4. As of December 31, 2006, all permits, including those
 1189 issued prior to that date, shall require implementation of

HB 1213

2005

1190 additional water quality measures, taking into account the water
 1191 quality treatment actually provided by the STAs and the
 1192 effectiveness of the BMPs. As of that date, no permittee's
 1193 discharge shall cause or contribute to any violation of water
 1194 quality standards in the Everglades Protection Area.

1195 5. Effective immediately, landowners within the C-139
 1196 Basin shall not collectively exceed an annual average loading of
 1197 phosphorus based proportionately on the historical rainfall for
 1198 the C-139 Basin over the period of October 1, 1978, to September
 1199 30, 1988. New surface inflows shall not increase the annual
 1200 average loading of phosphorus stated above. Provided that the C-
 1201 139 Basin does not exceed this annual average loading, all
 1202 landowners within the Basin shall be in compliance for that
 1203 year. Compliance determinations for individual landowners within
 1204 the C-139 Basin for remedial action, if the Basin is determined
 1205 by the district to be out of compliance for that year, shall be
 1206 based on the landowners' proportional share of the total
 1207 phosphorus loading. The total phosphorus discharge load shall be
 1208 determined as set forth in Appendix B2 of Rule 40E-63,
 1209 Everglades Program, Florida Administrative Code.

1210 6. The district, in cooperation with the department, shall
 1211 develop and implement a water quality monitoring program to
 1212 evaluate the quality of the discharge from the C-139 Basin. Upon
 1213 determination by the department or the district that the C-139
 1214 Basin is exceeding any presently existing water quality
 1215 standards, the district shall require landowners within the C-
 1216 139 Basin to implement BMPs appropriate to the land uses within
 1217 the C-139 Basin consistent with subparagraph 2. Thereafter, the
 1218 provisions of subparagraphs 2.-4. shall apply to the landowners

HB 1213

2005

1219 within the C-139 Basin.

1220

1221 Reviser's note.--Amended to conform to the
 1222 redesignation of subparagraph (4)(a)8. as subparagraph
 1223 (4)(a)7. by s. 1, ch. 2003-12, Laws of Florida.

1224

1225 Section 43. Section 376.71, Florida Statutes, is amended
 1226 to read:

1227 376.71 Registration fee and gross receipts tax.--The
 1228 registration fee and the gross receipts tax imposed under ss.
 1229 376.303(1)(d) and 376.70 do not apply to uniform rental
 1230 companies or linen supply companies. ~~Any such fee or tax that~~
 1231 ~~was imposed on and remitted, collected, or held in escrow by a~~
 1232 ~~uniform rental company or linen supply company from October 1,~~
 1233 ~~1994, and before October 1, 1995, is not payable to the State of~~
 1234 ~~Florida, and, if remitted, shall be refunded by the Department~~
 1235 ~~of Revenue.~~

1236

1237 Reviser's note.--Amended to delete an obsolete
 1238 provision.

1239

1240 Section 44. Paragraph (c) of subsection (7) of section
 1241 376.80, Florida Statutes, is amended to read:

1242 376.80 Brownfield program administration process.--
 1243 (7) The contractor who is performing the majority of the
 1244 site rehabilitation program tasks pursuant to a brownfield site
 1245 rehabilitation agreement or supervising the performance of such
 1246 tasks by licensed subcontractors in accordance with the
 1247 provisions of s. 489.113(9) must certify to the department that

HB 1213

2005

1248 the contractor:

1249 (c) Maintains comprehensive general liability coverage
 1250 with limits of not less than \$1 million per occurrence and \$2
 1251 million general aggregate for bodily injury and property damage
 1252 and comprehensive automobile liability coverage with limits of
 1253 not less than \$2 ~~\$1~~ million combined single limit. The
 1254 contractor shall also maintain pollution liability coverage with
 1255 limits of not less than \$3 million aggregate for personal injury
 1256 or death, \$1 million per occurrence for personal injury or
 1257 death, and \$1 million per occurrence for property damage. The
 1258 contractor's certificate of insurance shall name the state as an
 1259 additional insured party.

1260
 1261 Reviser's note.--Amended to correct an apparent coding
 1262 error. The figure "\$1" was inadvertently retained when
 1263 the paragraph was amended by s. 2, ch. 2004-40, Laws
 1264 of Florida.

1265
 1266 Section 45. Subsection (7) of section 378.034, Florida
 1267 Statutes, is amended to read:

1268 378.034 Submission of a reclamation program request;
 1269 procedures.--

1270 (7) ~~Until 1995, the funds available for approved~~
 1271 ~~reclamation contracts and acquisitions of nonmandatory lands~~
 1272 ~~shall not exceed 20 percent of the uncommitted fund balance of~~
 1273 ~~the trust fund at the beginning of each year.~~ The prioritized
 1274 list approved by the committee may contain more reclamation
 1275 program applications than there are funds available during the
 1276 year.

HB 1213

2005

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Reviser's note.--Amended to delete an obsolete provision.

Section 46. Paragraph (b) of subsection (5) of section 378.035, Florida Statutes, is amended to read:

378.035 Department responsibilities and duties with respect to Nonmandatory Land Reclamation Trust Fund.--

(5) Funds within the Nonmandatory Land Reclamation Trust Fund are also authorized for use by the department for the following purposes:

(b) For the abatement of an imminent hazard as provided by s. 403.4154(3) ~~403.4154(4)~~ and for the purpose of closing an abandoned phosphogypsum stack system and carrying out postclosure care as provided by s. 403.4154(5) ~~403.4154(6)~~.

Reviser's note.--Amended to correct an apparent error in the redesignation of cross-references by s. 4, ch. 2003-423, Laws of Florida. Section 403.4154(4) relates to registration fees, and s. 403.4154(6) does not exist.

Section 47. Subsection (3) of section 381.0046, Florida Statutes, is repealed.

Reviser's note.--Repealed to delete an obsolete provision. The statewide Black Leadership Conference on HIV and AIDS was to be conducted by January 2000.

HB 1213

2005

1306 Section 48. Paragraph (j) of subsection (3) and paragraph
 1307 (j) of subsection (4) of section 381.0065, Florida Statutes, are
 1308 amended to read:

1309 381.0065 Onsite sewage treatment and disposal systems;
 1310 regulation.--

1311 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.--The
 1312 department shall:

1313 (j) Supervise research on, demonstration of, and training
 1314 on the performance, environmental impact, and public health
 1315 impact of onsite sewage treatment and disposal systems within
 1316 this state. Research fees collected under s. 381.0066(2)(k)
 1317 must be used to develop and fund hands-on training centers
 1318 designed to provide practical information about onsite sewage
 1319 treatment and disposal systems to septic tank contractors,
 1320 master septic tank contractors, contractors, inspectors,
 1321 engineers, and the public and must also be used to fund research
 1322 projects which focus on improvements of onsite sewage treatment
 1323 and disposal systems, including use of performance-based
 1324 standards and reduction of environmental impact. Research
 1325 projects shall be initially approved by the technical review and
 1326 advisory panel and shall be applicable to and reflect the soil
 1327 conditions specific to Florida. Such projects shall be awarded
 1328 through competitive negotiation, using the procedures provided
 1329 in s. 287.055, to public or private entities that have
 1330 experience in onsite sewage treatment and disposal systems in
 1331 Florida and that are principally located in Florida. Research
 1332 projects shall not be awarded to firms or entities that employ
 1333 or are associated with persons who serve on either the technical
 1334 review and advisory panel or the research review and advisory

HB 1213

2005

1335 committee.

1336 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
 1337 not construct, repair, modify, abandon, or operate an onsite
 1338 sewage treatment and disposal system without first obtaining a
 1339 permit approved by the department. The department may issue
 1340 permits to carry out this section, but shall not make the
 1341 issuance of such permits contingent upon prior approval by the
 1342 Department of Environmental Protection. A construction permit is
 1343 valid for 18 months from the issuance date and may be extended
 1344 by the department for one 90-day period under rules adopted by
 1345 the department. A repair permit is valid for 90 days from the
 1346 date of issuance. An operating permit must be obtained prior to
 1347 the use of any aerobic treatment unit or if the establishment
 1348 generates commercial waste. Buildings or establishments that use
 1349 an aerobic treatment unit or generate commercial waste shall be
 1350 inspected by the department at least annually to assure
 1351 compliance with the terms of the operating permit. The operating
 1352 permit for a commercial wastewater system is valid for 1 year
 1353 from the date of issuance and must be renewed annually. The
 1354 operating permit for an aerobic treatment unit is valid for 2
 1355 years from the date of issuance and must be renewed every 2
 1356 years. If all information pertaining to the siting, location,
 1357 and installation conditions or repair of an onsite sewage
 1358 treatment and disposal system remains the same, a construction
 1359 or repair permit for the onsite sewage treatment and disposal
 1360 system may be transferred to another person, if the transferee
 1361 files, within 60 days after the transfer of ownership, an
 1362 amended application providing all corrected information and
 1363 proof of ownership of the property. There is no fee associated

HB 1213

2005

1364 with the processing of this supplemental information. A person
 1365 may not contract to construct, modify, alter, repair, service,
 1366 abandon, or maintain any portion of an onsite sewage treatment
 1367 and disposal system without being registered under part III of
 1368 chapter 489. A property owner who personally performs
 1369 construction, maintenance, or repairs to a system serving his or
 1370 her own owner-occupied single-family residence is exempt from
 1371 registration requirements for performing such construction,
 1372 maintenance, or repairs on that residence, but is subject to all
 1373 permitting requirements. A municipality or political subdivision
 1374 of the state may not issue a building or plumbing permit for any
 1375 building that requires the use of an onsite sewage treatment and
 1376 disposal system unless the owner or builder has received a
 1377 construction permit for such system from the department. A
 1378 building or structure may not be occupied and a municipality,
 1379 political subdivision, or any state or federal agency may not
 1380 authorize occupancy until the department approves the final
 1381 installation of the onsite sewage treatment and disposal system.
 1382 A municipality or political subdivision of the state may not
 1383 approve any change in occupancy or tenancy of a building that
 1384 uses an onsite sewage treatment and disposal system until the
 1385 department has reviewed the use of the system with the proposed
 1386 change, approved the change, and amended the operating permit.

1387 (j) An onsite sewage treatment and disposal system for a
 1388 single-family residence that is designed by a professional
 1389 engineer registered in the state and certified by such engineer
 1390 as complying with performance criteria adopted by the department
 1391 must be approved by the department subject to the following:

- 1392 1. The performance criteria applicable to engineer-

HB 1213

2005

1393 designed systems must be limited to those necessary to ensure
 1394 that such systems do not adversely affect the public health or
 1395 significantly degrade the groundwater or surface water. Such
 1396 performance criteria shall include consideration of the quality
 1397 of system effluent, the proposed total sewage flow per acre,
 1398 wastewater treatment capabilities of the natural or replaced
 1399 soil, water quality classification of the potential surface-
 1400 water-receiving body, and the structural and maintenance
 1401 viability of the system for the treatment of domestic
 1402 wastewater. However, performance criteria shall address only
 1403 the performance of a system and not a system's design.

1404 2. The technical review and advisory panel shall assist
 1405 the department in the development of performance criteria
 1406 applicable to engineer-designed systems. ~~Workshops on the~~
 1407 ~~development of the rules delineating such criteria shall~~
 1408 ~~commence not later than September 1, 1996, and the department~~
 1409 ~~shall advertise such rules for public hearing no later than~~
 1410 ~~October 1, 1997.~~

1411 3. A person electing to utilize an engineer-designed
 1412 system shall, upon completion of the system design, submit such
 1413 design, certified by a registered professional engineer, to the
 1414 county health department. The county health department may
 1415 utilize an outside consultant to review the engineer-designed
 1416 system, with the actual cost of such review to be borne by the
 1417 applicant. Within 5 working days after receiving an engineer-
 1418 designed system permit application, the county health department
 1419 shall request additional information if the application is not
 1420 complete. Within 15 working days after receiving a complete
 1421 application for an engineer-designed system, the county health

HB 1213

2005

1422 department either shall issue the permit or, if it determines
 1423 that the system does not comply with the performance criteria,
 1424 shall notify the applicant of that determination and refer the
 1425 application to the department for a determination as to whether
 1426 the system should be approved, disapproved, or approved with
 1427 modification. The department engineer's determination shall
 1428 prevail over the action of the county health department. The
 1429 applicant shall be notified in writing of the department's
 1430 determination and of the applicant's rights to pursue a variance
 1431 or seek review under the provisions of chapter 120.

1432 4. The owner of an engineer-designed performance-based
 1433 system must maintain a current maintenance service agreement
 1434 with a maintenance entity permitted by the department. The
 1435 maintenance entity shall obtain a biennial system operating
 1436 permit from the department for each system under service
 1437 contract. The department shall inspect the system at least
 1438 annually, or on such periodic basis as the fee collected
 1439 permits, and may collect system-effluent samples if appropriate
 1440 to determine compliance with the performance criteria. The fee
 1441 for the biennial operating permit shall be collected beginning
 1442 with the second year of system operation. The maintenance entity
 1443 shall inspect each system at least twice each year and shall
 1444 report quarterly to the department on the number of systems
 1445 inspected and serviced.

1446 5. If an engineer-designed system fails to properly
 1447 function or fails to meet performance standards, the system
 1448 shall be re-engineered, if necessary, to bring the system into
 1449 compliance with the provisions of this section.

1450

HB 1213

2005

1451 Reviser's note.--Paragraph (3)(j) is amended to
 1452 conform to the correct name of the "technical review
 1453 and advisory panel" as created in s. 381.0068.
 1454 Paragraph (4)(j) is amended to delete an obsolete
 1455 provision.

1456
 1457 Section 49. Paragraph (a) of subsection (3) and paragraph
 1458 (a) of subsection (4) of section 381.0072, Florida Statutes, are
 1459 reenacted to read:

1460 381.0072 Food service protection.--It shall be the duty of
 1461 the Department of Health to adopt and enforce sanitation rules
 1462 consistent with law to ensure the protection of the public from
 1463 food-borne illness. These rules shall provide the standards and
 1464 requirements for the storage, preparation, serving, or display
 1465 of food in food service establishments as defined in this
 1466 section and which are not permitted or licensed under chapter
 1467 500 or chapter 509.

1468 (3) LICENSES REQUIRED.--

1469 (a) Licenses; annual renewals.--Each food service
 1470 establishment regulated under this section shall obtain a
 1471 license from the department annually. Food service
 1472 establishment licenses shall expire annually and shall not be
 1473 transferable from one place or individual to another. However,
 1474 those facilities licensed by the department's Office of
 1475 Licensure and Certification, the Child Care Services Program
 1476 Office, or the Developmental Disabilities Program Office are
 1477 exempt from this subsection. It shall be a misdemeanor of the
 1478 second degree, punishable as provided in s. 381.0061, s.
 1479 775.082, or s. 775.083, for such an establishment to operate

HB 1213

2005

1480 without this license. The department may refuse a license, or a
 1481 renewal thereof, to any establishment that is not constructed or
 1482 maintained in accordance with law and with the rules of the
 1483 department. Annual application for renewal shall not be
 1484 required.

1485 (4) LICENSE; INSPECTION; FEES.--

1486 (a) The department is authorized to collect fees from
 1487 establishments licensed under this section and from those
 1488 facilities exempted from licensure under paragraph (3)(a). It
 1489 is the intent of the Legislature that the total fees assessed
 1490 under this section be in an amount sufficient to meet the cost
 1491 of carrying out the provisions of this section.

1492
 1493 Reviser's note.--Section 9, ch. 2004-350, Laws of
 1494 Florida, purported to amend paragraphs (3)(a) and
 1495 (4)(a), but failed to publish the amended paragraphs.
 1496 In the absence of affirmative evidence that the
 1497 Legislature intended to repeal the paragraphs,
 1498 paragraphs (3)(a) and (4)(a) are reenacted to confirm
 1499 that the omission was not intended.

1500
 1501 Section 50. Subsection (5) of section 381.103, Florida
 1502 Statutes, is repealed.

1503
 1504 Reviser's note.--Repealed to delete an obsolete
 1505 provision. The required report on the findings,
 1506 accomplishments, and recommendations of the Community
 1507 Health pilot projects was to be submitted no later
 1508 than January 1, 2001.

HB 1213

2005

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Section 51. Subsection (6) of section 381.734, Florida Statutes, is amended to read:

381.734 Healthy Communities, Healthy People Program.--

(6) The Office of Program Policy Analysis and Government Accountability shall evaluate and report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by March 1, 2005, on the effectiveness of the department's monitoring and assessment of the program's effectiveness.

Reviser's note.--Amended to conform to the complete title of the Office of Program Policy Analysis and Government Accountability.

Section 52. Subsection (1) of section 393.0655, Florida Statutes, is amended to read:

393.0655 Screening of direct service providers.--

(1) MINIMUM STANDARDS.--The agency shall require level 2 employment screening pursuant to chapter 435 for direct service providers who are unrelated to their clients, including support coordinators, and managers and supervisors of residential facilities or comprehensive transitional education programs licensed under s. 393.067 ~~393.967~~ and any other person, including volunteers, who provide care or services, who have access to a client's living areas, or who have access to a client's funds or personal property. Background screening shall include employment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement

HB 1213

2005

1538 agencies.

1539 (a) A volunteer who assists on an intermittent basis for
 1540 less than 40 hours per month does not have to be screened if the
 1541 volunteer is under the direct and constant supervision of
 1542 persons who meet the screening requirements of this section.

1543 (b) Licensed physicians, nurses, or other professionals
 1544 licensed and regulated by the Department of Health are not
 1545 subject to background screening pursuant to this section if they
 1546 are providing a service that is within their scope of licensed
 1547 practice.

1548 (c) A person selected by the family or the individual with
 1549 developmental disabilities and paid by the family or the
 1550 individual to provide supports or services is not required to
 1551 have a background screening under this section.

1552 (d) Persons residing with the direct services provider,
 1553 including family members, are subject to background screening;
 1554 however, such persons who are 12 to 18 years of age shall be
 1555 screened for delinquency records only.

1556
 1557 Reviser's note.--Amended to correct an apparent error
 1558 and facilitate correct interpretation. Section 393.967
 1559 does not exist; s. 393.067 relates to licensure of
 1560 comprehensive transitional education programs.

1561
 1562 Section 53. Subsection (3) of section 393.068, Florida
 1563 Statutes, is amended to read:

1564 393.068 Family care program.--

1565 (3) When it is determined by the agency to be more cost-
 1566 effective and in the best interest of the client to maintain

HB 1213

2005

1567 such client in the home of a direct service provider, the parent
 1568 or guardian of the client or, if competent, the client may
 1569 enroll the client in the family care program. The direct service
 1570 provider of a client enrolled in the family care program shall
 1571 be reimbursed according to a rate schedule set by the agency.
 1572 In-home subsidies cited in paragraph (2)(d)~~(1)(d)~~ shall be
 1573 provided according to s. 393.0695 and are not subject to any
 1574 other payment method or rate schedule provided for in this
 1575 section.

1576
 1577 Reviser's note.--Amended to conform to the
 1578 redesignation of subunits within s. 393.068 by s. 76,
 1579 ch. 2004-267, Laws of Florida.

1580
 1581 Section 54. Section 394.498, Florida Statutes, is
 1582 repealed.

1583
 1584 Reviser's note.--The cited section, which relates to
 1585 the Child and Adolescent Interagency System of Care
 1586 Demonstration Models, has served its purpose. Findings
 1587 and conclusions for the models and recommendations for
 1588 statewide implementation were to be included in a
 1589 report to the Legislature by December 31, 2001.

1590
 1591 Section 55. Subsection (3) of section 394.499, Florida
 1592 Statutes, is repealed, and subsection (1) of that section is
 1593 amended to read:

1594 394.499 Integrated children's crisis stabilization
 1595 unit/juvenile addictions receiving facility services.--

HB 1213

2005

1596 (1) Beginning July 1, 2001, the Department of Children and
 1597 Family Services, in consultation with the Agency for Health Care
 1598 Administration, is authorized to establish children's behavioral
 1599 crisis unit demonstration models in Collier, Lee, and Sarasota
 1600 Counties. ~~By December 31, 2003, the department shall submit to~~
 1601 ~~the President of the Senate, the Speaker of the House of~~
 1602 ~~Representatives, and the chairs of the Senate and House~~
 1603 ~~committees that oversee departmental activities a report that~~
 1604 ~~evaluates the number of clients served, quality of services,~~
 1605 ~~performance outcomes, and feasibility of continuing or expanding~~
 1606 ~~the demonstration models.~~ Beginning July 1, 2004, subject to
 1607 approval by the Legislature, the department, in cooperation with
 1608 the agency, may expand the demonstration models to other areas
 1609 in the state. The children's behavioral crisis unit
 1610 demonstration models will integrate children's mental health
 1611 crisis stabilization units with substance abuse juvenile
 1612 addictions receiving facility services, to provide emergency
 1613 mental health and substance abuse services that are integrated
 1614 within facilities licensed and designated by the agency for
 1615 children under 18 years of age who meet criteria for admission
 1616 or examination under this section. The services shall be
 1617 designated as "integrated children's crisis stabilization
 1618 unit/juvenile addictions receiving facility services," shall be
 1619 licensed by the agency as children's crisis stabilization units,
 1620 and shall meet all licensure requirements for crisis
 1621 stabilization units. The department, in cooperation with the
 1622 agency, shall develop standards that address eligibility
 1623 criteria; clinical procedures; staffing requirements;
 1624 operational, administrative, and financing requirements; and

HB 1213

2005

1625 investigation of complaints for such integrated facility
 1626 services. Standards that are implemented specific to substance
 1627 abuse services shall meet or exceed existing standards for
 1628 addictions receiving facilities.

1629
 1630 Reviser's note.--Subsection (1) is amended to delete a
 1631 provision that has served its purpose; it required a
 1632 report relating to children's behavioral crisis unit
 1633 demonstration models by December 31, 2003. Subsection
 1634 (3) is repealed to delete a provision that has served
 1635 its purpose; the Department of Children and Family
 1636 Services was to report on an evaluation by December
 1637 31, 2003.

1638
 1639 Section 56. Subsection (4) of section 394.82, Florida
 1640 Statutes, is repealed, and subsection (6) of that section is
 1641 amended to read:

1642 394.82 Funding of expanded services.--
 1643 (5)~~(6)~~ The provisions of subsections (1) and (4)~~(5)~~ shall
 1644 be implemented to the extent of available appropriations
 1645 contained in the annual General Appropriations Act for such
 1646 purposes.

