

By Senator Pruitt

rb01sa-05

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 20.121, 28.246, 28.35, 28.36,
4 29.21, 34.191, 39.701, 63.087, 63.102, 70.20,
5 101.161, 112.08, 112.63, 120.536, 211.06,
6 215.20, 215.555, 216.023, 220.1895, 280.16,
7 287.042, 287.17, 288.1224, 288.12265, 288.905,
8 290.00689, 290.015, 311.125, 322.135, 327.395,
9 339.55, 339.64, 364.604, 373.145, 373.1963,
10 373.4592, 376.71, 376.80, 378.034, 378.035,
11 381.0046, 381.0065, 381.103, 381.734, 393.0655,
12 393.068, 394.499, 394.82, 394.9083, 395.4001,
13 395.404, 397.416, 397.97, 400.1755, 400.179,
14 403.4154, 409.2563, 409.907, 409.9071, 409.908,
15 409.91188, 409.912, 420.504, 430.205, 440.05,
16 440.491, 440.591, 443.191, 445.003, 445.009,
17 455.2177, 455.32, 475.615, 489.146, 497.103,
18 497.140, 497.150, 497.152, 497.153, 497.160,
19 497.166, 497.167, 497.260, 497.369, 497.453,
20 497.458, 497.466, 497.550, 497.551, 497.603,
21 497.604, 497.608, 550.0251, 553.791, 553.8413,
22 556.112, 558.002, 558.004, 560.408, 570.71,
23 581.131, 620.9901, 624.426, 626.641, 627.6699,
24 627.736, 628.909, 633.0215, 636.240, 641.51,
25 648.50, 650.05, 655.948, 658.60, 663.02,
26 663.318, 668.602, 717.1400, 720.303, 720.402,
27 720.405, 744.3678, 744.7021, 782.081, 784.046,
28 895.02, 921.0022, 932.706, 943.125, 944.026,
29 944.1905, 944.803, 948.09, 948.30, 957.07,
30 958.045, 985.404, 1009.765, and 1012.796, F.S. ;
31 reenacting ss. 110.161, 288.063, 381.0072,

1 430.04, 446.051, 450.081, 489.531, 626.112,
2 718.112, and 721.075, F.S.; and repealing ss.
3 30.17, 202.205, 288.971, 295.184, 373.1995,
4 394.498, 570.235, and 627.6685, F.S.; pursuant
5 to s. 11.242, F.S.; deleting provisions that
6 have expired, have become obsolete, have had
7 their effect, have served their purpose, or
8 have been impliedly repealed or superseded;
9 replacing incorrect cross-references and
10 citations; correcting grammatical,
11 typographical, and like errors; removing
12 inconsistencies, redundancies, and unnecessary
13 repetition in the statutes; improving the
14 clarity of the statutes and facilitating their
15 correct interpretation; and confirming the
16 restoration of provisions unintentionally
17 omitted from republication in the acts of the
18 Legislature during the amendatory process.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (4) of section 20.121, Florida
23 Statutes, is repealed.

24
25 Reviser's note.--Repealed to delete an obsolete
26 transitional provision for the rules of the
27 former Department of Banking and Finance and
28 the rules of the former Department of
29 Insurance.

30
31

1 Section 2. Effective October 1, 2005, subsection (5)
2 of section 20.121, Florida Statutes, as amended by section 134
3 of chapter 2004-301, Laws of Florida, is repealed.

4
5 Reviser's note.--Repealed to delete an obsolete
6 transitional provision for the rules of the
7 former Department of Banking and Finance and
8 the rules of the former Department of
9 Insurance.

10
11 Section 3. Subsection (1) of section 28.246, Florida
12 Statutes, is amended to read:

13 28.246 Payment of court-related fees, charges, and
14 costs; partial payments; distribution of funds.--

15 (1) ~~Beginning July 1, 2003,~~ The clerk of the circuit
16 court shall report the following information to the
17 Legislature and the Florida Clerks of Court Operations
18 Corporation ~~Clerk of Court Operations Conference~~ on a form
19 developed by the Department of Financial Services:

20 (a) The total amount of mandatory fees, service
21 charges, and costs; the total amount actually assessed; the
22 total amount discharged, waived, or otherwise not assessed;
23 and the total amount collected.

24 (b) The amount of discretionary fees, service charges,
25 and costs assessed; the total amount discharged; and the total
26 amount collected.

27 (c) The total amount of mandatory fines and other
28 monetary penalties; the total amount assessed; the total
29 amount discharged, waived, or otherwise not assessed; and the
30 total amount collected.

31

1 (d) The amount of discretionary fines and other
2 monetary penalties assessed; the amount discharged; and the
3 total amount collected.

4
5 If provided to the clerk of court by the judge, the clerk, in
6 reporting the amount assessed, shall separately identify the
7 amount assessed pursuant to s. 938.30 as community service;
8 assessed by reducing the amount to a judgment or lien;
9 satisfied by time served; or other. The form developed by the
10 Chief Financial Officer shall include separate entries for
11 recording these amounts. The clerk shall submit the report on
12 ~~a quarterly basis 30 days after the end of the quarter for the~~
13 ~~period from July 1, 2003, through June 30, 2004, and on an~~
14 annual basis ~~thereafter~~, 60 days after the end of the county
15 fiscal year.

16
17 Reviser's note.--Section 23, ch. 2004-265, Laws
18 of Florida, replaced the Clerk of Court
19 Operations Conference with the Florida Clerks
20 of Court Operations Corporation. Subsection (1)
21 is also amended to delete material that has
22 served its purpose.

23
24 Section 4. Paragraph (a) of subsection (3) of section
25 28.35, Florida Statutes, is amended to read:

26 28.35 Florida Clerks of Court Operations
27 Corporation.--

28 (3)(a) The Clerks of Court Operations Corporation
29 shall certify to the President of the Senate, the Speaker of
30 the House of Representatives, the Chief Financial Officer, and
31 the Department of Revenue by October 15 of each year, the

1 amount of the proposed budget certified for each clerk; the
2 revenue projection supporting each clerk's budget; each clerk
3 eligible to retain some or all of the state's share of fines,
4 fees, service charges, and costs; the amount to be paid to
5 each clerk from the Clerks of the Court Trust Fund within the
6 Department of Revenue; the performance measures and standards
7 approved by the corporation ~~conference~~ for each clerk; and the
8 performance of each clerk in meeting the performance
9 standards.

10
11 Reviser's note.--Section 23, ch. 2004-265, Laws
12 of Florida, replaced the Clerk of Court
13 Operations Conference with the Florida Clerks
14 of Court Operations Corporation.

15
16 Section 5. Paragraph (a) of subsection (3) of section
17 28.36, Florida Statutes, is amended to read:

18 28.36 Budget procedure.--There is hereby established a
19 budget procedure for the court-related functions of the clerks
20 of the court.

21 (3) Each proposed budget shall further conform to the
22 following requirements:

23 (a) On or before August 1 for each fiscal year
24 thereafter, the proposed budget shall be prepared, summarized,
25 and submitted by the clerk in each county to the Clerks of
26 Court Operations Corporation in the manner and form prescribed
27 by the corporation ~~conference~~. The proposed budget must
28 provide detailed information on the anticipated revenues
29 available and expenditures necessary for the performance of
30 the standard list of court-related functions of the clerk's
31

1 office developed pursuant to s. 28.35(4)(a) for the county
2 fiscal year beginning the following October 1.

3
4 Reviser's note.--Section 23, ch. 2004-265, Laws
5 of Florida, replaced the Clerk of Court
6 Operations Conference with the Florida Clerks
7 of Court Operations Corporation.

8
9 Section 6. Section 29.21, Florida Statutes, is amended
10 to read:

11 29.21 Department of Management Services to provide
12 assistance in procuring services.--In accordance with s.
13 287.042, the Department of Management Services ~~department~~ may
14 assist the Office of the State Courts Administrator and the
15 Justice Administrative Commission with competitive
16 solicitations for the procurement of state-funded services
17 under this chapter. This may include assistance in the
18 development and review of proposals in compliance with chapter
19 287, and rules adopted under that chapter.

20
21 Reviser's note.--Amended to improve clarity and
22 facilitate correct interpretation. The language
23 of this section is derived from subsection (2)
24 of s. 99, ch. 2004-265, Laws of Florida.
25 Subsection (1) of s. 99, ch. 2004-265, provides
26 for certain time-limited duties of the
27 Department of Management Services.

28
29 Section 7. Section 30.17, Florida Statutes, is
30 repealed.

31

1 Reviser's note.--This section, which relates to
2 docketing newly delivered writs of executions,
3 until October 1, 2001, has served its purpose.
4 The docket of executions was only required to
5 be maintained until October 1, 2003.
6

7 Section 8. Section 34.191, Florida Statutes, is
8 amended to read:

9 34.191 Fines and forfeitures; dispositions.--All fines
10 and forfeitures arising from offenses tried in the county
11 court shall be collected and accounted for by the clerk of the
12 court and, other than the charge provided in s. 318.1215,
13 disbursed in accordance with ss. 28.2402, 34.045, 142.01, and
14 142.03 ~~142.13~~ and subject to the provisions of s. 28.246(5)
15 and (6). Notwithstanding the provisions of this section, all
16 fines and forfeitures arising from operation of the provisions
17 of s. 318.1215 shall be disbursed in accordance with that
18 section. All fines and forfeitures received from violations of
19 municipal ordinances committed within a municipality within
20 the territorial jurisdiction of the county court, other than
21 the charge provided in s. 318.1215, shall be paid monthly to
22 the municipality except as provided in s. 28.2402(2), s.
23 34.045(2), s. 318.21, or s. 943.25. All other fines and
24 forfeitures collected by the clerk, other than the charge
25 provided in s. 318.1215, shall be considered income of the
26 office of the clerk for use in performing court-related duties
27 of the office.
28

29 Reviser's note.--Amended to conform to the
30 repeal of s. 142.13 by s. 101, ch. 2004-265,
31 Laws of Florida. Section 142.03 relates to

1 disposition of fines, forfeitures, and civil
2 penalties to municipalities.

3
4 Section 9. Paragraph (c) of subsection (2) and
5 paragraph (a) of subsection (9) of section 39.701, Florida
6 Statutes, are amended to read:

7 39.701 Judicial review.--

8 (2)

9 (c) Notice of a hearing by a citizen review panel must
10 be provided as set forth in subsection (5). At the conclusion
11 of a citizen review panel hearing, each party may propose a
12 recommended order to the chairperson of the panel. Thereafter,
13 the citizen review panel shall submit its report, copies of
14 the proposed recommended orders, and a copy of the panel's
15 recommended order to the court. The citizen review panel's
16 recommended order must be limited to the dispositional options
17 available to the court in subsection (9)~~(8)~~. Each party may
18 file exceptions to the report and recommended order of the
19 citizen review panel in accordance with Rule 1.490, Florida
20 Rules of Civil Procedure.

21 (9)(a) Based upon the criteria set forth in subsection
22 (8)~~(7)~~ and the recommended order of the citizen review panel,
23 if any, the court shall determine whether or not the social
24 service agency shall initiate proceedings to have a child
25 declared a dependent child, return the child to the parent,
26 continue the child in out-of-home care for a specified period
27 of time, or initiate termination of parental rights
28 proceedings for subsequent placement in an adoptive home.
29 Modifications to the plan must be handled as prescribed in s.
30 39.601. If the court finds that the prevention or
31 reunification efforts of the department will allow the child

1 | to remain safely at home or be safely returned to the home,
2 | the court shall allow the child to remain in or return to the
3 | home after making a specific finding of fact that the reasons
4 | for the creation of the case plan have been remedied to the
5 | extent that the child's safety, well-being, and physical,
6 | mental, and emotional health will not be endangered.

7 |
8 | Reviser's note.--Amended to conform to the
9 | redesignation of s. 39.701(8) as s. 39.701(9)
10 | and the redesignation of s. 39.701(7) as s.
11 | 39.701(8) by s. 2, ch. 2004-362, Laws of
12 | Florida.

13 |
14 | Section 10. Paragraph (e) of subsection (4) of section
15 | 63.087, Florida Statutes, is amended to read:

16 | 63.087 Proceeding to terminate parental rights pending
17 | adoption; general provisions.--

18 | (4) PETITION.--

19 | (e) The petition must include:

20 | 1. The minor's name, gender, date of birth, and place
21 | of birth. The petition must contain all names by which the
22 | minor is or has been known, excluding the minor's prospective
23 | adoptive name but including the minor's legal name at the time
24 | of the filing of the petition. In the case of an infant child
25 | whose adoptive name appears on the original birth certificate,
26 | the adoptive name shall not be included in the petition, nor
27 | shall it be included elsewhere in the termination of parental
28 | rights proceeding.

29 | 2. All information required by the Uniform Child
30 | Custody Jurisdiction and Enforcement Act and the Indian Child
31 | Welfare Act.

1 3. A statement of the grounds under s. 63.089 upon
2 which the petition is based.

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

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

8 6. A certification of compliance with the requirements
9 of s. 63.0425 regarding notice to grandparents of an impending
10 adoption.

11
12 Reviser's note.--Amended to conform to the
13 repeal and replacement of the Uniform Child
14 Custody Jurisdiction Act with the Uniform Child
15 Custody Jurisdiction and Enforcement Act by
16 chapter 2002-65, Laws of Florida.

17
18 Section 11. Subsection (2) of section 63.102, Florida
19 Statutes, is amended to read:

20 63.102 Filing of petition for adoption or declaratory
21 statement; venue; proceeding for approval of fees and costs.--

22 (2) VENUE.--A petition for adoption or for a
23 declaratory statement as to the adoption contract shall be
24 filed in the county where the petition for termination of
25 parental rights was granted, unless the court, in accordance
26 with s. 47.122, changes the venue to the county where the
27 petitioner or petitioners or the minor resides or where the
28 adoption entity with which the minor has been placed is
29 located. The circuit court in this state must retain
30 jurisdiction over the matter until a final judgment is entered
31 on the adoption. The Uniform Child Custody Jurisdiction and

1 Enforcement Act does not apply until a final judgment is
2 entered on the adoption.

3
4 Reviser's note.--Amended to conform to the
5 repeal and replacement of the Uniform Child
6 Custody Jurisdiction Act with the Uniform Child
7 Custody Jurisdiction and Enforcement Act by
8 chapter 2002-65, Laws of Florida.

9
10 Section 12. Subsection (13) of section 70.20, Florida
11 Statutes, is repealed.

12
13 Reviser's note.--Repealed to delete obsolete
14 language relating to a study of the value of
15 offsite signs in relation to the valuation of
16 commercial properties for ad valorem tax
17 purposes. The Office of Program Policy Analysis
18 and Government Accountability was to have
19 completed the study by December 31, 2002.

20
21 Section 13. Subsection (3) of section 101.161, Florida
22 Statutes, is amended to read:

23 101.161 Referenda; ballots.--

24 ~~(3)(a) The ballot for the general election in the year~~
25 ~~2000 must contain a statement allowing voters to determine~~
26 ~~whether circuit or county court judges will be selected by~~
27 ~~merit selection and retention as provided in s. 10, Art. V of~~
28 ~~the State Constitution. The ballot in each circuit must~~
29 ~~contain the statement in paragraph (c). The ballot in each~~
30 ~~county must contain the statement in paragraph (c).~~

1 ~~(a)~~(b) For any general election in which the Secretary
2 of State, for any circuit, or the supervisor of elections, for
3 any county, has certified the ballot position for an
4 initiative to change the method of selection of judges, the
5 ballot for any circuit must contain the statement in paragraph
6 ~~(b)~~(c) or paragraph~~(c)~~(d) and the ballot for any county must
7 contain the statement in paragraph~~(d)~~(e) or paragraph ~~(e)~~(f).

8 ~~(b)~~(c) In any circuit where the initiative is to
9 change the selection of circuit court judges to selection by
10 merit selection and retention, the ballot shall state: "Shall
11 the method of selecting circuit court judges in the ...(number
12 of the circuit)... judicial circuit be changed from election
13 by a vote of the people to selection by the judicial
14 nominating commission and appointment by the Governor with
15 subsequent terms determined by a retention vote of the
16 people?" This statement must be followed by the word "yes" and
17 also by the word "no."

18 ~~(c)~~(d) In any circuit where the initiative is to
19 change the selection of circuit court judges to election by
20 the voters, the ballot shall state: "Shall the method of
21 selecting circuit court judges in the ...(number of the
22 circuit)... judicial circuit be changed from selection by the
23 judicial nominating commission and appointment by the Governor
24 with subsequent terms determined by a retention vote of the
25 people to election by a vote of the people?" This statement
26 must be followed by the word "yes" and also by the word "no."

27 ~~(d)~~(e) In any county where the initiative is to change
28 the selection of county court judges to merit selection and
29 retention, the ballot shall state: "Shall the method of
30 selecting county court judges in ...(name of county)... be
31 changed from election by a vote of the people to selection by

1 | the judicial nominating commission and appointment by the
2 | Governor with subsequent terms determined by a retention vote
3 | of the people?" This statement must be followed by the word
4 | "yes" and also by the word "no."

5 | ~~(e)~~(f) In any county where the initiative is to change
6 | the selection of county court judges to election by the
7 | voters, the ballot shall state: "Shall the method of selecting
8 | county court judges in ...(name of the county)... be changed
9 | from selection by the judicial nominating commission and
10 | appointment by the Governor with subsequent terms determined
11 | by a retention vote of the people to election by a vote of the
12 | people?" This statement must be followed by the word "yes" and
13 | also by the word "no."

14 |
15 | Reviser's note.--Amended to delete obsolete
16 | language relating to the ballot for the general
17 | election in the year 2000.

18 |
19 | Section 14. Subsection (3) of section 110.161, Florida
20 | Statutes, is reenacted to read:

21 | 110.161 State employees; pretax benefits program.--

22 | (3) It is found and declared that the maintenance of a
23 | system of personnel management which ensures the state the
24 | delivery of high-quality performance by employees is
25 | facilitated by the state's ability to attract and retain
26 | qualified personnel. The Legislature recognizes that the
27 | public interest is best served by development of a benefits
28 | program which is not only cost-efficient but sufficiently
29 | flexible to meet the individual needs of its employees.

1 Reviser's note.--Section 6, ch. 2004-347, Laws
2 of Florida, purported to amend subsections (2)
3 and (3) but actually amended subsections (2)
4 and (7), failing to publish subsection (3).
5 Absent affirmative evidence that the
6 Legislature intended to repeal it, subsection
7 (3) is reenacted to confirm that the omission
8 was not intended.
9

10 Section 15. Paragraph (b) of subsection (2) of section
11 112.08, Florida Statutes, is amended to read:

12 112.08 Group insurance for public officers, employees,
13 and certain volunteers; physical examinations.--

14 (2)

15 (b) In order to obtain approval from the Office of
16 Insurance Regulation of any self-insured plan for health,
17 accident, and hospitalization coverage, each local
18 governmental unit or consortium shall submit its plan along
19 with a certification as to the actuarial soundness of the
20 plan, which certification is prepared by an actuary who is a
21 member of the Society of Actuaries or the American Academy of
22 Actuaries. The Office of Insurance Regulation shall not
23 approve the plan unless it determines that the plan is
24 designed to provide sufficient revenues to pay current and
25 future liabilities, as determined according to generally
26 accepted actuarial principles. After implementation of an
27 approved plan, each local governmental unit or consortium
28 shall annually submit to the Office of Insurance Regulation a
29 report which includes a statement prepared by an actuary who
30 is a member of the Society of Actuaries or the American
31 Academy of Actuaries as to the actuarial soundness of the

1 | plan. The report is due 90 days after the close of the fiscal
2 | year of the plan. The report shall consist of, but is not
3 | limited to:

4 | 1. The adequacy of contribution rates in meeting the
5 | level of benefits provided and the changes, if any, needed in
6 | the contribution rates to achieve or preserve a level of
7 | funding deemed adequate to enable payment of the benefit
8 | amounts provided under the plan and a valuation of present
9 | assets, based on statement value, and prospective assets and
10 | liabilities of the plan and the extent of any unfunded accrued
11 | liabilities.

12 | 2. A plan to amortize any unfunded liabilities and a
13 | description of actions taken to reduce unfunded liabilities.

14 | 3. A description and explanation of actuarial
15 | assumptions.

16 | 4. A schedule illustrating the amortization of any
17 | unfunded liabilities.

18 | 5. A comparative review illustrating the level of
19 | funds available to the plan from rates, investment income, and
20 | other sources realized over the period covered by the report
21 | with the assumptions used.

22 | 6. A statement by the actuary that the report is
23 | complete and accurate and that in the actuary's opinion the
24 | techniques and assumptions used are reasonable and meet the
25 | requirements and intent of this subsection.

26 | 7. Other factors or statements as required by the
27 | office ~~Department of Insurance~~ in order to determine the
28 | actuarial soundness of the plan.

29 |
30 | All assumptions used in the report shall be based on
31 | recognized actuarial principles acceptable to the Office of

1 Insurance Regulation. The office shall review the report and
2 shall notify the administrator of the plan and each entity
3 participating in the plan, as identified by the administrator,
4 of any actuarial deficiencies. Each local governmental unit is
5 responsible for payment of valid claims of its employees that
6 are not paid within 60 days after receipt by the plan
7 administrator or consortium.

8
9 Reviser's note.--Amended to conform to the
10 transfer of certain functions of the Department
11 of Insurance to the Office of Insurance
12 Regulation of the Department of Financial
13 Services by ch. 2002-404, Laws of Florida.