1647
 1648 Reviser's note.--Subsection (4) is repealed to delete
 1649 provisions that have served their purpose; the
 1650 Department of Children and Family Services was
 1651 directed to submit reports on October 1, 2002, and
 1652 October 1, 2003. Subsection (6) is amended to conform
 1653 a cross-reference to the renumbering of subunits

HB 1213

2005

1654 necessitated by the repeal of subsection (4) by this
 1655 act.

1656
 1657 Section 57. Subsection (2) of section 394.9083, Florida
 1658 Statutes, is repealed.

1659
 1660 Reviser's note.--Repealed to delete a provision that
 1661 has served its purpose; a report by the Behavioral
 1662 Health Services Integration Workgroup was to be
 1663 submitted by January 1, 2002.

1664
 1665 Section 58. Paragraph (b) of subsection (5) and subsection
 1666 (7) of section 395.4001, Florida Statutes, are amended to read:

1667 395.4001 Definitions.--As used in this part, the term:

1668 (5) "Level I trauma center" means a trauma center that:

1669 (b) Serves as a resource facility to Level II trauma
 1670 centers, pediatric trauma ~~referral~~ centers, and general
 1671 hospitals through shared outreach, education, and quality
 1672 improvement activities.

1673 (7) "Pediatric trauma ~~referral~~ center" means a hospital
 1674 that is verified by the department to be in substantial
 1675 compliance with pediatric trauma center standards as established
 1676 by rule of the department and has been approved by the
 1677 department to operate as a pediatric trauma center.

1678
 1679 Reviser's note.--Amended to conform to the revision of
 1680 the term "pediatric trauma referral center" to
 1681 "pediatric trauma center" throughout statutory
 1682 material relating to the subject by ch. 2004-259, Laws

HB 1213

2005

1683 of Florida.

1684

1685 Section 59. Subsection (2) of section 395.404, Florida
 1686 Statutes, is amended to read:

1687 395.404 Review of trauma registry data; report to central
 1688 registry; confidentiality and limited release.--

1689 (2) Each trauma center, pediatric trauma ~~referral~~ center,
 1690 and acute care hospital shall report to the department's brain
 1691 and spinal cord injury central registry, consistent with the
 1692 procedures and timeframes of s. 381.74, any person who has a
 1693 moderate-to-severe brain or spinal cord injury, and shall
 1694 include in the report the name, age, residence, and type of
 1695 disability of the individual and any additional information that
 1696 the department finds necessary.

1697

1698 Reviser's note.--Amended to conform to the revision of
 1699 the term "pediatric trauma referral center" to
 1700 "pediatric trauma center" throughout statutory
 1701 material relating to the subject by ch. 2004-259, Laws
 1702 of Florida.

1703

1704 Section 60. Subsection (1) of section 397.416, Florida
 1705 Statutes, is repealed.

1706

1707 Reviser's note.--The cited subsection, which allows
 1708 persons with certain master's degrees and minimum
 1709 experience to perform as qualified professionals with
 1710 respect to substance abuse treatment services until
 1711 January 1, 2001, has served its purpose.

HB 1213

2005

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Section 61. Subsection (4) of section 397.97, Florida Statutes, is repealed.

Reviser's note.--Repealed to conform to the repeal of s. 394.498 by this act.

Section 62. Section 400.1755, Florida Statutes, is amended to read:

400.1755 Care for persons with Alzheimer's disease or related disorders.--

(1) As a condition of licensure, facilities licensed under this part must provide to each of their employees, upon beginning employment, basic written information about interacting with persons with Alzheimer's disease or a related disorder.

(2) All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, in addition to being provided the information required in subsection (1), also have an initial training of at least 1 hour completed in the first 3 months after beginning employment. This training must include, but is not limited to, an overview of dementias and must provide basic skills in communicating with persons with dementia.

(3) An individual who provides direct care shall be considered a direct caregiver and must complete the required initial training and an additional 3 hours of training within 9 months after beginning employment. This training shall include,

HB 1213

2005

1741 but is not limited to, managing problem behaviors, promoting the
 1742 resident's independence in activities of daily living, and
 1743 skills in working with families and caregivers.

1744 (a) The required 4 hours of training for certified nursing
 1745 assistants are part of the total hours of training required
 1746 annually.

1747 (b) For a health care practitioner as defined in s.
 1748 456.001, continuing education hours taken as required by that
 1749 practitioner's licensing board shall be counted toward this
 1750 total of 4 hours.

1751 (4) For an employee who is a licensed health care
 1752 practitioner as defined in s. 456.001, training that is
 1753 sanctioned by that practitioner's licensing board shall be
 1754 considered to be approved by the Department of Elderly Affairs.

1755 (5) The Department of Elderly Affairs or its designee must
 1756 approve the initial and continuing training provided in the
 1757 facilities. The department must approve training offered in a
 1758 variety of formats, including, but not limited to, Internet-
 1759 based training, videos, teleconferencing, and classroom
 1760 instruction. The department shall keep a list of current
 1761 providers who are approved to provide initial and continuing
 1762 training. The department shall adopt rules to establish
 1763 standards for the trainers and the training required in this
 1764 section.

1765 (6) Upon completing any training listed in this section,
 1766 the employee or direct caregiver shall be issued a certificate
 1767 that includes the name of the training provider, the topic
 1768 covered, and the date and signature of the training provider.
 1769 The certificate is evidence of completion of training in the

HB 1213

2005

1770 identified topic, and the employee or direct caregiver is not
 1771 required to repeat training in that topic if the employee or
 1772 direct caregiver changes employment to a different facility or
 1773 to an assisted living facility, home health agency, adult day
 1774 care center, or adult family-care home. The direct caregiver
 1775 must comply with other applicable continuing education
 1776 requirements.

1777
 1778 ~~An employee hired on or after July 1, 2001, need not comply with~~
 1779 ~~the guidelines created in this section before July 1, 2002.~~

1780

1781 Reviser's note.--Amended to delete a provision that
 1782 has served its purpose.

1783

1784 Section 63. Sub-subparagraph b. of subparagraph 2. of
 1785 paragraph (d) of subsection (5) of section 400.179, Florida
 1786 Statutes, is repealed.

1787

1788 Reviser's note.--The cited sub-subparagraph, which
 1789 directs the Agency for Health Care Administration to
 1790 conduct a study and make recommendations regarding the
 1791 minimum amount to be held in reserve to protect
 1792 against certain Medicaid overpayments in a report to
 1793 be submitted by January 1, 2003, has served its
 1794 purpose.

1795

1796 Section 64. Paragraph (g) of subsection (3) of section
 1797 403.4154, Florida Statutes, is amended to read:

1798 403.4154 Phosphogypsum management program.--

HB 1213

2005

1799 (3) ABATEMENT OF IMMINENT HAZARD.--
 1800 (g) The department may impose a lien on the real property
 1801 on which the phosphogypsum stack system that poses an imminent
 1802 hazard is located and on the real property underlying and other
 1803 assets located at associated phosphate fertilizer production
 1804 facilities equal in amount to the moneys expended from the
 1805 Nonmandatory Land Reclamation Trust Fund pursuant to paragraph
 1806 (e)~~(d)~~, including attorney's fees and court costs. The owner of
 1807 any property on which such a lien is imposed is entitled to a
 1808 release of the lien upon payment to the department of the lien
 1809 amount. The lien imposed by this section does not take priority
 1810 over any other prior perfected lien on the real property,
 1811 personal property, or other assets referenced in this paragraph,
 1812 including, but not limited to, the associated phosphate rock
 1813 mine and reserves.

1814
 1815 Reviser's note.--Amended to conform to the
 1816 redesignation of subunits of subsection (3) by s. 8,
 1817 ch. 2003-423, Laws of Florida.

1818
 1819 Section 65. Paragraph (a) of subsection (17) of section
 1820 409.2563, Florida Statutes, is repealed, and paragraph (m) of
 1821 subsection (4) of that section is amended to read:

1822 409.2563 Administrative establishment of child support
 1823 obligations.--

1824 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 1825 SUPPORT ORDER.--To commence a proceeding under this section, the
 1826 department shall provide to the custodial parent and serve the
 1827 noncustodial parent with a notice of proceeding to establish

HB 1213

2005

1828 administrative support order and a blank financial affidavit
 1829 form. The notice must state:

1830 (m) That, neither the department nor the Division of
 1831 Administrative Hearings has jurisdiction to award or change
 1832 child custody or rights of parental contact and these issues may
 1833 only be addressed in circuit court.

1834 1. The noncustodial parent may request in writing that the
 1835 department proceed in circuit court to determine his or her
 1836 support obligations.

1837 2. The noncustodial parent may state in writing to the
 1838 department his or her intention to address issues concerning
 1839 custody or rights to parental contact in circuit court.

1840 3. If the noncustodial parent submits the request
 1841 authorized in subparagraph 1., or the statement authorized in
 1842 subparagraph 2. to the department within 20 days after the
 1843 receipt of the initial notice, the department shall file a
 1844 petition in circuit court for the determination of the
 1845 noncustodial parent's child support obligations, and shall send
 1846 to the noncustodial parent a copy of its petition, a notice of
 1847 commencement of action, and a request for waiver of service of
 1848 process as provided in the Florida Rules of Civil Procedure.

1849 4. If, within 10 days after receipt of the department's
 1850 petition and waiver of service, the noncustodial parent signs
 1851 and returns the waiver of service form to the department, the
 1852 department shall terminate the administrative proceeding without
 1853 prejudice and proceed in circuit court.

1854 5. In any circuit court action filed by the department
 1855 pursuant to this paragraph or filed by a noncustodial parent or
 1856 other person pursuant to paragraph (l) or paragraph (n), the

HB 1213

2005

1857 department shall be a party only with respect to those issues of
 1858 support allowed and reimbursable under Title IV-D of the Social
 1859 Security Act. It is the responsibility of the noncustodial
 1860 parent or other person to take the necessary steps to present
 1861 other issues for the court to consider.

1862
 1863 The department may serve the notice of proceeding to establish
 1864 administrative support order by certified mail, restricted
 1865 delivery, return receipt requested. Alternatively, the
 1866 department may serve the notice by any means permitted for
 1867 service of process in a civil action. For purposes of this
 1868 section, an authorized employee of the department may serve the
 1869 notice and execute an affidavit of service. Service by certified
 1870 mail is completed when the certified mail is received or refused
 1871 by the addressee or by an authorized agent as designated by the
 1872 addressee in writing. If a person other than the addressee signs
 1873 the return receipt, the department shall attempt to reach the
 1874 addressee by telephone to confirm whether the notice was
 1875 received, and the department shall document any telephonic
 1876 communications. If someone other than the addressee signs the
 1877 return receipt, the addressee does not respond to the notice,
 1878 and the department is unable to confirm that the addressee has
 1879 received the notice, service is not completed and the department
 1880 shall attempt to have the addressee served personally. The
 1881 department shall provide the custodial parent or caretaker
 1882 relative with a copy of the notice by regular mail to the last
 1883 known address of the custodial parent or caretaker.

1884
 1885 Reviser's note.--Paragraph (4)(m) is amended to

HB 1213

2005

1886 conform to the complete title of the Florida Rules of
 1887 Civil Procedure. Paragraph (17)(a) is repealed to
 1888 delete provisions that have served their purpose; the
 1889 paragraph provided for establishment and evaluation of
 1890 a study area, with reports due June 30, 2002; June 30,
 1891 2003; and June 30, 2004.

1892
 1893 Section 66. Subsection (7) of section 409.907, Florida
 1894 Statutes, is amended to read:

1895 409.907 Medicaid provider agreements.--The agency may make
 1896 payments for medical assistance and related services rendered to
 1897 Medicaid recipients only to an individual or entity who has a
 1898 provider agreement in effect with the agency, who is performing
 1899 services or supplying goods in accordance with federal, state,
 1900 and local law, and who agrees that no person shall, on the
 1901 grounds of handicap, race, color, or national origin, or for any
 1902 other reason, be subjected to discrimination under any program
 1903 or activity for which the provider receives payment from the
 1904 agency.

1905 (7) The agency may require, as a condition of
 1906 participating in the Medicaid program and before entering into
 1907 the provider agreement, that the provider submit information, in
 1908 an initial and any required renewal applications, concerning the
 1909 professional, business, and personal background of the provider
 1910 and permit an onsite inspection of the provider's service
 1911 location by agency staff or other personnel designated by the
 1912 agency to perform this function. The agency shall perform a
 1913 random onsite inspection, within 60 days after receipt of a
 1914 fully complete new provider's application, of the provider's

HB 1213

2005

1915 service location prior to making its first payment to the
 1916 provider for Medicaid services to determine the applicant's
 1917 ability to provide the services that the applicant is proposing
 1918 to provide for Medicaid reimbursement. The agency is not
 1919 required to perform an onsite inspection of a provider or
 1920 program that is licensed by the agency, that provides services
 1921 under waiver programs for home and community-based services, or
 1922 that is licensed as a medical foster home by the Department of
 1923 Children and Family Services. As a continuing condition of
 1924 participation in the Medicaid program, a provider shall
 1925 immediately notify the agency of any current or pending
 1926 bankruptcy filing. Before entering into the provider agreement,
 1927 or as a condition of continuing participation in the Medicaid
 1928 program, the agency may also require that Medicaid providers
 1929 reimbursed on a fee-for-services basis or fee schedule basis
 1930 which is not cost-based, post a surety bond not to exceed
 1931 \$50,000 or the total amount billed by the provider to the
 1932 program during the current or most recent calendar year,
 1933 whichever is greater. For new providers, the amount of the
 1934 surety bond shall be determined by the agency based on the
 1935 provider's estimate of its first year's billing. If the
 1936 provider's billing during the first year exceeds the bond
 1937 amount, the agency may require the provider to acquire an
 1938 additional bond equal to the actual billing level of the
 1939 provider. A provider's bond shall not exceed \$50,000 if a
 1940 physician or group of physicians licensed under chapter 458,
 1941 chapter 459, or chapter 460 has a 50 percent or greater
 1942 ownership interest in the provider or if the provider is an
 1943 assisted living facility licensed under part III of chapter 400.

HB 1213

2005

1944 The bonds permitted by this section are in addition to the bonds
 1945 referenced in s. 400.179(5)(d) ~~400.179(4)(d)~~. If the provider is
 1946 a corporation, partnership, association, or other entity, the
 1947 agency may require the provider to submit information concerning
 1948 the background of that entity and of any principal of the
 1949 entity, including any partner or shareholder having an ownership
 1950 interest in the entity equal to 5 percent or greater, and any
 1951 treating provider who participates in or intends to participate
 1952 in Medicaid through the entity. The information must include:

1953 (a) Proof of holding a valid license or operating
 1954 certificate, as applicable, if required by the state or local
 1955 jurisdiction in which the provider is located or if required by
 1956 the Federal Government.

1957 (b) Information concerning any prior violation, fine,
 1958 suspension, termination, or other administrative action taken
 1959 under the Medicaid laws, rules, or regulations of this state or
 1960 of any other state or the Federal Government; any prior
 1961 violation of the laws, rules, or regulations relating to the
 1962 Medicare program; any prior violation of the rules or
 1963 regulations of any other public or private insurer; and any
 1964 prior violation of the laws, rules, or regulations of any
 1965 regulatory body of this or any other state.

1966 (c) Full and accurate disclosure of any financial or
 1967 ownership interest that the provider, or any principal, partner,
 1968 or major shareholder thereof, may hold in any other Medicaid
 1969 provider or health care related entity or any other entity that
 1970 is licensed by the state to provide health or residential care
 1971 and treatment to persons.

1972 (d) If a group provider, identification of all members of

HB 1213

2005

1973 the group and attestation that all members of the group are
 1974 enrolled in or have applied to enroll in the Medicaid program.

1975
 1976 Reviser's note.--Amended to conform to the context of
 1977 the reference and the fact that there is no s.
 1978 400.179(4)(d).

1979
 1980 Section 67. Subsections (1) and (6) of section 409.9071,
 1981 Florida Statutes, are amended to read:

1982 409.9071 Medicaid provider agreements for school districts
 1983 certifying state match.--

1984 (1) The agency shall ~~submit a state plan amendment by~~
 1985 ~~September 1, 1997, for the purpose of obtaining federal~~
 1986 ~~authorization to~~ reimburse school-based services as provided in
 1987 former s. 236.0812 pursuant to the rehabilitative services
 1988 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes of
 1989 this section, billing agent consulting services shall be
 1990 considered billing agent services, as that term is used in s.
 1991 409.913(10), and, as such, payments to such persons shall not be
 1992 based on amounts for which they bill nor based on the amount a
 1993 provider receives from the Medicaid program. This provision
 1994 shall not restrict privatization of Medicaid school-based
 1995 services. Subject to any limitations provided for in the General
 1996 Appropriations Act, the agency, in compliance with appropriate
 1997 federal authorization, shall develop policies and procedures and
 1998 shall allow for certification of state and local education funds
 1999 which have been provided for school-based services as specified
 2000 in s. 1011.70 and authorized by a physician's order where
 2001 required by federal Medicaid law. Any state or local funds

HB 1213

2005

2002 certified pursuant to this section shall be for children with
 2003 specified disabilities who are eligible for both Medicaid and
 2004 part B or part H of the Individuals with Disabilities Education
 2005 Act (IDEA), or the exceptional student education program, or who
 2006 have an individualized educational plan.

2007 (6) Retroactive reimbursements for services as specified
 2008 in former s. 236.0812 as of July 1, 1996, including
 2009 reimbursement for the 1995-1996 and 1996-1997 school years, are
 2010 subject to federal approval.

2011
 2012 Reviser's note.--Subsection (1) is amended to delete a
 2013 provision that has served its purpose. Subsection (6)
 2014 is amended to make the sentence complete and provide
 2015 clarity.

2016
 2017 Section 68. Subparagraph 4. of paragraph (a) of subsection
 2018 (1) of section 409.908, Florida Statutes, is repealed.

2019
 2020 Reviser's note.--The cited subparagraph, which
 2021 provides for hospital inpatient rates to be reduced by
 2022 6 percent effective July 1, 2001, and restored
 2023 effective April 1, 2002, has served its purpose.

2024
 2025 Section 69. Section 409.91188, Florida Statutes, is
 2026 amended to read:

2027 409.91188 Specialty prepaid health plans for Medicaid
 2028 recipients with HIV or AIDS.--The Agency for Health Care
 2029 Administration is authorized to contract with specialty prepaid
 2030 health plans and pay them on a prepaid capitated basis to

HB 1213

2005

2031 provide Medicaid benefits to Medicaid-eligible recipients who
 2032 have human immunodeficiency syndrome (HIV) or acquired
 2033 immunodeficiency syndrome (AIDS). The agency shall apply for and
 2034 is authorized to implement federal waivers or other necessary
 2035 federal authorization to implement the prepaid health plans
 2036 authorized by this section. The agency shall procure the
 2037 specialty prepaid health plans through a competitive
 2038 procurement. In awarding a contract to a managed care plan, the
 2039 agency shall take into account price, quality, accessibility,
 2040 linkages to community-based organizations, and the
 2041 comprehensiveness of the benefit package offered by the plan.
 2042 The agency may bid the HIV/AIDS specialty plans on a county,
 2043 regional, or statewide basis. Qualified plans must be licensed
 2044 under chapter 641. The agency shall monitor and evaluate the
 2045 implementation of this waiver program if it is approved by the
 2046 Federal Government ~~and shall report on its status to the~~
 2047 ~~President of the Senate and the Speaker of the House of~~
 2048 ~~Representatives by February 1, 2001.~~ To improve coordination of
 2049 medical care delivery and to increase cost efficiency for the
 2050 Medicaid program in treating HIV disease, the Agency for Health
 2051 Care Administration shall seek all necessary federal waivers to
 2052 allow participation in the Medipass HIV disease management
 2053 program for Medicare beneficiaries who test positive for HIV
 2054 infection and who also qualify for Medicaid benefits such as
 2055 prescription medications not covered by Medicare.

2056
 2057 Reviser's note.--Amended to delete a provision that
 2058 has served its purpose.

2059

HB 1213

2005

2060 Section 70. Paragraph (a) of subsection (4), paragraph (b)
 2061 of subsection (16), subsection (41), and paragraph (d) of
 2062 subsection (49) of section 409.912, Florida Statutes, are
 2063 amended to read:

2064 409.912 Cost-effective purchasing of health care.--The
 2065 agency shall purchase goods and services for Medicaid recipients
 2066 in the most cost-effective manner consistent with the delivery
 2067 of quality medical care. To ensure that medical services are
 2068 effectively utilized, the agency may, in any case, require a
 2069 confirmation or second physician's opinion of the correct
 2070 diagnosis for purposes of authorizing future services under the
 2071 Medicaid program. This section does not restrict access to
 2072 emergency services or poststabilization care services as defined
 2073 in 42 C.F.R. part 438.114. Such confirmation or second opinion
 2074 shall be rendered in a manner approved by the agency. The agency
 2075 shall maximize the use of prepaid per capita and prepaid
 2076 aggregate fixed-sum basis services when appropriate and other
 2077 alternative service delivery and reimbursement methodologies,
 2078 including competitive bidding pursuant to s. 287.057, designed
 2079 to facilitate the cost-effective purchase of a case-managed
 2080 continuum of care. The agency shall also require providers to
 2081 minimize the exposure of recipients to the need for acute
 2082 inpatient, custodial, and other institutional care and the
 2083 inappropriate or unnecessary use of high-cost services. The
 2084 agency may mandate prior authorization, drug therapy management,
 2085 or disease management participation for certain populations of
 2086 Medicaid beneficiaries, certain drug classes, or particular
 2087 drugs to prevent fraud, abuse, overuse, and possible dangerous
 2088 drug interactions. The Pharmaceutical and Therapeutics Committee

HB 1213

2005

2089 shall make recommendations to the agency on drugs for which
2090 prior authorization is required. The agency shall inform the
2091 Pharmaceutical and Therapeutics Committee of its decisions
2092 regarding drugs subject to prior authorization. The agency is
2093 authorized to limit the entities it contracts with or enrolls as
2094 Medicaid providers by developing a provider network through
2095 provider credentialing. The agency may limit its network based
2096 on the assessment of beneficiary access to care, provider
2097 availability, provider quality standards, time and distance
2098 standards for access to care, the cultural competence of the
2099 provider network, demographic characteristics of Medicaid
2100 beneficiaries, practice and provider-to-beneficiary standards,
2101 appointment wait times, beneficiary use of services, provider
2102 turnover, provider profiling, provider licensure history,
2103 previous program integrity investigations and findings, peer
2104 review, provider Medicaid policy and billing compliance records,
2105 clinical and medical record audits, and other factors. Providers
2106 shall not be entitled to enrollment in the Medicaid provider
2107 network. The agency is authorized to seek federal waivers
2108 necessary to implement this policy.

2109 (4) The agency may contract with:

2110 (a) An entity that provides no prepaid health care
2111 services other than Medicaid services under contract with the
2112 agency and which is owned and operated by a county, county
2113 health department, or county-owned and operated hospital to
2114 provide health care services on a prepaid or fixed-sum basis to
2115 recipients, which entity may provide such prepaid services
2116 either directly or through arrangements with other providers.
2117 Such prepaid health care services entities must be licensed

HB 1213

2005

2118 under parts I and III ~~by January 1, 1998, and until then are~~
 2119 ~~exempt from the provisions of part I~~ of chapter 641. An entity
 2120 recognized under this paragraph which demonstrates to the
 2121 satisfaction of the Office of Insurance Regulation of the
 2122 Financial Services Commission that it is backed by the full
 2123 faith and credit of the county in which it is located may be
 2124 exempted from s. 641.225.

2125 (16)

2126 (b) The responsibility of the agency under this subsection
 2127 shall include the development of capabilities to identify actual
 2128 and optimal practice patterns; patient and provider educational
 2129 initiatives; methods for determining patient compliance with
 2130 prescribed treatments; fraud, waste, and abuse prevention and
 2131 detection programs; and beneficiary case management programs.

2132 1. The practice pattern identification program shall
 2133 evaluate practitioner prescribing patterns based on national and
 2134 regional practice guidelines, comparing practitioners to their
 2135 peer groups. The agency and its Drug Utilization Review Board
 2136 shall consult with the Department of Health and a panel of
 2137 practicing health care professionals consisting of the
 2138 following: the Speaker of the House of Representatives and the
 2139 President of the Senate shall each appoint three physicians
 2140 licensed under chapter 458 or chapter 459; and the Governor
 2141 shall appoint two pharmacists licensed under chapter 465 and one
 2142 dentist licensed under chapter 466 who is an oral surgeon. Terms
 2143 of the panel members shall expire at the discretion of the
 2144 appointing official. ~~The panel shall begin its work by August 1,~~
 2145 ~~1999, regardless of the number of appointments made by that~~
 2146 ~~date.~~ The advisory panel shall be responsible for evaluating

HB 1213

2005

2147 treatment guidelines and recommending ways to incorporate their
 2148 use in the practice pattern identification program.

2149 Practitioners who are prescribing inappropriately or
 2150 inefficiently, as determined by the agency, may have their
 2151 prescribing of certain drugs subject to prior authorization or
 2152 may be terminated from all participation in the Medicaid
 2153 program.

2154 2. The agency shall also develop educational interventions
 2155 designed to promote the proper use of medications by providers
 2156 and beneficiaries.

2157 3. The agency shall implement a pharmacy fraud, waste, and
 2158 abuse initiative that may include a surety bond or letter of
 2159 credit requirement for participating pharmacies, enhanced
 2160 provider auditing practices, the use of additional fraud and
 2161 abuse software, recipient management programs for beneficiaries
 2162 inappropriately using their benefits, and other steps that will
 2163 eliminate provider and recipient fraud, waste, and abuse. The
 2164 initiative shall address enforcement efforts to reduce the
 2165 number and use of counterfeit prescriptions.

2166 4. By September 30, 2002, the agency shall contract with
 2167 an entity in the state to implement a wireless handheld clinical
 2168 pharmacology drug information database for practitioners. The
 2169 initiative shall be designed to enhance the agency's efforts to
 2170 reduce fraud, abuse, and errors in the prescription drug benefit
 2171 program and to otherwise further the intent of this paragraph.

2172 5. The agency may apply for any federal waivers needed to
 2173 implement this paragraph.

2174 (41) The agency shall provide for the development of a
 2175 demonstration project by establishment in Miami-Dade County of a

HB 1213

2005

2176 long-term-care facility licensed pursuant to chapter 395 to
 2177 improve access to health care for a predominantly minority,
 2178 medically underserved, and medically complex population and to
 2179 evaluate alternatives to nursing home care and general acute
 2180 care for such population. Such project is to be located in a
 2181 health care condominium and colocated with licensed facilities
 2182 providing a continuum of care. The establishment of this project
 2183 is not subject to the provisions of s. 408.036 or s. 408.039.
 2184 ~~The agency shall report its findings to the Governor, the~~
 2185 ~~President of the Senate, and the Speaker of the House of~~
 2186 ~~Representatives by January 1, 2003.~~

2187 (49) The agency shall contract with established minority
 2188 physician networks that provide services to historically
 2189 underserved minority patients. The networks must provide cost-
 2190 effective Medicaid services, comply with the requirements to be
 2191 a MediPass provider, and provide their primary care physicians
 2192 with access to data and other management tools necessary to
 2193 assist them in ensuring the appropriate use of services,
 2194 including inpatient hospital services and pharmaceuticals.

2195 (d) The agency may apply for any federal waivers needed to
 2196 implement this subsection ~~paragraph~~.

2197
 2198 Reviser's note.--Paragraphs (4)(a) and (16)(b) and
 2199 subsection (41) are amended to delete provisions that
 2200 have served their purpose. Paragraph (49)(d) is
 2201 amended to conform to the context of the reference.

2202
 2203 Section 71. Subsection (3) of section 420.504, Florida
 2204 Statutes, is amended to read:

HB 1213

2005

2205 420.504 Public corporation; creation, membership, terms,
 2206 expenses.--

2207 (3) The corporation is a separate budget entity and is not
 2208 subject to control, supervision, or direction by the Department
 2209 of Community Affairs in any manner, including, but not limited
 2210 to, personnel, purchasing, transactions involving real or
 2211 personal property, and budgetary matters. The corporation shall
 2212 consist of a board of directors composed of the Secretary of
 2213 Community Affairs as an ex officio and voting member and eight
 2214 members appointed by the Governor subject to confirmation by the
 2215 Senate from the following:

2216 (a) One citizen actively engaged in the residential home
 2217 building industry.

2218 (b) One citizen actively engaged in the banking or
 2219 mortgage banking industry.

2220 (c) One citizen who is a representative of those areas of
 2221 labor engaged in home building.

2222 (d) One citizen with experience in housing development who
 2223 is an advocate for low-income persons.

2224 (e) One citizen actively engaged in the commercial
 2225 building industry.

2226 (f) One citizen who is a former local government elected
 2227 official.

2228 (g) Two citizens of the state who are not principally
 2229 employed as members or representatives of any of the groups
 2230 specified in paragraphs (a)-(f).

2231
 2232 ~~The changes in membership categories required by this act shall~~
 2233 ~~be effective when the term of one citizen member expires in~~

HB 1213

2005

2234 ~~1998.~~

2235

2236 Reviser's note.--Amended to delete a provision that
2237 has served its purpose.

2238

2239 Section 72. Paragraph (g) of subsection (2) of section
2240 430.04, Florida Statutes, is reenacted to read:

2241 430.04 Duties and responsibilities of the Department of
2242 Elderly Affairs.--The Department of Elderly Affairs shall:

2243 (2) Be responsible for ensuring that each area agency on
2244 aging operates in a manner to ensure that the elderly of this
2245 state receive the best services possible. The department shall
2246 rescind designation of an area agency on aging or take
2247 intermediate measures against the agency, including corrective
2248 action, unannounced special monitoring, temporary assumption of
2249 operation of one or more programs by the department, placement
2250 on probationary status, imposing a moratorium on agency action,
2251 imposing financial penalties for nonperformance, or other
2252 administrative action pursuant to chapter 120, if the department
2253 finds that:

2254 (g) The agency has failed to implement and maintain a
2255 department-approved client grievance resolution procedure.

2256

2257 Reviser's note.--Section 4, ch. 2004-386, Laws of
2258 Florida, amended subsection (2), including insertion
2259 of a new paragraph (f), without publishing existing
2260 paragraph (f). Absent affirmative evidence of
2261 legislative intent to repeal existing paragraph (f),
2262 it is reenacted here, redesignated as paragraph (g),

HB 1213

2005

2263 to confirm that the omission was not intended.

2264

2265 Section 73. Paragraph (b) of subsection (6) of section
2266 430.205, Florida Statutes, is amended to read:

2267 430.205 Community care service system.--

2268 (6) Notwithstanding other requirements of this chapter,
2269 the Department of Elderly Affairs and the Agency for Health Care
2270 Administration shall develop an integrated long-term-care
2271 delivery system.

2272 (b) During the 2004-2005 state fiscal year:

2273 1. The agency, in consultation with the department, shall
2274 develop an implementation plan to integrate the Frail Elder
2275 Option into the Nursing Home Diversion pilot project and each
2276 program's funds into one capitated program serving the aged.
2277 Beginning July 1, 2004, the agency may not enroll additional
2278 individuals in the Frail Elder Option.

2279 2. The agency, in consultation with the department, shall
2280 integrate the Aged and Disabled Adult Medicaid waiver program
2281 and the Assisted Living for the Elderly Medicaid waiver program
2282 and each program's funds into one fee-for-service Medicaid
2283 waiver program serving the aged and disabled. Once the programs
2284 are integrated, funding to provide care in assisted-living
2285 facilities under the new waiver may not be less than the amount
2286 appropriated in the 2003-2004 fiscal year for the Assisted
2287 Living for the Elderly Medicaid waiver.

2288 a. The agency shall seek federal waivers necessary to
2289 integrate these waiver programs.

2290 b. The agency and the department shall reimburse providers
2291 for case management services on a capitated basis and develop

HB 1213

2005

2292 uniform standards for case management in this fee-for-service
 2293 Medicaid waiver program. The coordination of acute and chronic
 2294 medical services for individuals shall be included in the
 2295 capitated rate for case management services.

2296 c. The agency and the department shall adopt any rules
 2297 necessary to comply with or administer these requirements,
 2298 effect and implement interagency agreements between the
 2299 department and the agency, and comply with federal requirements.

2300 3. The Legislature finds that preservation of the historic
 2301 aging network of lead agencies is essential to the well-being of
 2302 Florida's elderly population. The Legislature finds that the
 2303 Florida aging network constitutes a system of essential
 2304 community providers which should be nurtured and assisted to
 2305 develop systems of operations which allow the gradual assumption
 2306 of responsibility and financial risk for managing a client
 2307 through the entire continuum of long-term care services within
 2308 the area the lead agency is currently serving, and which allow
 2309 lead agency providers to develop managed systems of service
 2310 delivery. The department, in consultation with the agency, shall
 2311 therefore:

2312 a. Develop a demonstration project in which existing
 2313 community care for the elderly lead agencies are assisted in
 2314 transferring their business model and the service delivery
 2315 system within their current community care service area to
 2316 enable assumption, over a period of time, of full risk as a
 2317 community diversion pilot project contractor providing long-term
 2318 care services in the areas of operation. The department, in
 2319 consultation with the agency and the Department of Children and
 2320 Family Services, shall develop an implementation plan for no

HB 1213

2005

2321 more than three lead agencies by October 31, 2004.

2322 b. In the demonstration area, a community care for the
 2323 elderly lead agency shall be initially reimbursed on a prepaid
 2324 or fixed-sum basis for services provided under the newly
 2325 integrated fee-for-service Medicaid waiver. By the end of the
 2326 third year of operation, the demonstration project shall include
 2327 all services under the long-term care community diversion pilot
 2328 project.

2329 c. During the first year of operation, the department, in
 2330 consultation with the agency, may place providers at risk to
 2331 provide nursing home services for the enrolled individuals who
 2332 are participating in the demonstration project. During the 3-
 2333 year development period, the agency and the department may limit
 2334 the level of custodial nursing home risk that the administering
 2335 entities assume. Under risk-sharing arrangements, during the
 2336 first 3 years of operation, the department, in consultation with
 2337 the agency, may reimburse the administering entity for the cost
 2338 of providing nursing home care for Medicaid-eligible
 2339 participants who have been permanently placed and remain in a
 2340 nursing home for more than 1 year, or may disenroll such
 2341 participants from the demonstration project.

2342 d. The agency, in consultation with the department, shall
 2343 develop reimbursement rates based on the historical cost
 2344 experience of the state in providing long-term care and nursing
 2345 home services under Medicaid waiver programs to the population
 2346 65 years of age and older in the area served by the pilot
 2347 project.

2348 e. The department, in consultation with the agency, shall
 2349 ensure that the entity or entities receiving prepaid or fixed-

HB 1213

2005

2350 sum reimbursement are assisted in developing internal management
 2351 and financial control systems necessary to manage the risk
 2352 associated with providing services under a prepaid or fixed-sum
 2353 rate system.

2354 f. If the department and the agency share risk of
 2355 custodial nursing home placement, payment rates during the first
 2356 3 years of operation shall be set at not more than 100 percent
 2357 of the costs to the agency and the department of providing
 2358 equivalent services to the population within the area of the
 2359 pilot project for the year prior to the year in which the pilot
 2360 project is implemented, adjusted forward to account for
 2361 inflation and policy changes in the Medicaid program. In
 2362 subsequent years, the rate shall be negotiated, based on the
 2363 cost experience of the entity in providing contracted services,
 2364 but may not exceed 95 percent of the amount that would have been
 2365 paid in the pilot project area absent the prepaid or fixed sum
 2366 reimbursement methodology.

2367 g. Community care for the elderly lead agencies that have
 2368 operated for a period of at least 20 years, which provide
 2369 Medicare-certified services to elders, and which have developed
 2370 a system of service provision by health care volunteers shall be
 2371 given priority in the selection of the pilot project if they
 2372 meet the minimum requirements specified in the competitive
 2373 procurement.

2374 h. The agency and the department shall adopt rules
 2375 necessary to comply with or administer these requirements,
 2376 effect and implement interagency agreements between the agency
 2377 and the department, and comply with federal requirements.

2378 i. The department and the agency shall seek federal

HB 1213

2005

2379 waivers necessary to implement the requirements of this section.

2380 j. The Department of Elderly Affairs shall conduct or
 2381 contract for an evaluation of the demonstration project. The
 2382 department shall submit the evaluation to the Governor and the
 2383 Legislature by January 1, 2007. The evaluation must address the
 2384 effectiveness of the pilot project in providing a comprehensive
 2385 system of appropriate and high-quality, long-term care services
 2386 to elders in the least restrictive setting and make
 2387 recommendations on expanding the project to other parts of the
 2388 state.

2389 4. The department, in consultation with the agency, shall
 2390 study the integration of the database systems for the
 2391 Comprehensive Assessment and Review of Long-Term Care (CARES)
 2392 program and the Client Information and Referral Tracking System
 2393 (CIRTS) and develop a plan for database integration. The
 2394 department shall submit the plan to the Governor, the President
 2395 of the Senate, and the Speaker of the House of Representatives
 2396 by December 31, 2004.

2397 5. The agency, in consultation with the department, shall
 2398 work with the fiscal agent for the Medicaid program to develop a
 2399 service utilization reporting system that operates through the
 2400 fiscal agent for the capitated plans.

2401
 2402 Reviser's note.--Amended to improve clarity and
 2403 facilitate correct interpretation.

2404
 2405 Section 74. Subsection (6) of section 440.05, Florida
 2406 Statutes, is amended to read:

2407 440.05 Election of exemption; revocation of election;

HB 1213

2005

2408 notice; certification.--

2409 (6) A construction industry certificate of election to be
 2410 exempt which is issued in accordance with this section shall be
 2411 valid for 2 years after the effective date stated thereon. Both
 2412 the effective date and the expiration date must be listed on the
 2413 face of the certificate by the department. The construction
 2414 industry certificate must expire at midnight, 2 years from its
 2415 issue date, as noted on the face of the exemption certificate.
 2416 ~~Any person who has received from the department a construction~~
 2417 ~~industry certificate of election to be exempt which is in effect~~
 2418 ~~on December 31, 1998, shall file a new notice of election to be~~
 2419 ~~exempt by the last day in his or her birth month following~~
 2420 ~~December 1, 1998.~~ A construction industry certificate of
 2421 election to be exempt may be revoked before its expiration by
 2422 the officer for whom it was issued or by the department for the
 2423 reasons stated in this section. At least 60 days prior to the
 2424 expiration date of a construction industry certificate of
 2425 exemption issued after December 1, 1998, the department shall
 2426 send notice of the expiration date and an application for
 2427 renewal to the certificateholder at the address on the
 2428 certificate.

2429
 2430 Reviser's note.--Amended to delete a provision that
 2431 has served its purpose.

2432
 2433 Section 75. Paragraph (a) of subsection (6) of section
 2434 440.491, Florida Statutes, is amended to read:
 2435 440.491 Reemployment of injured workers; rehabilitation.--
 2436 (6) TRAINING AND EDUCATION.--

HB 1213

2005

2437 (a) Upon referral of an injured employee by the carrier,
 2438 or upon the request of an injured employee, the department shall
 2439 conduct a training and education screening to determine whether
 2440 it should refer the employee for a vocational evaluation and, if
 2441 appropriate, approve training and education or other vocational
 2442 services for the employee. The department may not approve formal
 2443 training and education programs unless it determines, after
 2444 consideration of the reemployment assessment, pertinent
 2445 reemployment status reviews or reports, and such other relevant
 2446 factors as it prescribes by rule, that the reemployment plan is
 2447 likely to result in return to suitable gainful employment. The
 2448 department is authorized to expend moneys from the Workers'
 2449 Compensation Administration Trust Fund, established by s.
 2450 440.50, to secure appropriate training and education at a
 2451 community college as designated in s. 1000.21(3) or at a career
 2452 center ~~vocational-technical school~~ established under s. 1001.44,
 2453 or to secure other vocational services when necessary to satisfy
 2454 the recommendation of a vocational evaluator. As used in this
 2455 paragraph, "appropriate training and education" includes
 2456 securing a general education diploma (GED), if necessary. The
 2457 department shall establish training and education standards
 2458 pertaining to employee eligibility, course curricula and
 2459 duration, and associated costs.

2460
 2461 Reviser's note.--Amended to conform to the
 2462 substitution of the term "career center" for
 2463 "vocational-technical school" throughout statutory
 2464 material relating to the subject by ch. 2004-357, Laws
 2465 of Florida. Also amended to conform to the terminology

HB 1213

2005

2466 used in s. 1001.44.

2467

2468 Section 76. Section 440.591, Florida Statutes, is amended
2469 to read:

2470 440.591 Administrative procedure; rulemaking
2471 authority.--The department, the Financial Services Commission,
2472 the agency, and the Department of Education may adopt rules
2473 pursuant to ss. 120.536(1) and 120.54 to implement the
2474 provisions of this chapter conferring duties upon them ~~it~~.

2475

2476 Reviser's note.--Amended to improve clarity and
2477 facilitate correct interpretation.

2478

2479 Section 77. Paragraph (a) of subsection (5) of section
2480 443.191, Florida Statutes, is amended to read:

2481 443.191 Unemployment Compensation Trust Fund;
2482 establishment and control.--

2483 (5) MONEY CREDITED UNDER 42 U.S.C. S. 1103.--

2484 (a) Money credited to this state's account in the federal
2485 Unemployment Compensation Trust Fund by the Secretary of the
2486 Treasury of the United States under 42 U.S.C. s. 1103 may not be
2487 requisitioned from this state's account or used except for the
2488 payment of benefits and for the payment of expenses incurred for
2489 the administration of this chapter. These moneys may be
2490 requisitioned under subsection (3) for the payment of benefits.
2491 These moneys may also be requisitioned and used for the payment
2492 of expenses incurred for the administration of this chapter, but
2493 only under a specific appropriation by the Legislature and only
2494 if the expenses are incurred and the money is requisitioned

HB 1213

2005

2495 after the enactment of an appropriations law that:

2496 1. Specifies the purposes for which the money is
2497 appropriated and the amounts appropriated;

2498 2. Limits the period within which the money may be
2499 obligated to a period ending not more than 2 years after the
2500 date of the enactment of the appropriations law; and

2501 3. Limits the amount that may be obligated during any 12-
2502 month period beginning on July 1 and ending on the next June 30
2503 to an amount that does not exceed the amount by which the
2504 aggregate of the amounts credited to the state's account under
2505 42 U.S.C. s. 1103 during the same 12-month period and the 34
2506 preceding 12-month periods exceeds the aggregate of the amounts
2507 obligated for administration and paid out for benefits and
2508 charged against the amounts credited to the state's account
2509 during those 35 12-month periods.

2510
2511 ~~Notwithstanding this paragraph, money credited for federal~~
2512 ~~fiscal years 1999, 2000, and 2001 may only be used solely for~~
2513 ~~the administration of the Unemployment Compensation Program.~~
2514 ~~This money is not otherwise subject to this paragraph when~~
2515 ~~appropriated by the Legislature.~~

2516
2517 Reviser's note.--Amended to delete a provision that
2518 has served its purpose.

2519
2520 Section 78. Subsection (5) and paragraph (b) of subsection
2521 (6) of section 445.003, Florida Statutes, are repealed.

2522
2523 Reviser's note.--Subsection (5), which required the

HB 1213

2005

2524 former Department of Labor and Employment Security to
 2525 phase-down Job Training Partnership Act duties before
 2526 the July 1, 2000, abolishment of the federal program,
 2527 and to complete related outstanding accounts and
 2528 issues by July 1, 2002 (transfer to Agency for
 2529 Workforce Innovation), is obsolete. Paragraph (6)(b),
 2530 which required the Office of Program Policy Analysis
 2531 and Government Accountability to review the workforce
 2532 development system and submit a final report by
 2533 December 31, 2002, has served its purpose.

2534
 2535 Section 79. Subsection (3) and paragraph (b) of subsection
 2536 (9) of section 445.009, Florida Statutes, are amended to read:

2537 445.009 One-stop delivery system.--

2538 (3) ~~Notwithstanding any other provision of law, any~~
 2539 ~~memorandum of understanding in effect on June 30, 2000, between~~
 2540 ~~a regional workforce board and the Department of Labor and~~
 2541 ~~Employment Security governing the delivery of workforce services~~
 2542 ~~shall remain in effect until September 30, 2000.~~ Beginning
 2543 October 1, 2000, regional workforce boards shall enter into a
 2544 memorandum of understanding with the Agency for Workforce
 2545 Innovation for the delivery of employment services authorized by
 2546 the federal Wagner-Peyser Act. This memorandum of understanding
 2547 must be performance based.