14
15 Section 16. Subsection (2) of section 112.63, Florida
16 Statutes, is amended to read:

17 112.63 Actuarial reports and statements of actuarial
18 impact; review.--

19 (2) The frequency of actuarial reports must be at
20 least every 3 years commencing from the last actuarial report
21 of the plan or system or October 1, 1980, if no actuarial
22 report has been issued within the 3-year period prior to
23 October 1, 1979. The results of each actuarial report shall be
24 filed with the plan administrator within 60 days of
25 certification. Thereafter, the results of each actuarial
26 report shall be made available for inspection upon request.
27 Additionally, each retirement system or plan covered by this
28 act which is not administered directly by the Department of
29 Management Services shall furnish a copy of each actuarial
30 report to the Department of Management Services within 60 days
31 after receipt from the actuary. The requirements of this

1 section are supplemental to actuarial valuations necessary to
2 comply with the requirements of s. 218.321 and 218.39.

3
4 Reviser's note.--Amended to conform to the
5 repeal of s. 218.321 by s. 27, ch. 2004-305,
6 Laws of Florida.

7
8 Section 17. Paragraph (a) of subsection (2) and
9 subsection (3) of section 120.536, Florida Statutes, are
10 repealed, and paragraph (b) of subsection (2) of that section
11 is amended to read:

12 120.536 Rulemaking authority; listing of rules
13 exceeding authority; repeal; challenge.--

14 (2)

15 ~~(b) By October 1, 1999, each agency shall provide to~~
16 ~~the Administrative Procedures Committee a listing of each~~
17 ~~rule, or portion thereof, adopted by that agency before June~~
18 ~~18, 1999, which exceeds the rulemaking authority permitted by~~
19 ~~this section. For those rules of which only a portion exceeds~~
20 ~~the rulemaking authority permitted by this section, the agency~~
21 ~~shall also identify the language of the rule which exceeds~~
22 ~~this authority. The Administrative Procedures Committee shall~~
23 ~~combine the lists and provide the cumulative listing to the~~
24 ~~President of the Senate and the Speaker of the House of~~
25 ~~Representatives. The Legislature shall, at the 2000 Regular~~
26 ~~Session, consider whether specific legislation authorizing the~~
27 ~~identified rules, or portions thereof, should be enacted. By~~
28 ~~January 1, 2001, each agency shall initiate proceedings~~
29 ~~pursuant to s. 120.54 to repeal each rule, or portion thereof,~~
30 ~~identified as exceeding the rulemaking authority permitted by~~
31 ~~this section for which authorizing legislation does not exist.~~

1 ~~By February 1, 2001, the Administrative Procedures Committee~~
2 ~~shall submit to the President of the Senate and the Speaker of~~
3 ~~the House of Representatives a report identifying those rules~~
4 ~~that an agency had previously identified as exceeding the~~
5 ~~rulemaking authority permitted by this section for which~~
6 ~~proceedings to repeal the rule have not been initiated. As of~~
7 ~~July 1, 2001,~~ The Administrative Procedures Committee or any
8 substantially affected person may petition an agency to repeal
9 any rule, or portion thereof, because it exceeds the
10 rulemaking authority permitted by this section. Not later
11 than 30 days after the date of filing the petition if the
12 agency is headed by an individual, or not later than 45 days
13 if the agency is headed by a collegial body, the agency shall
14 initiate rulemaking proceedings to repeal the rule, or portion
15 thereof, or deny the petition, giving a written statement of
16 its reasons for the denial.

17
18 Reviser's note.--Amended to delete provisions
19 that have served their purpose. Paragraph
20 (2)(a) related to a review of all rules adopted
21 prior to October 1, 1996. Subsection (3)
22 related to challenges to certain rules during
23 the rule review process.

24
25 Section 18. Section 202.205, Florida Statutes, is
26 repealed.

27
28 Reviser's note.--Repealed to delete obsolete
29 language relating to transitional rates for
30 local communications services.

31

1 Section 19. Subsection (2) of section 211.06, Florida
2 Statutes, is repealed.

3
4 Reviser's note.--Repealed to delete an obsolete
5 provision. This provision governs distributions
6 for proceeds remaining in the Oil and Gas Tax
7 Trust Fund through June 30, 1995.

8
9 Section 20. Subparagraph 8. of paragraph (j) of
10 subsection (4) of section 215.20, Florida Statutes, is
11 repealed.

12
13 Reviser's note.--Repealed to conform to the
14 termination of the Forfeited Property Trust
15 Fund by s. 1, ch. 2004-234, Laws of Florida,
16 and the transfer of current balances and
17 revenues to the Internal Improvement Trust
18 Fund. The Internal Improvement Trust Fund is
19 already included in the list of funds under the
20 Department of Environmental Protection in
21 paragraph (4)(j).

22
23 Section 21. Paragraph (b) of subsection (6) of section
24 215.555, Florida Statutes, is amended to read:

25 215.555 Florida Hurricane Catastrophe Fund.--

26 (6) REVENUE BONDS.--

27 (b) Emergency assessments.--

28 1. If the board determines that the amount of revenue
29 produced under subsection (5) is insufficient to fund the
30 obligations, costs, and expenses of the fund and the
31 corporation, including repayment of revenue bonds and that

1 | portion of the debt service coverage not met by reimbursement
2 | premiums, the board shall direct the Office of Insurance
3 | Regulation to levy, by order, an emergency assessment on
4 | direct premiums for all property and casualty lines of
5 | business in this state, including property and casualty
6 | business of surplus lines insurers regulated under part VIII
7 | of chapter 626, but not including any workers' compensation
8 | premiums or medical malpractice premiums. As used in this
9 | subsection, the term "property and casualty business" includes
10 | all lines of business identified on Form 2, Exhibit of
11 | Premiums and Losses, in the annual statement required of
12 | authorized insurers by s. 624.424 and any rule adopted under
13 | this section, except for those lines identified as accident
14 | and health insurance and except for policies written under the
15 | National Flood Insurance Program. The assessment shall be
16 | specified as a percentage of future premium collections and is
17 | subject to annual adjustments by the board to reflect changes
18 | in premiums subject to assessments collected under this
19 | subparagraph in order to meet debt obligations. The same
20 | percentage shall apply to all policies in lines of business
21 | subject to the assessment issued or renewed during the
22 | 12-month period beginning on the effective date of the
23 | assessment.

24 | 2. A premium is not subject to an annual assessment
25 | under this paragraph in excess of 6 percent of premium with
26 | respect to obligations arising out of losses attributable to
27 | any one contract year, and a premium is not subject to an
28 | aggregate annual assessment under this paragraph in excess of
29 | 10 percent of premium. An annual assessment under this
30 | paragraph shall continue until the revenue bonds issued with
31 | respect to which the assessment was imposed are outstanding,

1 including any bonds the proceeds of which were used to refund
2 the revenue bonds, unless adequate provision has been made for
3 the payment of the bonds under the documents authorizing
4 issuance of the bonds.

5 3. With respect to each insurer collecting premiums
6 that are subject to the assessment, the insurer shall collect
7 the assessment at the same time as it collects the premium
8 payment for each policy and shall remit the assessment
9 collected to the fund or corporation as provided in the order
10 issued by the Office of Insurance Regulation. The office shall
11 verify the accurate and timely collection and remittance of
12 emergency assessments and shall report the information to the
13 board in a form and at a time specified by the board. Each
14 insurer collecting assessments shall provide the information
15 with respect to premiums and collections as may be required by
16 the office to enable the office to monitor and verify
17 compliance with this paragraph.

18 4. With respect to assessments of surplus lines
19 premiums, each surplus lines agent shall collect the
20 assessment at the same time as the agent collects the surplus
21 lines tax required by s. 626.932, and the surplus lines agent
22 shall remit the assessment to the Florida Surplus Lines
23 Service Office created by s. 626.921 at the same time as the
24 agent remits the surplus lines tax to the Florida Surplus
25 Lines Service Office. The emergency assessment on each insured
26 procuring coverage and filing under s. 626.938 shall be
27 remitted by the insured to the Florida Surplus Lines Service
28 Office at the time the insured pays the surplus lines tax to
29 the Florida Surplus Lines Service Office. The Florida Surplus
30 Lines Service Office shall remit the collected assessments to
31 the fund or corporation as provided in the order levied by the

1 Office of Insurance Regulation. The Florida Surplus Lines
2 Service Office shall verify the proper application of such
3 emergency assessments and shall assist the board in ensuring
4 the accurate and timely collection and remittance of
5 assessments as required by the board. The Florida Surplus
6 Lines Service Office shall annually calculate the aggregate
7 written premium on property and casualty business, other than
8 workers' compensation and medical malpractice, procured
9 through surplus lines agents and insureds procuring coverage
10 and filing under s. 626.938 and shall report the information
11 to the board in a form and at a time specified by the board.

12 5. Any assessment authority not used for a particular
13 contract year may be used for a subsequent contract year. If,
14 for a subsequent contract year, the board determines that the
15 amount of revenue produced under subsection (5) is
16 insufficient to fund the obligations, costs, and expenses of
17 the fund and the corporation, including repayment of revenue
18 bonds and that portion of the debt service coverage not met by
19 reimbursement premiums, the board shall direct the Office of
20 Insurance Regulation to levy an emergency assessment up to an
21 amount not exceeding the amount of unused assessment authority
22 from a previous contract year or years, plus an additional 4
23 percent provided that the assessments in the aggregate do not
24 exceed the limits specified in subparagraph 2.

25 6. The assessments otherwise payable to the
26 corporation under this paragraph shall be paid to the fund
27 unless and until the Office of Insurance Regulation and the
28 Florida Surplus Lines Service Office have received from the
29 corporation and the fund a notice, which shall be conclusive
30 and upon which they may rely without further inquiry, that the
31 corporation has issued bonds and the fund has no agreements in

1 effect with local governments under paragraph (c). On or after
2 the date of the notice and until the date the corporation has
3 no bonds outstanding, the fund shall have no right, title, or
4 interest in or to the assessments, except as provided in the
5 fund's agreement with the corporation.

6 7. Emergency assessments are not premium and are not
7 subject to the premium tax, to the surplus lines tax, to any
8 fees, or to any commissions. An insurer is liable for all
9 assessments that it collects and must treat the failure of an
10 insured to pay an assessment as a failure to pay the premium.
11 An insurer is not liable for uncollectible assessments.

12 8. When an insurer is required to return an unearned
13 premium, it shall also return any collected assessment
14 attributable to the unearned premium. A credit adjustment to
15 the collected assessment may be made by the insurer with
16 regard to future remittances that are payable to the fund or
17 corporation, but the insurer is not entitled to a refund.

18 9. When a surplus lines insured or an insured who has
19 procured coverage and filed under s. 626.938 is entitled to
20 the return of an unearned premium, the Florida Surplus Lines
21 Service Office shall provide a credit or refund to the agent
22 or such insured for the collected assessment attributable to
23 the unearned premium prior to remitting the emergency
24 assessment collected to the fund or corporation.

25 10. The exemption of medical malpractice insurance
26 premiums from emergency assessments under this paragraph is
27 repealed May 31, 2007, and medical malpractice insurance
28 premiums shall be subject to emergency assessments
29 attributable to loss events occurring in the contract years
30 commencing on June 1, 2007.

31

1 Reviser's note.--Amended to conform to the
2 correct name of the Florida Surplus Lines
3 Service Office as referenced elsewhere in that
4 paragraph.

5
6 Section 22. Subsection (5) of section 216.023, Florida
7 Statutes, is amended to read:

8 216.023 Legislative budget requests to be furnished to
9 Legislature by agencies.--

10 (5) At the time specified in the legislative budget
11 instructions and in sufficient time to be included in the
12 Governor's recommended budget, the judicial branch is required
13 to submit a performance-based program budget request. The
14 Chief Justice of the Supreme Court shall identify and, after
15 consultation with the Office of Program Policy Analysis and
16 Government Accountability, submit to the President of the
17 Senate and the Speaker of the House of Representatives a list
18 of proposed programs and associated performance measures. The
19 judicial branch shall provide documentation to accompany the
20 list of proposed programs and performance measures as provided
21 under subsection (4). The judicial branch shall submit a
22 performance-based program agency budget request using the
23 programs and performance measures adopted by the Legislature.
24 The Chief Justice may propose revisions to approved programs
25 or performance measures for the judicial branch. The
26 Legislature shall have final approval of all programs and
27 associated performance measures and standards for the judicial
28 branch through the General Appropriations Act or legislation
29 implementing the General Appropriations Act. ~~By September 15,~~
30 ~~2001, the Chief Justice of the Supreme Court shall submit to~~
31 ~~the President of the Senate and the Speaker of the House of~~

1 ~~Representatives a performance based program budget request for~~
2 ~~programs of the judicial branch approved by the Legislature~~
3 ~~and provide a copy to the Executive Office of the Governor.~~

4
5 Reviser's note.--Amended to delete a provision
6 that has served its purpose.

7
8 Section 23. Section 220.1895, Florida Statutes, is
9 amended to read:

10 220.1895 Rural Job Tax Credit and Urban High-Crime
11 Area Job Tax Credit.--There shall be allowed a credit against
12 the tax imposed by this chapter amounts approved by the Office
13 of Tourism, Trade, and Economic Development pursuant to the
14 Rural Job Tax Credit Program in s. 212.098 and the Urban
15 High-Crime Area Job Tax Credit Program in s. 212.097. A
16 corporation that uses its credit against the tax imposed by
17 this chapter may not take the credit against the tax imposed
18 by chapter 212. If any credit granted under this section is
19 not fully used in the first year for which it becomes
20 available, the unused amount may be carried forward for a
21 period not to exceed 5 years. The carryover may be used in a
22 subsequent year when the tax imposed by this chapter for such
23 year exceeds the credit for such year under this section after
24 applying the other credits and unused credit carryovers in the
25 order provided in s. 220.02(8). ~~The Office of Tourism, Trade,~~
26 ~~and Economic Development shall conduct a review of the Urban~~
27 ~~High Crime Area Job Tax Credit and the Rural Job Tax Credit~~
28 ~~Program and submit its report to the Governor, the President~~
29 ~~of the Senate, and the Speaker of the House of Representatives~~
30 ~~by February 1, 2000.~~

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

3
4 Section 24. Paragraph (d) of subsection (1) of section
5 280.16, Florida Statutes, is amended to read:

6 280.16 Requirements of qualified public depositories;
7 confidentiality.--

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

10 (d) Submit to the Chief Financial Officer annually,
11 not later than November 30, a report of all public deposits
12 held for the credit of all public depositors at the close of
13 business on September 30. Such annual report shall consist of
14 public deposit information in a report format prescribed by
15 the Chief Financial Officer. The manner of required filing may
16 be as a signed writing or electronic data transmission, at the
17 discretion of the Chief Financial Officer ~~Treasurer~~.

18
19 Reviser's note.--Amended to conform to the
20 redesignation of the Treasurer as the Chief
21 Financial Officer by ch. 2002-404, Laws of
22 Florida.

23
24 Section 25. Paragraph (b) of subsection (3) of section
25 287.042, Florida Statutes, is amended to read:

26 287.042 Powers, duties, and functions.--The department
27 shall have the following powers, duties, and functions:

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

1 (b)1. Development of procedures for advertising
2 solicitations. These procedures must provide for electronic
3 posting of solicitations for at least 10 days before the date
4 set for receipt of bids, proposals, or replies, unless the
5 department or other agency determines in writing that a
6 shorter period of time is necessary to avoid harming the
7 interests of the state. The Office of Supplier Diversity may
8 consult with the department regarding the development of
9 solicitation distribution procedures to ensure that maximum
10 distribution is afforded to certified minority business
11 enterprises as defined in s. 288.703.

12 2. Development of procedures for electronic posting.
13 The department shall designate a centralized website on the
14 Internet for the department and other agencies to
15 electronically post solicitations, decisions or intended
16 decisions, and other matters relating to procurement. ~~From~~
17 ~~July 1, 2002, until July 1, 2003, the department shall publish~~
18 ~~a notice in each edition of the Florida Administrative Weekly~~
19 ~~which indicates the specific URL or Internet address for the~~
20 ~~centralized website.~~

21
22 Reviser's note.--Amended to delete a provision
23 that has served its purpose.

24
25 Section 26. Subsection (5) of section 287.17, Florida
26 Statutes, is repealed.

27
28 Reviser's note.--Repealed to delete an obsolete
29 provision. The required reviews of motor
30 vehicle use were to be conducted by December
31 31, 2000.

1 Section 27. Subsection (10) of section 288.063,
2 Florida Statutes, is reenacted to read:

3 288.063 Contracts for transportation projects.--

4 (10) In addition to the other provisions of this
5 section, projects that the Legislature deems necessary to
6 facilitate the economic development and growth of the state
7 may be designated and funded in the General Appropriations
8 Act. Such transportation projects create new employment
9 opportunities, expand transportation infrastructure, improve
10 mobility, or increase transportation innovation. The Office of
11 Tourism, Trade, and Economic Development shall enter into
12 contracts with, and make expenditures to, the appropriate
13 entities for the costs of transportation projects designated
14 in the General Appropriations Act.

15
16 Reviser's note.--Subsection (10) was amended by
17 s. 7, ch. 2004-242, Laws of Florida, to delete
18 the July 1, 2003, repeal formerly set out in
19 the section. Section 5, ch. 2004-6, a reviser's
20 bill, repealed the subsection pursuant to the
21 July 1, 2003, repeal. Absent affirmative
22 evidence of legislative intent to repeal it,
23 subsection (10) is reenacted to confirm its
24 status.

25
26 Section 28. Paragraph (e) of subsection (4) of section
27 288.1224, Florida Statutes, is repealed.

28
29 Reviser's note.--Repealed to delete an obsolete
30 provision. The required review and subsequent
31 report were to be completed by January 1, 2003.

1 Section 29. Section 288.12265, Florida Statutes, is
2 amended to read:

3 288.12265 Welcome centers.--

4 (1) ~~Effective July 1, 1999,~~ Responsibility for the
5 welcome centers is assigned to the Florida Commission on
6 Tourism which shall contract with the commission's
7 direct-support organization to employ all welcome center
8 staff. ~~On or before June 30, 1999, all welcome center staff~~
9 ~~shall be offered employment through the direct support~~
10 ~~organization at the same salary such staff received through~~
11 ~~the Department of Transportation, prior to July 1, 1999, but~~
12 ~~with the same benefits provided by the direct support~~
13 ~~organization to the organization's employees. Welcome center~~
14 ~~employees shall have until January 1, 2000, to choose to be~~
15 ~~employed by the direct support organization or to remain~~
16 ~~employed by the state. Those employees who choose to remain~~
17 ~~employed by the state may continue to be assigned by the~~
18 ~~Department of Transportation to the welcome centers until June~~
19 ~~30, 2001. Upon vacating a career service position by a career~~
20 ~~service employee, the position shall be abolished. The~~
21 ~~agreement between the Department of Transportation and the~~
22 ~~Florida Commission on Tourism concerning the funding of~~
23 ~~positions in the welcome centers shall continue until all~~
24 ~~welcome center employees are employed by the direct support~~
25 ~~organization, or until those employees choosing to remain~~
26 ~~employed by the state have found other state employment, or~~
27 ~~until June 30, 2001, whichever occurs first.~~

28 (2) ~~Effective July 1, 1999,~~ The Florida Commission on
29 Tourism, through its direct-support organization, shall
30 administer and operate the welcome centers. Pursuant to a
31 contract with the Department of Transportation, the commission

1 shall be responsible for routine repair, replacement, or
2 improvement and the day-to-day management of interior areas
3 occupied by the welcome centers. All other repairs,
4 replacements, or improvements to the welcome centers shall be
5 the responsibility of the Department of Transportation.

6
7 Reviser's note.--Amended to delete provisions
8 that have served their purpose.

9
10 Section 30. Paragraph (c) of subsection (4) of section
11 288.905, Florida Statutes, is repealed.

12
13 Reviser's note.--Repealed to delete a provision
14 that has served its purpose. The required
15 review and subsequent report were to be
16 completed by January 1, 2002.

17
18 Section 31. Section 288.971, Florida Statutes, is
19 repealed.

20
21 Reviser's note.--Repealed to delete findings
22 which have served their purpose. The findings
23 refer to military base closing decisions
24 expected to be made in 1995 and reductions in
25 military spending and personnel by 1997.

26
27 Section 32. Subsection (6) of section 290.00689,
28 Florida Statutes, is repealed.

29
30 Reviser's note.--Repealed to delete obsolete
31 provisions. The required review and evaluation

1 of an enterprise zone pilot project area was to
2 be completed prior to the 2004 Regular Session
3 of the Legislature. The report of findings and
4 recommendations was to be submitted by January
5 15, 2004.

6
7 Section 33. Subsection (3) of section 290.015, Florida
8 Statutes, is repealed.

9
10 Reviser's note.--Repealed to delete an obsolete
11 provision. The required review and evaluation
12 of ss. 290.001-290.016 by substantive
13 committees was to be completed prior to the
14 2001 Regular Session of the Legislature.

15
16 Section 34. Section 295.184, Florida Statutes, is
17 repealed.

18
19 Reviser's note.--Repealed to delete provisions
20 that have served their purpose. The
21 recommendations for the design and location of
22 the memorial to Florida World War II veterans
23 was to be submitted on or before January 31,
24 2002.

25
26 Section 35. Paragraph (a) of subsection (2) of section
27 311.125, Florida Statutes, is amended to read:

28 311.125 Uniform Port Access Credential System.--
29 (2)(a) The Department of Highway Safety and Motor
30 Vehicles, in consultation with the Department of Law
31 Enforcement, the Florida Seaport Transportation and Economic

1 | Development Council, the Florida Trucking Association, and the
2 | United States Transportation ~~and~~ Security Administration shall
3 | develop a Uniform Port Access Credential System for use in
4 | onsite verification of access authority for all persons on a
5 | seaport as defined in s. 311.12(2), utilizing the Uniform Port
6 | Access Credential Card as authorized herein. Each seaport, in
7 | a manner consistent with the "Port Security Standards
8 | Compliance Plan" delivered to the Speaker of the House of
9 | Representatives and the President of the Senate on December
10 | 11, 2000, pursuant to s. 311.12, and this section, is
11 | responsible for granting, restricting, or modifying access
12 | authority provided to each Uniform Port Access Credential Card
13 | holder and promptly communicating the levels of access or
14 | changes in the level of access to the department for its use
15 | in administering the Uniform Port Access Credential System.
16 | Each seaport is responsible for the proper operation and
17 | maintenance of the Uniform Port Access Credential Card reader
18 | and access verification utilizing the Uniform Port Access
19 | Credential System at its location. The Uniform Port Access
20 | Credential Card reader and Uniform Port Access Credential
21 | System shall be utilized by each seaport to ensure compliance
22 | with the access restrictions provided by s. 311.12.

23 |
24 | Reviser's note.--Amended to conform to the
25 | correct title of the United States
26 | Transportation Security Administration.

27 |
28 | Section 36. Paragraph (b) of subsection (5) and
29 | subsection (6) of section 322.135, Florida Statutes, are
30 | amended to read:

31 | 322.135 Driver's license agents.--

1 (5) The county tax collector at his or her option may
2 apply to the department for approval by the executive director
3 to be the exclusive agent of the department for his or her
4 county to administer driver license services as provided and
5 authorized in this chapter.

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

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

12 2. The designation by the tax collector of the driver
13 license functions to be performed by the tax collector in the
14 county.

15 3. Any anticipated capital acquisition or construction
16 costs.

17 4. A projection of equipment available or to be
18 provided by the department.

19 5. All anticipated operating costs, including
20 facilities, equipment, and personnel to administer driver
21 license services.

22 (6) Administration of driver license services by a
23 county tax collector as the exclusive agent of the department
24 must be revenue neutral with no adverse state fiscal impact
25 and with no adverse unfunded mandate to the tax collector.
26 ~~Toward this end, the Cost Determination and Allocation Task~~
27 ~~Force is created, to be established by July 1, 2001. The task~~
28 ~~force shall be composed of two representatives appointed by~~
29 ~~the executive director of the department, two tax collectors~~
30 ~~appointed by the president of the Florida Tax Collectors,~~
31 ~~Inc., one from a small population county and one from a~~

1 ~~large population county; one person appointed by the Speaker~~
2 ~~of the House of Representatives; one person appointed by the~~
3 ~~President of the Senate; and the Governor's appointee. If~~
4 ~~requested by the task force, the Auditor General must provide~~
5 ~~technical assistance. The purpose of the task force is to~~
6 ~~recommend the allocation of cost between the Department of~~
7 ~~Highway Safety and Motor Vehicles and tax collectors to~~
8 ~~administer driver license services authorized in this chapter.~~
9 ~~These recommendations must be submitted in a written report by~~
10 ~~January 1, 2002. The task force shall dissolve on January 1,~~
11 ~~2002. The written report shall be presented to the President~~
12 ~~of the Senate, the Speaker of the House of Representatives,~~
13 ~~and the Executive Office of the Governor, and shall contain~~
14 ~~findings and determinations and related allocation~~
15 ~~recommendations dealing with costs, both construction and~~
16 ~~operating costs, of both the department and the applicable tax~~
17 ~~collectors, appropriate allocations of costs between the~~
18 ~~department and the tax collectors, and fee recommendations to~~
19 ~~assure that the fees paid for these driver license services do~~
20 ~~not result in a loss of revenue to the state in excess of~~
21 ~~costs incurred by the state.~~

22
23 Reviser's note.--Amended to delete obsolete
24 provisions. The Cost Determination and
25 Allocation Task Force was dissolved in 2002.

26
27 Section 37. Subsection (1) of section 327.395, Florida
28 Statutes, is amended to read:

29 327.395 Boating safety identification cards.--

30 (1) ~~Until October 1, 2001, a person born after~~
31 ~~September 30, 1980, and on or after October 1, 2001, A person~~

1 21 years of age or younger may not operate a vessel powered by
2 a motor of 10 horsepower or greater unless such person has in
3 his or her possession aboard the vessel photographic
4 identification and a boater safety identification card issued
5 by the commission which shows that he or she has:

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

10 (b) Passed a course equivalency examination approved
11 by the commission; or

12 (c) Passed a temporary certificate examination
13 developed or approved by the commission.

14
15 Reviser's note.--Amended to delete an obsolete
16 provision.

17
18 Section 38. Subsection (4) of section 339.55, Florida
19 Statutes, is amended to read:

20 339.55 State-funded infrastructure bank.--

21 (4) ~~Except as provided in s. 339.137,~~ To be eligible
22 for consideration, projects must be consistent, to the maximum
23 extent feasible, with local metropolitan planning organization
24 plans and local government comprehensive plans and must
25 provide a dedicated repayment source to ensure the loan is
26 repaid to the bank.

27
28 Reviser's note.--Amended to conform to the
29 repeal of s. 339.137 by s. 10, ch. 2004-366,
30 Laws of Florida.

31

1 Section 39. Subsection (2) of section 339.64, Florida
2 Statutes, is repealed.

3
4 Reviser's note.--Repealed to delete an obsolete
5 provision. The required report was to be
6 delivered to the Governor and Legislature by
7 December 15, 2003.

8
9 Section 40. Subsection (1) of section 364.604, Florida
10 Statutes, is amended to read:

11 364.604 Billing practices.--

12 (1) Each billing party must clearly identify on its
13 bill the name and toll-free number of the originating party;
14 the telecommunications service or information service billed;
15 and the specific charges, taxes, and fees associated with each
16 telecommunications or information service. The originating
17 party is responsible for providing the billing party with all
18 required information. The toll-free number of the originating
19 party or its agent must be answered by a customer service
20 representative or a voice response unit. If the customer
21 reaches a voice response unit, the originating party or its
22 agent must initiate a response to a customer inquiry within 24
23 hours, excluding weekends and holidays. ~~Each~~
24 ~~telecommunications carrier shall have until June 30, 1999, to~~
25 ~~comply with this subsection.~~

26
27 Reviser's note.--Amended to delete an obsolete
28 provision.

29
30 Section 41. Section 373.145, Florida Statutes, is
31 amended to read:

1 373.145 Information program regarding hydrologic
2 conditioning and consumption of major surface and groundwater
3 sources.--In order to aid in the development of a better
4 understanding of the unique surface and groundwater resources
5 of this state, the water management districts shall develop an
6 information program designed to provide information concerning
7 existing hydrologic conditions of major surface and
8 groundwater sources in this state and suggestions for good
9 conservation practices within those areas. ~~The program shall~~
10 ~~be developed by December 31, 2002.~~ Beginning January 1, 2003,
11 and on a regular basis no less than every 6 months thereafter,
12 the information developed pursuant to this section shall be
13 distributed to every member of the Florida Senate and the
14 Florida House of Representatives and to local print and
15 broadcast news organizations. Each water management district
16 shall be responsible for the distribution of this information
17 within its established geographic area.

18
19 Reviser's note.--Amended to delete a provision
20 that has served its purpose.

21
22 Section 42. Paragraph (f) of subsection (1) of section
23 373.1963, Florida Statutes, is amended to read:

24 373.1963 Assistance to West Coast Regional Water
25 Supply Authority.--

26 (1) It is the intent of the Legislature to authorize
27 the implementation of changes in governance recommended by the
28 West Coast Regional Water Supply Authority in its reports to
29 the Legislature dated February 1, 1997, and January 5, 1998.
30 The authority and its member governments may reconstitute the
31 authority's governance and rename the authority under a

1 voluntary interlocal agreement with a term of not less than 20
2 years. The interlocal agreement must comply with this
3 subsection as follows:

4 (f) Upon execution of the voluntary interlocal
5 agreement provided for herein, the authority shall jointly
6 develop with the Southwest Florida Water Management District
7 alternative sources of potable water and transmission
8 pipelines to interconnect regionally significant water supply
9 sources and facilities of the authority in amounts sufficient
10 to meet the needs of all member governments for a period of at
11 least 20 years and for natural systems. Nothing herein,
12 however, shall preclude the authority and its member
13 governments from developing traditional water sources pursuant
14 to the voluntary interlocal agreement. Development and
15 construction costs for alternative source facilities, which
16 may include a desalination facility and significant regional
17 interconnects, must be borne as mutually agreed to by both the
18 authority and the Southwest Florida Water Management District.
19 Nothing herein shall preclude authority or district cost
20 sharing with private entities for the construction or
21 ownership of alternative source facilities. By December 31,
22 1997, the authority and the Southwest Florida Water Management
23 District shall ~~1.~~ enter into a mutually acceptable agreement
24 detailing the development and implementation of directives
25 contained in this paragraph. ~~;~~ ~~or~~

26 ~~2. Jointly prepare and submit to the President of the~~
27 ~~Senate and the Speaker of the House of Representatives a~~
28 ~~report describing the progress made and impediments~~
29 ~~encountered in their attempts to implement the water resource~~
30 ~~development and water supply development directives contained~~
31 ~~in this paragraph.~~ Nothing in this section shall be construed

1 to modify the rights or responsibilities of the authority or
2 its member governments, except as otherwise provided herein,
3 or of the Southwest Florida Water Management District or the
4 department pursuant to this chapter or chapter 403 and as
5 otherwise set forth by statutes.

6
7 Reviser's note.--Amended to delete a provision
8 that has served its purpose.

9
10 Section 43. Section 373.1995, Florida Statutes, is
11 repealed.

12
13 Reviser's note.--Repealed to delete an obsolete
14 provision. The required report and subsequent
15 action were to be completed prior to the
16 beginning of the 2001 Regular Legislative
17 Session.

18
19 Section 44. Paragraph (f) of subsection (4) of section
20 373.4592, Florida Statutes, is amended to read:

21 373.4592 Everglades improvement and management.--

22 (4) EVERGLADES PROGRAM.--

23 (f) EAA best management practices.--

24 1. The district, in cooperation with the department,
25 shall develop and implement a water quality monitoring program
26 to evaluate the effectiveness of the BMPs in achieving and
27 maintaining compliance with state water quality standards and
28 restoring and maintaining designated and existing beneficial
29 uses. The program shall include an analysis of the
30 effectiveness of the BMPs in treating constituents that are
31 not being significantly improved by the STAs. The monitoring

1 program shall include monitoring of appropriate parameters at
2 representative locations.

3 2. The district shall continue to require and enforce
4 the BMP and other requirements of chapters 40E-61 and 40E-63,
5 Florida Administrative Code, during the terms of the existing
6 permits issued pursuant to those rules. Chapter 40E-61,
7 Florida Administrative Code, may be amended to include the
8 BMPs required by chapter 40E-63, Florida Administrative Code.
9 Prior to the expiration of existing permits, and during each
10 5-year term of subsequent permits as provided for in this
11 section, those rules shall be amended to implement a
12 comprehensive program of research, testing, and implementation
13 of BMPs that will address all water quality standards within
14 the EAA and Everglades Protection Area. Under this program:

15 a. EAA landowners, through the EAA Environmental
16 Protection District or otherwise, shall sponsor a program of
17 BMP research with qualified experts to identify appropriate
18 BMPs.

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

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

26 d. The district shall conduct research in cooperation
27 with EAA landowners to identify water quality parameters that
28 are not being significantly improved either by the STAs or the
29 BMPs, and to identify further BMP strategies needed to address
30 these parameters.

31

1 3. The Legislature finds that through the
2 implementation of the Everglades BMPs Program and the
3 implementation of the Everglades Construction Project,
4 reasonable further progress will be made towards addressing
5 water quality requirements of the EAA canals and the
6 Everglades Protection Area. Permittees within the EAA and the
7 C-139 Basin who are in full compliance with the conditions of
8 permits under chapters 40E-61 and 40E-63, Florida
9 Administrative Code, have made all payments required under the
10 Everglades Program, and are in compliance with subparagraph
11 (a)7.~~(a)8.~~, if applicable, shall not be required to implement
12 additional water quality improvement measures, prior to
13 December 31, 2006, other than those required by subparagraph
14 2., with the following exceptions:

15 a. Nothing in this subparagraph shall limit the
16 existing authority of the department or the district to limit
17 or regulate discharges that pose a significant danger to the
18 public health and safety; and

19 b. New land uses and new stormwater management
20 facilities other than alterations to existing agricultural
21 stormwater management systems for water quality improvements
22 shall not be accorded the compliance established by this
23 section. Permits may be required to implement improvements or
24 alterations to existing agricultural water management systems.

25 4. As of December 31, 2006, all permits, including
26 those issued prior to that date, shall require implementation
27 of additional water quality measures, taking into account the
28 water quality treatment actually provided by the STAs and the
29 effectiveness of the BMPs. As of that date, no permittee's
30 discharge shall cause or contribute to any violation of water
31 quality standards in the Everglades Protection Area.

1 5. Effective immediately, landowners within the C-139
2 Basin shall not collectively exceed an annual average loading
3 of phosphorus based proportionately on the historical rainfall
4 for the C-139 Basin over the period of October 1, 1978, to
5 September 30, 1988. New surface inflows shall not increase the
6 annual average loading of phosphorus stated above. Provided
7 that the C-139 Basin does not exceed this annual average
8 loading, all landowners within the Basin shall be in
9 compliance for that year. Compliance determinations for
10 individual landowners within the C-139 Basin for remedial
11 action, if the Basin is determined by the district to be out
12 of compliance for that year, shall be based on the landowners'
13 proportional share of the total phosphorus loading. The total
14 phosphorus discharge load shall be determined as set forth in
15 Appendix B2 of Rule 40E-63, Everglades Program, Florida
16 Administrative Code.

17 6. The district, in cooperation with the department,
18 shall develop and implement a water quality monitoring program
19 to evaluate the quality of the discharge from the C-139 Basin.
20 Upon determination by the department or the district that the
21 C-139 Basin is exceeding any presently existing water quality
22 standards, the district shall require landowners within the
23 C-139 Basin to implement BMPs appropriate to the land uses
24 within the C-139 Basin consistent with subparagraph 2.
25 Thereafter, the provisions of subparagraphs 2.-4. shall apply
26 to the landowners within the C-139 Basin.

27
28 Reviser's note.--Amended to conform to the
29 redesignation of subparagraph (4)(a)8. as
30 subparagraph (4)(a)7. by s. 1, ch. 2003-12,
31 Laws of Florida.

1 Section 45. Section 376.71, Florida Statutes, is
2 amended to read:

3 376.71 Registration fee and gross receipts tax.--The
4 registration fee and the gross receipts tax imposed under ss.
5 376.303(1)(d) and 376.70 do not apply to uniform rental
6 companies or linen supply companies. ~~Any such fee or tax that~~
7 ~~was imposed on and remitted, collected, or held in escrow by a~~
8 ~~uniform rental company or linen supply company from October 1,~~
9 ~~1994, and before October 1, 1995, is not payable to the State~~
10 ~~of Florida, and, if remitted, shall be refunded by the~~
11 ~~Department of Revenue.~~

12
13 Reviser's note.--Amended to delete an obsolete
14 provision.

15
16 Section 46. Paragraph (c) of subsection (7) of section
17 376.80, Florida Statutes, is amended to read:

18 376.80 Brownfield program administration process.--

19 (7) The contractor who is performing the majority of
20 the site rehabilitation program tasks pursuant to a brownfield
21 site rehabilitation agreement or supervising the performance
22 of such tasks by licensed subcontractors in accordance with
23 the provisions of s. 489.113(9) must certify to the department
24 that the contractor:

25 (c) Maintains comprehensive general liability coverage
26 with limits of not less than \$1 million per occurrence and \$2
27 million general aggregate for bodily injury and property
28 damage and comprehensive automobile liability coverage with
29 limits of not less than ~~\$2~~\$1 million combined single limit.
30 The contractor shall also maintain pollution liability
31 coverage with limits of not less than \$3 million aggregate for

1 personal injury or death, \$1 million per occurrence for
2 personal injury or death, and \$1 million per occurrence for
3 property damage. The contractor's certificate of insurance
4 shall name the state as an additional insured party.

5
6 Reviser's note.--Amended to correct an apparent
7 coding error. The figure "\$1" was inadvertently
8 retained when the paragraph was amended by s.
9 2, ch. 2004-40, Laws of Florida.

10
11 Section 47. Subsection (7) of section 378.034, Florida
12 Statutes, is amended to read:

13 378.034 Submission of a reclamation program request;
14 procedures.--

15 (7) ~~Until 1995, the funds available for approved~~
16 ~~reclamation contracts and acquisitions of nonmandatory lands~~
17 ~~shall not exceed 20 percent of the uncommitted fund balance of~~
18 ~~the trust fund at the beginning of each year.~~ The prioritized
19 list approved by the committee may contain more reclamation
20 program applications than there are funds available during the
21 year.

22
23 Reviser's note.--Amended to delete an obsolete
24 provision.

25
26 Section 48. Paragraph (b) of subsection (5) of section
27 378.035, Florida Statutes, is amended to read:

28 378.035 Department responsibilities and duties with
29 respect to Nonmandatory Land Reclamation Trust Fund.--
30
31

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

4 (b) For the abatement of an imminent hazard as
5 provided by s. 403.4154(3) ~~403.4154(4)~~ and for the purpose of
6 closing an abandoned phosphogypsum stack system and carrying
7 out postclosure care as provided by s. 403.4154(5)
8 ~~403.4154(6)~~.

9
10 Reviser's note.--Amended to correct an apparent
11 error in the redesignation of cross-references
12 by s. 4, ch. 2003-423, Laws of Florida. Section
13 403.4154(4) relates to registration fees, and
14 s. 403.4154(6) does not exist.

15
16 Section 49. Subsection (3) of section 381.0046,
17 Florida Statutes, is repealed.

18
19 Reviser's note.--Repealed to delete an obsolete
20 provision. The statewide Black Leadership
21 Conference on HIV and AIDS was to be conducted
22 by January 2000.

23
24 Section 50. Paragraph (j) of subsection (3) and
25 paragraph (j) of subsection (4) of section 381.0065, Florida
26 Statutes, are amended to read:

27 381.0065 Onsite sewage treatment and disposal systems;
28 regulation.--

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

31

1 (j) Supervise research on, demonstration of, and
2 training on the performance, environmental impact, and public
3 health impact of onsite sewage treatment and disposal systems
4 within this state. Research fees collected under s.
5 381.0066(2)(k) must be used to develop and fund hands-on
6 training centers designed to provide practical information
7 about onsite sewage treatment and disposal systems to septic
8 tank contractors, master septic tank contractors, contractors,
9 inspectors, engineers, and the public and must also be used to
10 fund research projects which focus on improvements of onsite
11 sewage treatment and disposal systems, including use of
12 performance-based standards and reduction of environmental
13 impact. Research projects shall be initially approved by the
14 technical review and advisory panel and shall be applicable to
15 and reflect the soil conditions specific to Florida. Such
16 projects shall be awarded through competitive negotiation,
17 using the procedures provided in s. 287.055, to public or
18 private entities that have experience in onsite sewage
19 treatment and disposal systems in Florida and that are
20 principally located in Florida. Research projects shall not
21 be awarded to firms or entities that employ or are associated
22 with persons who serve on either the technical review and
23 advisory panel or the research review and advisory committee.

24 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
25 may not construct, repair, modify, abandon, or operate an
26 onsite sewage treatment and disposal system without first
27 obtaining a permit approved by the department. The department
28 may issue permits to carry out this section, but shall not
29 make the issuance of such permits contingent upon prior
30 approval by the Department of Environmental Protection. A
31 construction permit is valid for 18 months from the issuance

1 date and may be extended by the department for one 90-day
2 period under rules adopted by the department. A repair permit
3 is valid for 90 days from the date of issuance. An operating
4 permit must be obtained prior to the use of any aerobic
5 treatment unit or if the establishment generates commercial
6 waste. Buildings or establishments that use an aerobic
7 treatment unit or generate commercial waste shall be inspected
8 by the department at least annually to assure compliance with
9 the terms of the operating permit. The operating permit for a
10 commercial wastewater system is valid for 1 year from the date
11 of issuance and must be renewed annually. The operating permit
12 for an aerobic treatment unit is valid for 2 years from the
13 date of issuance and must be renewed every 2 years. If all
14 information pertaining to the siting, location, and
15 installation conditions or repair of an onsite sewage
16 treatment and disposal system remains the same, a construction
17 or repair permit for the onsite sewage treatment and disposal
18 system may be transferred to another person, if the transferee
19 files, within 60 days after the transfer of ownership, an
20 amended application providing all corrected information and
21 proof of ownership of the property. There is no fee
22 associated with the processing of this supplemental
23 information. A person may not contract to construct, modify,
24 alter, repair, service, abandon, or maintain any portion of an
25 onsite sewage treatment and disposal system without being
26 registered under part III of chapter 489. A property owner
27 who personally performs construction, maintenance, or repairs
28 to a system serving his or her own owner-occupied
29 single-family residence is exempt from registration
30 requirements for performing such construction, maintenance, or
31 repairs on that residence, but is subject to all permitting

1 requirements. A municipality or political subdivision of the
2 state may not issue a building or plumbing permit for any
3 building that requires the use of an onsite sewage treatment
4 and disposal system unless the owner or builder has received a
5 construction permit for such system from the department. A
6 building or structure may not be occupied and a municipality,
7 political subdivision, or any state or federal agency may not
8 authorize occupancy until the department approves the final
9 installation of the onsite sewage treatment and disposal
10 system. A municipality or political subdivision of the state
11 may not approve any change in occupancy or tenancy of a
12 building that uses an onsite sewage treatment and disposal
13 system until the department has reviewed the use of the system
14 with the proposed change, approved the change, and amended the
15 operating permit.