2548 (a) Unless otherwise required by federal law, at least 90
 2549 percent of the Wagner-Peyser funding must go into direct
 2550 customer service costs.

2551 (b) Employment services must be provided through the one-
 2552 stop delivery system, under the guidance of one-stop delivery

HB 1213

2005

2553 system operators. One-stop delivery system operators shall have
 2554 overall authority for directing the staff of the workforce
 2555 system. Personnel matters shall remain under the ultimate
 2556 authority of the Agency for Workforce Innovation. However, the
 2557 one-stop delivery system operator shall submit to the agency
 2558 information concerning the job performance of agency employees
 2559 who deliver employment services. The agency shall consider any
 2560 such information submitted by the one-stop delivery system
 2561 operator in conducting performance appraisals of the employees.

2562 (c) The agency shall retain fiscal responsibility and
 2563 accountability for the administration of funds allocated to the
 2564 state under the Wagner-Peyser Act. An agency employee who is
 2565 providing services authorized under the Wagner-Peyser Act shall
 2566 be paid using Wagner-Peyser Act funds.

2567 ~~(d) The Office of Program Policy Analysis and Government~~
 2568 ~~Accountability, in consultation with Workforce Florida, Inc.,~~
 2569 ~~shall review the delivery of employment services under the~~
 2570 ~~Wagner-Peyser Act and the integration of those services with~~
 2571 ~~other activities performed through the one-stop delivery system~~
 2572 ~~and shall provide recommendations to the Legislature for~~
 2573 ~~improving the effectiveness of the delivery of employment~~
 2574 ~~services in this state. The Office of Program Policy Analysis~~
 2575 ~~and Government Accountability shall submit a report and~~
 2576 ~~recommendations to the Governor, the President of the Senate,~~
 2577 ~~and the Speaker of the House of Representatives by December 31,~~
 2578 ~~2002.~~

2579 (9)

2580 (b) The network shall assure that a uniform method is used
 2581 to determine eligibility for and management of services provided

HB 1213

2005

2582 by agencies that conduct workforce development activities. The
 2583 Department of Management Services shall develop strategies to
 2584 allow access to the databases and information management systems
 2585 of the following systems in order to link information in those
 2586 databases with the one-stop delivery system:

2587 1. The Unemployment Compensation Program of the Agency for
 2588 Workforce Innovation.

2589 2. The public employment service described in s. 443.181.

2590 3. The FLORIDA System and the components related to WAGES,
 2591 food stamps, and Medicaid eligibility.

2592 ~~4. The Workers' Compensation System of the Department of~~
 2593 ~~Labor and Employment Security.~~

2594 4.5. The Student Financial Assistance System of the
 2595 Department of Education.

2596 ~~5.6.~~ Enrollment in the public postsecondary education
 2597 system.

2598 ~~6.7.~~ Other information systems determined appropriate by
 2599 Workforce Florida, Inc.

2600
 2601 The systems shall be fully coordinated at both the state and
 2602 local levels by July 1, 2001.

2603
 2604 Reviser's note.--Amended to delete provisions that are
 2605 obsolete or have served their purpose. Subparagraph
 2606 (9)(b)4. is deleted to remove a reference to an
 2607 information management system of the Department of
 2608 Labor and Employment Security; the system was not
 2609 implemented, and the department was abolished by s.
 2610 69, ch. 2002-194, Laws of Florida.

HB 1213

2005

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Section 80. Section 446.051, Florida Statutes, is reenacted to read:

446.051 Related instruction for apprentices.--

(1) The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction, all as approved by the registered program sponsor, shall be the responsibility of the appropriate career education institution.

(2) The appropriate career education institution shall be encouraged to cooperate with and assist in providing to any registered program sponsor facilities, equipment and supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.

Reviser's note.--Reenacted to confirm the substitution of the term "career education" for "vocational education" to conform to that substitution throughout statutory material relating to the subject by ch. 2004-357, Laws of Florida.

Section 81. Paragraph (a) of subsection (1) and subsection (2) of section 450.081, Florida Statutes, are reenacted to read:

450.081 Hours of work in certain occupations.--

(1)(a) Minors 15 years of age or younger shall not be employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. when school is scheduled the following day or for more than 15 hours in any one week. On any school day, minors 15

HB 1213

2005

2640 years of age or younger who are not enrolled in a career
 2641 education program shall not be gainfully employed for more than
 2642 3 hours, unless there is no session of school the following day.

2643 (2) Minors 16 and 17 years of age shall not be employed,
 2644 permitted, or suffered to work before 6:30 a.m. or after 11:00
 2645 p.m. or for more than 8 hours in any one day when school is
 2646 scheduled the following day. When school is in session, minors
 2647 16 and 17 years of age shall not work more than 30 hours in any
 2648 one week. On any school day, minors 16 and 17 years of age who
 2649 are not enrolled in a career education program shall not be
 2650 gainfully employed during school hours.

2651
 2652 Reviser's note.--Reenacted to confirm the substitution
 2653 of the term "career education" for "vocational
 2654 education" to conform to that substitution throughout
 2655 statutory material relating to the subject by ch.
 2656 2004-357, Laws of Florida.

2657
 2658 Section 82. Subsection (2) of section 455.2177, Florida
 2659 Statutes, is amended to read:

2660 455.2177 Monitoring of compliance with continuing
 2661 education requirements.--

2662 (2) The department may refuse renewal of a licensee's
 2663 license until the licensee has satisfied all applicable
 2664 continuing education requirements. This subsection does not
 2665 preclude the department or boards from imposing additional
 2666 penalties pursuant to the applicable practice act or rules
 2667 adopted pursuant thereto.

2668

HB 1213

2005

2669 Reviser's note.--Amended to improve clarity and
 2670 correct sentence construction.

2671
 2672 Section 83. Paragraph (c) of subsection (14) of section
 2673 455.32, Florida Statutes, is amended to read:

2674 455.32 Management Privatization Act.--

2675 (14) The contract between the department and the
 2676 corporation must be in compliance with this section and other
 2677 applicable laws. The department shall retain responsibility for
 2678 any duties it currently exercises relating to its police powers
 2679 and any other current duty that is not provided to the
 2680 corporation by contract or this section. The contract shall
 2681 provide, at a minimum, that:

2682 (c) The corporation submit an annual budget for approval
 2683 by the department. If the department's appropriations request
 2684 differs from the budget submitted by the corporation, the
 2685 relevant professional board shall be permitted to authorize the
 2686 inclusion in the appropriations request of a comment or
 2687 statement of disagreement with the department's request.

2688
 2689 Reviser's note.--Amended to improve clarity and
 2690 correct sentence construction.

2691
 2692 Section 84. Subsection (2) of section 475.615, Florida
 2693 Statutes, is amended to read:

2694 475.615 Qualifications for registration, licensure, or
 2695 certification.--

2696 (2) The board is authorized to waive or modify any
 2697 education, experience, or examination requirements established

HB 1213

2005

2698 in this part ~~section~~ in order to conform with any such
 2699 requirements established by the Appraisal Qualifications Board
 2700 of the Appraisal Foundation and recognized by the Appraisal
 2701 Subcommittee or any successor body recognized by federal law.

2702
 2703 Reviser's note.--Amended to improve clarity and
 2704 facilitate correct interpretation. Section 9, ch. 91-
 2705 89, Laws of Florida, created part II, ch. 475, Florida
 2706 Statutes, regulating appraisers, including the
 2707 reference to "this section." Education, experience,
 2708 and examination requirements were created by s. 9, ch.
 2709 91-89, and are located in ss. 475.616 and 475.617.

2710
 2711 Section 85. Section 489.146, Florida Statutes, is amended
 2712 to read:

2713 489.146 Privatization of services.--Notwithstanding any
 2714 other provision of this part relating to the review of licensure
 2715 applications, issuance of licenses and renewals, collection of
 2716 revenues, fees, and fines, service of documents, publications,
 2717 and printing, and other ministerial functions of the department
 2718 relating to the regulation of contractors, the department shall
 2719 make all reasonable efforts to contract with one or more private
 2720 entities for provision of such services, when such services can
 2721 be provided in a more efficient manner by private entities. The
 2722 department or the board shall retain final authority for
 2723 licensure decisions and rulemaking, including all appeals or
 2724 other legal action resulting from such licensure decisions or
 2725 rulemaking. The department and the board shall adopt rules to
 2726 implement the provisions of this section. ~~The department shall~~

HB 1213

2005

2727 ~~report all progress and the status of privatization and~~
 2728 ~~privatization efforts to the Legislature by March 1, 1998.~~

2729

2730 Reviser's note.--Amended to delete a provision that
 2731 has served its purpose.

2732

2733 Section 86. Subsection (4) of section 489.531, Florida
 2734 Statutes, is reenacted to read:

2735 489.531 Prohibitions; penalties.--

2736 (4) Each county or municipality may, at its option,
 2737 designate one or more of its code enforcement officers, as
 2738 defined in chapter 162, to enforce, as set out in this
 2739 subsection, the provisions of subsection (1) against persons who
 2740 engage in activity for which county or municipal certification
 2741 is required.

2742 (a) A code enforcement officer designated pursuant to this
 2743 subsection may issue a citation for any violation of subsection
 2744 (1) whenever, based upon personal investigation, the code
 2745 enforcement officer has reasonable and probable grounds to
 2746 believe that such a violation has occurred.

2747 (b) A citation issued by a code enforcement officer shall
 2748 be in a form prescribed by the local governing body of the
 2749 county or municipality and shall state:

2750 1. The time and date of issuance.

2751 2. The name and address of the person to whom the citation
 2752 is issued.

2753 3. The time and date of the violation.

2754 4. A brief description of the violation and the facts
 2755 constituting reasonable cause.

HB 1213

2005

2756 5. The name of the code enforcement officer.

2757 6. The procedure for the person to follow in order to pay
2758 the civil penalty or to contest the citation.

2759 7. The applicable civil penalty if the person elects not
2760 to contest the citation.

2761 (c) The local governing body of the county or municipality
2762 is authorized to enforce codes and ordinances against unlicensed
2763 contractors under the provisions of this section and may enact
2764 an ordinance establishing procedures for implementing this
2765 section, including a schedule of penalties to be assessed by the
2766 code enforcement officers. The maximum civil penalty which may
2767 be levied shall not exceed \$500. Moneys collected pursuant to
2768 this section shall be retained locally as provided for by local
2769 ordinance and may be set aside in a specific fund to support
2770 future enforcement activities against unlicensed contractors.

2771 (d) The act for which the citation is issued shall be
2772 ceased upon receipt of the citation; and the person charged with
2773 the violation shall elect either to correct the violation and
2774 pay the civil penalty in the manner indicated on the citation
2775 or, within 10 days of receipt of the citation, exclusive of
2776 weekends and legal holidays, request an administrative hearing
2777 before the enforcement or licensing board or designated special
2778 magistrate to appeal the issuance of the citation by the code
2779 enforcement officer.

2780 1. Hearings shall be held before an enforcement or
2781 licensing board or designated special magistrate as established
2782 by s. 162.03(2), and such hearings shall be conducted pursuant
2783 to ss. 162.07 and 162.08.

2784 2. Failure of a violator to appeal the decision of the

HB 1213

2005

2785 code enforcement officer within the time period set forth in
 2786 this paragraph shall constitute a waiver of the violator's right
 2787 to an administrative hearing. A waiver of the right to
 2788 administrative hearing shall be deemed an admission of the
 2789 violation and, penalties may be imposed accordingly.

2790 3. If the person issued the citation, or his or her
 2791 designated representative, shows that the citation is invalid or
 2792 that the violation has been corrected prior to appearing before
 2793 the enforcement or licensing board or designated special
 2794 magistrate, the enforcement or licensing board or designated
 2795 special magistrate shall dismiss the citation unless the
 2796 violation is irreparable or irreversible.

2797 4. Each day a willful, knowing violation continues shall
 2798 constitute a separate offense under the provisions of this
 2799 subsection.

2800 (e) A person cited for a violation pursuant to this
 2801 subsection is deemed to be charged with a noncriminal
 2802 infraction.

2803 (f) If the enforcement or licensing board or designated
 2804 special magistrate finds that a violation exists, the
 2805 enforcement or licensing board or designated special magistrate
 2806 may order the violator to pay a civil penalty of not less than
 2807 the amount set forth on the citation but not more than \$500 per
 2808 day for each violation. In determining the amount of the
 2809 penalty, the enforcement or licensing board or designated
 2810 special magistrate shall consider the following factors:

- 2811 1. The gravity of the violation.
- 2812 2. Any actions taken by the violator to correct the
- 2813 violation.

HB 1213

2005

2814 3. Any previous violations committed by the violator.

2815 (g) Upon written notification by the code enforcement
 2816 officer that a violator had not contested the citation or paid
 2817 the civil penalty within the timeframe allowed on the citation,
 2818 or if a violation has not been corrected within the timeframe
 2819 set forth on the notice of violation, the enforcement or
 2820 licensing board or the designated special magistrate shall enter
 2821 an order ordering the violator to pay the civil penalty set
 2822 forth on the citation or notice of violation, and a hearing
 2823 shall not be necessary for the issuance of such order.

2824 (h) A certified copy of an order imposing a civil penalty
 2825 against an uncertified contractor may be recorded in the public
 2826 records and thereafter shall constitute a lien against any real
 2827 or personal property owned by the violator. Upon petition to
 2828 the circuit court, such order may be enforced in the same manner
 2829 as a court judgment by the sheriffs of this state, including a
 2830 levy against personal property; however, such order shall not be
 2831 deemed to be a court judgment except for enforcement purposes.
 2832 A civil penalty imposed pursuant to this part shall continue to
 2833 accrue until the violator comes into compliance or until
 2834 judgment is rendered in a suit to foreclose on a lien filed
 2835 pursuant to this section, whichever occurs first. After 3
 2836 months from the filing of any such lien which remains unpaid,
 2837 the enforcement or licensing board or designated special
 2838 magistrate may authorize the local governing body's attorney to
 2839 foreclose on the lien. No lien created pursuant to the
 2840 provisions of this part may be foreclosed on real property which
 2841 is a homestead under s. 4, Art. X of the State Constitution.

2842 (i) This subsection does not authorize or permit a code

HB 1213

2005

2843 enforcement officer to perform any function or duty of a law
 2844 enforcement officer other than a function or duty that is
 2845 authorized in this subsection.

2846 (j) An aggrieved party, including the local governing
 2847 body, may appeal a final administrative order of an enforcement
 2848 or licensing board or designated special magistrate to the
 2849 circuit court. Such an appeal shall not be a hearing de novo but
 2850 shall be limited to appellate review of the record created
 2851 before the enforcement or licensing board or designated special
 2852 magistrate. An appeal shall be filed within 30 days of the
 2853 execution of the order to be appealed.

2854 (k) All notices required by this subsection shall be
 2855 provided to the alleged violator by certified mail, return
 2856 receipt requested; by hand delivery by the sheriff or other law
 2857 enforcement officer or code enforcement officer; by leaving the
 2858 notice at the violator's usual place of residence with some
 2859 person of his or her family above 15 years of age and informing
 2860 such person of the contents of the notice; or by including a
 2861 hearing date within the citation.

2862 (l) For those counties which enact ordinances to implement
 2863 this subsection and which have local construction licensing
 2864 boards or local government code enforcement boards, the local
 2865 construction licensing board or local government code
 2866 enforcement board shall be responsible for the administration of
 2867 such citation program and training of code enforcement officers.

2868 The local governing body of the county shall enter into
 2869 interlocal agreements with any municipalities in the county so
 2870 that such municipalities may by ordinance, resolution, policy,
 2871 or administrative order, authorize individuals to enforce the

HB 1213

2005

2872 provisions of this section. Such individuals shall be subject to
 2873 the requirements of training as specified by the local
 2874 construction licensing board.

2875 (m) Any person who willfully refuses to sign and accept a
 2876 citation issued by a code enforcement officer commits a
 2877 misdemeanor of the second degree, punishable as provided in s.
 2878 775.082 or s. 775.083.

2879 (n) Nothing contained in this section shall prohibit a
 2880 county or municipality from enforcing its codes or ordinances by
 2881 any other means.

2882 (o) Nothing in this subsection shall be construed to
 2883 authorize local jurisdictions to exercise disciplinary authority
 2884 or procedures established in this subsection against an
 2885 individual holding a proper valid certificate issued pursuant to
 2886 this part.

2887
 2888 Reviser's note.--Section 87, ch. 2004-11, Laws of
 2889 Florida, amended portions of subsection (4) without
 2890 publishing the introductory paragraph of the
 2891 subsection. Absent affirmative evidence of legislative
 2892 intent to repeal it, the introductory paragraph of
 2893 subsection (4) is reenacted to confirm that the
 2894 omission was not intended.

2895
 2896 Section 87. Effective October 1, 2005, paragraph (c) of
 2897 subsection (4) of section 497.103, Florida Statutes, as amended
 2898 by section 8 of chapter 2004-301, Laws of Florida, is amended to
 2899 read:

2900 497.103 Rulemaking authority of board and department.--

HB 1213

2005

2901 (4) RECOMMENDATIONS BY THE CHIEF FINANCIAL OFFICER.--

2902 (c) If the Chief Financial Officer makes any
 2903 recommendation pursuant to this subsection concerning approval
 2904 or denial of an application for license or otherwise under this
 2905 chapter, the running of the period under s. 120.60 for approving
 2906 or denying a completed application shall be tolled from the date
 2907 of the Chief Financial Officer's recommendation is made for the
 2908 shorter of 90 days or until the effect of such recommendation is
 2909 determined in accordance with paragraph (a).

2910
 2911 Reviser's note.--Amended to improve clarity and
 2912 correct sentence construction.

2913
 2914 Section 88. Effective October 1, 2005, paragraph (b) of
 2915 subsection (6) and subsection (7) of section 497.140, Florida
 2916 Statutes, as amended and renumbered from section 497.525,
 2917 Florida Statutes, by section 10 of chapter 2004-301, Laws of
 2918 Florida, are amended to read:

2919 497.140 Fees.--

2920 (6)

2921 (b) The board may with the concurrence of the department,
 2922 if that portion of the Regulatory Trust Fund held by the
 2923 department for implementation of this chapter is not in deficit
 2924 and has a reasonable cash balance, earmark \$5 of each initial
 2925 licensure and each license renewal fee collected under this
 2926 chapter and direct the deposit of each such amount into the
 2927 separate account required in paragraph (a), to be utilized by
 2928 the department for the purposes of combating unlicensed practice
 2929 in violation of this chapter. Such earmarked amount may be, as

HB 1213

2005

2930 the board directs, in lieu of or in addition to the special
 2931 unlicensed activity fee imposed under paragraph (a). The
 2932 earmarking may be imposed and thereafter eliminated from time to
 2933 time according to the adequacy of trust funds held for
 2934 implementation of this chapter.

2935 (7) Any fee required to be paid under this chapter, which
 2936 was set at a fixed amount as in the 2004 edition of the Florida
 2937 Statutes, but as to which this chapter now provides to be a fee
 2938 as determined by board rule subject to a cap specified in this
 2939 chapter, shall remain at the amount as set in the 2004 edition
 2940 of the Florida Statutes unless and until the board shall change
 2941 such fee by rule.

2942
 2943 Reviser's note.--Amended to improve clarity and
 2944 correct sentence construction.

2945
 2946 Section 89. Effective October 1, 2005, subsection (6) of
 2947 section 497.150, Florida Statutes, as created by section 20 of
 2948 chapter 2004-301, Laws of Florida, is amended to read:

2949 497.150 Compliance examinations of existing licensees.--

2950 (6) If the department finds any accounts or records
 2951 required to be made or maintained by a licensee under this
 2952 chapter to be inadequate or inadequately kept or posted, it may
 2953 ~~be~~ employ experts to reconstruct, rewrite, post, or balance them
 2954 at the expense of the person being examined, provided the person
 2955 has failed to maintain, complete, or correct such records or
 2956 accounting after the department has given her or him notice and
 2957 a reasonable opportunity to do so.

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HB 1213

2005

2959 Reviser's note.--Amended to improve clarity and
 2960 correct sentence construction.

2961
 2962 Section 90. Effective October 1, 2005, paragraph (b) of
 2963 subsection (7) of section 497.152, Florida Statutes, as created
 2964 by section 22 of chapter 2004-301, Laws of Florida, is amended
 2965 to read:

2966 497.152 Disciplinary grounds.--This section sets forth
 2967 conduct which is prohibited and which shall constitute grounds
 2968 for denial of any application, imposition of discipline, and
 2969 other enforcement action against the licensee or other person
 2970 committing such conduct. For purposes of this section, the
 2971 requirements of this chapter include the requirements of rules
 2972 adopted under authority of this chapter. No subsection heading
 2973 in this section shall be interpreted as limiting the
 2974 applicability of any paragraph within the subsection.

2975 (7) RELATIONS WITH OTHER LICENSEES.--

2976 (b) Making any misleading statements or misrepresentations
 2977 as to the financial condition of any person, or which are
 2978 falsely and maliciously critical of any person for the purpose
 2979 of damaging that person's business regulated under this chapter.

2980
 2981 Reviser's note.--Amended to improve clarity and
 2982 correct sentence construction.

2983
 2984 Section 91. Effective October 1, 2005, paragraph (b) of
 2985 subsection (5) of section 497.153, Florida Statutes, as created
 2986 by section 23 of chapter 2004-301, Laws of Florida, is amended
 2987 to read:

HB 1213

2005

2988 497.153 Disciplinary procedures and penalties.--

2989 (5) PENALTIES.--

2990 (b) In addition to any fine and other sanction imposed,
 2991 the board may order the payment by the licensee of the
 2992 reasonable costs of the department and the board associated with
 2993 investigation and prosecution of the matter, and may order the
 2994 licensee to make restitution as directed by board order to
 2995 persons harmed by the violation.

2996
 2997 Reviser's note.--Amended to improve clarity and
 2998 correct sentence construction.

2999
 3000 Section 92. Effective October 1, 2005, subsection (2) of
 3001 section 497.160, Florida Statutes, as amended and renumbered
 3002 from section 497.437, Florida Statutes, by section 30 of chapter
 3003 2004-301, Laws of Florida, is amended to read:

3004 497.160 Receivership proceedings.--

3005 (2) A receivership under this section may be temporary, or
 3006 for the winding up and dissolution of the business, as the
 3007 department may request and the court determines to be necessary
 3008 or advisable in the circumstances. Venue of receivership
 3009 proceedings may be, at the department's election, in Leon
 3010 County, or the county where the subject of the receivership is
 3011 located. The appointed receiver shall be the department or such
 3012 person as the department may nominate and the court shall
 3013 approve. The provisions of part I of chapter 631 shall be
 3014 applicable to receiverships under this section except to the
 3015 extent the court shall determine the application of particular
 3016 of such provisions to be impracticable or would produce unfair

HB 1213

2005

3017 results in the circumstances. Expenditures by the department
 3018 from its budgeted funds, the Preneed Funeral Contract Consumer
 3019 Protection Trust Fund, and other regulatory trust funds derived
 3020 from this chapter, for implementation and effectuation of such a
 3021 receivership, shall be authorized; any such funds expended shall
 3022 be a claim against the estate in the receivership proceedings.