16 (j) An onsite sewage treatment and disposal system for
17 a single-family residence that is designed by a professional
18 engineer registered in the state and certified by such
19 engineer as complying with performance criteria adopted by the
20 department must be approved by the department subject to the
21 following:

22 1. The performance criteria applicable to
23 engineer-designed systems must be limited to those necessary
24 to ensure that such systems do not adversely affect the public
25 health or significantly degrade the groundwater or surface
26 water. Such performance criteria shall include consideration
27 of the quality of system effluent, the proposed total sewage
28 flow per acre, wastewater treatment capabilities of the
29 natural or replaced soil, water quality classification of the
30 potential surface-water-receiving body, and the structural and
31 maintenance viability of the system for the treatment of

1 domestic wastewater. However, performance criteria shall
2 address only the performance of a system and not a system's
3 design.

4 2. The technical review and advisory panel shall
5 assist the department in the development of performance
6 criteria applicable to engineer-designed systems. ~~Workshops~~
7 ~~on the development of the rules delineating such criteria~~
8 ~~shall commence not later than September 1, 1996, and the~~
9 ~~department shall advertise such rules for public hearing no~~
10 ~~later than October 1, 1997.~~

11 3. A person electing to utilize an engineer-designed
12 system shall, upon completion of the system design, submit
13 such design, certified by a registered professional engineer,
14 to the county health department. The county health department
15 may utilize an outside consultant to review the
16 engineer-designed system, with the actual cost of such review
17 to be borne by the applicant. Within 5 working days after
18 receiving an engineer-designed system permit application, the
19 county health department shall request additional information
20 if the application is not complete. Within 15 working days
21 after receiving a complete application for an
22 engineer-designed system, the county health department either
23 shall issue the permit or, if it determines that the system
24 does not comply with the performance criteria, shall notify
25 the applicant of that determination and refer the application
26 to the department for a determination as to whether the system
27 should be approved, disapproved, or approved with
28 modification. The department engineer's determination shall
29 prevail over the action of the county health department. The
30 applicant shall be notified in writing of the department's
31

1 determination and of the applicant's rights to pursue a
2 variance or seek review under the provisions of chapter 120.

3 4. The owner of an engineer-designed performance-based
4 system must maintain a current maintenance service agreement
5 with a maintenance entity permitted by the department. The
6 maintenance entity shall obtain a biennial system operating
7 permit from the department for each system under service
8 contract. The department shall inspect the system at least
9 annually, or on such periodic basis as the fee collected
10 permits, and may collect system-effluent samples if
11 appropriate to determine compliance with the performance
12 criteria. The fee for the biennial operating permit shall be
13 collected beginning with the second year of system operation.
14 The maintenance entity shall inspect each system at least
15 twice each year and shall report quarterly to the department
16 on the number of systems inspected and serviced.

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

21
22 Reviser's note.--Paragraph (3)(j) is amended to
23 conform to the correct name of the "technical
24 review and advisory panel" as created in s.
25 381.0068. Paragraph (4)(j) is amended to delete
26 an obsolete provision.

27
28 Section 51. Paragraph (a) of subsection (3) and
29 paragraph (a) of subsection (4) of section 381.0072, Florida
30 Statutes, are reenacted to read:
31

1 381.0072 Food service protection.--It shall be the
2 duty of the Department of Health to adopt and enforce
3 sanitation rules consistent with law to ensure the protection
4 of the public from food-borne illness. These rules shall
5 provide the standards and requirements for the storage,
6 preparation, serving, or display of food in food service
7 establishments as defined in this section and which are not
8 permitted or licensed under chapter 500 or chapter 509.

9 (3) LICENSES REQUIRED.--

10 (a) Licenses; annual renewals.--Each food service
11 establishment regulated under this section shall obtain a
12 license from the department annually. Food service
13 establishment licenses shall expire annually and shall not be
14 transferable from one place or individual to another.
15 However, those facilities licensed by the department's Office
16 of Licensure and Certification, the Child Care Services
17 Program Office, or the Developmental Disabilities Program
18 Office are exempt from this subsection. It shall be a
19 misdemeanor of the second degree, punishable as provided in s.
20 381.0061, s. 775.082, or s. 775.083, for such an establishment
21 to operate without this license. The department may refuse a
22 license, or a renewal thereof, to any establishment that is
23 not constructed or maintained in accordance with law and with
24 the rules of the department. Annual application for renewal
25 shall not be required.

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

27 (a) The department is authorized to collect fees from
28 establishments licensed under this section and from those
29 facilities exempted from licensure under paragraph (3)(a). It
30 is the intent of the Legislature that the total fees assessed
31

1 | under this section be in an amount sufficient to meet the cost
2 | of carrying out the provisions of this section.

3 |
4 | Reviser's note.--Section 9, ch. 2004-350, Laws
5 | of Florida, purported to amend paragraphs
6 | (3)(a) and (4)(a), but failed to publish the
7 | amended paragraphs. In the absence of
8 | affirmative evidence that the Legislature
9 | intended to repeal the paragraphs, paragraphs
10 | (3)(a) and (4)(a) are reenacted to confirm that
11 | the omission was not intended.

12 |
13 | Section 52. Subsection (5) of section 381.103, Florida
14 | Statutes, is repealed.

15 |
16 | Reviser's note.--Repealed to delete an obsolete
17 | provision. The required report on the findings,
18 | accomplishments, and recommendations of the
19 | Community Health pilot projects was to be
20 | submitted no later than January 1, 2001.

21 |
22 | Section 53. Subsection (6) of section 381.734, Florida
23 | Statutes, is amended to read:

24 | 381.734 Healthy Communities, Healthy People Program.--
25 | (6) The Office of Program Policy Analysis and
26 | Government Accountability shall evaluate and report to the
27 | Governor, the President of the Senate, and the Speaker of the
28 | House of Representatives, by March 1, 2005, on the
29 | effectiveness of the department's monitoring and assessment of
30 | the program's effectiveness.

31 |

1 Reviser's note.--Amended to conform to the
2 complete title of the Office of Program Policy
3 Analysis and Government Accountability.
4

5 Section 54. Subsection (1) of section 393.0655,
6 Florida Statutes, is amended to read:

7 393.0655 Screening of direct service providers.--

8 (1) MINIMUM STANDARDS.--The agency shall require level
9 2 employment screening pursuant to chapter 435 for direct
10 service providers who are unrelated to their clients,
11 including support coordinators, and managers and supervisors
12 of residential facilities or comprehensive transitional
13 education programs licensed under s. 393.067 ~~393.967~~ and any
14 other person, including volunteers, who provide care or
15 services, who have access to a client's living areas, or who
16 have access to a client's funds or personal property.
17 Background screening shall include employment history checks
18 as provided in s. 435.03(1) and local criminal records checks
19 through local law enforcement agencies.

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

25 (b) Licensed physicians, nurses, or other
26 professionals licensed and regulated by the Department of
27 Health are not subject to background screening pursuant to
28 this section if they are providing a service that is within
29 their scope of licensed practice.

30 (c) A person selected by the family or the individual
31 with developmental disabilities and paid by the family or the

1 individual to provide supports or services is not required to
2 have a background screening under this section.

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

7
8 Reviser's note.--Amended to correct an apparent
9 error and facilitate correct interpretation.

10 Section 393.967 does not exist; s. 393.067
11 relates to licensure of comprehensive
12 transitional education programs.

13
14 Section 55. Subsection (3) of section 393.068, Florida
15 Statutes, is amended to read:

16 393.068 Family care program.--

17 (3) When it is determined by the agency to be more
18 cost-effective and in the best interest of the client to
19 maintain such client in the home of a direct service provider,
20 the parent or guardian of the client or, if competent, the
21 client may enroll the client in the family care program. The
22 direct service provider of a client enrolled in the family
23 care program shall be reimbursed according to a rate schedule
24 set by the agency. In-home subsidies cited in paragraph
25 ~~(2)(d)(1)(d)~~ shall be provided according to s. 393.0695 and
26 are not subject to any other payment method or rate schedule
27 provided for in this section.

28
29 Reviser's note.--Amended to conform to the
30 redesignation of subunits within s. 393.068 by
31 s. 76, ch. 2004-267, Laws of Florida.

1 Section 56. Section 394.498, Florida Statutes, is
2 repealed.

3
4 Reviser's note.--The cited section, which
5 relates to the Child and Adolescent Interagency
6 System of Care Demonstration Models, has served
7 its purpose. Findings and conclusions for the
8 models and recommendations for statewide
9 implementation were to be included in a report
10 to the Legislature by December 31, 2001.

11
12 Section 57. Subsection (3) of section 394.499, Florida
13 Statutes, is repealed, and subsection (1) of that section is
14 amended to read:

15 394.499 Integrated children's crisis stabilization
16 unit/juvenile addictions receiving facility services.--

17 (1) Beginning July 1, 2001, the Department of Children
18 and Family Services, in consultation with the Agency for
19 Health Care Administration, is authorized to establish
20 children's behavioral crisis unit demonstration models in
21 Collier, Lee, and Sarasota Counties. ~~By December 31, 2003, the~~
22 ~~department shall submit to the President of the Senate, the~~
23 ~~Speaker of the House of Representatives, and the chairs of the~~
24 ~~Senate and House committees that oversee departmental~~
25 ~~activities a report that evaluates the number of clients~~
26 ~~served, quality of services, performance outcomes, and~~
27 ~~feasibility of continuing or expanding the demonstration~~
28 ~~models.~~ Beginning July 1, 2004, subject to approval by the
29 Legislature, the department, in cooperation with the agency,
30 may expand the demonstration models to other areas in the
31 state. The children's behavioral crisis unit demonstration

1 models will integrate children's mental health crisis
2 stabilization units with substance abuse juvenile addictions
3 receiving facility services, to provide emergency mental
4 health and substance abuse services that are integrated within
5 facilities licensed and designated by the agency for children
6 under 18 years of age who meet criteria for admission or
7 examination under this section. The services shall be
8 designated as "integrated children's crisis stabilization
9 unit/juvenile addictions receiving facility services," shall
10 be licensed by the agency as children's crisis stabilization
11 units, and shall meet all licensure requirements for crisis
12 stabilization units. The department, in cooperation with the
13 agency, shall develop standards that address eligibility
14 criteria; clinical procedures; staffing requirements;
15 operational, administrative, and financing requirements; and
16 investigation of complaints for such integrated facility
17 services. Standards that are implemented specific to substance
18 abuse services shall meet or exceed existing standards for
19 addictions receiving facilities.

20
21 Reviser's note.--Subsection (1) is amended to
22 delete a provision that has served its purpose;
23 it required a report relating to children's
24 behavioral crisis unit demonstration models by
25 December 31, 2003. Subsection (3) is repealed
26 to delete a provision that has served its
27 purpose; the Department of Children and Family
28 Services was to report on an evaluation by
29 December 31, 2003.

30
31

1 Section 58. Subsection (4) of section 394.82, Florida
2 Statutes, is repealed, and subsection (6) of that section is
3 amended to read:

4 394.82 Funding of expanded services.--

5 (5)~~(6)~~ The provisions of subsections (1) and (4)~~(5)~~
6 shall be implemented to the extent of available appropriations
7 contained in the annual General Appropriations Act for such
8 purposes.

9
10 Reviser's note.--Subsection (4) is repealed to
11 delete provisions that have served their
12 purpose; the Department of Children and Family
13 Services was directed to submit reports on
14 October 1, 2002, and October 1, 2003.

15 Subsection (6) is amended to conform a
16 cross-reference to the renumbering of subunits
17 necessitated by the repeal of subsection (4) by
18 this act.

19
20 Section 59. Subsection (2) of section 394.9083,
21 Florida Statutes, is repealed.

22
23 Reviser's note.--Repealed to delete a provision
24 that has served its purpose; a report by the
25 Behavioral Health Services Integration
26 Workgroup was to be submitted by January 1,
27 2002.

28
29 Section 60. Paragraph (b) of subsection (5) and
30 subsection (7) of section 395.4001, Florida Statutes, are
31 amended to read:

1 395.4001 Definitions.--As used in this part, the term:

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

4 (b) Serves as a resource facility to Level II trauma
5 centers, pediatric trauma ~~referral~~ centers, and general
6 hospitals through shared outreach, education, and quality
7 improvement activities.

8 (7) "Pediatric trauma ~~referral~~ center" means a
9 hospital that is verified by the department to be in
10 substantial compliance with pediatric trauma center standards
11 as established by rule of the department and has been approved
12 by the department to operate as a pediatric trauma center.

13

14 Reviser's note.--Amended to conform to the
15 revision of the term "pediatric trauma referral
16 center" to "pediatric trauma center" throughout
17 statutory material relating to the subject by
18 ch. 2004-259, Laws of Florida.

19

20 Section 61. Subsection (2) of section 395.404, Florida
21 Statutes, is amended to read:

22 395.404 Review of trauma registry data; report to
23 central registry; confidentiality and limited release.--

24 (2) Each trauma center, pediatric trauma ~~referral~~
25 center, and acute care hospital shall report to the
26 department's brain and spinal cord injury central registry,
27 consistent with the procedures and timeframes of s. 381.74,
28 any person who has a moderate-to-severe brain or spinal cord
29 injury, and shall include in the report the name, age,
30 residence, and type of disability of the individual and any
31 additional information that the department finds necessary.

1 Reviser's note.--Amended to conform to the
2 revision of the term "pediatric trauma referral
3 center" to "pediatric trauma center" throughout
4 statutory material relating to the subject by
5 ch. 2004-259, Laws of Florida.

6
7 Section 62. Subsection (1) of section 397.416, Florida
8 Statutes, is repealed.

9
10 Reviser's note.--The cited subsection, which
11 allows persons with certain master's degrees
12 and minimum experience to perform as qualified
13 professionals with respect to substance abuse
14 treatment services until January 1, 2001, has
15 served its purpose.

16
17 Section 63. Subsection (4) of section 397.97, Florida
18 Statutes, is repealed.

19
20 Reviser's note.--Repealed to conform to the
21 repeal of s. 394.498 by this act.

22
23 Section 64. Section 400.1755, Florida Statutes, is
24 amended to read:

25 400.1755 Care for persons with Alzheimer's disease or
26 related disorders.--

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

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

10 (3) An individual who provides direct care shall be
11 considered a direct caregiver and must complete the required
12 initial training and an additional 3 hours of training within
13 9 months after beginning employment. This training shall
14 include, but is not limited to, managing problem behaviors,
15 promoting the resident's independence in activities of daily
16 living, and skills in working with families and caregivers.

17 (a) The required 4 hours of training for certified
18 nursing assistants are part of the total hours of training
19 required annually.

20 (b) For a health care practitioner as defined in s.
21 456.001, continuing education hours taken as required by that
22 practitioner's licensing board shall be counted toward this
23 total of 4 hours.

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

29 (5) The Department of Elderly Affairs or its designee
30 must approve the initial and continuing training provided in
31 the facilities. The department must approve training offered

1 | in a variety of formats, including, but not limited to,
2 | Internet-based training, videos, teleconferencing, and
3 | classroom instruction. The department shall keep a list of
4 | current providers who are approved to provide initial and
5 | continuing training. The department shall adopt rules to
6 | establish standards for the trainers and the training required
7 | in this section.

8 | (6) Upon completing any training listed in this
9 | section, the employee or direct caregiver shall be issued a
10 | certificate that includes the name of the training provider,
11 | the topic covered, and the date and signature of the training
12 | provider. The certificate is evidence of completion of
13 | training in the identified topic, and the employee or direct
14 | caregiver is not required to repeat training in that topic if
15 | the employee or direct caregiver changes employment to a
16 | different facility or to an assisted living facility, home
17 | health agency, adult day care center, or adult family-care
18 | home. The direct caregiver must comply with other applicable
19 | continuing education requirements.

20 |
21 | ~~An employee hired on or after July 1, 2001, need not comply~~
22 | ~~with the guidelines created in this section before July 1,~~
23 | ~~2002.~~

24 |
25 | Reviser's note.--Amended to delete a provision
26 | that has served its purpose.

27 |
28 | Section 65. Sub-subparagraph b. of subparagraph 2. of
29 | paragraph (d) of subsection (5) of section 400.179, Florida
30 | Statutes, is repealed.

31 |

1 Reviser's note.--The cited sub-subparagraph,
2 which directs the Agency for Health Care
3 Administration to conduct a study and make
4 recommendations regarding the minimum amount to
5 be held in reserve to protect against certain
6 Medicaid overpayments in a report to be
7 submitted by January 1, 2003, has served its
8 purpose.
9

10 Section 66. Paragraph (g) of subsection (3) of section
11 403.4154, Florida Statutes, is amended to read:

12 403.4154 Phosphogypsum management program.--

13 (3) ABATEMENT OF IMMINENT HAZARD.--

14 (g) The department may impose a lien on the real
15 property on which the phosphogypsum stack system that poses an
16 imminent hazard is located and on the real property underlying
17 and other assets located at associated phosphate fertilizer
18 production facilities equal in amount to the moneys expended
19 from the Nonmandatory Land Reclamation Trust Fund pursuant to
20 paragraph (e) ~~(d)~~, including attorney's fees and court costs.
21 The owner of any property on which such a lien is imposed is
22 entitled to a release of the lien upon payment to the
23 department of the lien amount. The lien imposed by this
24 section does not take priority over any other prior perfected
25 lien on the real property, personal property, or other assets
26 referenced in this paragraph, including, but not limited to,
27 the associated phosphate rock mine and reserves.
28

29 Reviser's note.--Amended to conform to the
30 redesignation of subunits of subsection (3) by
31 s. 8, ch. 2003-423, Laws of Florida.

1 Section 67. Paragraph (a) of subsection (17) of
2 section 409.2563, Florida Statutes, is repealed, and paragraph
3 (m) of subsection (4) of that section is amended to read:

4 409.2563 Administrative establishment of child support
5 obligations.--

6 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
7 SUPPORT ORDER.--To commence a proceeding under this section,
8 the department shall provide to the custodial parent and serve
9 the noncustodial parent with a notice of proceeding to
10 establish administrative support order and a blank financial
11 affidavit form. The notice must state:

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

16 1. The noncustodial parent may request in writing that
17 the department proceed in circuit court to determine his or
18 her support obligations.

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

22 3. If the noncustodial parent submits the request
23 authorized in subparagraph 1., or the statement authorized in
24 subparagraph 2. to the department within 20 days after the
25 receipt of the initial notice, the department shall file a
26 petition in circuit court for the determination of the
27 noncustodial parent's child support obligations, and shall
28 send to the noncustodial parent a copy of its petition, a
29 notice of commencement of action, and a request for waiver of
30 service of process as provided in the Florida Rules of Civil
31 Procedure.

1 4. If, within 10 days after receipt of the
2 department's petition and waiver of service, the noncustodial
3 parent signs and returns the waiver of service form to the
4 department, the department shall terminate the administrative
5 proceeding without prejudice and proceed in circuit court.

6 5. In any circuit court action filed by the department
7 pursuant to this paragraph or filed by a noncustodial parent
8 or other person pursuant to paragraph (l) or paragraph (n),
9 the department shall be a party only with respect to those
10 issues of support allowed and reimbursable under Title IV-D of
11 the Social Security Act. It is the responsibility of the
12 noncustodial parent or other person to take the necessary
13 steps to present other issues for the court to consider.

14
15 The department may serve the notice of proceeding to establish
16 administrative support order by certified mail, restricted
17 delivery, return receipt requested. Alternatively, the
18 department may serve the notice by any means permitted for
19 service of process in a civil action. For purposes of this
20 section, an authorized employee of the department may serve
21 the notice and execute an affidavit of service. Service by
22 certified mail is completed when the certified mail is
23 received or refused by the addressee or by an authorized agent
24 as designated by the addressee in writing. If a person other
25 than the addressee signs the return receipt, the department
26 shall attempt to reach the addressee by telephone to confirm
27 whether the notice was received, and the department shall
28 document any telephonic communications. If someone other than
29 the addressee signs the return receipt, the addressee does not
30 respond to the notice, and the department is unable to confirm
31 that the addressee has received the notice, service is not

1 completed and the department shall attempt to have the
2 addressee served personally. The department shall provide the
3 custodial parent or caretaker relative with a copy of the
4 notice by regular mail to the last known address of the
5 custodial parent or caretaker.

6
7 Reviser's note.--Paragraph (4)(m) is amended to
8 conform to the complete title of the Florida
9 Rules of Civil Procedure. Paragraph (17)(a) is
10 repealed to delete provisions that have served
11 their purpose; the paragraph provided for
12 establishment and evaluation of a study area,
13 with reports due June 30, 2002; June 30, 2003;
14 and June 30, 2004.

15
16 Section 68. Subsection (7) of section 409.907, Florida
17 Statutes, is amended to read:

18 409.907 Medicaid provider agreements.--The agency may
19 make payments for medical assistance and related services
20 rendered to Medicaid recipients only to an individual or
21 entity who has a provider agreement in effect with the agency,
22 who is performing services or supplying goods in accordance
23 with federal, state, and local law, and who agrees that no
24 person shall, on the grounds of handicap, race, color, or
25 national origin, or for any other reason, be subjected to
26 discrimination under any program or activity for which the
27 provider receives payment from the agency.

28 (7) The agency may require, as a condition of
29 participating in the Medicaid program and before entering into
30 the provider agreement, that the provider submit information,
31 in an initial and any required renewal applications,

1 | concerning the professional, business, and personal background
2 | of the provider and permit an onsite inspection of the
3 | provider's service location by agency staff or other personnel
4 | designated by the agency to perform this function. The agency
5 | shall perform a random onsite inspection, within 60 days after
6 | receipt of a fully complete new provider's application, of the
7 | provider's service location prior to making its first payment
8 | to the provider for Medicaid services to determine the
9 | applicant's ability to provide the services that the applicant
10 | is proposing to provide for Medicaid reimbursement. The agency
11 | is not required to perform an onsite inspection of a provider
12 | or program that is licensed by the agency, that provides
13 | services under waiver programs for home and community-based
14 | services, or that is licensed as a medical foster home by the
15 | Department of Children and Family Services. As a continuing
16 | condition of participation in the Medicaid program, a provider
17 | shall immediately notify the agency of any current or pending
18 | bankruptcy filing. Before entering into the provider
19 | agreement, or as a condition of continuing participation in
20 | the Medicaid program, the agency may also require that
21 | Medicaid providers reimbursed on a fee-for-services basis or
22 | fee schedule basis which is not cost-based, post a surety bond
23 | not to exceed \$50,000 or the total amount billed by the
24 | provider to the program during the current or most recent
25 | calendar year, whichever is greater. For new providers, the
26 | amount of the surety bond shall be determined by the agency
27 | based on the provider's estimate of its first year's billing.
28 | If the provider's billing during the first year exceeds the
29 | bond amount, the agency may require the provider to acquire an
30 | additional bond equal to the actual billing level of the
31 | provider. A provider's bond shall not exceed \$50,000 if a

1 physician or group of physicians licensed under chapter 458,
2 chapter 459, or chapter 460 has a 50 percent or greater
3 ownership interest in the provider or if the provider is an
4 assisted living facility licensed under part III of chapter
5 400. The bonds permitted by this section are in addition to
6 the bonds referenced in s. 400.179(5)(d) ~~400.179(4)(d)~~. If the
7 provider is a corporation, partnership, association, or other
8 entity, the agency may require the provider to submit
9 information concerning the background of that entity and of
10 any principal of the entity, including any partner or
11 shareholder having an ownership interest in the entity equal
12 to 5 percent or greater, and any treating provider who
13 participates in or intends to participate in Medicaid through
14 the entity. The information must include:

15 (a) Proof of holding a valid license or operating
16 certificate, as applicable, if required by the state or local
17 jurisdiction in which the provider is located or if required
18 by the Federal Government.

19 (b) Information concerning any prior violation, fine,
20 suspension, termination, or other administrative action taken
21 under the Medicaid laws, rules, or regulations of this state
22 or of any other state or the Federal Government; any prior
23 violation of the laws, rules, or regulations relating to the
24 Medicare program; any prior violation of the rules or
25 regulations of any other public or private insurer; and any
26 prior violation of the laws, rules, or regulations of any
27 regulatory body of this or any other state.

28 (c) Full and accurate disclosure of any financial or
29 ownership interest that the provider, or any principal,
30 partner, or major shareholder thereof, may hold in any other
31 Medicaid provider or health care related entity or any other

1 entity that is licensed by the state to provide health or
2 residential care and treatment to persons.

3 (d) If a group provider, identification of all members
4 of the group and attestation that all members of the group are
5 enrolled in or have applied to enroll in the Medicaid program.
6

7 Reviser's note.--Amended to conform to the
8 context of the reference and the fact that
9 there is no s. 400.179(4)(d).
10

11 Section 69. Subsections (1) and (6) of section
12 409.9071, Florida Statutes, are amended to read:

13 409.9071 Medicaid provider agreements for school
14 districts certifying state match.--

15 (1) The agency shall ~~submit a state plan amendment by~~
16 ~~September 1, 1997, for the purpose of obtaining federal~~
17 ~~authorization to~~ reimburse school-based services as provided
18 in former s. 236.0812 pursuant to the rehabilitative services
19 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes
20 of this section, billing agent consulting services shall be
21 considered billing agent services, as that term is used in s.
22 409.913(10), and, as such, payments to such persons shall not
23 be based on amounts for which they bill nor based on the
24 amount a provider receives from the Medicaid program. This
25 provision shall not restrict privatization of Medicaid
26 school-based services. Subject to any limitations provided for
27 in the General Appropriations Act, the agency, in compliance
28 with appropriate federal authorization, shall develop policies
29 and procedures and shall allow for certification of state and
30 local education funds which have been provided for
31 school-based services as specified in s. 1011.70 and

1 authorized by a physician's order where required by federal
2 Medicaid law. Any state or local funds certified pursuant to
3 this section shall be for children with specified disabilities
4 who are eligible for both Medicaid and part B or part H of the
5 Individuals with Disabilities Education Act (IDEA), or the
6 exceptional student education program, or who have an
7 individualized educational plan.

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

12
13 Reviser's note.--Subsection (1) is amended to
14 delete a provision that has served its purpose.
15 Subsection (6) is amended to make the sentence
16 complete and provide clarity.

17
18 Section 70. Subparagraph 4. of paragraph (a) of
19 subsection (1) of section 409.908, Florida Statutes, is
20 repealed.

21
22 Reviser's note.--The cited subparagraph, which
23 provides for hospital inpatient rates to be
24 reduced by 6 percent effective July 1, 2001,
25 and restored effective April 1, 2002, has
26 served its purpose.

27
28 Section 71. Section 409.91188, Florida Statutes, is
29 amended to read:

30 409.91188 Specialty prepaid health plans for Medicaid
31 recipients with HIV or AIDS.--The Agency for Health Care

1 Administration is authorized to contract with specialty
2 prepaid health plans and pay them on a prepaid capitated basis
3 to provide Medicaid benefits to Medicaid-eligible recipients
4 who have human immunodeficiency syndrome (HIV) or acquired
5 immunodeficiency syndrome (AIDS). The agency shall apply for
6 and is authorized to implement federal waivers or other
7 necessary federal authorization to implement the prepaid
8 health plans authorized by this section. The agency shall
9 procure the specialty prepaid health plans through a
10 competitive procurement. In awarding a contract to a managed
11 care plan, the agency shall take into account price, quality,
12 accessibility, linkages to community-based organizations, and
13 the comprehensiveness of the benefit package offered by the
14 plan. The agency may bid the HIV/AIDS specialty plans on a
15 county, regional, or statewide basis. Qualified plans must be
16 licensed under chapter 641. The agency shall monitor and
17 evaluate the implementation of this waiver program if it is
18 approved by the Federal Government ~~and shall report on its~~
19 ~~status to the President of the Senate and the Speaker of the~~
20 ~~House of Representatives by February 1, 2001.~~ To improve
21 coordination of medical care delivery and to increase cost
22 efficiency for the Medicaid program in treating HIV disease,
23 the Agency for Health Care Administration shall seek all
24 necessary federal waivers to allow participation in the
25 Medipass HIV disease management program for Medicare
26 beneficiaries who test positive for HIV infection and who also
27 qualify for Medicaid benefits such as prescription medications
28 not covered by Medicare.

29

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

1 Section 72. Paragraph (a) of subsection (4), paragraph
2 (b) of subsection (16), subsection (41), and paragraph (d) of
3 subsection (49) of section 409.912, Florida Statutes, are
4 amended to read:

5 409.912 Cost-effective purchasing of health care.--The
6 agency shall purchase goods and services for Medicaid
7 recipients in the most cost-effective manner consistent with
8 the delivery of quality medical care. To ensure that medical
9 services are effectively utilized, the agency may, in any
10 case, require a confirmation or second physician's opinion of
11 the correct diagnosis for purposes of authorizing future
12 services under the Medicaid program. This section does not
13 restrict access to emergency services or poststabilization
14 care services as defined in 42 C.F.R. part 438.114. Such
15 confirmation or second opinion shall be rendered in a manner
16 approved by the agency. The agency shall maximize the use of
17 prepaid per capita and prepaid aggregate fixed-sum basis
18 services when appropriate and other alternative service
19 delivery and reimbursement methodologies, including
20 competitive bidding pursuant to s. 287.057, designed to
21 facilitate the cost-effective purchase of a case-managed
22 continuum of care. The agency shall also require providers to
23 minimize the exposure of recipients to the need for acute
24 inpatient, custodial, and other institutional care and the
25 inappropriate or unnecessary use of high-cost services. The
26 agency may mandate prior authorization, drug therapy
27 management, or disease management participation for certain
28 populations of Medicaid beneficiaries, certain drug classes,
29 or particular drugs to prevent fraud, abuse, overuse, and
30 possible dangerous drug interactions. The Pharmaceutical and
31 Therapeutics Committee shall make recommendations to the

1 agency on drugs for which prior authorization is required. The
2 agency shall inform the Pharmaceutical and Therapeutics
3 Committee of its decisions regarding drugs subject to prior
4 authorization. The agency is authorized to limit the entities
5 it contracts with or enrolls as Medicaid providers by
6 developing a provider network through provider credentialing.
7 The agency may limit its network based on the assessment of
8 beneficiary access to care, provider availability, provider
9 quality standards, time and distance standards for access to
10 care, the cultural competence of the provider network,
11 demographic characteristics of Medicaid beneficiaries,
12 practice and provider-to-beneficiary standards, appointment
13 wait times, beneficiary use of services, provider turnover,
14 provider profiling, provider licensure history, previous
15 program integrity investigations and findings, peer review,
16 provider Medicaid policy and billing compliance records,
17 clinical and medical record audits, and other factors.
18 Providers shall not be entitled to enrollment in the Medicaid
19 provider network. The agency is authorized to seek federal
20 waivers necessary to implement this policy.

21 (4) The agency may contract with:

22 (a) An entity that provides no prepaid health care
23 services other than Medicaid services under contract with the
24 agency and which is owned and operated by a county, county
25 health department, or county-owned and operated hospital to
26 provide health care services on a prepaid or fixed-sum basis
27 to recipients, which entity may provide such prepaid services
28 either directly or through arrangements with other providers.
29 Such prepaid health care services entities must be licensed
30 under parts I and III ~~by January 1, 1998, and until then are~~
31 ~~exempt from the provisions of part I of chapter 641.~~ An entity

1 recognized under this paragraph which demonstrates to the
2 satisfaction of the Office of Insurance Regulation of the
3 Financial Services Commission that it is backed by the full
4 faith and credit of the county in which it is located may be
5 exempted from s. 641.225.

6 (16)

7 (b) The responsibility of the agency under this
8 subsection shall include the development of capabilities to
9 identify actual and optimal practice patterns; patient and
10 provider educational initiatives; methods for determining
11 patient compliance with prescribed treatments; fraud, waste,
12 and abuse prevention and detection programs; and beneficiary
13 case management programs.

14 1. The practice pattern identification program shall
15 evaluate practitioner prescribing patterns based on national
16 and regional practice guidelines, comparing practitioners to
17 their peer groups. The agency and its Drug Utilization Review
18 Board shall consult with the Department of Health and a panel
19 of practicing health care professionals consisting of the
20 following: the Speaker of the House of Representatives and the
21 President of the Senate shall each appoint three physicians
22 licensed under chapter 458 or chapter 459; and the Governor
23 shall appoint two pharmacists licensed under chapter 465 and
24 one dentist licensed under chapter 466 who is an oral surgeon.
25 Terms of the panel members shall expire at the discretion of
26 the appointing official. ~~The panel shall begin its work by~~
27 ~~August 1, 1999, regardless of the number of appointments made~~
28 ~~by that date.~~ The advisory panel shall be responsible for
29 evaluating treatment guidelines and recommending ways to
30 incorporate their use in the practice pattern identification
31 program. Practitioners who are prescribing inappropriately or

1 inefficiently, as determined by the agency, may have their
2 prescribing of certain drugs subject to prior authorization or
3 may be terminated from all participation in the Medicaid
4 program.

5 2. The agency shall also develop educational
6 interventions designed to promote the proper use of
7 medications by providers and beneficiaries.

8 3. The agency shall implement a pharmacy fraud, waste,
9 and abuse initiative that may include a surety bond or letter
10 of credit requirement for participating pharmacies, enhanced
11 provider auditing practices, the use of additional fraud and
12 abuse software, recipient management programs for
13 beneficiaries inappropriately using their benefits, and other
14 steps that will eliminate provider and recipient fraud, waste,
15 and abuse. The initiative shall address enforcement efforts to
16 reduce the number and use of counterfeit prescriptions.

17 4. By September 30, 2002, the agency shall contract
18 with an entity in the state to implement a wireless handheld
19 clinical pharmacology drug information database for
20 practitioners. The initiative shall be designed to enhance the
21 agency's efforts to reduce fraud, abuse, and errors in the
22 prescription drug benefit program and to otherwise further the
23 intent of this paragraph.

24 5. The agency may apply for any federal waivers needed
25 to implement this paragraph.

26 (41) The agency shall provide for the development of a
27 demonstration project by establishment in Miami-Dade County of
28 a long-term-care facility licensed pursuant to chapter 395 to
29 improve access to health care for a predominantly minority,
30 medically underserved, and medically complex population and to
31 evaluate alternatives to nursing home care and general acute

1 care for such population. Such project is to be located in a
2 health care condominium and colocated with licensed facilities
3 providing a continuum of care. The establishment of this
4 project is not subject to the provisions of s. 408.036 or s.
5 408.039. ~~The agency shall report its findings to the Governor,~~
6 ~~the President of the Senate, and the Speaker of the House of~~
7 ~~Representatives by January 1, 2003.~~

8 (49) The agency shall contract with established
9 minority physician networks that provide services to
10 historically underserved minority patients. The networks must
11 provide cost-effective Medicaid services, comply with the
12 requirements to be a MediPass provider, and provide their
13 primary care physicians with access to data and other
14 management tools necessary to assist them in ensuring the
15 appropriate use of services, including inpatient hospital
16 services and pharmaceuticals.

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

19
20 Reviser's note.--Paragraphs (4)(a) and (16)(b)
21 and subsection (41) are amended to delete
22 provisions that have served their purpose.
23 Paragraph (49)(d) is amended to conform to the
24 context of the reference.

25
26 Section 73. Subsection (3) of section 420.504, Florida
27 Statutes, is amended to read:

28 420.504 Public corporation; creation, membership,
29 terms, expenses.--

30 (3) The corporation is a separate budget entity and is
31 not subject to control, supervision, or direction by the

1 Department of Community Affairs in any manner, including, but
2 not limited to, personnel, purchasing, transactions involving
3 real or personal property, and budgetary matters. The
4 corporation shall consist of a board of directors composed of
5 the Secretary of Community Affairs as an ex officio and voting
6 member and eight members appointed by the Governor subject to
7 confirmation by the Senate from the following:

8 (a) One citizen actively engaged in the residential
9 home building industry.

10 (b) One citizen actively engaged in the banking or
11 mortgage banking industry.

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

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

16 (e) One citizen actively engaged in the commercial
17 building industry.

18 (f) One citizen who is a former local government
19 elected official.

20 (g) Two citizens of the state who are not principally
21 employed as members or representatives of any of the groups
22 specified in paragraphs (a)-(f).
23

24 ~~The changes in membership categories required by this act~~
25 ~~shall be effective when the term of one citizen member expires~~
26 ~~in 1998.~~

27
28 Reviser's note.--Amended to delete a provision
29 that has served its purpose.
30
31

1 Section 74. Paragraph (g) of subsection (2) of section
2 430.04, Florida Statutes, is reenacted to read:

3 430.04 Duties and responsibilities of the Department
4 of Elderly Affairs.--The Department of Elderly Affairs shall:

5 (2) Be responsible for ensuring that each area agency
6 on aging operates in a manner to ensure that the elderly of
7 this state receive the best services possible. The department
8 shall rescind designation of an area agency on aging or take
9 intermediate measures against the agency, including corrective
10 action, unannounced special monitoring, temporary assumption
11 of operation of one or more programs by the department,
12 placement on probationary status, imposing a moratorium on
13 agency action, imposing financial penalties for
14 nonperformance, or other administrative action pursuant to
15 chapter 120, if the department finds that:

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

18
19 Reviser's note.--Section 4, ch. 2004-386, Laws
20 of Florida, amended subsection (2), including
21 insertion of a new paragraph (f), without
22 publishing existing paragraph (f). Absent
23 affirmative evidence of legislative intent to
24 repeal existing paragraph (f), it is reenacted
25 here, redesignated as paragraph (g), to confirm
26 that the omission was not intended.

27
28 Section 75. Paragraph (b) of subsection (6) of section
29 430.205, Florida Statutes, is amended to read:

30 430.205 Community care service system.--
31

1 (6) Notwithstanding other requirements of this
2 chapter, the Department of Elderly Affairs and the Agency for
3 Health Care Administration shall develop an integrated
4 long-term-care delivery system.

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

6 1. The agency, in consultation with the department,
7 shall develop an implementation plan to integrate the Frail
8 Elder Option into the Nursing Home Diversion pilot project and
9 each program's funds into one capitated program serving the
10 aged. Beginning July 1, 2004, the agency may not enroll
11 additional individuals in the Frail Elder Option.

12 2. The agency, in consultation with the department,
13 shall integrate the Aged and Disabled Adult Medicaid waiver
14 program and the Assisted Living for the Elderly Medicaid
15 waiver program and each program's funds into one
16 fee-for-service Medicaid waiver program serving the aged and
17 disabled. Once the programs are integrated, funding to provide
18 care in assisted-living facilities under the new waiver may
19 not be less than the amount appropriated in the 2003-2004
20 fiscal year for the Assisted Living for the Elderly Medicaid
21 waiver.

22 a. The agency shall seek federal waivers necessary to
23 integrate these waiver programs.

24 b. The agency and the department shall reimburse
25 providers for case management services on a capitated basis
26 and develop uniform standards for case management in this
27 fee-for-service Medicaid waiver program. The coordination of
28 acute and chronic medical services for individuals shall be
29 included in the capitated rate for case management services.

30 c. The agency and the department shall adopt any rules
31 necessary to comply with or administer these requirements,

1 effect and implement interagency agreements between the
2 department and the agency, and comply with federal
3 requirements.

4 3. The Legislature finds that preservation of the
5 historic aging network of lead agencies is essential to the
6 well-being of Florida's elderly population. The Legislature
7 finds that the Florida aging network constitutes a system of
8 essential community providers which should be nurtured and
9 assisted to develop systems of operations which allow the
10 gradual assumption of responsibility and financial risk for
11 managing a client through the entire continuum of long-term
12 care services within the area the lead agency is currently
13 serving, and which allow lead agency providers to develop
14 managed systems of service delivery. The department, in
15 consultation with the agency, shall therefore:

16 a. Develop a demonstration project in which existing
17 community care for the elderly lead agencies are assisted in
18 transferring their business model and the service delivery
19 system within their current community care service area to
20 enable assumption, over a period of time, of full risk as a
21 community diversion pilot project contractor providing
22 long-term care services in the areas of operation. The
23 department, in consultation with the agency and the Department
24 of Children and Family Services, shall develop an
25 implementation plan for no more than three lead agencies by
26 October 31, 2004.

27 b. In the demonstration area, a community care for the
28 elderly lead agency shall be initially reimbursed on a prepaid
29 or fixed-sum basis for services provided under the newly
30 integrated fee-for-service Medicaid waiver. By the end of the
31 third year of operation, the demonstration project shall

1 include all services under the long-term care community
2 diversion pilot project.

3 c. During the first year of operation, the department,
4 in consultation with the agency, may place providers at risk
5 to provide nursing home services for the enrolled individuals
6 who are participating in the demonstration project. During the
7 3-year development period, the agency and the department may
8 limit the level of custodial nursing home risk that the
9 administering entities assume. Under risk-sharing
10 arrangements, during the first 3 years of operation, the
11 department, in consultation with the agency, may reimburse the
12 administering entity for the cost of providing nursing home
13 care for Medicaid-eligible participants who have been
14 permanently placed and remain in a nursing home for more than
15 1 year, or may disenroll such participants from the
16 demonstration project.

17 d. The agency, in consultation with the department,
18 shall develop reimbursement rates based on the historical cost
19 experience of the state in providing long-term care and
20 nursing home services under Medicaid waiver programs to the
21 population 65 years of age and older in the area served by the
22 pilot project.

23 e. The department, in consultation with the agency,
24 shall ensure that the entity or entities receiving prepaid or
25 fixed-sum reimbursement are assisted in developing internal
26 management and financial control systems necessary to manage
27 the risk associated with providing services under a prepaid or
28 fixed-sum rate system.

29 f. If the department and the agency share risk of
30 custodial nursing home placement, payment rates during the
31 first 3 years of operation shall be set at not more than 100

1 | percent of the costs to the agency and the department of
2 | providing equivalent services to the population within the
3 | area of the pilot project for the year prior to the year in
4 | which the pilot project is implemented, adjusted forward to
5 | account for inflation and policy changes in the Medicaid
6 | program. In subsequent years, the rate shall be negotiated,
7 | based on the cost experience of the entity in providing
8 | contracted services, but may not exceed 95 percent of the
9 | amount that would have been paid in the pilot project area
10 | absent the prepaid or fixed sum reimbursement methodology.

11 | g. Community care for the elderly lead agencies that
12 | have operated for a period of at least 20 years, which provide
13 | Medicare-certified services to elders, and which have
14 | developed a system of service provision by health care
15 | volunteers shall be given priority in the selection of the
16 | pilot project if they meet the minimum requirements specified
17 | in the competitive procurement.

18 | h. The agency and the department shall adopt rules
19 | necessary to comply with or administer these requirements,
20 | effect and implement interagency agreements between the agency
21 | and the department, and comply with federal requirements.

22 | i. The department and the agency shall seek federal
23 | waivers necessary to implement the requirements of this
24 | section.

25 | j. The Department of Elderly Affairs shall conduct or
26 | contract for an evaluation of the demonstration project. The
27 | department shall submit the evaluation to the Governor and the
28 | Legislature by January 1, 2007. The evaluation must address
29 | the effectiveness of the pilot project in providing a
30 | comprehensive system of appropriate and high-quality,
31 | long-term care services to elders in the least restrictive

1 setting and make recommendations on expanding the project to
2 other parts of the state.