3023
 3024 Reviser's note.--Amended to improve clarity and
 3025 correct sentence construction.

3026
 3027 Section 93. Effective October 1, 2005, subsection (2) of
 3028 section 497.166, Florida Statutes, as created by section 36 of
 3029 chapter 2004-301, Laws of Florida, is amended to read:

3030 497.166 Preneed sales.--

3031 (2) Nothing in parts I, II, III, V, or VI of this chapter
 3032 shall be understood to necessarily prohibit any licensee under
 3033 this chapter from selling preneed funerals and funeral
 3034 merchandise through its agents and employees, so long as such
 3035 sales are permitted by part IV of this chapter.

3036
 3037 Reviser's note.--Amended to improve clarity and
 3038 correct sentence construction.

3039
 3040 Section 94. Effective October 1, 2005, subsections (10)
 3041 and (14) of section 497.167, Florida Statutes, as created by
 3042 section 37 of chapter 2004-301, Laws of Florida, are amended to
 3043 read:

3044 497.167 Administrative matters.--

3045 (10) The board may establish by rule procedures and

HB 1213

2005

3046 requirements for the appearance before the board of any
 3047 applicant or principal of an applicant, to stand for oral
 3048 interview by the board at a public meeting of the board, before
 3049 an application shall be deemed complete. Such rule may require
 3050 such appearance for all or specified categories of applicants
 3051 and may provide criteria for determining when such appearance
 3052 shall be required.

3053 (14) The department shall have standing to appear as a
 3054 party litigant in any judicial proceeding for the purpose of
 3055 enforcing this chapter or for the protection of Florida
 3056 residents from the effects of any violation of this chapter.
 3057

3058 Reviser's note.--Amended to improve clarity and
 3059 correct sentence construction.
 3060

3061 Section 95. Effective October 1, 2005, subsection (2) of
 3062 section 497.260, Florida Statutes, as amended and renumbered
 3063 from section 497.003, Florida Statutes, by section 42 of chapter
 3064 2004-301, Laws of Florida, is amended to read:

3065 497.260 Cemeteries; exemption; investigation and
 3066 mediation.--

3067 (2) Section 497.276(1) as to burial records, and ss.
 3068 497.152(1)(d), 497.164, 497.2765 ~~497.310~~, 497.280, and 497.284
 3069 apply to all cemeteries in this state.
 3070

3071 Reviser's note.--Amended to conform to the
 3072 redesignation of s. 497.310 as s. 497.2765 by the
 3073 reviser, effective October 1, 2005, incident to the
 3074 reorganization of chapter 497 by ch. 2004-301, Laws of

HB 1213

2005

3075 Florida.

3076

3077 Section 96. Effective October 1, 2005, subsection (5) of
 3078 section 497.369, Florida Statutes, as amended and renumbered
 3079 from section 470.007, Florida Statutes, by section 74 of chapter
 3080 2004-301, Laws of Florida, is amended to read:

3081 497.369 Embalmers; licensure as an embalmer by
 3082 endorsement; licensure of a temporary embalmer.--

3083 (5) There may be adopted by the licensing authority rules
 3084 authorizing an applicant who has met the requirements of
 3085 paragraphs (1)(b) and (c) and who is awaiting an opportunity to
 3086 take the examination required by subsection (4) to be licensed
 3087 as a temporary licensed embalmer. A temporary licensed ~~temporary~~
 3088 embalmer may work as an embalmer in a licensed funeral
 3089 establishment under the general supervision of a licensed
 3090 embalmer. Such temporary license shall expire 60 days after the
 3091 date of the next available examination required under subsection
 3092 (4); however, the temporary license may be renewed one time
 3093 under the same conditions as initial issuance. The fee for
 3094 issuance or renewal of an embalmer temporary license shall be
 3095 set by rule of the licensing authority but may not exceed \$200.
 3096 The fee required in this subsection shall be nonrefundable and
 3097 in addition to the fee required in subsection (1).

3098

3099 Reviser's note.--Amended to eliminate redundancy.

3100

3101 Section 97. Effective October 1, 2005, paragraph (j) of
 3102 subsection (1), paragraph (a) of subsection (5), and subsection
 3103 (6) of section 497.453, Florida Statutes, as amended and

HB 1213

2005

3104 renumbered from section 497.407, Florida Statutes, by section
 3105 102 of chapter 2004-301, Laws of Florida, are amended to read:
 3106 497.453 Application for preneed license, procedures and
 3107 criteria; renewal; reports.--

3108 (1) PRENEED LICENSE APPLICATION PROCEDURES.--

3109 (j) The application shall disclose the existence of all
 3110 preneed contracts for service or merchandise entered into by the
 3111 applicant, or by any other entity under common control with the
 3112 applicant, without or prior to authorization under this section
 3113 or predecessors to this section. As to each such contract, the
 3114 applicant shall disclose the name and address of the contract
 3115 purchaser, the status of the contract, and what steps or
 3116 measures the applicant has taken to ensure performance of
 3117 unfulfilled contracts, setting forth the treatment and status of
 3118 funds received from the customer in regard to the contract, and
 3119 stating the name and address of any institution where such funds
 3120 are deposited and the number used by the institution to identify
 3121 the account. With respect to contracts entered into before
 3122 January 1, 1983, an application to issue or renew a preneed
 3123 license may not be denied solely on the basis of such
 3124 disclosure. The purchaser of any such contract may not be
 3125 required to liquidate the account if such account was
 3126 established before July 1, 1965. Information disclosed may be
 3127 used by the licensing authority to notify the contract purchaser
 3128 and the institution in which such funds are deposited should the
 3129 holder of a preneed license be unable to fulfill the
 3130 requirements of the contract.

3131 (5) RENEWAL OF LICENSES.--

3132 (a) A preneed license shall expire annually on June 1,

HB 1213

2005

3133 unless renewed, or at such other time or times as may be
 3134 provided by rule. The application for renewal of the license
 3135 shall be on forms prescribed by rule and shall be accompanied by
 3136 a renewal fee as specified in paragraph (c).

3137 (6) QUARTERLY PAYMENTS.--In addition to other amounts
 3138 required to be paid by this section, each preneed licensee shall
 3139 pay to the Regulatory Trust Fund an amount established by rule
 3140 not to exceed \$10 for each preneed contract entered into. This
 3141 amount must be paid within 60 days after the end of each
 3142 quarter. These funds must be used to defray the cost of ~~in~~
 3143 administering the provisions of this part.

3144
 3145 Reviser's note.--Amended to improve clarity and
 3146 correct sentence construction.

3147
 3148 Section 98. Effective October 1, 2005, subsection (8) of
 3149 section 497.458, Florida Statutes, as amended and renumbered
 3150 from section 497.417, Florida Statutes, by section 107 of
 3151 chapter 2004-301, Laws of Florida, is amended to read:

3152 497.458 Disposition of proceeds received on contracts.--

3153 (8) If in the preneed licensee's opinion it does not have
 3154 the ability to select the financial responsibility alternative
 3155 of s. 497.461 or s. 497.462, then the preneed licensee ~~license~~
 3156 shall not have the right to sell or solicit preneed contracts.

3157
 3158 Reviser's note.--Amended to correct an apparent error
 3159 and facilitate correct interpretation.

3160
 3161 Section 99. Effective October 1, 2005, subsection (5) of

HB 1213

2005

3162 section 497.466, Florida Statutes, as amended and renumbered
 3163 from section 497.439, Florida Statutes, by section 115 of
 3164 chapter 2004-301, Laws of Florida, is amended to read:

3165 497.466 Preneed sales agents, license required;
 3166 application procedures and criteria; responsibility of preneed
 3167 licensee.--

3168 (5) SIMPLIFIED PROCEDURES FOR SUBSEQUENT CHANGE OF
 3169 SPONSORING LICENSEE.--The board may by rule establish simplified
 3170 requirements and procedures under which any preneed sales agent,
 3171 who within the 12 months preceding application under this
 3172 subsection held in good standing a preneed sales agent license
 3173 under this section, may obtain a preneed sales agent's license
 3174 under this section to represent a different sponsoring preneed
 3175 licensee. The simplified requirements shall dispense with the
 3176 requirement for submission of fingerprints. The licensing
 3177 authority may by rule prescribe forms to be used by applicants
 3178 under this subsection, which forms may dispense with the
 3179 requirement for any information not deemed by the licensing
 3180 authority to be necessary to tracking the identity ~~identify~~ of
 3181 the preneed licensee responsible for the activities of the
 3182 preneed sales agent. No preneed sales agent licensee whose sales
 3183 agent license issued by the board was revoked or suspended or
 3184 otherwise terminated while in other than good standing, shall be
 3185 eligible to use the simplified requirements and procedures. The
 3186 issuance of a preneed sales agent license under this subsection
 3187 shall not operate as a bar to any subsequent disciplinary action
 3188 relating to grounds arising prior to obtaining the license under
 3189 this subsection. There shall be a fee payable to the department
 3190 under such simplified procedures, which fee shall be the same as

HB 1213

2005

3191 the fee paid upon initial application for a preneed sales agent
 3192 license, except that no fingerprint fee shall be required if
 3193 such fingerprint fee is required for initial applications.

3194
 3195 Reviser's note.--Amended to correct an apparent error.

3196
 3197 Section 100. Effective October 1, 2005, subsection (3) of
 3198 section 497.550, Florida Statutes, as amended and renumbered
 3199 from section 497.361, Florida Statutes, by section 118 of
 3200 chapter 2004-301, Laws of Florida, is amended to read:

3201 497.550 Licensure of monument establishments required;
 3202 procedures and criteria.--

3203 (3) ACTION CONCERNING APPLICATIONS.--A duly completed
 3204 application for licensure as a monument establishment,
 3205 accompanied by the required application fee, shall be approved
 3206 unless there is shown by clear and convincing evidence that the
 3207 applicant will not, before commencing operations, have the
 3208 facilities required by this part or that issuance of the license
 3209 would pose an unreasonable risk to the public because of one or
 3210 more of the following factors:

- 3211 (a) The applicant's lack of experience.
- 3212 (b) The applicant's lack of financial resources.
- 3213 (c) The criminal or disciplinary record of the applicant
 3214 or its principals.
- 3215 (d) A demonstrated history of violations of the laws of
 3216 this state by the applicant or its principals regarding the
 3217 funeral or cemetery business or other business activities.
- 3218 (e) A demonstrated history of lack of trustworthiness or
 3219 integrity on the part of the applicant or its principals.

HB 1213

2005

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Reviser's note.--Amended to correct sentence construction.

Section 101. Effective October 1, 2005, paragraph (b) of subsection (3) of section 497.551, Florida Statutes, as created by section 119 of chapter 2004-301, Laws of Florida, is amended to read:

497.551 Renewal of monument establishment licensure.--

(3) A monument establishment licensee which as of 90 days prior to its monument establishment license renewal date also holds a preneed sales license issued under this chapter, shall renew its monument establishment license by payment of a renewal fee determined by its total gross aggregate at-need and preneed retail sales for the 12-month period ending 2 full calendar months prior to the month in which the renewal is required, as follows:

(b) Total sales of \$50,001 to \$250,000, renewal fee \$1,500.

Reviser's note.--Amended to correct an apparent error.

Section 102. Effective October 1, 2005, subsection (1) of section 497.603, Florida Statutes, as amended and renumbered from section 470.018, Florida Statutes, by section 128 of chapter 2004-301, Laws of Florida, is amended to read:

497.603 Direct disposers, renewal of license.--

(1) A direct disposer's ~~renewal of~~ license shall be renewed upon receipt of the renewal application and fee set by

HB 1213

2005

3249 rule of the licensing authority but not to exceed \$250.

3250

3251 Reviser's note.--Amended to improve clarity and
3252 correct sentence construction.

3253

3254 Section 103. Effective October 1, 2005, paragraph (c) of
3255 subsection (2) and subsection (6) of section 497.604, Florida
3256 Statutes, as amended and renumbered from section 470.021,
3257 Florida Statutes, by section 129 of chapter 2004-301, Laws of
3258 Florida, are amended to read:

3259 497.604 Direct disposal establishments, license required;
3260 licensing procedures and criteria; license renewal;
3261 regulation.--

3262 (2) APPLICATION PROCEDURES.--

3263 (c) The application shall name the licensed direct
3264 disposer or licensed funeral director who will be acting as a
3265 direct disposer in charge of the direct disposal establishment.

3266 (6) RENEWAL OF LICENSE.--A direct disposal establishment
3267 license shall be renewed biennially pursuant to schedule, forms,
3268 and procedures and upon payment of a fee of \$200. The licensing
3269 authority may from time to time increase the fee by rule but not
3270 to exceed \$400.

3271

3272 Reviser's note.--Paragraph (2)(c) is amended to
3273 correct an apparent error. Subsection (6) is amended
3274 to improve clarity and facilitate correct
3275 interpretation.

3276

3277 Section 104. Effective October 1, 2005, subsection (3) of

HB 1213

2005

3278 section 497.608, Florida Statutes, as created by section 133 of
 3279 chapter 2004-301, Laws of Florida, is amended to read:

3280 497.608 Liability for unintentional commingling of the
 3281 residue of the cremation process.--

3282 (3) If an operator follows the procedures set forth in
 3283 written procedures filed with and approved by the licensing
 3284 authority, or adopts and follows the standard uniform procedures
 3285 adopted by the licensing authority, the operator shall not be
 3286 liable for the unintentional or the incidental commingling of
 3287 cremated remains resulting from more than one cremation cycle or
 3288 from postcremation processing, shipping, packing, or identifying
 3289 those remains.

3290

3291 Reviser's note.--Amended to improve clarity and
 3292 correct sentence construction and to correct an
 3293 apparent error.

3294

3295 Section 105. Subsection (12) of section 550.0251, Florida
 3296 Statutes, is amended to read:

3297 550.0251 The powers and duties of the Division of Pari-
 3298 mutuel Wagering of the Department of Business and Professional
 3299 Regulation.--The division shall administer this chapter and
 3300 regulate the pari-mutuel industry under this chapter and the
 3301 rules adopted pursuant thereto, and:

3302 (12) The division shall have full authority and power to
 3303 make, adopt, amend, or repeal rules relating to cardroom
 3304 operations, to enforce and to carry out the provisions of s.
 3305 849.086, and to regulate the authorized cardroom activities in
 3306 the state. ~~The division is authorized to adopt emergency rules~~

HB 1213

2005

3307 ~~prior to January 1, 1997, to implement the provisions of s.~~
 3308 ~~849.086.~~

3309
 3310 Reviser's note.--Amended to delete a provision that
 3311 has served its purpose.

3312
 3313 Section 106. Subsection (19) of section 553.791, Florida
 3314 Statutes, is repealed.

3315
 3316 Reviser's note.--Repealed to delete obsolete language
 3317 requiring a report to the Legislature on or before
 3318 January 1, 2004.

3319
 3320 Section 107. Subsection (1) of section 553.8413, Florida
 3321 Statutes, is amended to read:

3322 553.8413 Education Technical Advisory
 3323 Committee.--Effective upon this act becoming a law, funds that
 3324 are available under ss. 489.109(3) and 489.509(3) shall be
 3325 allocated and expended by the Florida Building Commission as
 3326 provided in this section.

3327 (1) ~~Effective upon this act becoming a law, the Florida~~
 3328 ~~Building Commission shall appoint those members of the Building~~
 3329 ~~Construction Industry Advisory Committee on October 1, 2001, as~~
 3330 ~~established by rule 6A-10.029, Florida Administrative Code, to~~
 3331 ~~the Education Technical Advisory Committee of the Florida~~
 3332 ~~Building Commission to complete their terms of office. Members~~
 3333 of the Florida Building Commission shall also be appointed to
 3334 the Education Technical Advisory Committee. The members of the
 3335 committee shall broadly represent the building construction

HB 1213

2005

3336 industry and must consist of no fewer than 10 persons. The
 3337 chairperson of the Florida Building Commission shall annually
 3338 designate the chairperson of the committee. The terms of the
 3339 committee members shall be 2 years each, and members may be
 3340 reappointed at the discretion of the Florida Building
 3341 Commission.

3342
 3343 Reviser's note.--Amended to delete an obsolete
 3344 provision. The terms of office of the members of the
 3345 Building Construction Industry Advisory Committee on
 3346 October 1, 2001, as appointed to the Education
 3347 Technical Advisory Committee of the Florida Building
 3348 Commission have been completed.

3349
 3350 Section 108. Subsection (4) of section 556.112, Florida
 3351 Statutes, is repealed.

3352
 3353 Reviser's note.--Repealed to delete obsolete language
 3354 requiring a report to the Legislature before January
 3355 1, 2004.

3356
 3357 Section 109. Subsection (2) of section 558.002, Florida
 3358 Statutes, is amended to read:

3359 558.002 Definitions.--As used in this chapter, the term:
 3360 (2) "Association" has the same meaning as in s.
 3361 718.103(2), s. 719.103(2), s. 720.301(9), or s. 723.075 ~~723.025~~.

3362
 3363 Reviser's note.--Amended to conform to context.
 3364 Section 723.075 relates to the meaning of the term

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

HB 1213

2005

3365 "association" in regard to homeowners' associations
 3366 for mobile home parks. Section 723.025 relates to a
 3367 park owner's access to mobile homes and lots.

3368
 3369 Section 110. Paragraph (a) of subsection (12) of section
 3370 558.004, Florida Statutes, is amended to read:

3371 558.004 Notice and opportunity to repair.--

3372 (12) This chapter does not:

3373 (a) Bar or limit any rights, including the right of
 3374 specific performance to the extent such right would be available
 3375 in the absence of this chapter ~~act~~, any causes of action, or any
 3376 theories on which liability may be based, except as specifically
 3377 provided in this chapter;

3378
 3379 Reviser's note.--Amended to improve clarity. Chapter
 3380 2004-342, Laws of Florida, changed all other
 3381 references to "act" in this section to "chapter."

3382
 3383 Section 111. Subsection (2) of section 560.408, Florida
 3384 Statutes, is repealed.

3385
 3386 Reviser's note.--Repealed to delete obsolete language
 3387 requiring a report to the President of the Senate and
 3388 the Speaker of the House of Representatives on January
 3389 1, 2004.

3390
 3391 Section 112. Section 570.235, Florida Statutes, is
 3392 repealed.

3393

HB 1213

2005

3394 Reviser's note.--This section created a Pest Exclusion
 3395 Advisory Committee which was to conclude its findings
 3396 and issue a report by January 1, 2001.

3397
 3398 Section 113. Subsection (14) of section 570.71, Florida
 3399 Statutes, is repealed, and subsection (2) of that section is
 3400 amended to read:

3401 570.71 Conservation easements and agreements.--

3402 (2) To achieve the purposes of this act, beginning no
 3403 sooner than July 1, 2002, and every year thereafter, the
 3404 department may accept applications for project proposals that:

3405 (a) Purchase conservation easements, as defined in s.
 3406 704.06.

3407 (b) Purchase rural-lands-protection easements pursuant to
 3408 this act.

3409 (c) Fund resource conservation agreements pursuant to this
 3410 act.

3411 (d) Fund agricultural protection agreements pursuant to
 3412 this act.

3413
 3414 ~~No funds may be expended to implement this subsection prior to~~
 3415 ~~July 1, 2002.~~

3416
 3417 Reviser's note.--Subsection (2) is amended to delete
 3418 obsolete language. Subsection (14) is repealed to
 3419 delete obsolete language requiring a report to the
 3420 Governor, the President of the Senate, and the Speaker
 3421 of the House of Representatives by December 31, 2001.

3422

HB 1213

2005

3423 Section 114. Subsection (3) of section 581.131, Florida
 3424 Statutes, is amended to read:

3425 581.131 Certificate of registration.--

3426 (3) Before any nurseryman, stock dealer, agent, or plant
 3427 broker advertises nursery stock for sale, a copy of the
 3428 certificate of registration must be provided to the publisher of
 3429 the advertisement. The registration number issued by the
 3430 department and printed on the certificate of registration must
 3431 be included in the advertisement. Registration numbers printed
 3432 in the advertisements must be legible. ~~Any advertisement for~~
 3433 ~~the sale of nursery stock in print prior to July 1, 1995, shall~~
 3434 ~~be exempt from the requirements of this subsection.~~

3435
 3436 Reviser's note.--Amended to delete obsolete language
 3437 relating to advertisements in print prior to July 1,
 3438 1995.

3439
 3440 Section 115. Subsections (1) and (3) of section 620.9901,
 3441 Florida Statutes, are repealed.

3442
 3443 Reviser's note.--Subsection (1) is repealed to delete
 3444 obsolete language applying the Revised Uniform
 3445 Partnership Act of 1995 to specified partnerships
 3446 between January 1, 1996, and January 1, 1998.
 3447 Subsection (3) provides for voluntary application of
 3448 the act between January 1, 1996, and January 1, 1998.

3449
 3450 Section 116. Subsection (5) of section 624.426, Florida
 3451 Statutes, is amended to read:

HB 1213

2005

3452 624.426 Exceptions to countersignature law.--Section
 3453 624.425 does not apply to:

3454 (5) Policies of insurance issued by insurers whose agents
 3455 represent, as to property, casualty, and surety insurance, only
 3456 one company or group of companies under common ownership and for
 3457 which the application has been lawfully submitted to the
 3458 insurer.

3459
 3460 Reviser's note.--Amended to improve clarity.

3461
 3462 Section 117. Subsection (1) of section 626.112, Florida
 3463 Statutes, is reenacted to read:

3464 626.112 License and appointment required; agents, customer
 3465 representatives, adjusters, insurance agencies, service
 3466 representatives, managing general agents.--

3467 (1)(a) No person may be, act as, or advertise or hold
 3468 himself or herself out to be an insurance agent, insurance
 3469 adjuster, or customer representative unless he or she is
 3470 currently licensed by the department and appointed by an
 3471 appropriate appointing entity or person.