3 4. The department, in consultation with the agency,
4 shall study the integration of the database systems for the
5 Comprehensive Assessment and Review of Long-Term Care (CARES)
6 program and the Client Information and Referral Tracking
7 System (CIRTS) and develop a plan for database integration.
8 The department shall submit the plan to the Governor, the
9 President of the Senate, and the Speaker of the House of
10 Representatives by December 31, 2004.

11 5. The agency, in consultation with the department,
12 shall work with the fiscal agent for the Medicaid program to
13 develop a service utilization reporting system that operates
14 through the fiscal agent for the capitated plans.

15
16 Reviser's note.--Amended to improve clarity and
17 facilitate correct interpretation.

18
19 Section 76. Subsection (6) of section 440.05, Florida
20 Statutes, is amended to read:

21 440.05 Election of exemption; revocation of election;
22 notice; certification.--

23 (6) A construction industry certificate of election to
24 be exempt which is issued in accordance with this section
25 shall be valid for 2 years after the effective date stated
26 thereon. Both the effective date and the expiration date must
27 be listed on the face of the certificate by the department.
28 The construction industry certificate must expire at midnight,
29 2 years from its issue date, as noted on the face of the
30 exemption certificate. ~~Any person who has received from the~~
31 ~~department a construction industry certificate of election to~~

1 ~~be exempt which is in effect on December 31, 1998, shall file~~
2 ~~a new notice of election to be exempt by the last day in his~~
3 ~~or her birth month following December 1, 1998.~~ A construction
4 industry certificate of election to be exempt may be revoked
5 before its expiration by the officer for whom it was issued or
6 by the department for the reasons stated in this section. At
7 least 60 days prior to the expiration date of a construction
8 industry certificate of exemption issued after December 1,
9 1998, the department shall send notice of the expiration date
10 and an application for renewal to the certificateholder at the
11 address on the certificate.

12
13 Reviser's note.--Amended to delete a provision
14 that has served its purpose.

15
16 Section 77. Paragraph (a) of subsection (6) of section
17 440.491, Florida Statutes, is amended to read:

18 440.491 Reemployment of injured workers;
19 rehabilitation.--

20 (6) TRAINING AND EDUCATION.--

21 (a) Upon referral of an injured employee by the
22 carrier, or upon the request of an injured employee, the
23 department shall conduct a training and education screening to
24 determine whether it should refer the employee for a
25 vocational evaluation and, if appropriate, approve training
26 and education or other vocational services for the employee.
27 The department may not approve formal training and education
28 programs unless it determines, after consideration of the
29 reemployment assessment, pertinent reemployment status reviews
30 or reports, and such other relevant factors as it prescribes
31 by rule, that the reemployment plan is likely to result in

1 return to suitable gainful employment. The department is
2 authorized to expend moneys from the Workers' Compensation
3 Administration Trust Fund, established by s. 440.50, to secure
4 appropriate training and education at a community college as
5 designated in s. 1000.21(3) or at a career center
6 ~~vocational technical school~~ established under s. 1001.44, or
7 to secure other vocational services when necessary to satisfy
8 the recommendation of a vocational evaluator. As used in this
9 paragraph, "appropriate training and education" includes
10 securing a general education diploma (GED), if necessary. The
11 department shall establish training and education standards
12 pertaining to employee eligibility, course curricula and
13 duration, and associated costs.

14
15 Reviser's note.--Amended to conform to the
16 substitution of the term "career center" for
17 "vocational-technical school" throughout
18 statutory material relating to the subject by
19 ch. 2004-357, Laws of Florida. Also amended to
20 conform to the terminology used in s. 1001.44.

21
22 Section 78. Section 440.591, Florida Statutes, is
23 amended to read:

24 440.591 Administrative procedure; rulemaking
25 authority.--The department, the Financial Services Commission,
26 the agency, and the Department of Education may adopt rules
27 pursuant to ss. 120.536(1) and 120.54 to implement the
28 provisions of this chapter conferring duties upon them ~~it~~.

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

1 Section 79. Paragraph (a) of subsection (5) of section
2 443.191, Florida Statutes, is amended to read:

3 443.191 Unemployment Compensation Trust Fund;
4 establishment and control.--

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

6 (a) Money credited to this state's account in the
7 federal Unemployment Compensation Trust Fund by the Secretary
8 of the Treasury of the United States under 42 U.S.C. s. 1103
9 may not be requisitioned from this state's account or used
10 except for the payment of benefits and for the payment of
11 expenses incurred for the administration of this chapter.
12 These moneys may be requisitioned under subsection (3) for the
13 payment of benefits. These moneys may also be requisitioned
14 and used for the payment of expenses incurred for the
15 administration of this chapter, but only under a specific
16 appropriation by the Legislature and only if the expenses are
17 incurred and the money is requisitioned after the enactment of
18 an appropriations law that:

19 1. Specifies the purposes for which the money is
20 appropriated and the amounts appropriated;

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

24 3. Limits the amount that may be obligated during any
25 12-month period beginning on July 1 and ending on the next
26 June 30 to an amount that does not exceed the amount by which
27 the aggregate of the amounts credited to the state's account
28 under 42 U.S.C. s. 1103 during the same 12-month period and
29 the 34 preceding 12-month periods exceeds the aggregate of the
30 amounts obligated for administration and paid out for benefits
31

1 and charged against the amounts credited to the state's
2 account during those 35 12-month periods.

3
4 ~~Notwithstanding this paragraph, money credited for federal~~
5 ~~fiscal years 1999, 2000, and 2001 may only be used solely for~~
6 ~~the administration of the Unemployment Compensation Program.~~
7 ~~This money is not otherwise subject to this paragraph when~~
8 ~~appropriated by the Legislature.~~

9
10 Reviser's note.--Amended to delete a provision
11 that has served its purpose.

12
13 Section 80. Subsection (5) and paragraph (b) of
14 subsection (6) of section 445.003, Florida Statutes, are
15 repealed.

16
17 Reviser's note.--Subsection (5), which required
18 the former Department of Labor and Employment
19 Security to phase-down Job Training Partnership
20 Act duties before the July 1, 2000, abolishment
21 of the federal program, and to complete related
22 outstanding accounts and issues by July 1, 2002
23 (transfer to Agency for Workforce Innovation),
24 is obsolete. Paragraph (6)(b), which required
25 the Office of Program Policy Analysis and
26 Government Accountability to review the
27 workforce development system and submit a final
28 report by December 31, 2002, has served its
29 purpose.

30
31

1 Section 81. Subsection (3) and paragraph (b) of
2 subsection (9) of section 445.009, Florida Statutes, are
3 amended to read:

4 445.009 One-stop delivery system.--

5 (3) ~~Notwithstanding any other provision of law, any~~
6 ~~memorandum of understanding in effect on June 30, 2000,~~
7 ~~between a regional workforce board and the Department of Labor~~
8 ~~and Employment Security governing the delivery of workforce~~
9 ~~services shall remain in effect until September 30, 2000.~~

10 Beginning October 1, 2000, regional workforce boards shall
11 enter into a memorandum of understanding with the Agency for
12 Workforce Innovation for the delivery of employment services
13 authorized by the federal Wagner-Peyser Act. This memorandum
14 of understanding must be performance based.

15 (a) Unless otherwise required by federal law, at least
16 90 percent of the Wagner-Peyser funding must go into direct
17 customer service costs.

18 (b) Employment services must be provided through the
19 one-stop delivery system, under the guidance of one-stop
20 delivery system operators. One-stop delivery system operators
21 shall have overall authority for directing the staff of the
22 workforce system. Personnel matters shall remain under the
23 ultimate authority of the Agency for Workforce Innovation.
24 However, the one-stop delivery system operator shall submit to
25 the agency information concerning the job performance of
26 agency employees who deliver employment services. The agency
27 shall consider any such information submitted by the one-stop
28 delivery system operator in conducting performance appraisals
29 of the employees.

30 (c) The agency shall retain fiscal responsibility and
31 accountability for the administration of funds allocated to

1 the state under the Wagner-Peyser Act. An agency employee who
2 is providing services authorized under the Wagner-Peyser Act
3 shall be paid using Wagner-Peyser Act funds.

4 ~~(d) The Office of Program Policy Analysis and~~
5 ~~Government Accountability, in consultation with Workforce~~
6 ~~Florida, Inc., shall review the delivery of employment~~
7 ~~services under the Wagner-Peyser Act and the integration of~~
8 ~~those services with other activities performed through the~~
9 ~~one stop delivery system and shall provide recommendations to~~
10 ~~the Legislature for improving the effectiveness of the~~
11 ~~delivery of employment services in this state. The Office of~~
12 ~~Program Policy Analysis and Government Accountability shall~~
13 ~~submit a report and recommendations to the Governor, the~~
14 ~~President of the Senate, and the Speaker of the House of~~
15 ~~Representatives by December 31, 2002.~~

16 (9)

17 (b) The network shall assure that a uniform method is
18 used to determine eligibility for and management of services
19 provided by agencies that conduct workforce development
20 activities. The Department of Management Services shall
21 develop strategies to allow access to the databases and
22 information management systems of the following systems in
23 order to link information in those databases with the one-stop
24 delivery system:

25 1. The Unemployment Compensation Program of the Agency
26 for Workforce Innovation.

27 2. The public employment service described in s.
28 443.181.

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

31

1 ~~4. The Workers' Compensation System of the Department~~
2 ~~of Labor and Employment Security.~~

3 4.5. The Student Financial Assistance System of the
4 Department of Education.

5 5.6. Enrollment in the public postsecondary education
6 system.

7 6.7. Other information systems determined appropriate
8 by Workforce Florida, Inc.

9
10 The systems shall be fully coordinated at both the state and
11 local levels by July 1, 2001.

12
13 Reviser's note.--Amended to delete provisions
14 that are obsolete or have served their purpose.
15 Subparagraph (9)(b)4. is deleted to remove a
16 reference to an information management system
17 of the Department of Labor and Employment
18 Security; the system was not implemented, and
19 the department was abolished by s. 69, ch.
20 2002-194, Laws of Florida.

21
22 Section 82. Section 446.051, Florida Statutes, is
23 reenacted to read:

24 446.051 Related instruction for apprentices.--

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

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

7
8 Reviser's note.--Reenacted to confirm the
9 substitution of the term "career education" for
10 "vocational education" to conform to that
11 substitution throughout statutory material
12 relating to the subject by ch. 2004-357, Laws
13 of Florida.

14
15 Section 83. Paragraph (a) of subsection (1) and
16 subsection (2) of section 450.081, Florida Statutes, are
17 reenacted to read:

18 450.081 Hours of work in certain occupations.--

19 (1)(a) Minors 15 years of age or younger shall not be
20 employed, permitted, or suffered to work before 7 a.m. or
21 after 7 p.m. when school is scheduled the following day or for
22 more than 15 hours in any one week. On any school day, minors
23 15 years of age or younger who are not enrolled in a career
24 education program shall not be gainfully employed for more
25 than 3 hours, unless there is no session of school the
26 following day.

27 (2) Minors 16 and 17 years of age shall not be
28 employed, permitted, or suffered to work before 6:30 a.m. or
29 after 11:00 p.m. or for more than 8 hours in any one day when
30 school is scheduled the following day. When school is in
31 session, minors 16 and 17 years of age shall not work more

1 | than 30 hours in any one week. On any school day, minors 16
2 | and 17 years of age who are not enrolled in a career education
3 | program shall not be gainfully employed during school hours.
4 |

5 | Reviser's note.--Reenacted to confirm the
6 | substitution of the term "career education" for
7 | "vocational education" to conform to that
8 | substitution throughout statutory material
9 | relating to the subject by ch. 2004-357, Laws
10 | of Florida.
11 |

12 | Section 84. Subsection (2) of section 455.2177,
13 | Florida Statutes, is amended to read:

14 | 455.2177 Monitoring of compliance with continuing
15 | education requirements.--

16 | (2) The department may refuse renewal of a licensee's
17 | license until the licensee has satisfied all applicable
18 | continuing education requirements. This subsection does not
19 | preclude the department or boards from imposing additional
20 | penalties pursuant to the applicable practice act or rules
21 | adopted pursuant thereto.
22 |

23 | Reviser's note.--Amended to improve clarity and
24 | correct sentence construction.
25 |

26 | Section 85. Paragraph (c) of subsection (14) of
27 | section 455.32, Florida Statutes, is amended to read:

28 | 455.32 Management Privatization Act.--

29 | (14) The contract between the department and the
30 | corporation must be in compliance with this section and other
31 | applicable laws. The department shall retain responsibility

1 | for any duties it currently exercises relating to its police
2 | powers and any other current duty that is not provided to the
3 | corporation by contract or this section. The contract shall
4 | provide, at a minimum, that:

5 | (c) The corporation submit an annual budget for
6 | approval by the department. If the department's appropriations
7 | request differs from the budget submitted by the corporation,
8 | the relevant professional board shall be permitted to
9 | authorize the inclusion in the appropriations request of a
10 | comment or statement of disagreement with the department's
11 | request.

12 |
13 | Reviser's note.--Amended to improve clarity and
14 | correct sentence construction.

15 |
16 | Section 86. Subsection (2) of section 475.615, Florida
17 | Statutes, is amended to read:

18 | 475.615 Qualifications for registration, licensure, or
19 | certification.--

20 | (2) The board is authorized to waive or modify any
21 | education, experience, or examination requirements established
22 | in this part ~~section~~ in order to conform with any such
23 | requirements established by the Appraisal Qualifications Board
24 | of the Appraisal Foundation and recognized by the Appraisal
25 | Subcommittee or any successor body recognized by federal law.

26 |
27 | Reviser's note.--Amended to improve clarity and
28 | facilitate correct interpretation. Section 9,
29 | ch. 91-89, Laws of Florida, created part II,
30 | ch. 475, Florida Statutes, regulating
31 | appraisers, including the reference to "this

1 section." Education, experience, and
2 examination requirements were created by s. 9,
3 ch. 91-89, and are located in ss. 475.616 and
4 475.617.

5
6 Section 87. Section 489.146, Florida Statutes, is
7 amended to read:

8 489.146 Privatization of services.--Notwithstanding
9 any other provision of this part relating to the review of
10 licensure applications, issuance of licenses and renewals,
11 collection of revenues, fees, and fines, service of documents,
12 publications, and printing, and other ministerial functions of
13 the department relating to the regulation of contractors, the
14 department shall make all reasonable efforts to contract with
15 one or more private entities for provision of such services,
16 when such services can be provided in a more efficient manner
17 by private entities. The department or the board shall retain
18 final authority for licensure decisions and rulemaking,
19 including all appeals or other legal action resulting from
20 such licensure decisions or rulemaking. The department and the
21 board shall adopt rules to implement the provisions of this
22 section. ~~The department shall report all progress and the~~
23 ~~status of privatization and privatization efforts to the~~
24 ~~Legislature by March 1, 1998.~~

25
26 Reviser's note.--Amended to delete a provision
27 that has served its purpose.

28
29 Section 88. Subsection (4) of section 489.531, Florida
30 Statutes, is reenacted to read:

31 489.531 Prohibitions; penalties.--

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

7 (a) A code enforcement officer designated pursuant to
8 this subsection may issue a citation for any violation of
9 subsection (1) whenever, based upon personal investigation,
10 the code enforcement officer has reasonable and probable
11 grounds to believe that such a violation has occurred.

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

- 15 1. The time and date of issuance.
- 16 2. The name and address of the person to whom the
17 citation is issued.
- 18 3. The time and date of the violation.
- 19 4. A brief description of the violation and the facts
20 constituting reasonable cause.
- 21 5. The name of the code enforcement officer.
- 22 6. The procedure for the person to follow in order to
23 pay the civil penalty or to contest the citation.
- 24 7. The applicable civil penalty if the person elects
25 not to contest the citation.

26 (c) The local governing body of the county or
27 municipality is authorized to enforce codes and ordinances
28 against unlicensed contractors under the provisions of this
29 section and may enact an ordinance establishing procedures for
30 implementing this section, including a schedule of penalties
31 to be assessed by the code enforcement officers. The maximum

1 civil penalty which may be levied shall not exceed \$500.

2 Moneys collected pursuant to this section shall be retained
3 locally as provided for by local ordinance and may be set
4 aside in a specific fund to support future enforcement
5 activities against unlicensed contractors.

6 (d) The act for which the citation is issued shall be
7 ceased upon receipt of the citation; and the person charged
8 with the violation shall elect either to correct the violation
9 and pay the civil penalty in the manner indicated on the
10 citation or, within 10 days of receipt of the citation,
11 exclusive of weekends and legal holidays, request an
12 administrative hearing before the enforcement or licensing
13 board or designated special magistrate to appeal the issuance
14 of the citation by the code enforcement officer.

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

19 2. Failure of a violator to appeal the decision of the
20 code enforcement officer within the time period set forth in
21 this paragraph shall constitute a waiver of the violator's
22 right to an administrative hearing. A waiver of the right to
23 administrative hearing shall be deemed an admission of the
24 violation and, penalties may be imposed accordingly.

25 3. If the person issued the citation, or his or her
26 designated representative, shows that the citation is invalid
27 or that the violation has been corrected prior to appearing
28 before the enforcement or licensing board or designated
29 special magistrate, the enforcement or licensing board or
30 designated special magistrate shall dismiss the citation
31 unless the violation is irreparable or irreversible.

1 4. Each day a willful, knowing violation continues
2 shall constitute a separate offense under the provisions of
3 this subsection.

4 (e) A person cited for a violation pursuant to this
5 subsection is deemed to be charged with a noncriminal
6 infraction.

7 (f) If the enforcement or licensing board or
8 designated special magistrate finds that a violation exists,
9 the enforcement or licensing board or designated special
10 magistrate may order the violator to pay a civil penalty of
11 not less than the amount set forth on the citation but not
12 more than \$500 per day for each violation. In determining the
13 amount of the penalty, the enforcement or licensing board or
14 designated special magistrate shall consider the following
15 factors:

- 16 1. The gravity of the violation.
17 2. Any actions taken by the violator to correct the
18 violation.
19 3. Any previous violations committed by the violator.

20 (g) Upon written notification by the code enforcement
21 officer that a violator had not contested the citation or paid
22 the civil penalty within the timeframe allowed on the
23 citation, or if a violation has not been corrected within the
24 timeframe set forth on the notice of violation, the
25 enforcement or licensing board or the designated special
26 magistrate shall enter an order ordering the violator to pay
27 the civil penalty set forth on the citation or notice of
28 violation, and a hearing shall not be necessary for the
29 issuance of such order.

30 (h) A certified copy of an order imposing a civil
31 penalty against an uncertified contractor may be recorded in

1 | the public records and thereafter shall constitute a lien
2 | against any real or personal property owned by the violator.
3 | Upon petition to the circuit court, such order may be enforced
4 | in the same manner as a court judgment by the sheriffs of this
5 | state, including a levy against personal property; however,
6 | such order shall not be deemed to be a court judgment except
7 | for enforcement purposes. A civil penalty imposed pursuant to
8 | this part shall continue to accrue until the violator comes
9 | into compliance or until judgment is rendered in a suit to
10 | foreclose on a lien filed pursuant to this section, whichever
11 | occurs first. After 3 months from the filing of any such lien
12 | which remains unpaid, the enforcement or licensing board or
13 | designated special magistrate may authorize the local
14 | governing body's attorney to foreclose on the lien. No lien
15 | created pursuant to the provisions of this part may be
16 | foreclosed on real property which is a homestead under s. 4,
17 | Art. X of the State Constitution.

18 | (i) This subsection does not authorize or permit a
19 | code enforcement officer to perform any function or duty of a
20 | law enforcement officer other than a function or duty that is
21 | authorized in this subsection.

22 | (j) An aggrieved party, including the local governing
23 | body, may appeal a final administrative order of an
24 | enforcement or licensing board or designated special
25 | magistrate to the circuit court. Such an appeal shall not be a
26 | hearing de novo but shall be limited to appellate review of
27 | the record created before the enforcement or licensing board
28 | or designated special magistrate. An appeal shall be filed
29 | within 30 days of the execution of the order to be appealed.

30 | (k) All notices required by this subsection shall be
31 | provided to the alleged violator by certified mail, return

1 receipt requested; by hand delivery by the sheriff or other
2 law enforcement officer or code enforcement officer; by
3 leaving the notice at the violator's usual place of residence
4 with some person of his or her family above 15 years of age
5 and informing such person of the contents of the notice; or by
6 including a hearing date within the citation.

7 (l) For those counties which enact ordinances to
8 implement this subsection and which have local construction
9 licensing boards or local government code enforcement boards,
10 the local construction licensing board or local government
11 code enforcement board shall be responsible for the
12 administration of such citation program and training of code
13 enforcement officers. The local governing body of the county
14 shall enter into interlocal agreements with any municipalities
15 in the county so that such municipalities may by ordinance,
16 resolution, policy, or administrative order, authorize
17 individuals to enforce the provisions of this section. Such
18 individuals shall be subject to the requirements of training
19 as specified by the local construction licensing board.

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

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

27 (o) Nothing in this subsection shall be construed to
28 authorize local jurisdictions to exercise disciplinary
29 authority or procedures established in this subsection against
30 an individual holding a proper valid certificate issued
31 pursuant to this part.

1 Reviser's note.--Section 87, ch. 2004-11, Laws
2 of Florida, amended portions of subsection (4)
3 without publishing the introductory paragraph
4 of the subsection. Absent affirmative evidence
5 of legislative intent to repeal it, the
6 introductory paragraph of subsection (4) is
7 reenacted to confirm that the omission was not
8 intended.