3472 (b) Except as provided in subsection (6) or in applicable
 3473 department rules, and in addition to other conduct described in
 3474 this chapter with respect to particular types of agents, a
 3475 license as an insurance agent, service representative, customer
 3476 representative, or limited customer representative is required
 3477 in order to engage in the solicitation of insurance. For
 3478 purposes of this requirement, as applicable to any of the
 3479 license types described in this section, the solicitation of
 3480 insurance is the attempt to persuade any person to purchase an

HB 1213

2005

- 3481 insurance product by:
- 3482 1. Describing the benefits or terms of insurance coverage,
 - 3483 including premiums or rates of return;
 - 3484 2. Distributing an invitation to contract to prospective
 - 3485 purchasers;
 - 3486 3. Making general or specific recommendations as to
 - 3487 insurance products;
 - 3488 4. Completing orders or applications for insurance
 - 3489 products; or
 - 3490 5. Comparing insurance products, advising as to insurance
 - 3491 matters, or interpreting policies or coverages.

3492

3493 However, an employee leasing company licensed pursuant to

3494 chapter 468 which is seeking to enter into a contract with an

3495 employer that identifies products and services offered to

3496 employees may deliver proposals for the purchase of employee

3497 leasing services to prospective clients of the employee leasing

3498 company setting forth the terms and conditions of doing

3499 business; classify employees as permitted by s. 468.529; collect

3500 information from prospective clients and other sources as

3501 necessary to perform due diligence on the prospective client and

3502 to prepare a proposal for services; provide and receive

3503 enrollment forms, plans, and other documents; and discuss or

3504 explain in general terms the conditions, limitations, options,

3505 or exclusions of insurance benefit plans available to the client

3506 or employees of the employee leasing company were the client to

3507 contract with the employee leasing company. Any advertising

3508 materials or other documents describing specific insurance

3509 coverages must identify and be from a licensed insurer or its

HB 1213

2005

3510 licensed agent or a licensed and appointed agent employed by the
 3511 employee leasing company. The employee leasing company may not
 3512 advise or inform the prospective business client or individual
 3513 employees of specific coverage provisions, exclusions, or
 3514 limitations of particular plans. As to clients for which the
 3515 employee leasing company is providing services pursuant to s.
 3516 468.525(4), the employee leasing company may engage in
 3517 activities permitted by ss. 626.7315, 626.7845, and 626.8305,
 3518 subject to the restrictions specified in those sections. If a
 3519 prospective client requests more specific information concerning
 3520 the insurance provided by the employee leasing company, the
 3521 employee leasing company must refer the prospective business
 3522 client to the insurer or its licensed agent or to a licensed and
 3523 appointed agent employed by the employee leasing company.

3524
 3525 Reviser's note.--Section 20, ch. 2004-390, Laws of
 3526 Florida, amended paragraph (1)(a) without publishing
 3527 the flush left language at the end of the subsection.
 3528 Absent affirmative evidence of legislative intent to
 3529 repeal the flush left language at the end of the
 3530 subsection, subsection (1) is reenacted to confirm
 3531 that the omission was not intended.

3532
 3533 Section 118. Subsection (1) of section 626.641, Florida
 3534 Statutes, is amended to read:

3535 626.641 Duration of suspension or revocation.--

3536 (1) The department shall, in its order suspending a
 3537 license or appointment or in its order suspending the
 3538 eligibility of a person to hold or apply for such license or

HB 1213

2005

3539 appointment, specify the period during which the suspension is
 3540 to be in effect; but such period shall not exceed 2 years. The
 3541 license, appointment, or eligibility shall remain suspended
 3542 during the period so specified, subject, however, to any
 3543 rescission or modification of the order by the department, or
 3544 modification or reversal thereof by the court, prior to
 3545 expiration of the suspension period. A license, appointment, or
 3546 eligibility which has been suspended shall not be reinstated
 3547 except upon request for such reinstatement and, in the case of a
 3548 second suspension, completion of continuing education courses
 3549 prescribed and approved by the department ~~or office~~; but the
 3550 department shall not grant such reinstatement if it finds that
 3551 the circumstance or circumstances for which the license,
 3552 appointment, or eligibility was suspended still exist or are
 3553 likely to recur.

3554
 3555 Reviser's note.--Amended to delete the words "or
 3556 office" as added by s. 44, ch. 2004-374, Laws of
 3557 Florida. Section 48, ch. 2004-390, Laws of Florida,
 3558 deleted all other references to "office" to make
 3559 provision for the Department of Financial Services to
 3560 regulate insurance adjusters rather than the Office of
 3561 Insurance Regulation.

3562
 3563 Section 119. Section 627.6685, Florida Statutes, is
 3564 repealed.

3565
 3566 Reviser's note.--This section, which relates to mental
 3567 health coverage, does not apply to benefits for

HB 1213

2005

3568 services furnished on or after September 30, 2001.

3569

3570 Section 120. Paragraph (a) of subsection (9) of section
3571 627.6699, Florida Statutes, is amended to read:

3572 627.6699 Employee Health Care Access Act.--

3573 (9) SMALL EMPLOYER CARRIER'S ELECTION TO BECOME A RISK-
3574 ASSUMING CARRIER OR A REINSURING CARRIER.--

3575 (a) A small employer carrier must elect to become either a
3576 risk-assuming carrier or a reinsuring carrier. ~~Each small~~
3577 ~~employer carrier must make an initial election, binding through~~
3578 ~~January 1, 1994. The carrier's initial election must be made no~~
3579 ~~later than October 31, 1992.~~ By October 31, 1993, all small
3580 employer carriers must file a final election, which is binding
3581 for 2 years, from January 1, 1994, through December 31, 1995,
3582 after which an election shall be binding for a period of 5
3583 years. Any carrier that is not a small employer carrier ~~on~~
3584 ~~October 31, 1992,~~ and intends to become a small employer carrier
3585 ~~after October 31, 1992,~~ must file its designation when it files
3586 the forms and rates it intends to use for small employer group
3587 health insurance; such designation shall be binding for 2 years
3588 after the date of approval of the forms and rates, and any
3589 subsequent designation is binding for 5 years. The office may
3590 permit a carrier to modify its election at any time for good
3591 cause shown, after a hearing.

3592

3593 Reviser's note.--Amended to delete obsolete language
3594 relating to small employer carriers' initial elections
3595 by specified dates.

3596

HB 1213

2005

3597 Section 121. Subparagraph 5. of paragraph (b) of
 3598 subsection (5) of section 627.736, Florida Statutes, is amended
 3599 to read:

3600 627.736 Required personal injury protection benefits;
 3601 exclusions; priority; claims.--

3602 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.--

3603 (b)

3604 5. ~~Effective upon this act becoming a law and before~~
 3605 ~~November 1, 2001, allowable amounts that may be charged to a~~
 3606 ~~personal injury protection insurance insurer and insured for~~
 3607 ~~magnetic resonance imaging services shall not exceed 200 percent~~
 3608 ~~of the allowable amount under Medicare Part B for year 2001, for~~
 3609 ~~the area in which the treatment was rendered. Beginning November~~
 3610 ~~1, 2001, Allowable amounts that may be charged to a personal~~
 3611 ~~injury protection insurance insurer and insured for magnetic~~
 3612 ~~resonance imaging services shall not exceed 175 percent of the~~
 3613 ~~allowable amount under the participating physician fee schedule~~
 3614 ~~of Medicare Part B for year 2001, for the area in which the~~
 3615 ~~treatment was rendered, adjusted annually on August 1 to reflect~~
 3616 ~~the prior calendar year's changes in the annual Medical Care~~
 3617 ~~Item of the Consumer Price Index for All Urban Consumers in the~~
 3618 ~~South Region as determined by the Bureau of Labor Statistics of~~
 3619 ~~the United States Department of Labor for the 12-month period~~
 3620 ~~ending June 30 of that year, except that allowable amounts that~~
 3621 ~~may be charged to a personal injury protection insurance insurer~~
 3622 ~~and insured for magnetic resonance imaging services provided in~~
 3623 ~~facilities accredited by the Accreditation Association for~~
 3624 ~~Ambulatory Health Care, the American College of Radiology, or~~
 3625 ~~the Joint Commission on Accreditation of Healthcare~~

HB 1213

2005

3626 Organizations shall not exceed 200 percent of the allowable
 3627 amount under the participating physician fee schedule of
 3628 Medicare Part B for year 2001, for the area in which the
 3629 treatment was rendered, adjusted annually on August 1 to reflect
 3630 the prior calendar year's changes in the annual Medical Care
 3631 Item of the Consumer Price Index for All Urban Consumers in the
 3632 South Region as determined by the Bureau of Labor Statistics of
 3633 the United States Department of Labor for the 12-month period
 3634 ending June 30 of that year. This paragraph does not apply to
 3635 charges for magnetic resonance imaging services and nerve
 3636 conduction testing for inpatients and emergency services and
 3637 care as defined in chapter 395 rendered by facilities licensed
 3638 under chapter 395.

3639
 3640 Reviser's note.--Amended to delete an obsolete
 3641 provision limiting charges to personal injury insurers
 3642 and insureds for magnetic resonance imaging to 200
 3643 percent of the allowable amount under Medicare Part B
 3644 until November 1, 2001.

3645
 3646 Section 122. Subsection (4) of section 628.909, Florida
 3647 Statutes, is repealed, and subsection (1) of that section is
 3648 amended to read:

3649 628.909 Applicability of other laws.--
 3650 (1) The Florida Insurance Code shall not apply to captive
 3651 insurers or industrial insured captive insurers except as
 3652 provided in this part and subsections (2) and, (3), ~~and~~ (4).

3653
 3654 Reviser's note.--Subsection (1) is amended to delete a

HB 1213

2005

3655 reference to subsection (4), which is repealed.
 3656 Subsection (4) relates to an exemption from s.
 3657 624.404(8), which was repealed by s. 14, ch. 91-108,
 3658 Laws of Florida.

3659
 3660 Section 123. Paragraph (c) of subsection (3) of section
 3661 633.0215, Florida Statutes, is repealed.

3662
 3663 Reviser's note.--Repealed to delete a provision that
 3664 has served its purpose. The provision allowed locally
 3665 adopted fire code requirements to be deemed local
 3666 variations of the Florida Fire Prevention Code until
 3667 adoption of a statewide firesafety code or rescission
 3668 of the requirements, such action taking place no later
 3669 than January 1, 2002. The State Fire Marshal has
 3670 adopted a statewide firesafety code.

3671
 3672 Section 124. Subsection (2) of section 636.240, Florida
 3673 Statutes, is amended to read:

3674 636.240 Injunctions.--
 3675 (2) The venue for any proceeding brought ~~bought~~ pursuant
 3676 to this section shall be in the Circuit Court of Leon County.

3677
 3678 Reviser's note.--Amended to improve clarity and
 3679 facilitate correct interpretation.

3680
 3681 Section 125. Subsection (10) of section 641.51, Florida
 3682 Statutes, is amended to read:

3683 641.51 Quality assurance program; second medical opinion

HB 1213

2005

3684 requirement.--

3685 (10) Each organization shall adopt recommendations for
 3686 preventive pediatric health care which are consistent with the
 3687 requirements for health checkups for children developed for the
 3688 Medicaid program. Each organization shall establish goals to
 3689 achieve ~~80 percent compliance by July 1, 1998, and~~ 90-percent
 3690 compliance by July 1, 1999, for their enrolled pediatric
 3691 population.

3692
 3693 Reviser's note.--Amended to delete obsolete language
 3694 relating to organizational compliance by July 1, 1998.

3695
 3696 Section 126. Subsection (2) of section 648.50, Florida
 3697 Statutes, is amended to read:

3698 648.50 Effect of suspension, revocation upon associated
 3699 licenses and licensees.--

3700 (2) In case of the suspension or revocation of the license
 3701 or appointment, or the eligibility to hold a license or
 3702 appointment, of any bail bond agent, the license, appointment,
 3703 or eligibility of any and all bail bond agents who are members
 3704 of a bail bond agency, whether incorporated or unincorporated,
 3705 and any and all temporary bail bond agents ~~or runners~~ employed
 3706 by such bail bond agency, who knowingly are parties to the act
 3707 which formed the ground for the suspension or revocation may
 3708 likewise be suspended or revoked.

3709
 3710 Reviser's note.--Amended to delete an obsolete
 3711 reference. All other references to "runners" were
 3712 deleted from this section by s. 80, ch. 2003-267, Laws

HB 1213

2005

3713 of Florida, and s. 71, ch. 2003-281, Laws of Florida.

3714

3715 Section 127. Paragraph (e) of subsection (1) of section
3716 650.05, Florida Statutes, is amended to read:

3717 650.05 Plans for coverage of employees of political
3718 subdivisions.--

3719 (1) Each political subdivision of the state is authorized
3720 to submit for approval by the state agency a plan for extending
3721 the benefits of Title II of the Social Security Act, in
3722 conformity with the applicable provisions of such act, to
3723 employees of such political subdivisions. Each such plan and any
3724 amendment thereof shall be approved by the state agency if it is
3725 found that such plan, or such plan as amended, is in conformity
3726 with such requirements as are provided in regulations of the
3727 state agency, except that no such plan shall be approved unless:

3728 (e) It provides that the political subdivision will make
3729 such reports, in such form and containing such information, as
3730 the state agency may from time to time require, and comply with
3731 such provisions as the state agency or the Secretary of Health
3732 and Human Services ~~Health, Education, and Welfare~~ may from time
3733 to time find necessary to assure the correctness and
3734 verification of such reports; and

3735

3736 Reviser's note.--Amended to conform to the transfer of
3737 the duties of the former Secretary of Health,
3738 Education, and Welfare concerning Social Security to
3739 the Secretary of Health and Human Services by Pub. L.
3740 No. 96-88.

3741

HB 1213

2005

3742 Section 128. Subparagraph 6. of paragraph (a) of
 3743 subsection (2) of section 655.948, Florida Statutes, is
 3744 repealed.

3745
 3746 Reviser's note.--Subparagraph (2)(a)6., which relates
 3747 to the failure to meet the minimum daily liquidity
 3748 required of s. 658.68, is repealed. Section 658.68 was
 3749 repealed by s. 25, ch. 2004-340, Laws of Florida, and
 3750 s. 108, ch. 2004-390, Laws of Florida.

3751
 3752 Section 129. Subsection (2) of section 658.60, Florida
 3753 Statutes, is amended to read:

3754 658.60 Depositories of public moneys and pledge of
 3755 assets.--

3756 (2) Notwithstanding any other provision of this section or
 3757 the provisions of any other law requiring security for deposits
 3758 of funds in the form of surety bond, in the form of the deposit
 3759 or pledge of securities, or in any other form, security for such
 3760 deposits shall not be required to the extent that such deposits
 3761 are insured under the provisions of the Federal Deposit
 3762 Insurance Act, as now or hereafter amended. Recognition is
 3763 accorded to the custom and usage, and its practicality, of the
 3764 deposit or pledge of securities by banks, as security for
 3765 deposits, in an aggregate amount which, because of the
 3766 fluctuation from time to time of the aggregate amount of the
 3767 deposits secured thereby, may at times be in an amount in excess
 3768 of the required amount of such security without withdrawing and
 3769 redepositing securities with each decrease and increase of the
 3770 aggregate amount of deposits secured thereby. In order to

HB 1213

2005

3771 effectuate the provisions of the first sentence of this
 3772 subsection, ~~and in recognition of the availability of such~~
 3773 ~~excess securities for inclusion in the liquidity of state banks~~
 3774 ~~as provided in s. 658.68,~~ whenever the amount of securities
 3775 deposited or pledged exceeds the amount required for the
 3776 deposits secured thereby, securities in an amount equal to such
 3777 excess shall, for all purposes and laws, while such excess
 3778 exists be, and be treated as, freed and discharged from such
 3779 deposit and pledge even though not physically withdrawn or
 3780 removed from such deposit or pledge, ~~and, in determining the~~
 3781 ~~securities which are so freed and discharged, those securities~~
 3782 ~~which are eligible for inclusion in a state bank's liquidity as~~
 3783 ~~provided in s. 658.68 shall first be included in such~~
 3784 ~~determination.~~ However, such excess securities which are not
 3785 physically withdrawn or removed from deposit or from the pledge
 3786 thereof shall immediately and automatically, for all purposes
 3787 and laws, be, and be treated as, redeposited and repledged at
 3788 such time or times as, and to the extent that, there is an
 3789 increase in the amount of security required for funds deposited
 3790 with the bank, ~~and, in determining the securities which are so~~
 3791 ~~automatically and immediately redeposited and repledged, there~~
 3792 ~~shall first be included those securities which are not eligible~~
 3793 ~~for the aforesaid liquidity under s. 658.68.~~

3794
 3795 Reviser's note.--Amended to conform to the repeal of
 3796 s. 658.68 by s. 25, ch. 2004-340, Laws of Florida, and
 3797 s. 108, ch. 2004-390, Laws of Florida.

3798
 3799 Section 130. Subsection (1) of section 663.02, Florida

HB 1213

2005

3800 Statutes, is amended to read:

3801 663.02 Applicability of state banking laws.--

3802 (1) International banking corporations having offices in
 3803 this state shall be subject to all the provisions of the
 3804 financial institutions codes and chapter 655 as though such
 3805 international banking corporations were state banks, except
 3806 where it may appear, from the context or otherwise, that such
 3807 provisions are clearly applicable only to banks or trust
 3808 companies organized under the laws of this state or the United
 3809 States. Without limiting the foregoing general provisions, it is
 3810 the intent of the Legislature that the following provisions
 3811 shall be applicable to such banks or corporations: s. 655.031,
 3812 relating to administrative enforcement guidelines; s. 655.032,
 3813 relating to investigations, subpoenas, hearings, and witnesses;
 3814 s. 655.0321, relating to hearings, proceedings, and related
 3815 documents and restricted access thereto; s. 655.033, relating to
 3816 cease and desist orders; s. 655.037, relating to removal by the
 3817 office of an officer, director, committee member, employee, or
 3818 other person; s. 655.041, relating to administrative fines and
 3819 enforcement; and s. 658.49, relating to loans by banks not
 3820 exceeding \$50,000. International banking corporations shall not
 3821 have the powers conferred on domestic banks by the provisions of
 3822 s. 658.60, relating to deposits of public funds. ~~International~~
 3823 ~~banking corporations shall not be subject to the provisions of~~
 3824 ~~s. 658.68, relating to liquidity.~~ The provisions of chapter
 3825 687, relating to interest and usury, shall apply to all loans
 3826 not subject to s. 658.49.

3827
 3828 Reviser's note.--Amended to conform to the repeal of

HB 1213

2005

3829 s. 658.68 by s. 25, ch. 2004-340, Laws of Florida, and
 3830 s. 108, ch. 2004-390, Laws of Florida.

3831
 3832 Section 131. Subsection (3) of section 663.318, Florida
 3833 Statutes, is repealed.

3834
 3835 Reviser's note.--Subsection (3), which subjects an
 3836 international development bank organized under chapter
 3837 607 as a corporation for profit to s. 658.68, is
 3838 repealed. Section 658.68 was repealed by s. 25, ch.
 3839 2004-340, Laws of Florida, and s. 108, ch. 2004-390,
 3840 Laws of Florida.

3841
 3842 Section 132. Subsection (4) of section 668.602, Florida
 3843 Statutes, is amended to read:

3844 668.602 Definitions.--As used in this part, the term:

3845 (4) "Computer virus" means a computer program that is
 3846 designed to replicate itself or affect another program or file
 3847 in the computer by attaching a copy of the program or other set
 3848 of instructions to one or more computer programs or files
 3849 without the consent of the owner or lawful user. The term
 3850 includes, but is not limited to, programs that are designed to
 3851 contaminate other computer programs; compromise computer
 3852 security; consume ~~consumer~~ computer resources; modify, destroy,
 3853 record, or transmit data; or disrupt the normal operation of the
 3854 computer, computer system, or computer network. The term also
 3855 includes, but is not limited to, programs that are designed to
 3856 use a computer without the knowledge and consent of the owner or
 3857 authorized user and to send large quantities of data to a

HB 1213

2005

3858 targeted computer network without the consent of the network for
 3859 the purpose of degrading the targeted computer's or network's
 3860 performance or for the purpose of denying access through the
 3861 network to the targeted computer or network.

3862

3863 Reviser's note.--Amended to improve clarity.

3864

3865 Section 133. Subsection (1) of section 717.1400, Florida
 3866 Statutes, is amended to read:

3867 717.1400 Registration.--

3868 (1) In order to file claims as a claimant's
 3869 representative, acquire ownership of or entitlement to unclaimed
 3870 property, receive a distribution of fees and costs from the
 3871 department, and obtain unclaimed property dollar amounts, the
 3872 number of reported shares of stock, and the last four digits of
 3873 social security numbers held by the department, a private
 3874 investigator holding a Class "C" individual license under
 3875 chapter 493 must register with the department on such form as
 3876 the department shall prescribe by rule, and must be verified by
 3877 the applicant. To register with the department, a private
 3878 investigator must provide:

3879 (a) A legible copy of the applicant's Class "A" business
 3880 license under chapter 493 or that of the applicant's employer
 3881 which holds a Class "A" business license under chapter 493.

3882 (b) A legible copy of the applicant's Class "C" individual
 3883 license issued under chapter 493.

3884 (c) The applicant's business address and telephone number.

3885 (d) The names of agents or employees, if any, who are
 3886 designated to act on behalf of the private investigator,

HB 1213

2005

3887 together with a legible copy of their photo identification
 3888 issued by an agency of the United States, or a state, or a
 3889 political subdivision thereof.

3890 (e) Sufficient information to enable the department to
 3891 disburse funds by electronic funds transfer.

3892 (f) The tax identification number of the private
 3893 investigator's employer which holds a Class "A" business license
 3894 under chapter 493.

3895
 3896 Reviser's note.--Amended to improve clarity.

3897
 3898 Section 134. Paragraph (d) of subsection (2) of section
 3899 718.112, Florida Statutes, is reenacted to read:

3900 718.112 Bylaws.--

3901 (2) REQUIRED PROVISIONS.--The bylaws shall provide for the
 3902 following and, if they do not do so, shall be deemed to include
 3903 the following:

3904 (d) Unit owner meetings.--

3905 1. There shall be an annual meeting of the unit owners.
 3906 Unless the bylaws provide otherwise, a vacancy on the board
 3907 caused by the expiration of a director's term shall be filled by
 3908 electing a new board member, and the election shall be by secret
 3909 ballot; however, if the number of vacancies equals or exceeds
 3910 the number of candidates, no election is required. If there is
 3911 no provision in the bylaws for terms of the members of the
 3912 board, the terms of all members of the board shall expire upon
 3913 the election of their successors at the annual meeting. Any unit
 3914 owner desiring to be a candidate for board membership shall
 3915 comply with subparagraph 3. A person who has been convicted of

HB 1213

2005

3916 any felony by any court of record in the United States and who
3917 has not had his or her right to vote restored pursuant to law in
3918 the jurisdiction of his or her residence is not eligible for
3919 board membership. The validity of an action by the board is not
3920 affected if it is later determined that a member of the board is
3921 ineligible for board membership due to having been convicted of
3922 a felony.

3923 2. The bylaws shall provide the method of calling meetings
3924 of unit owners, including annual meetings. Written notice, which
3925 notice must include an agenda, shall be mailed, hand delivered,
3926 or electronically transmitted to each unit owner at least 14
3927 days prior to the annual meeting and shall be posted in a
3928 conspicuous place on the condominium property at least 14
3929 continuous days preceding the annual meeting. Upon notice to the
3930 unit owners, the board shall by duly adopted rule designate a
3931 specific location on the condominium property or association
3932 property upon which all notices of unit owner meetings shall be
3933 posted; however, if there is no condominium property or
3934 association property upon which notices can be posted, this
3935 requirement does not apply. In lieu of or in addition to the
3936 physical posting of notice of any meeting of the unit owners on
3937 the condominium property, the association may, by reasonable
3938 rule, adopt a procedure for conspicuously posting and repeatedly
3939 broadcasting the notice and the agenda on a closed-circuit cable
3940 television system serving the condominium association. However,
3941 if broadcast notice is used in lieu of a notice posted
3942 physically on the condominium property, the notice and agenda
3943 must be broadcast at least four times every broadcast hour of
3944 each day that a posted notice is otherwise required under this

HB 1213

2005

3945 section. When broadcast notice is provided, the notice and
3946 agenda must be broadcast in a manner and for a sufficient
3947 continuous length of time so as to allow an average reader to
3948 observe the notice and read and comprehend the entire content of
3949 the notice and the agenda. Unless a unit owner waives in writing
3950 the right to receive notice of the annual meeting, such notice
3951 shall be hand delivered, mailed, or electronically transmitted
3952 to each unit owner. Notice for meetings and notice for all other
3953 purposes shall be mailed to each unit owner at the address last
3954 furnished to the association by the unit owner, or hand
3955 delivered to each unit owner. However, if a unit is owned by
3956 more than one person, the association shall provide notice, for
3957 meetings and all other purposes, to that one address which the
3958 developer initially identifies for that purpose and thereafter
3959 as one or more of the owners of the unit shall so advise the
3960 association in writing, or if no address is given or the owners
3961 of the unit do not agree, to the address provided on the deed of
3962 record. An officer of the association, or the manager or other
3963 person providing notice of the association meeting, shall
3964 provide an affidavit or United States Postal Service certificate
3965 of mailing, to be included in the official records of the
3966 association affirming that the notice was mailed or hand
3967 delivered, in accordance with this provision.

3968 3. The members of the board shall be elected by written
3969 ballot or voting machine. Proxies shall in no event be used in
3970 electing the board, either in general elections or elections to
3971 fill vacancies caused by recall, resignation, or otherwise,
3972 unless otherwise provided in this chapter. Not less than 60 days
3973 before a scheduled election, the association shall mail,

HB 1213

2005

3974 deliver, or electronically transmit, whether by separate
3975 association mailing or included in another association mailing,
3976 delivery, or transmission, including regularly published
3977 newsletters, to each unit owner entitled to a vote, a first
3978 notice of the date of the election. Any unit owner or other
3979 eligible person desiring to be a candidate for the board must
3980 give written notice to the association not less than 40 days
3981 before a scheduled election. Together with the written notice
3982 and agenda as set forth in subparagraph 2., the association
3983 shall mail, deliver, or electronically transmit a second notice
3984 of the election to all unit owners entitled to vote therein,
3985 together with a ballot which shall list all candidates. Upon
3986 request of a candidate, the association shall include an
3987 information sheet, no larger than 8 1/2 inches by 11 inches,
3988 which must be furnished by the candidate not less than 35 days
3989 before the election, to be included with the mailing, delivery,
3990 or transmission of the ballot, with the costs of mailing,
3991 delivery, or electronic transmission and copying to be borne by
3992 the association. The association is not liable for the contents
3993 of the information sheets prepared by the candidates. In order
3994 to reduce costs, the association may print or duplicate the
3995 information sheets on both sides of the paper. The division
3996 shall by rule establish voting procedures consistent with the
3997 provisions contained herein, including rules establishing
3998 procedures for giving notice by electronic transmission and
3999 rules providing for the secrecy of ballots. Elections shall be
4000 decided by a plurality of those ballots cast. There shall be no
4001 quorum requirement; however, at least 20 percent of the eligible
4002 voters must cast a ballot in order to have a valid election of

HB 1213

2005

4003 members of the board. No unit owner shall permit any other
4004 person to vote his or her ballot, and any such ballots
4005 improperly cast shall be deemed invalid, provided any unit owner
4006 who violates this provision may be fined by the association in
4007 accordance with s. 718.303. A unit owner who needs assistance in
4008 casting the ballot for the reasons stated in s. 101.051 may
4009 obtain assistance in casting the ballot. The regular election
4010 shall occur on the date of the annual meeting. The provisions of
4011 this subparagraph shall not apply to timeshare condominium
4012 associations. Notwithstanding the provisions of this
4013 subparagraph, an election is not required unless more candidates
4014 file notices of intent to run or are nominated than board
4015 vacancies exist.

4016 4. Any approval by unit owners called for by this chapter
4017 or the applicable declaration or bylaws, including, but not
4018 limited to, the approval requirement in s. 718.111(8), shall be
4019 made at a duly noticed meeting of unit owners and shall be
4020 subject to all requirements of this chapter or the applicable
4021 condominium documents relating to unit owner decisionmaking,
4022 except that unit owners may take action by written agreement,
4023 without meetings, on matters for which action by written
4024 agreement without meetings is expressly allowed by the
4025 applicable bylaws or declaration or any statute that provides
4026 for such action.

4027 5. Unit owners may waive notice of specific meetings if
4028 allowed by the applicable bylaws or declaration or any statute.
4029 If authorized by the bylaws, notice of meetings of the board of
4030 administration, unit owner meetings, except unit owner meetings
4031 called to recall board members under paragraph (j), and

HB 1213

2005

4032 committee meetings may be given by electronic transmission to
4033 unit owners who consent to receive notice by electronic
4034 transmission.

4035 6. Unit owners shall have the right to participate in
4036 meetings of unit owners with reference to all designated agenda
4037 items. However, the association may adopt reasonable rules
4038 governing the frequency, duration, and manner of unit owner
4039 participation.

4040 7. Any unit owner may tape record or videotape a meeting
4041 of the unit owners subject to reasonable rules adopted by the
4042 division.

4043 8. Unless otherwise provided in the bylaws, any vacancy
4044 occurring on the board before the expiration of a term may be
4045 filled by the affirmative vote of the majority of the remaining
4046 directors, even if the remaining directors constitute less than
4047 a quorum, or by the sole remaining director. In the alternative,
4048 a board may hold an election to fill the vacancy, in which case
4049 the election procedures must conform to the requirements of
4050 subparagraph 3. unless the association has opted out of the
4051 statutory election process, in which case the bylaws of the
4052 association control. Unless otherwise provided in the bylaws, a
4053 board member appointed or elected under this section shall fill
4054 the vacancy for the unexpired term of the seat being filled.
4055 Filling vacancies created by recall is governed by paragraph (j)
4056 and rules adopted by the division.

4057
4058 Notwithstanding subparagraphs (b)2. and (d)3., an association
4059 may, by the affirmative vote of a majority of the total voting
4060 interests, provide for different voting and election procedures

HB 1213

2005

4061 in its bylaws, which vote may be by a proxy specifically
 4062 delineating the different voting and election procedures. The
 4063 different voting and election procedures may provide for
 4064 elections to be conducted by limited or general proxy.

4065
 4066 Reviser's note.--Section 4, ch. 2004-345, Laws of
 4067 Florida, purported to amend paragraph (2)(d), but did
 4068 not publish the amended paragraph. Absent affirmative
 4069 evidence of legislative intent to repeal it, paragraph
 4070 (2)(d) is reenacted to confirm that the omission was
 4071 not intended.

4072
 4073 Section 135. Paragraph (d) of subsection (2) of section
 4074 720.303, Florida Statutes, as created by section 18 of chapter
 4075 2004-345, Laws of Florida, and paragraph (a) of subsection (10)
 4076 of section 720.303, Florida Statutes, are amended to read:

4077 720.303 Association powers and duties; meetings of board;
 4078 official records; budgets; financial reporting; association
 4079 funds; recalls.--

4080 (2) BOARD MEETINGS.--

4081 (d) If 20 percent of the total voting interests petition
 4082 the board to address an item of business, the board shall at its
 4083 next regular board meeting or at a special meeting of the board,
 4084 but not later than 60 days after the receipt of the petition,
 4085 take the petitioned item up on an agenda. The board shall give
 4086 all members notice of the meeting at which the petitioned item
 4087 shall be addressed in accordance with the 14-day notice
 4088 requirement pursuant to subparagraph (c)2. ~~subparagraph 2.~~ Each
 4089 member shall have the right to speak for at least 3 minutes on

HB 1213

2005

4090 each matter placed on the agenda by petition, provided that the
 4091 member signs the sign-up sheet, if one is provided, or submits a
 4092 written request to speak prior to the meeting. Other than
 4093 addressing the petitioned item at the meeting, the board is not
 4094 obligated to take any other action requested by the petition.

4095 (10) RECALL OF DIRECTORS.--

4096 (a)1. Regardless of any provision to the contrary
 4097 contained in the governing documents, subject to the provisions
 4098 of s. 720.307 regarding transition of association control, any
 4099 member of the board of ~~or~~ directors may be recalled and removed
 4100 from office with or without cause by a majority of the total
 4101 voting interests.

4102 2. When the governing documents, including the
 4103 declaration, articles of incorporation, or bylaws, provide that
 4104 only a specific class of members is entitled to elect a board
 4105 director or directors, only that class of members may vote to
 4106 recall those board directors so elected.

4107
 4108 Reviser's note.--Paragraph (2)(d) as created by s. 18,
 4109 ch. 2004-345, Laws of Florida, is amended to improve
 4110 clarity and facilitate correct interpretation.

4111 Paragraph (d) is not divided into subparagraphs;
 4112 subparagraph (c)2. relates to the 14-day notice.

4113 Paragraph (10)(a) is amended to conform to context.

4114
 4115 Section 136. Subsection (1) of section 720.402, Florida
 4116 Statutes, is amended to read:

4117 720.402 Publication of false and misleading information.--

4118 (1) Any person who, in reasonable reliance upon any

HB 1213

2005

4119 material statement or information that is false or misleading
 4120 and published by or under authority from the developer in
 4121 advertising and promotional materials, including, but not
 4122 limited to, a contract of purchase ~~purchaser~~, the declaration of
 4123 covenants, exhibits to a declaration of covenants, brochures,
 4124 and newspaper advertising, pays anything of value toward the
 4125 purchase of a parcel in a community located in this state has a
 4126 cause of action to rescind the contract or collect damages from
 4127 the developer for his or her loss before the closing of the
 4128 transaction. After the closing of the transaction, the purchaser
 4129 has a cause of action against the developer for damages under
 4130 this section from the time of closing until 1 year after the
 4131 date upon which the last of the events described in paragraphs
 4132 (a) through (d) occurs:

4133 (a) The closing of the transaction;
 4134 (b) The issuance by the applicable governmental authority
 4135 of a certificate of occupancy or other evidence of sufficient
 4136 completion of construction of the purchaser's residence to allow
 4137 lawful occupancy of the residence by the purchaser. In counties
 4138 or municipalities in which certificates of occupancy or other
 4139 evidences of completion sufficient to allow lawful occupancy are
 4140 not customarily issued, for the purpose of this section,
 4141 evidence of lawful occupancy shall be deemed to be given or
 4142 issued upon the date that such lawful occupancy of the residence
 4143 may be allowed under prevailing applicable laws, ordinances, or
 4144 statutes;

4145 (c) The completion by the developer of the common areas
 4146 and such recreational facilities, whether or not the same are
 4147 common areas, which the developer is obligated to complete or

HB 1213

2005

4148 provide under the terms of the written contract, governing
 4149 documents, or written agreement for purchase or lease of the
 4150 parcel; or

4151 (d) In the event there is not a written contract or
 4152 agreement for sale or lease of the parcel, then the completion
 4153 by the developer of the common areas and such recreational
 4154 facilities, whether or not they are common areas, which the
 4155 developer would be obligated to complete under any rule of law
 4156 applicable to the developer's obligation.

4157
 4158 Under no circumstances may a cause of action created or
 4159 recognized under this section survive for a period of more than
 4160 5 years after the closing of the transaction.

4161
 4162 Reviser's note.--Amended to improve clarity and
 4163 facilitate correct interpretation.

4164
 4165 Section 137. Paragraph (d) of subsection (4) of section
 4166 720.405, Florida Statutes, is amended to read:

4167 720.405 Organizing committee; parcel owner approval.--

4168 (4) The proposed revived declaration and other governing
 4169 documents for the community shall:

4170 (d) Contain no covenants that are more restrictive on the
 4171 affected parcel owners than the covenants contained in the
 4172 previous governing documents, except as permitted under s.

4173 720.404(3) ~~720.402(3)~~; and

4174
 4175 Reviser's note.--Amended to improve clarity and
 4176 facilitate correct interpretation. Section 720.402

HB 1213

2005

4177 | does not contain a subsection (3); s. 720.404(3)
 4178 | relates to restrictive covenants.

4179 |
 4180 | Section 138. Subsection (2) of section 721.075, Florida
 4181 | Statutes, is reenacted to read:

4182 | 721.075 Incidental benefits.--Incidental benefits shall be
 4183 | offered only as provided in this section.

4184 | (2) Each purchaser shall execute a separate acknowledgment
 4185 | and disclosure statement with respect to all incidental
 4186 | benefits, which statement shall include the following
 4187 | information:

4188 | (a) A fair description of the incidental benefit,
 4189 | including, but not limited to, any user fees or costs associated
 4190 | therewith and any restrictions upon use or availability.

4191 | (b) A statement that use of or participation in the
 4192 | incidental benefit by the prospective purchaser is completely
 4193 | voluntary, and that payment of any fee or other cost associated
 4194 | with the incidental benefit is required only upon such use or
 4195 | participation.

4196 | (c) A statement that the incidental benefit is not
 4197 | assignable or otherwise transferable by the prospective
 4198 | purchaser or purchaser.

4199 | (d) The following disclosure in conspicuous type
 4200 | immediately above the space for the purchaser's signature:

4201 |
 4202 | The incidental benefit[s] described in this statement is
 4203 | [are] offered to prospective purchasers of the timeshare plan
 4204 | [or other permitted reference pursuant to s. 721.11(5)(a)].
 4205 | This [These] benefit[s] is [are] available for your use for

HB 1213

2005

4206 [some period 3 years or less] after the first date that the
 4207 timeshare plan is available for your use. The availability of
 4208 the incidental benefit[s] may or may not be renewed or extended.
 4209 You should not purchase an interest in the timeshare plan in
 4210 reliance upon the continued availability or renewal or extension
 4211 of this [these] benefit[s].

4212 (e) A statement indicating the source of the services,
 4213 points, or other products that constitute the incidental
 4214 benefit.

4215
 4216 The acknowledgment and disclosure statement for any incidental
 4217 benefit shall be filed with the division prior to use. Each
 4218 purchaser shall receive a copy of his or her executed
 4219 acknowledgment and disclosure statement as a document required
 4220 to be provided to him or her pursuant to s. 721.10(1)(b).

4221
 4222 Reviser's note.--Section 7, ch. 2004-279, Laws of
 4223 Florida, added paragraph (e) to subsection (2) without
 4224 publishing the flush left language at the end of the
 4225 subsection. Absent affirmative evidence of legislative
 4226 intent to repeal it, the flush left language is
 4227 reenacted to confirm that the omission was not
 4228 intended.

4229
 4230 Section 139. Subsection (4) of section 744.3678, Florida
 4231 Statutes, is amended to read:

4232 744.3678 Annual accounting.--

4233 (4) The guardian shall pay from the ward's estate to the
 4234 clerk of the circuit court a fee based upon the following

HB 1213

2005

4235 graduated fee schedule, upon the filing of the annual financial
 4236 return, for the auditing of the return:

4237 (a) For estates with a value of \$25,000 or less the clerk
 4238 of the court may charge a fee of up to \$15.

4239 (b) For estates with a value of more than \$25,000 up to
 4240 and including \$100,000 the clerk of the court may charge a fee
 4241 of up to \$75.

4242 (c) For estates with a value of more than \$100,000 up to
 4243 and including \$500,000 the clerk of the court may charge a fee
 4244 of up to \$150.

4245 (d) For estates with a value in excess of \$500,000 the
 4246 clerk of the court may charge a fee of up to \$225.

4247
 4248 Upon petition by the guardian, the court may waive the auditing
 4249 fee upon a showing of insufficient funds in the ward's estate.
 4250 Any guardian unable to pay the auditing fee may petition the
 4251 court for a waiver of the fee. The court may waive the fee after
 4252 it has reviewed the documentation filed by the guardian in
 4253 support of the waiver.

4254
 4255 Reviser's note.--Amended to improve clarity and
 4256 facilitate correct interpretation.

4257
 4258 Section 140. Paragraph (d) of subsection (2) of section
 4259 744.7021, Florida Statutes, is amended to read:

4260 744.7021 Statewide Public Guardianship Office.--There is
 4261 hereby created the Statewide Public Guardianship Office within
 4262 the Department of Elderly Affairs.

4263 (2) The executive director shall, within available

HB 1213

2005

4264 resources, have oversight responsibilities for all public
 4265 guardians.

4266 (d) By ~~January 1, 2004, and by~~ January 1 of each year
 4267 ~~thereafter~~, the executive director shall provide a status report
 4268 and provide further recommendations to the secretary that
 4269 address the need for public guardianship services and related
 4270 issues.

4271
 4272 Reviser's note.--Amended to improve clarity and delete
 4273 obsolete language.

4274
 4275 Section 141. Subsection (5) of section 782.081, Florida
 4276 Statutes, is amended to read:

4277 782.081 Commercial exploitation of self-murder.--
 4278 (5) A person who violates this section commits a felony of
 4279 the third degree, punishable as provided in s. 775.082, s.
 4280 775.083, or s. 775.084 ~~774.084~~.

4281
 4282 Reviser's note.--Amended to improve clarity and
 4283 facilitate correct interpretation. Section 774.084
 4284 does not exist; s. 775.084 provides punishment for
 4285 felonies.

4286
 4287 Section 142. Paragraph (b) of subsection (4) of section
 4288 784.046, Florida Statutes, is amended to read:

4289 784.046 Action by victim of repeat violence, sexual
 4290 violence, or dating violence for protective injunction; powers
 4291 and duties of court and clerk of court; filing and form of
 4292 petition; notice and hearing; temporary injunction; issuance;

HB 1213

2005

4293 statewide verification system; enforcement.--

4294 (4)

4295 (b) The sworn petition must be in substantially the
4296 following form:

4297

4298 PETITION FOR INJUNCTION FOR PROTECTION

4299 AGAINST REPEAT VIOLENCE, SEXUAL

4300 VIOLENCE, OR DATING VIOLENCE

4301

4302 Before me, the undersigned authority, personally appeared
4303 Petitioner ...(Name)..., who has been sworn and says that the
4304 following statements are true:

4305 1. Petitioner resides at ...(address)... (A petitioner for
4306 an injunction for protection against sexual violence may furnish
4307 an address to the court in a separate confidential filing if,
4308 for safety reasons, the petitioner requires the location of his
4309 or her current residence to be confidential pursuant to s.
4310 119.07(6)(s) ~~119.07(3)(s)~~, Florida Statutes.)

4311 2. Respondent resides at ...(address)...

4312 3.a. Petitioner has suffered repeat violence as
4313 demonstrated by the fact that the respondent has: ...(enumerate
4314 incidents of violence)...

4315

4316 _____

4317 _____

4318 _____

4319

4320 b. Petitioner has suffered sexual violence as demonstrated
4321 by the fact that the respondent has: (enumerate incident of

HB 1213

2005

4322 violence and include incident report number from law enforcement
4323 agency or attach notice of inmate release.)

4324
4325 _____
4326 _____
4327 _____

4328
4329 c. Petitioner is a victim of dating violence and has
4330 reasonable cause to believe that he or she is in imminent danger
4331 of becoming the victim of another act of dating violence or has
4332 reasonable cause to believe that he or she is in imminent danger
4333 of becoming a victim of dating violence, as demonstrated by the
4334 fact that the respondent has: ...(list the specific incident or
4335 incidents of violence and describe the length of time of the
4336 relationship, whether it has been in existence during the last 6
4337 months, the nature of the relationship of a romantic or intimate
4338 nature, the frequency and type of interaction, and any other
4339 facts that characterize the relationship.)...

4340
4341 _____
4342 _____
4343 _____

4344
4345 4. Petitioner genuinely fears repeat violence by the
4346 respondent.

4347 5. Petitioner seeks: an immediate injunction against the
4348 respondent, enjoining him or her from committing any further
4349 acts of violence; an injunction enjoining the respondent from
4350 committing any further acts of violence; and an injunction

HB 1213

2005

4351 providing any terms the court deems necessary for the protection
 4352 of the petitioner and the petitioner's immediate family,
 4353 including any injunctions or directives to law enforcement
 4354 agencies.

4355
 4356 Reviser's note.--Amended to conform to the
 4357 redesignation of s. 119.07(3)(s) as s. 119.07(6)(s) by
 4358 s. 7, ch. 2004-335, Laws of Florida.

4359
 4360 Section 143. Paragraph (a) of subsection (1) of section
 4361 895.02, Florida Statutes, is amended to read:

4362 895.02 Definitions.--As used in ss. 895.01-895.08, the
 4363 term:

4364 (1) "Racketeering activity" means to commit, to attempt to
 4365 commit, to conspire to commit, or to solicit, coerce, or
 4366 intimidate another person to commit:

4367 (a) Any crime which is chargeable by indictment or
 4368 information under the following provisions of the Florida
 4369 Statutes:

4370 1. Section 210.18, relating to evasion of payment of
 4371 cigarette taxes.