9
10 Section 89. Effective October 1, 2005, paragraph (c)
11 of subsection (4) of section 497.103, Florida Statutes, as
12 amended by section 8 of chapter 2004-301, Laws of Florida, is
13 amended to read:

14 497.103 Rulemaking authority of board and
15 department.--

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

17 (c) If the Chief Financial Officer makes any
18 recommendation pursuant to this subsection concerning approval
19 or denial of an application for license or otherwise under
20 this chapter, the running of the period under s. 120.60 for
21 approving or denying a completed application shall be tolled
22 from the date ~~of~~ the Chief Financial Officer's recommendation
23 is made for the shorter of 90 days or until the effect of such
24 recommendation is determined in accordance with paragraph (a).

25
26 Reviser's note.--Amended to improve clarity and
27 correct sentence construction.

28
29 Section 90. Effective October 1, 2005, paragraph (b)
30 of subsection (6) and subsection (7) of section 497.140,
31 Florida Statutes, as amended and renumbered from section

1 497.525, Florida Statutes, by section 10 of chapter 2004-301,
2 Laws of Florida, are amended to read:

3 497.140 Fees.--

4 (6)

5 (b) The board may with the concurrence of the
6 department, if that portion of the Regulatory Trust Fund held
7 by the department for implementation of this chapter is not in
8 deficit and has a reasonable cash balance, earmark \$5 of each
9 initial licensure and each license renewal fee collected under
10 this chapter and direct the deposit of each such amount into
11 the separate account required in paragraph (a), to be utilized
12 by the department for the purposes of combating unlicensed
13 practice in violation of this chapter. Such earmarked amount
14 may be, as the board directs, in lieu of or in addition to the
15 special unlicensed activity fee imposed under paragraph (a).
16 The earmarking may be imposed and thereafter eliminated from
17 time to time according to the adequacy of trust funds held for
18 implementation of this chapter.

19 (7) Any fee required to be paid under this chapter,
20 which was set at a fixed amount as in the 2004 edition of the
21 Florida Statutes, but as to which this chapter now provides to
22 be a fee as determined by board rule subject to a cap
23 specified in this chapter, shall remain at the amount as set
24 in the 2004 edition of the Florida Statutes unless and until
25 the board shall change such fee by rule.

26
27 Reviser's note.--Amended to improve clarity and
28 correct sentence construction.
29
30
31

1 Section 91. Effective October 1, 2005, subsection (6)
2 of section 497.150, Florida Statutes, as created by section 20
3 of chapter 2004-301, Laws of Florida, is amended to read:

4 497.150 Compliance examinations of existing
5 licensees.--

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

14
15 Reviser's note.--Amended to improve clarity and
16 correct sentence construction.

17
18 Section 92. Effective October 1, 2005, paragraph (b)
19 of subsection (7) of section 497.152, Florida Statutes, as
20 created by section 22 of chapter 2004-301, Laws of Florida, is
21 amended to read:

22 497.152 Disciplinary grounds.--This section sets forth
23 conduct which is prohibited and which shall constitute grounds
24 for denial of any application, imposition of discipline, and
25 other enforcement action against the licensee or other person
26 committing such conduct. For purposes of this section, the
27 requirements of this chapter include the requirements of rules
28 adopted under authority of this chapter. No subsection heading
29 in this section shall be interpreted as limiting the
30 applicability of any paragraph within the subsection.

31 (7) RELATIONS WITH OTHER LICENSEES.--

1 (b) Making any misleading statements or
2 misrepresentations as to the financial condition of any
3 person, or which are falsely and maliciously critical of any
4 person for the purpose of damaging that person's business
5 regulated under this chapter.

6
7 Reviser's note.--Amended to improve clarity and
8 correct sentence construction.

9
10 Section 93. Effective October 1, 2005, paragraph (b)
11 of subsection (5) of section 497.153, Florida Statutes, as
12 created by section 23 of chapter 2004-301, Laws of Florida, is
13 amended to read:

14 497.153 Disciplinary procedures and penalties.--

15 (5) PENALTIES.--

16 (b) In addition to any fine and other sanction
17 imposed, the board may order the payment by the licensee of
18 the reasonable costs of the department and the board
19 associated with investigation and prosecution of the matter,
20 and may order the licensee to make restitution as directed by
21 board order to persons harmed by the violation.

22
23 Reviser's note.--Amended to improve clarity and
24 correct sentence construction.

25
26 Section 94. Effective October 1, 2005, subsection (2)
27 of section 497.160, Florida Statutes, as amended and
28 renumbered from section 497.437, Florida Statutes, by section
29 30 of chapter 2004-301, Laws of Florida, is amended to read:

30 497.160 Receivership proceedings.--

31

1 (2) A receivership under this section may be
2 temporary, or for the winding up and dissolution of the
3 business, as the department may request and the court
4 determines to be necessary or advisable in the circumstances.
5 Venue of receivership proceedings may be, at the department's
6 election, in Leon County, or the county where the subject of
7 the receivership is located. The appointed receiver shall be
8 the department or such person as the department may nominate
9 and the court shall approve. The provisions of part I of
10 chapter 631 shall be applicable to receiverships under this
11 section except to the extent the court shall determine the
12 application of particular of such provisions to be
13 impracticable or would produce unfair results in the
14 circumstances. Expenditures by the department from its
15 budgeted funds, the Preneed Funeral Contract Consumer
16 Protection Trust Fund, and other regulatory trust funds
17 derived from this chapter, for implementation and effectuation
18 of such a receivership, shall be authorized; any such funds
19 expended shall be a claim against the estate in the
20 receivership proceedings.

21
22 Reviser's note.--Amended to improve clarity and
23 correct sentence construction.

24
25 Section 95. Effective October 1, 2005, subsection (2)
26 of section 497.166, Florida Statutes, as created by section 36
27 of chapter 2004-301, Laws of Florida, is amended to read:

28 497.166 Preneed sales.--

29 (2) Nothing in parts I, II, III, V, or VI of this
30 chapter shall be understood to necessarily prohibit any
31 licensee under this chapter from selling preneed funerals and

1 funeral merchandise through its agents and employees, so long
2 as such sales are permitted by part IV of this chapter.

3
4 Reviser's note.--Amended to improve clarity and
5 correct sentence construction.

6
7 Section 96. Effective October 1, 2005, subsections
8 (10) and (14) of section 497.167, Florida Statutes, as created
9 by section 37 of chapter 2004-301, Laws of Florida, are
10 amended to read:

11 497.167 Administrative matters.--

12 (10) The board may establish by rule procedures and
13 requirements for the appearance before the board of any
14 applicant or principal of an applicant, to stand for oral
15 interview by the board at a public meeting of the board,
16 before an application shall be deemed complete. Such rule may
17 require such appearance for all or specified categories of
18 applicants and may provide criteria for determining when such
19 appearance shall be required.

20 (14) The department shall have standing to appear as a
21 party litigant in any judicial proceeding for the purpose of
22 enforcing this chapter or for the protection of Florida
23 residents from the effects of any violation of this chapter.

24
25 Reviser's note.--Amended to improve clarity and
26 correct sentence construction.

27
28 Section 97. Effective October 1, 2005, subsection (2)
29 of section 497.260, Florida Statutes, as amended and
30 renumbered from section 497.003, Florida Statutes, by section
31 42 of chapter 2004-301, Laws of Florida, is amended to read:

1 497.260 Cemeteries; exemption; investigation and
2 mediation.--

3 (2) Section 497.276(1) as to burial records, and ss.
4 497.152(1)(d), 497.164, 497.2765 ~~497.310~~, 497.280, and 497.284
5 apply to all cemeteries in this state.

6
7 Reviser's note.--Amended to conform to the
8 redesignation of s. 497.310 as s. 497.2765 by
9 the reviser, effective October 1, 2005,
10 incident to the reorganization of chapter 497
11 by ch. 2004-301, Laws of Florida.

12
13 Section 98. Effective October 1, 2005, subsection (5)
14 of section 497.369, Florida Statutes, as amended and
15 renumbered from section 470.007, Florida Statutes, by section
16 74 of chapter 2004-301, Laws of Florida, is amended to read:

17 497.369 Embalmers; licensure as an embalmer by
18 endorsement; licensure of a temporary embalmer.--

19 (5) There may be adopted by the licensing authority
20 rules authorizing an applicant who has met the requirements of
21 paragraphs (1)(b) and (c) and who is awaiting an opportunity
22 to take the examination required by subsection (4) to be
23 licensed as a temporary licensed embalmer. A temporary
24 licensed ~~temporary~~ embalmer may work as an embalmer in a
25 licensed funeral establishment under the general supervision
26 of a licensed embalmer. Such temporary license shall expire 60
27 days after the date of the next available examination required
28 under subsection (4); however, the temporary license may be
29 renewed one time under the same conditions as initial
30 issuance. The fee for issuance or renewal of an embalmer
31 temporary license shall be set by rule of the licensing

1 authority but may not exceed \$200. The fee required in this
2 subsection shall be nonrefundable and in addition to the fee
3 required in subsection (1).

4
5 Reviser's note.--Amended to eliminate
6 redundancy.

7
8 Section 99. Effective October 1, 2005, paragraph (j)
9 of subsection (1), paragraph (a) of subsection (5), and
10 subsection (6) of section 497.453, Florida Statutes, as
11 amended and renumbered from section 497.407, Florida Statutes,
12 by section 102 of chapter 2004-301, Laws of Florida, are
13 amended to read:

14 497.453 Application for preneed license, procedures
15 and criteria; renewal; reports.--

16 (1) PRENEED LICENSE APPLICATION PROCEDURES.--

17 (j) The application shall disclose the existence of
18 all preneed contracts for service or merchandise entered into
19 by the applicant, or by any other entity under common control
20 with the applicant, without or prior to authorization under
21 this section or predecessors to this section. As to each such
22 contract, the applicant shall disclose the name and address of
23 the contract purchaser, the status of the contract, and what
24 steps or measures the applicant has taken to ensure
25 performance of unfulfilled contracts, setting forth the
26 treatment and status of funds received from the customer in
27 regard to the contract, and stating the name and address of
28 any institution where such funds are deposited and the number
29 used by the institution to identify the account. With respect
30 to contracts entered into before January 1, 1983, an
31 application to issue or renew a preneed license may not be

1 denied solely on the basis of such disclosure. The purchaser
2 of any such contract may not be required to liquidate the
3 account if such account was established before July 1, 1965.
4 Information disclosed may be used by the licensing authority
5 to notify the contract purchaser and the institution in which
6 such funds are deposited should the holder of a preneed
7 license be unable to fulfill the requirements of the contract.

8 (5) RENEWAL OF LICENSES.--

9 (a) A preneed license shall expire annually on June 1,
10 unless renewed, or at such other time or times as may be
11 provided by rule. The application for renewal of the license
12 shall be on forms prescribed by rule and shall be accompanied
13 by a renewal fee as specified in paragraph (c).

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

21
22 Reviser's note.--Amended to improve clarity and
23 correct sentence construction.

24
25 Section 100. Effective October 1, 2005, subsection (8)
26 of section 497.458, Florida Statutes, as amended and
27 renumbered from section 497.417, Florida Statutes, by section
28 107 of chapter 2004-301, Laws of Florida, is amended to read:

29 497.458 Disposition of proceeds received on
30 contracts.--

31

1 (8) If in the preneed licensee's opinion it does not
2 have the ability to select the financial responsibility
3 alternative of s. 497.461 or s. 497.462, then the preneed
4 licensee license shall not have the right to sell or solicit
5 preneed contracts.

6
7 Reviser's note.--Amended to correct an apparent
8 error and facilitate correct interpretation.

9
10 Section 101. Effective October 1, 2005, subsection (5)
11 of section 497.466, Florida Statutes, as amended and
12 renumbered from section 497.439, Florida Statutes, by section
13 115 of chapter 2004-301, Laws of Florida, is amended to read:
14 497.466 Preneed sales agents, license required;
15 application procedures and criteria; responsibility of preneed
16 licensee.--

17 (5) SIMPLIFIED PROCEDURES FOR SUBSEQUENT CHANGE OF
18 SPONSORING LICENSEE.--The board may by rule establish
19 simplified requirements and procedures under which any preneed
20 sales agent, who within the 12 months preceding application
21 under this subsection held in good standing a preneed sales
22 agent license under this section, may obtain a preneed sales
23 agent's license under this section to represent a different
24 sponsoring preneed licensee. The simplified requirements shall
25 dispense with the requirement for submission of fingerprints.
26 The licensing authority may by rule prescribe forms to be used
27 by applicants under this subsection, which forms may dispense
28 with the requirement for any information not deemed by the
29 licensing authority to be necessary to tracking the identity
30 ~~identify~~ of the preneed licensee responsible for the
31 activities of the preneed sales agent. No preneed sales agent

1 | licensee whose sales agent license issued by the board was
2 | revoked or suspended or otherwise terminated while in other
3 | than good standing, shall be eligible to use the simplified
4 | requirements and procedures. The issuance of a preneed sales
5 | agent license under this subsection shall not operate as a bar
6 | to any subsequent disciplinary action relating to grounds
7 | arising prior to obtaining the license under this subsection.
8 | There shall be a fee payable to the department under such
9 | simplified procedures, which fee shall be the same as the fee
10 | paid upon initial application for a preneed sales agent
11 | license, except that no fingerprint fee shall be required if
12 | such fingerprint fee is required for initial applications.

13 |

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

16 |

17 | Section 102. Effective October 1, 2005, subsection (3)
18 | of section 497.550, Florida Statutes, as amended and
19 | renumbered from section 497.361, Florida Statutes, by section
20 | 118 of chapter 2004-301, Laws of Florida, is amended to read:
21 | 497.550 Licensure of monument establishments required;
22 | procedures and criteria.--

23 | (3) ACTION CONCERNING APPLICATIONS.--A duly completed
24 | application for licensure as a monument establishment,
25 | accompanied by the required application fee, shall be approved
26 | unless there is shown by clear and convincing evidence that
27 | the applicant will not, before commencing operations, have the
28 | facilities required by this part or that issuance of the
29 | license would pose an unreasonable risk to the public because
30 | of one or more of the following factors:

31 | (a) The applicant's lack of experience.

1 (b) The applicant's lack of financial resources.

2 (c) The criminal or disciplinary record of the
3 applicant or its principals.

4 (d) A demonstrated history of violations of the laws
5 of this state by the applicant or its principals regarding the
6 funeral or cemetery business or other business activities.

7 (e) A demonstrated history of lack of trustworthiness
8 or integrity on the part of the applicant or its principals.

9

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

12

13 Section 103. Effective October 1, 2005, paragraph (b)
14 of subsection (3) of section 497.551, Florida Statutes, as
15 created by section 119 of chapter 2004-301, Laws of Florida,
16 is amended to read:

17 497.551 Renewal of monument establishment licensure.--

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

26 (b) Total sales of \$50,001 to \$250,000, renewal fee
27 \$1,500.

28

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

31

1 Section 104. Effective October 1, 2005, subsection (1)
2 of section 497.603, Florida Statutes, as amended and
3 renumbered from section 470.018, Florida Statutes, by section
4 128 of chapter 2004-301, Laws of Florida, is amended to read:

5 497.603 Direct disposers, renewal of license.--

6 (1) A direct disposer's ~~renewal of license~~ shall be
7 renewed upon receipt of the renewal application and fee set by
8 rule of the licensing authority but not to exceed \$250.

9
10 Reviser's note.--Amended to improve clarity and
11 correct sentence construction.

12
13 Section 105. Effective October 1, 2005, paragraph (c)
14 of subsection (2) and subsection (6) of section 497.604,
15 Florida Statutes, as amended and renumbered from section
16 470.021, Florida Statutes, by section 129 of chapter 2004-301,
17 Laws of Florida, are amended to read:

18 497.604 Direct disposal establishments, license
19 required; licensing procedures and criteria; license renewal;
20 regulation.--

21 (2) APPLICATION PROCEDURES.--

22 (c) The application shall name the licensed direct
23 disposer or licensed funeral director who will be acting as a
24 direct disposer in charge of the direct disposal
25 establishment.

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

31

1 Reviser's note.--Paragraph (2)(c) is amended to
2 correct an apparent error. Subsection (6) is
3 amended to improve clarity and facilitate
4 correct interpretation.

5
6 Section 106. Effective October 1, 2005, subsection (3)
7 of section 497.608, Florida Statutes, as created by section
8 133 of chapter 2004-301, Laws of Florida, is amended to read:
9 497.608 Liability for unintentional commingling of the
10 residue of the cremation process.--

11 (3) If an operator follows the procedures set forth in
12 written procedures filed with and approved by the licensing
13 authority, or adopts and follows the standard uniform
14 procedures adopted by the licensing authority, the operator
15 shall not be liable for the unintentional or the incidental
16 commingling of cremated remains resulting from more than one
17 cremation cycle or from postcremation processing, shipping,
18 packing, or identifying those remains.

19
20 Reviser's note.--Amended to improve clarity and
21 correct sentence construction and to correct an
22 apparent error.

23
24 Section 107. Subsection (12) of section 550.0251,
25 Florida Statutes, is amended to read:

26 550.0251 The powers and duties of the Division of
27 Pari-mutuel Wagering of the Department of Business and
28 Professional Regulation.--The division shall administer this
29 chapter and regulate the pari-mutuel industry under this
30 chapter and the rules adopted pursuant thereto, and:

31

1 (12) The division shall have full authority and power
2 to make, adopt, amend, or repeal rules relating to cardroom
3 operations, to enforce and to carry out the provisions of s.
4 849.086, and to regulate the authorized cardroom activities in
5 the state. ~~The division is authorized to adopt emergency~~
6 ~~rules prior to January 1, 1997, to implement the provisions of~~
7 ~~s. 849.086.~~

8
9 Reviser's note.--Amended to delete a provision
10 that has served its purpose.

11
12 Section 108. Subsection (19) of section 553.791,
13 Florida Statutes, is repealed.

14
15 Reviser's note.--Repealed to delete obsolete
16 language requiring a report to the Legislature
17 on or before January 1, 2004.

18
19 Section 109. Subsection (1) of section 553.8413,
20 Florida Statutes, is amended to read:

21 553.8413 Education Technical Advisory
22 Committee.--Effective upon this act becoming a law, funds that
23 are available under ss. 489.109(3) and 489.509(3) shall be
24 allocated and expended by the Florida Building Commission as
25 provided in this section.

26 (1) ~~Effective upon this act becoming a law, the~~
27 ~~Florida Building Commission shall appoint those members of the~~
28 ~~Building Construction Industry Advisory Committee on October~~
29 ~~1, 2001, as established by rule 6A-10.029, Florida~~
30 ~~Administrative Code, to the Education Technical Advisory~~
31 ~~Committee of the Florida Building Commission to complete their~~

1 ~~terms of office.~~ Members of the Florida Building Commission
2 shall ~~also~~ be appointed to the Education Technical Advisory
3 Committee. The members of the committee shall broadly
4 represent the building construction industry and must consist
5 of no fewer than 10 persons. The chairperson of the Florida
6 Building Commission shall annually designate the chairperson
7 of the committee. The terms of the committee members shall be
8 2 years each, and members may be reappointed at the discretion
9 of the Florida Building Commission.

10
11 Reviser's note.--Amended to delete an obsolete
12 provision. The terms of office of the members
13 of the Building Construction Industry Advisory
14 Committee on October 1, 2001, as appointed to
15 the Education Technical Advisory Committee of
16 the Florida Building Commission have been
17 completed.

18
19 Section 110. Subsection (4) of section 556.112,
20 Florida Statutes, is repealed.

21
22 Reviser's note.--Repealed to delete obsolete
23 language requiring a report to the Legislature
24 before January 1, 2004.

25
26 Section 111. Subsection (2) of section 558.002,
27 Florida Statutes, is amended to read:

28 558.002 Definitions.--As used in this chapter, the
29 term:

1 (2) "Association" has the same meaning as in s.
2 718.103(2), s. 719.103(2), s. 720.301(9), or s. 723.075
3 ~~723.025~~.

4
5 Reviser's note.--Amended to conform to context.

6 Section 723.075 relates to the meaning of the
7 term "association" in regard to homeowners'
8 associations for mobile home parks. Section
9 723.025 relates to a park owner's access to
10 mobile homes and lots.

11
12 Section 112. Paragraph (a) of subsection (12) of
13 section 558.004, Florida Statutes, is amended to read:

14 558.004 Notice and opportunity to repair.--

15 (12) This chapter does not:

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

21
22 Reviser's note.--Amended to improve clarity.

23 Chapter 2004-342, Laws of Florida, changed all
24 other references to "act" in this section to
25 "chapter."

26
27 Section 113. Subsection (2) of section 560.408,
28 Florida Statutes, is repealed.

29
30 Reviser's note.--Repealed to delete obsolete

31 language requiring a report to the President of

1 the Senate and the Speaker of the House of
2 Representatives on January 1, 2004.

3
4 Section 114. Section 570.235, Florida Statutes, is
5 repealed.

6
7 Reviser's note.--This section created a Pest
8 Exclusion Advisory Committee which was to
9 conclude its findings and issue a report by
10 January 1, 2001.

11
12 Section 115. Subsection (14) of section 570.71,
13 Florida Statutes, is repealed, and subsection (2) of that
14 section is amended to read:

15 570.71 Conservation easements and agreements.--

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

19 (a) Purchase conservation easements, as defined in s.
20 704.06.

21 (b) Purchase rural-lands-protection easements pursuant
22 to this act.

23 (c) Fund resource conservation agreements pursuant to
24 this act.

25 (d) Fund agricultural protection agreements pursuant
26 to this act.