4372 2. Section 403.727(3)(b), relating to environmental
 4373 control.

4374 3. Section 409.920 or s. 409.9201, relating to Medicaid
 4375 fraud.

4376 4. Section 414.39, relating to public assistance fraud.

4377 5. Section 440.105 or s. 440.106, relating to workers'
 4378 compensation.

4379 6. Section 465.0161, relating to distribution of medicinal

HB 1213

2005

- 4380 | drugs without a permit as an Internet pharmacy.
- 4381 | 7. Sections 499.0051, 499.0052, 499.00535 ~~499.0053~~,
- 4382 | 499.00545, and 499.0691, relating to crimes involving contraband
- 4383 | and adulterated drugs.
- 4384 | 8. Part IV of chapter 501, relating to telemarketing.
- 4385 | 9. Chapter 517, relating to sale of securities and
- 4386 | investor protection.
- 4387 | 10. Section 550.235, s. 550.3551, or s. 550.3605, relating
- 4388 | to dogracing and horseracing.
- 4389 | 11. Chapter 550, relating to jai alai frontons.
- 4390 | 12. Chapter 552, relating to the manufacture,
- 4391 | distribution, and use of explosives.
- 4392 | 13. Chapter 560, relating to money transmitters, if the
- 4393 | violation is punishable as a felony.
- 4394 | 14. Chapter 562, relating to beverage law enforcement.
- 4395 | 15. Section 624.401, relating to transacting insurance
- 4396 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 4397 | to operating an unauthorized multiple-employer welfare
- 4398 | arrangement, or s. 626.902(1)(b), relating to representing or
- 4399 | aiding an unauthorized insurer.
- 4400 | 16. Section 655.50, relating to reports of currency
- 4401 | transactions, when such violation is punishable as a felony.
- 4402 | 17. Chapter 687, relating to interest and usurious
- 4403 | practices.
- 4404 | 18. Section 721.08, s. 721.09, or s. 721.13, relating to
- 4405 | real estate timeshare plans.
- 4406 | 19. Chapter 782, relating to homicide.
- 4407 | 20. Chapter 784, relating to assault and battery.
- 4408 | 21. Chapter 787, relating to kidnapping.

HB 1213

2005

- 4409 22. Chapter 790, relating to weapons and firearms.
- 4410 23. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 4411 796.05, or s. 796.07, relating to prostitution and sex
- 4412 trafficking.
- 4413 24. Chapter 806, relating to arson.
- 4414 25. Section 810.02(2)(c), relating to specified burglary
- 4415 of a dwelling or structure.
- 4416 26. Chapter 812, relating to theft, robbery, and related
- 4417 crimes.
- 4418 27. Chapter 815, relating to computer-related crimes.
- 4419 28. Chapter 817, relating to fraudulent practices, false
- 4420 pretenses, fraud generally, and credit card crimes.
- 4421 29. Chapter 825, relating to abuse, neglect, or
- 4422 exploitation of an elderly person or disabled adult.
- 4423 30. Section 827.071, relating to commercial sexual
- 4424 exploitation of children.
- 4425 31. Chapter 831, relating to forgery and counterfeiting.
- 4426 32. Chapter 832, relating to issuance of worthless checks
- 4427 and drafts.
- 4428 33. Section 836.05, relating to extortion.
- 4429 34. Chapter 837, relating to perjury.
- 4430 35. Chapter 838, relating to bribery and misuse of public
- 4431 office.
- 4432 36. Chapter 843, relating to obstruction of justice.
- 4433 37. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 4434 s. 847.07, relating to obscene literature and profanity.
- 4435 38. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 4436 849.25, relating to gambling.
- 4437 39. Chapter 874, relating to criminal street gangs.

HB 1213

2005

- 4438 40. Chapter 893, relating to drug abuse prevention and
 4439 control.
 4440 41. Chapter 896, relating to offenses related to financial
 4441 transactions.
 4442 42. Sections 914.22 and 914.23, relating to tampering with
 4443 a witness, victim, or informant, and retaliation against a
 4444 witness, victim, or informant.
 4445 43. Sections 918.12 and 918.13, relating to tampering with
 4446 jurors and evidence.

4447
 4448 Reviser's note.--Amended to conform to the
 4449 redesignation of the referenced s. 499.0053 as s.
 4450 499.00535 by the reviser incident to compiling the
 4451 2003 Florida Statutes.

4452
 4453 Section 144. Paragraph (i) of subsection (3) of section
 4454 921.0022, Florida Statutes, is amended to read:
 4455 921.0022 Criminal Punishment Code; offense severity
 4456 ranking chart.--

4457
 4458 (3) OFFENSE SEVERITY RANKING CHART

4459

Florida Statute	Felony Degree	Description
316.193(3)(c)3.b.	1st	(i) LEVEL 9 DUI manslaughter; failing to render

HB 1213

2005

4462

327.35(3)(c)3.b. 1st

aid or give
information.

4463

499.00535 ~~499.0053~~ 1st

BUI manslaughter;
failing to render
aid or give
information.

Sale or purchase of
contraband legend
drugs resulting in
great bodily harm.

4464

560.123(8)(b)3. 1st

Failure to report
currency or payment
instruments totaling
or exceeding
\$100,000 by money
transmitter.

4465

560.125(5)(c) 1st

Money transmitter
business by
unauthorized person,
currency, or payment
instruments totaling
or exceeding
\$100,000.

4466

655.50(10)(b)3. 1st

Failure to report

HB 1213

2005

4467
4468
4469
4470
4471

			financial transactions totaling or exceeding \$100,000 by financial institution.
	775.0844	1st	Aggravated white collar crime.
	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

	HB 1213		2005
	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
4472	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
4473	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
4474	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
4475	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery,

	HB 1213		2005
4476	790.161	1st	molestation, conduct, or exhibition.
4477	790.166(2)	1st,PBL	Attempted capital destructive device offense.
4478	794.011(2)	1st	Possessing, selling, using, or attempting to use a weapon of mass destruction.
4479	794.011(2)	Life	Attempted sexual battery; victim less than 12 years of age.
4480	794.011(4)	1st	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

HB 1213

2005

4481	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
4482	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
4483	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
4484	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
4485	812.135(2)(b)	1st	Home-invasion robbery with weapon.
4486	817.568(7)	2nd,PBL	Fraudulent use of personal identification

HB 1213

2005

4487

827.03(2)

1st

information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

Aggravated child abuse.

4488

847.0145(1)

1st

Selling, or otherwise transferring custody or control, of a minor.

4489

847.0145(2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

4490

859.01

1st

Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food,

	HB 1213		2005
4491			drink, medicine, or water with intent to kill or injure another person.
4492	893.135	1st	Attempted capital trafficking offense.
4493	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
4494	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
4495	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
4496	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

	HB 1213		2005
4497	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
4498	893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
4499	893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
4500	893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
4501	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
4502	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements,

HB 1213

2005

financial
 transactions
 totaling or
 exceeding \$100,000.

4503

4504

4505

Reviser's note.--Amended to conform to the
 redesignation of the referenced s. 499.0053 as s.
 499.00535 by the reviser incident to compiling the
 2003 Florida Statutes.

4509

4510

Section 145. Section 932.706, Florida Statutes, is amended
 to read:

4511

4512

932.706 Forfeiture training requirements.--The Criminal
 Justice Standards and Training Commission shall develop a
 standardized course of training for basic recruits and
 continuing education which shall be designed to develop
 proficiency in the seizure and forfeiture of property under the
 Florida Contraband Forfeiture Act. ~~Such course of training and
 continuing education shall be developed and implemented by
 December 1, 1995.~~ The curriculum for the course of training and
 continuing education must include, but is not limited to, racial
 and ethnic sensitivity and a review of cases in this state which
 involve searches and seizures, the use of drug-courier profiles
 by law enforcement agencies, and the use of an order to stop
 based on a pretext.

4525

4526

Reviser's note.--Amended to delete an obsolete
 provision. The cited course of training and continuing

4527

HB 1213

2005

4528 education was to be developed and implemented by
 4529 December 1, 1995.

4530
 4531 Section 146. Subsection (3) of section 943.125, Florida
 4532 Statutes, is repealed.

4533
 4534 Reviser's note.--Repealed to delete a provision that
 4535 has served its purpose. The cited subsection provides
 4536 for the development of arrest and security protocols
 4537 by October 1, 1996.

4538
 4539 Section 147. Subsection (2) of section 944.026, Florida
 4540 Statutes, is amended to read:

4541 944.026 Community-based facilities and programs.--
 4542 (2) ~~By January 1, 2002, and~~ Notwithstanding any other law,
 4543 the department shall ensure that at least 400 of its contracted
 4544 beds in nonsecure community-based residential substance abuse
 4545 treatment facilities authorized under subparagraph (1)(b)1. or
 4546 probation and restitution centers authorized under paragraph
 4547 (1)(c) are designated for transition assistance for inmates who
 4548 are nearing their date of release from a correctional
 4549 institution or a community correctional center. These designated
 4550 beds shall be provided by private organizations that do not have
 4551 a faith component and that are under contract with the
 4552 department. In making placement decisions, the department and
 4553 the contract providers shall give priority consideration to
 4554 those inmates who are nearing their date of release and who are
 4555 to be placed in some form of postrelease community supervision.
 4556 However, if an inmate whose sentence expires upon his or her

HB 1213

2005

4557 release from a correctional institution or a community
 4558 correction center and for whom community supervision is not
 4559 required demonstrates the need for or interest in and
 4560 suitability for transition-housing assistance, as determined by
 4561 the department, the inmate is eligible to be considered for
 4562 placement in transition housing. A right to substance abuse
 4563 program services is not stated, intended, or otherwise implied
 4564 by this subsection.

4565
 4566 Reviser's note.--Amended to delete obsolete language.

4567
 4568 Section 148. Paragraph (a) of subsection (5) of section
 4569 944.1905, Florida Statutes, is amended to read:

4570 944.1905 Initial inmate classification; inmate
 4571 reclassification.--The Department of Corrections shall classify
 4572 inmates pursuant to an objective classification scheme. The
 4573 initial inmate classification questionnaire and the inmate
 4574 reclassification questionnaire must cover both aggravating and
 4575 mitigating factors.

4576 (5)(a) Notwithstanding any other provision of this
 4577 section, the department shall assign to specific correctional
 4578 facilities all inmates who are less than 18 years of age and who
 4579 are not eligible for and have not been assigned to a facility
 4580 for youthful offenders. Any such inmate who is less than 18
 4581 years of age shall be housed in a dormitory that is separate
 4582 from inmates who are 18 years of age or older. Furthermore, the
 4583 department shall provide any food service, education, and
 4584 recreation for such inmate separately from inmates who are 18
 4585 years of age or older. ~~The department shall report to the~~

HB 1213

2005

4586 ~~Legislature on compliance with this paragraph by April 1, 2002.~~

4587

4588 Reviser's note.--Amended to delete obsolete language.

4589 The referenced report of compliance was due on April

4590 1, 2002.

4591

4592 Section 149. Subsections (3) and (4) of section 944.803,
4593 Florida Statutes, are amended to read:

4594 944.803 Faith-based programs for inmates.--

4595 (3) ~~By March 1, 2002,~~ The department must have at least
4596 ~~three additional faith-based dormitory programs fully~~
4597 ~~operational and by June 1, 2002,~~ the department must have at
4598 ~~least three more faith-based dormitory programs fully~~
4599 ~~operational, for a total of six new programs fully operational~~
4600 ~~by June 1, 2002.~~ These six programs shall be similar to and in
4601 addition to the current faith-based pilot program. The six new
4602 programs shall be a joint effort with the department and faith-
4603 based service groups within the community. The department shall
4604 ensure that an inmate's faith orientation, or lack thereof, will
4605 not be considered in determining admission to a faith-based
4606 program and that the program does not attempt to convert an
4607 inmate toward a particular faith or religious preference. The
4608 programs shall operate 24 hours a day within the existing
4609 correctional facilities. The programs must emphasize the
4610 importance of personal responsibility, meaningful work,
4611 education, substance abuse treatment, and peer support.
4612 Participation in the faith-based dormitory program shall be
4613 voluntary. However, at least 80 percent of the inmates
4614 participating in this program must be within 36 months of

HB 1213

2005

4615 release. Assignment to these programs shall be based on
 4616 evaluation and the length of time the inmate is projected to be
 4617 assigned to that particular institution. In evaluating an inmate
 4618 for this program, priority shall be given to inmates who have
 4619 shown an indication for substance abuse. A right to substance
 4620 abuse program services is not stated, intended, or otherwise
 4621 implied by this subsection. The department may not remove an
 4622 inmate once assigned to the program except for the purposes of
 4623 population management, for inmate conduct that may subject the
 4624 inmate to disciplinary confinement or loss of gain-time, for
 4625 physical or mental health concerns, or for security or safety
 4626 concerns. To support the programming component, the department
 4627 shall assign a chaplain and a full-time clerical support person
 4628 dedicated to each dormitory to implement and monitor the program
 4629 and to strengthen volunteer participation and support. ~~By~~
 4630 ~~January 1, 2004, the department shall submit an evaluation~~
 4631 ~~report to the Governor, the President of the Senate, and the~~
 4632 ~~Speaker of the House of Representatives on the faith-based~~
 4633 ~~dormitory program. The report must contain the findings from an~~
 4634 ~~extensive and scientifically sound evaluation of the program,~~
 4635 ~~including at least a longitudinal followup of the inmates who~~
 4636 ~~have successfully completed the program compared to other~~
 4637 ~~similar inmates who have not participated and an opinion survey~~
 4638 ~~of the faith-based service providers.~~

4639 (4) ~~Effective October 1, 2001,~~ The Department of
 4640 Corrections shall assign chaplains to community correctional
 4641 centers authorized pursuant to s. 945.091(1)(b). These chaplains
 4642 shall strengthen volunteer participation by recruiting
 4643 volunteers in the community to assist inmates in transition,

HB 1213

2005

4644 and, if requested by the inmate, placement in a mentoring
 4645 program or at a contracted substance abuse transition housing
 4646 program. When placing an inmate in a contracted program, the
 4647 chaplain shall work with the institutional transition assistance
 4648 specialist in an effort to successfully place the released
 4649 inmate.

4650
 4651 Reviser's note.--Amended to delete obsolete language.

4652
 4653 Section 150. Subsection (7) of section 948.09, Florida
 4654 Statutes, is amended to read:

4655 948.09 Payment for cost of supervision and
 4656 rehabilitation.--

4657 (7) The department shall establish a payment plan for all
 4658 costs ordered by the courts for collection by the department and
 4659 a priority order for payments, except that victim restitution
 4660 payments authorized under s. 948.03(1)(e) ~~948.03(5)~~ take
 4661 precedence over all other court-ordered payments. The department
 4662 is not required to disburse cumulative amounts of less than \$10
 4663 to individual payees established on this payment plan.

4664
 4665 Reviser's note.--Amended to improve clarity and
 4666 facilitate correct interpretation. The referenced
 4667 material is found in s. 948.03(1)(e).

4668
 4669 Section 151. Subsection (2) of section 948.30, Florida
 4670 Statutes, is amended to read:

4671 948.30 Additional terms and conditions of probation or
 4672 community control for certain sex offenses.--Conditions imposed

HB 1213

2005

4673 pursuant to this section do not require oral pronouncement at
 4674 the time of sentencing and shall be considered standard
 4675 conditions of probation or community control for offenders
 4676 specified in this section.

4677 (2) Effective for a probationer or community controllee
 4678 whose crime was committed on or after October 1, 1997, and who
 4679 is placed on sex offender probation for a violation of chapter
 4680 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any
 4681 other provision of this section ~~subsection~~, the court must
 4682 impose the following conditions of probation or community
 4683 control:

4684 (a) As part of a treatment program, participation at least
 4685 annually in polygraph examinations to obtain information
 4686 necessary for risk management and treatment and to reduce the
 4687 sex offender's denial mechanisms. A polygraph examination must
 4688 be conducted by a polygrapher trained specifically in the use of
 4689 the polygraph for the monitoring of sex offenders, where
 4690 available, and shall be paid for by the sex offender. The
 4691 results of the polygraph examination shall not be used as
 4692 evidence in court to prove that a violation of community
 4693 supervision has occurred.

4694 (b) Maintenance of a driving log and a prohibition against
 4695 driving a motor vehicle alone without the prior approval of the
 4696 supervising officer.

4697 (c) A prohibition against obtaining or using a post office
 4698 box without the prior approval of the supervising officer.

4699 (d) If there was sexual contact, a submission to, at the
 4700 probationer's or community controllee's expense, an HIV test
 4701 with the results to be released to the victim or the victim's

HB 1213

2005

4702 parent or guardian.

4703 (e) Electronic monitoring when deemed necessary by the
 4704 community control or probation officer and his or her
 4705 supervisor, and ordered by the court at the recommendation of
 4706 the Department of Corrections.

4707
 4708 Reviser's note.--Amended to improve clarity and
 4709 facilitate correct interpretation. The referenced
 4710 subsection was s. 948.03(5), which was redesignated as
 4711 s. 948.30 by s. 18, ch. 2004-373, Laws of Florida.

4712
 4713 Section 152. Paragraph (a) of subsection (5) of section
 4714 957.07, Florida Statutes, is amended to read:

4715 957.07 Cost-saving requirements.--

4716 (5)(a) By February 1, ~~2002,~~ and each year thereafter, the
 4717 Prison Per-Diem Workgroup shall develop consensus per diem rates
 4718 to be used when determining per diem rates of privately operated
 4719 prisons. The Office of Program Policy Analysis and Government
 4720 Accountability, the Office of the Auditor General, and the
 4721 staffs of the appropriations committees of both the Senate and
 4722 the House of Representatives are the principals of the
 4723 workgroup. The workgroup may consult with other experts to
 4724 assist in the development of the consensus per diem rates. All
 4725 meetings of the workgroup shall be open to the public as
 4726 provided in chapter 286.

4727
 4728 Reviser's note.--Amended to delete obsolete language.

4729
 4730 Section 153. Subsection (4) of section 958.045, Florida

HB 1213

2005

4731 Statutes, is amended to read:

4732 958.045 Youthful offender basic training program.--

4733 (4) Upon admittance to the department, an educational and
 4734 substance abuse assessment shall be performed on each youthful
 4735 offender. Upon admittance to the basic training program, each
 4736 offender shall have a full substance abuse assessment to
 4737 determine the offender's need for substance abuse treatment. The
 4738 educational assessment shall be accomplished through the aid of
 4739 the Test of Adult Basic Education or any other testing
 4740 instrument approved by the Department of Education, as
 4741 appropriate. Each offender who has not obtained a high school
 4742 diploma shall be enrolled in an adult education program designed
 4743 to aid the offender in improving his or her academic skills and
 4744 earning a high school diploma. Further assessments of the prior
 4745 vocational skills and future career ~~vocational~~ education shall
 4746 be provided to the offender. A periodic evaluation shall be made
 4747 to assess the progress of each offender, and upon completion of
 4748 the basic training program the assessment and information from
 4749 the department's record of each offender shall be transferred to
 4750 the appropriate community residential program.

4751
 4752 Reviser's note.--Reenacted to conform to ch. 2004-357,
 4753 Laws of Florida.

4754
 4755 Section 154. Subsection (12) of section 985.404, Florida
 4756 Statutes, is repealed.

4757
 4758 Reviser's note.--Repealed to delete a provision that
 4759 has served its purpose. The referenced workgroup's

HB 1213

2005

4760 recommendations regarding development of a
 4761 classification and placement system for juvenile
 4762 offenders committed to residential programs was due by
 4763 September 30, 2001.

4764

4765 Section 155. Section 1009.765, Florida Statutes, is
 4766 amended to read:

4767 1009.765 Ethics in Business scholarships for community
 4768 colleges and independent postsecondary educational
 4769 institutions.--When the former Department of Insurance or the
 4770 Office of Insurance Regulation of the Financial Services
 4771 Commission receives a \$6 million settlement as specified in the
 4772 Consent Order of the Treasurer and Insurance Commissioner, case
 4773 number 18900-96-c, that portion of the \$6 million not used to
 4774 satisfy the requirements of section 18 of the Consent Order must
 4775 be transferred from the Insurance Regulatory Trust Fund to the
 4776 State Student Financial Assistance Trust Fund to be ~~is~~
 4777 appropriated from the State Student Financial Assistance Trust
 4778 Fund to provide Ethics in Business scholarships to students
 4779 enrolled in public community colleges and independent
 4780 postsecondary educational institutions eligible to participate
 4781 in the William L. Boyd, IV, Florida Resident Access Grant
 4782 Program under s. 1009.89. The funds shall be allocated to
 4783 institutions for scholarships in the following ratio: Two-thirds
 4784 for community colleges and one-third for eligible independent
 4785 institutions. The Department of Education shall administer the
 4786 scholarship program for students attending community colleges
 4787 and independent institutions. These funds must be allocated to
 4788 institutions that provide an equal amount of matching funds

HB 1213

2005

4789 generated by private donors for the purpose of providing Ethics
 4790 in Business scholarships. Public funds may not be used to
 4791 provide the match, nor may funds collected for other purposes.
 4792 Notwithstanding any other provision of law, the State Board of
 4793 Administration shall have the authority to invest the funds
 4794 appropriated under this section. The State Board of Education
 4795 may adopt rules for administration of the program.

4796
 4797 Reviser's note.--Amended to improve clarity. Section
 4798 20.13, which created the Department of Insurance, was
 4799 repealed by s. 3, ch. 2003-1, Laws of Florida, and the
 4800 duties of the Department of Insurance were transferred
 4801 to the Department of Financial Services or the
 4802 Financial Services Commission. The words "to be" were
 4803 substituted for the word "is" to facilitate correct
 4804 interpretation.

4805
 4806 Section 156. Paragraph (h) of subsection (7) of section
 4807 1012.796, Florida Statutes, is amended to read:

4808 1012.796 Complaints against teachers and administrators;
 4809 procedure; penalties.--

4810 (7) A panel of the commission shall enter a final order
 4811 either dismissing the complaint or imposing one or more of the
 4812 following penalties:

4813 (h) Refer the teacher, administrator ~~administer~~, or
 4814 supervisor to the recovery network program provided in s.
 4815 1012.798 under such terms and conditions as the commission may
 4816 specify.

4817

HB 1213

2005

4818 Reviser's note.--Amended to improve clarity and
4819 facilitate correct interpretation.

4820

4821 Section 157. This act shall take effect on the 60th day
4822 after adjournment sine die of the session of the Legislature in
4823 which enacted.