27
28 ~~No funds may be expended to implement this subsection prior to~~
29 ~~July 1, 2002.~~

30
31

1 Reviser's note.--Subsection (2) is amended to
2 delete obsolete language. Subsection (14) is
3 repealed to delete obsolete language requiring
4 a report to the Governor, the President of the
5 Senate, and the Speaker of the House of
6 Representatives by December 31, 2001.
7

8 Section 116. Subsection (3) of section 581.131,
9 Florida Statutes, is amended to read:

10 581.131 Certificate of registration.--

11 (3) Before any nurseryman, stock dealer, agent, or
12 plant broker advertises nursery stock for sale, a copy of the
13 certificate of registration must be provided to the publisher
14 of the advertisement. The registration number issued by the
15 department and printed on the certificate of registration must
16 be included in the advertisement. Registration numbers
17 printed in the advertisements must be legible. ~~Any~~
18 ~~advertisement for the sale of nursery stock in print prior to~~
19 ~~July 1, 1995, shall be exempt from the requirements of this~~
20 ~~subsection.~~

21
22 Reviser's note.--Amended to delete obsolete
23 language relating to advertisements in print
24 prior to July 1, 1995.
25

26 Section 117. Subsections (1) and (3) of section
27 620.9901, Florida Statutes, are repealed.
28

29 Reviser's note.--Subsection (1) is repealed to
30 delete obsolete language applying the Revised
31 Uniform Partnership Act of 1995 to specified

1 partnerships between January 1, 1996, and
2 January 1, 1998. Subsection (3) provides for
3 voluntary application of the act between
4 January 1, 1996, and January 1, 1998.
5

6 Section 118. Subsection (5) of section 624.426,
7 Florida Statutes, is amended to read:

8 624.426 Exceptions to countersignature law.--Section
9 624.425 does not apply to:

10 (5) Policies of insurance issued by insurers whose
11 agents represent, as to property, casualty, and surety
12 insurance, only one company or group of companies under common
13 ownership and for which the application has been lawfully
14 submitted to the insurer.
15

16 Reviser's note.--Amended to improve clarity.
17

18 Section 119. Subsection (1) of section 626.112,
19 Florida Statutes, is reenacted to read:

20 626.112 License and appointment required; agents,
21 customer representatives, adjusters, insurance agencies,
22 service representatives, managing general agents.--

23 (1)(a) No person may be, act as, or advertise or hold
24 himself or herself out to be an insurance agent, insurance
25 adjuster, or customer representative unless he or she is
26 currently licensed by the department and appointed by an
27 appropriate appointing entity or person.

28 (b) Except as provided in subsection (6) or in
29 applicable department rules, and in addition to other conduct
30 described in this chapter with respect to particular types of
31 agents, a license as an insurance agent, service

1 representative, customer representative, or limited customer
2 representative is required in order to engage in the
3 solicitation of insurance. For purposes of this requirement,
4 as applicable to any of the license types described in this
5 section, the solicitation of insurance is the attempt to
6 persuade any person to purchase an insurance product by:

7 1. Describing the benefits or terms of insurance
8 coverage, including premiums or rates of return;

9 2. Distributing an invitation to contract to
10 prospective purchasers;

11 3. Making general or specific recommendations as to
12 insurance products;

13 4. Completing orders or applications for insurance
14 products; or

15 5. Comparing insurance products, advising as to
16 insurance matters, or interpreting policies or coverages.

17
18 However, an employee leasing company licensed pursuant to
19 chapter 468 which is seeking to enter into a contract with an
20 employer that identifies products and services offered to
21 employees may deliver proposals for the purchase of employee
22 leasing services to prospective clients of the employee
23 leasing company setting forth the terms and conditions of
24 doing business; classify employees as permitted by s. 468.529;
25 collect information from prospective clients and other sources
26 as necessary to perform due diligence on the prospective
27 client and to prepare a proposal for services; provide and
28 receive enrollment forms, plans, and other documents; and
29 discuss or explain in general terms the conditions,
30 limitations, options, or exclusions of insurance benefit plans
31 available to the client or employees of the employee leasing

1 | company were the client to contract with the employee leasing
2 | company. Any advertising materials or other documents
3 | describing specific insurance coverages must identify and be
4 | from a licensed insurer or its licensed agent or a licensed
5 | and appointed agent employed by the employee leasing company.
6 | The employee leasing company may not advise or inform the
7 | prospective business client or individual employees of
8 | specific coverage provisions, exclusions, or limitations of
9 | particular plans. As to clients for which the employee leasing
10 | company is providing services pursuant to s. 468.525(4), the
11 | employee leasing company may engage in activities permitted by
12 | ss. 626.7315, 626.7845, and 626.8305, subject to the
13 | restrictions specified in those sections. If a prospective
14 | client requests more specific information concerning the
15 | insurance provided by the employee leasing company, the
16 | employee leasing company must refer the prospective business
17 | client to the insurer or its licensed agent or to a licensed
18 | and appointed agent employed by the employee leasing company.

19 |
20 | Reviser's note.--Section 20, ch. 2004-390, Laws
21 | of Florida, amended paragraph (1)(a) without
22 | publishing the flush left language at the end
23 | of the subsection. Absent affirmative evidence
24 | of legislative intent to repeal the flush left
25 | language at the end of the subsection,
26 | subsection (1) is reenacted to confirm that the
27 | omission was not intended.

28 |
29 | Section 120. Subsection (1) of section 626.641,
30 | Florida Statutes, is amended to read:
31 | 626.641 Duration of suspension or revocation.--

1 (1) The department shall, in its order suspending a
2 license or appointment or in its order suspending the
3 eligibility of a person to hold or apply for such license or
4 appointment, specify the period during which the suspension is
5 to be in effect; but such period shall not exceed 2 years. The
6 license, appointment, or eligibility shall remain suspended
7 during the period so specified, subject, however, to any
8 rescission or modification of the order by the department, or
9 modification or reversal thereof by the court, prior to
10 expiration of the suspension period. A license, appointment,
11 or eligibility which has been suspended shall not be
12 reinstated except upon request for such reinstatement and, in
13 the case of a second suspension, completion of continuing
14 education courses prescribed and approved by the department ~~or~~
15 ~~office~~; but the department shall not grant such reinstatement
16 if it finds that the circumstance or circumstances for which
17 the license, appointment, or eligibility was suspended still
18 exist or are likely to recur.

19
20 Reviser's note.--Amended to delete the words
21 "or office" as added by s. 44, ch. 2004-374,
22 Laws of Florida. Section 48, ch. 2004-390, Laws
23 of Florida, deleted all other references to
24 "office" to make provision for the Department
25 of Financial Services to regulate insurance
26 adjusters rather than the Office of Insurance
27 Regulation.

28
29 Section 121. Section 627.6685, Florida Statutes, is
30 repealed.
31

1 Reviser's note.--This section, which relates to
2 mental health coverage, does not apply to
3 benefits for services furnished on or after
4 September 30, 2001.
5

6 Section 122. Paragraph (a) of subsection (9) of
7 section 627.6699, Florida Statutes, is amended to read:

8 627.6699 Employee Health Care Access Act.--

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

11 (a) A small employer carrier must elect to become
12 either a risk-assuming carrier or a reinsuring carrier. ~~Each~~
13 ~~small employer carrier must make an initial election, binding~~
14 ~~through January 1, 1994. The carrier's initial election must~~
15 ~~be made no later than October 31, 1992.~~ By October 31, 1993,
16 all small employer carriers must file a final election, which
17 is binding for 2 years, from January 1, 1994, through December
18 31, 1995, after which an election shall be binding for a
19 period of 5 years. Any carrier that is not a small employer
20 carrier ~~on October 31, 1992,~~ and intends to become a small
21 employer carrier ~~after October 31, 1992,~~ must file its
22 designation when it files the forms and rates it intends to
23 use for small employer group health insurance; such
24 designation shall be binding for 2 years after the date of
25 approval of the forms and rates, and any subsequent
26 designation is binding for 5 years. The office may permit a
27 carrier to modify its election at any time for good cause
28 shown, after a hearing.
29
30
31

1 Reviser's note.--Amended to delete obsolete
2 language relating to small employer carriers'
3 initial elections by specified dates.
4

5 Section 123. Subparagraph 5. of paragraph (b) of
6 subsection (5) of section 627.736, Florida Statutes, is
7 amended to read:

8 627.736 Required personal injury protection benefits;
9 exclusions; priority; claims.--

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

11 (b)

12 5. ~~Effective upon this act becoming a law and before~~
13 ~~November 1, 2001, allowable amounts that may be charged to a~~
14 ~~personal injury protection insurance insurer and insured for~~
15 ~~magnetic resonance imaging services shall not exceed 200~~
16 ~~percent of the allowable amount under Medicare Part B for year~~
17 ~~2001, for the area in which the treatment was rendered.~~

18 ~~Beginning November 1, 2001,~~ Allowable amounts that may be
19 charged to a personal injury protection insurance insurer and
20 insured for magnetic resonance imaging services shall not
21 exceed 175 percent of the allowable amount under the
22 participating physician fee schedule of Medicare Part B for
23 year 2001, for the area in which the treatment was rendered,
24 adjusted annually on August 1 to reflect the prior calendar
25 year's changes in the annual Medical Care Item of the Consumer
26 Price Index for All Urban Consumers in the South Region as
27 determined by the Bureau of Labor Statistics of the United
28 States Department of Labor for the 12-month period ending June
29 30 of that year, except that allowable amounts that may be
30 charged to a personal injury protection insurance insurer and
31 insured for magnetic resonance imaging services provided in

1 facilities accredited by the Accreditation Association for
2 Ambulatory Health Care, the American College of Radiology, or
3 the Joint Commission on Accreditation of Healthcare
4 Organizations shall not exceed 200 percent of the allowable
5 amount under the participating physician fee schedule of
6 Medicare Part B for year 2001, for the area in which the
7 treatment was rendered, adjusted annually on August 1 to
8 reflect the prior calendar year's changes in the annual
9 Medical Care Item of the Consumer Price Index for All Urban
10 Consumers in the South Region as determined by the Bureau of
11 Labor Statistics of the United States Department of Labor for
12 the 12-month period ending June 30 of that year. This
13 paragraph does not apply to charges for magnetic resonance
14 imaging services and nerve conduction testing for inpatients
15 and emergency services and care as defined in chapter 395
16 rendered by facilities licensed under chapter 395.

17
18 Reviser's note.--Amended to delete an obsolete
19 provision limiting charges to personal injury
20 insurers and insureds for magnetic resonance
21 imaging to 200 percent of the allowable amount
22 under Medicare Part B until November 1, 2001.

23
24 Section 124. Subsection (4) of section 628.909,
25 Florida Statutes, is repealed, and subsection (1) of that
26 section is amended to read:

27 628.909 Applicability of other laws.--

28 (1) The Florida Insurance Code shall not apply to
29 captive insurers or industrial insured captive insurers except
30 as provided in this part and subsections (2) and (3), ~~and~~
31 ~~(4)~~.

1 Reviser's note.--Subsection (1) is amended to
2 delete a reference to subsection (4), which is
3 repealed. Subsection (4) relates to an
4 exemption from s. 624.404(8), which was
5 repealed by s. 14, ch. 91-108, Laws of Florida.

6
7 Section 125. Paragraph (c) of subsection (3) of
8 section 633.0215, Florida Statutes, is repealed.

9
10 Reviser's note.--Repealed to delete a provision
11 that has served its purpose. The provision
12 allowed locally adopted fire code requirements
13 to be deemed local variations of the Florida
14 Fire Prevention Code until adoption of a
15 statewide firesafety code or rescission of the
16 requirements, such action taking place no later
17 than January 1, 2002. The State Fire Marshal
18 has adopted a statewide firesafety code.

19
20 Section 126. Subsection (2) of section 636.240,
21 Florida Statutes, is amended to read:

22 636.240 Injunctions.--

23 (2) The venue for any proceeding brought ~~bought~~
24 pursuant to this section shall be in the Circuit Court of Leon
25 County.

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

29
30 Section 127. Subsection (10) of section 641.51,
31 Florida Statutes, is amended to read:

1 641.51 Quality assurance program; second medical
2 opinion requirement.--

3 (10) Each organization shall adopt recommendations for
4 preventive pediatric health care which are consistent with the
5 requirements for health checkups for children developed for
6 the Medicaid program. Each organization shall establish goals
7 to achieve ~~80 percent compliance by July 1, 1998, and~~
8 90-percent compliance by July 1, 1999, for their enrolled
9 pediatric population.

10
11 Reviser's note.--Amended to delete obsolete
12 language relating to organizational compliance
13 by July 1, 1998.

14
15 Section 128. Subsection (2) of section 648.50, Florida
16 Statutes, is amended to read:

17 648.50 Effect of suspension, revocation upon
18 associated licenses and licensees.--

19 (2) In case of the suspension or revocation of the
20 license or appointment, or the eligibility to hold a license
21 or appointment, of any bail bond agent, the license,
22 appointment, or eligibility of any and all bail bond agents
23 who are members of a bail bond agency, whether incorporated or
24 unincorporated, and any and all temporary bail bond agents ~~or~~
25 ~~runners~~ employed by such bail bond agency, who knowingly are
26 parties to the act which formed the ground for the suspension
27 or revocation may likewise be suspended or revoked.

28
29 Reviser's note.--Amended to delete an obsolete
30 reference. All other references to "runners"
31 were deleted from this section by s. 80, ch.

1 2003-267, Laws of Florida, and s. 71, ch.
2 2003-281, Laws of Florida.

3
4 Section 129. Paragraph (e) of subsection (1) of
5 section 650.05, Florida Statutes, is amended to read:

6 650.05 Plans for coverage of employees of political
7 subdivisions.--

8 (1) Each political subdivision of the state is
9 authorized to submit for approval by the state agency a plan
10 for extending the benefits of Title II of the Social Security
11 Act, in conformity with the applicable provisions of such act,
12 to employees of such political subdivisions. Each such plan
13 and any amendment thereof shall be approved by the state
14 agency if it is found that such plan, or such plan as amended,
15 is in conformity with such requirements as are provided in
16 regulations of the state agency, except that no such plan
17 shall be approved unless:

18 (e) It provides that the political subdivision will
19 make such reports, in such form and containing such
20 information, as the state agency may from time to time
21 require, and comply with such provisions as the state agency
22 or the Secretary of Health and Human Services ~~Health,~~
23 ~~Education, and Welfare~~ may from time to time find necessary to
24 assure the correctness and verification of such reports; and

25
26 Reviser's note.--Amended to conform to the
27 transfer of the duties of the former Secretary
28 of Health, Education, and Welfare concerning
29 Social Security to the Secretary of Health and
30 Human Services by Pub. L. No. 96-88.

31

1 Section 130. Subparagraph 6. of paragraph (a) of
2 subsection (2) of section 655.948, Florida Statutes, is
3 repealed.

4
5 Reviser's note.--Subparagraph (2)(a)6., which
6 relates to the failure to meet the minimum
7 daily liquidity required of s. 658.68, is
8 repealed. Section 658.68 was repealed by s. 25,
9 ch. 2004-340, Laws of Florida, and s. 108, ch.
10 2004-390, Laws of Florida.

11
12 Section 131. Subsection (2) of section 658.60, Florida
13 Statutes, is amended to read:

14 658.60 Depositories of public moneys and pledge of
15 assets.--

16 (2) Notwithstanding any other provision of this
17 section or the provisions of any other law requiring security
18 for deposits of funds in the form of surety bond, in the form
19 of the deposit or pledge of securities, or in any other form,
20 security for such deposits shall not be required to the extent
21 that such deposits are insured under the provisions of the
22 Federal Deposit Insurance Act, as now or hereafter amended.
23 Recognition is accorded to the custom and usage, and its
24 practicality, of the deposit or pledge of securities by banks,
25 as security for deposits, in an aggregate amount which,
26 because of the fluctuation from time to time of the aggregate
27 amount of the deposits secured thereby, may at times be in an
28 amount in excess of the required amount of such security
29 without withdrawing and redepositing securities with each
30 decrease and increase of the aggregate amount of deposits
31 secured thereby. In order to effectuate the provisions of the

1 first sentence of this subsection, ~~and in recognition of the~~
2 ~~availability of such excess securities for inclusion in the~~
3 ~~liquidity of state banks as provided in s. 658.68,~~ whenever
4 the amount of securities deposited or pledged exceeds the
5 amount required for the deposits secured thereby, securities
6 in an amount equal to such excess shall, for all purposes and
7 laws, while such excess exists be, and be treated as, freed
8 and discharged from such deposit and pledge even though not
9 physically withdrawn or removed from such deposit or pledge,
10 ~~and, in determining the securities which are so freed and~~
11 ~~discharged, those securities which are eligible for inclusion~~
12 ~~in a state bank's liquidity as provided in s. 658.68 shall~~
13 ~~first be included in such determination.~~ However, such excess
14 securities which are not physically withdrawn or removed from
15 deposit or from the pledge thereof shall immediately and
16 automatically, for all purposes and laws, be, and be treated
17 as, redeposited and repledged at such time or times as, and to
18 the extent that, there is an increase in the amount of
19 security required for funds deposited with the bank, ~~and, in~~
20 ~~determining the securities which are so automatically and~~
21 ~~immediately redeposited and repledged, there shall first be~~
22 ~~included those securities which are not eligible for the~~
23 ~~aforsaid liquidity under s. 658.68.~~

24
25 Reviser's note.--Amended to conform to the
26 repeal of s. 658.68 by s. 25, ch. 2004-340,
27 Laws of Florida, and s. 108, ch. 2004-390, Laws
28 of Florida.

29
30 Section 132. Subsection (1) of section 663.02, Florida
31 Statutes, is amended to read:

1 663.02 Applicability of state banking laws.--
2 (1) International banking corporations having offices
3 in this state shall be subject to all the provisions of the
4 financial institutions codes and chapter 655 as though such
5 international banking corporations were state banks, except
6 where it may appear, from the context or otherwise, that such
7 provisions are clearly applicable only to banks or trust
8 companies organized under the laws of this state or the United
9 States. Without limiting the foregoing general provisions, it
10 is the intent of the Legislature that the following provisions
11 shall be applicable to such banks or corporations: s. 655.031,
12 relating to administrative enforcement guidelines; s. 655.032,
13 relating to investigations, subpoenas, hearings, and
14 witnesses; s. 655.0321, relating to hearings, proceedings, and
15 related documents and restricted access thereto; s. 655.033,
16 relating to cease and desist orders; s. 655.037, relating to
17 removal by the office of an officer, director, committee
18 member, employee, or other person; s. 655.041, relating to
19 administrative fines and enforcement; and s. 658.49, relating
20 to loans by banks not exceeding \$50,000. International banking
21 corporations shall not have the powers conferred on domestic
22 banks by the provisions of s. 658.60, relating to deposits of
23 public funds. ~~International banking corporations shall not be~~
24 ~~subject to the provisions of s. 658.68, relating to liquidity.~~
25 The provisions of chapter 687, relating to interest and usury,
26 shall apply to all loans not subject to s. 658.49.

27
28 Reviser's note.--Amended to conform to the
29 repeal of s. 658.68 by s. 25, ch. 2004-340,
30 Laws of Florida, and s. 108, ch. 2004-390, Laws
31 of Florida.

1 Section 133. Subsection (3) of section 663.318,
2 Florida Statutes, is repealed.

3
4 Reviser's note.--Subsection (3), which subjects
5 an international development bank organized
6 under chapter 607 as a corporation for profit
7 to s. 658.68, is repealed. Section 658.68 was
8 repealed by s. 25, ch. 2004-340, Laws of
9 Florida, and s. 108, ch. 2004-390, Laws of
10 Florida.

11
12 Section 134. Subsection (4) of section 668.602,
13 Florida Statutes, is amended to read:

14 668.602 Definitions.--As used in this part, the term:
15 (4) "Computer virus" means a computer program that is
16 designed to replicate itself or affect another program or file
17 in the computer by attaching a copy of the program or other
18 set of instructions to one or more computer programs or files
19 without the consent of the owner or lawful user. The term
20 includes, but is not limited to, programs that are designed to
21 contaminate other computer programs; compromise computer
22 security; consume ~~consume~~ computer resources; modify,
23 destroy, record, or transmit data; or disrupt the normal
24 operation of the computer, computer system, or computer
25 network. The term also includes, but is not limited to,
26 programs that are designed to use a computer without the
27 knowledge and consent of the owner or authorized user and to
28 send large quantities of data to a targeted computer network
29 without the consent of the network for the purpose of
30 degrading the targeted computer's or network's performance or
31

1 | for the purpose of denying access through the network to the
2 | targeted computer or network.

3 |
4 | Reviser's note.--Amended to improve clarity.

5 |
6 | Section 135. Subsection (1) of section 717.1400,
7 | Florida Statutes, is amended to read:

8 | 717.1400 Registration.--

9 | (1) In order to file claims as a claimant's
10 | representative, acquire ownership of or entitlement to
11 | unclaimed property, receive a distribution of fees and costs
12 | from the department, and obtain unclaimed property dollar
13 | amounts, the number of reported shares of stock, and the last
14 | four digits of social security numbers held by the department,
15 | a private investigator holding a Class "C" individual license
16 | under chapter 493 must register with the department on such
17 | form as the department shall prescribe by rule, and must be
18 | verified by the applicant. To register with the department, a
19 | private investigator must provide:

20 | (a) A legible copy of the applicant's Class "A"
21 | business license under chapter 493 or that of the applicant's
22 | employer which holds a Class "A" business license under
23 | chapter 493.

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

26 | (c) The applicant's business address and telephone
27 | number.

28 | (d) The names of agents or employees, if any, who are
29 | designated to act on behalf of the private investigator,
30 | together with a legible copy of their photo identification
31 |

1 issued by an agency of the United States, or a state, or a
2 political subdivision thereof.

3 (e) Sufficient information to enable the department to
4 disburse funds by electronic funds transfer.

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

8
9 Reviser's note.--Amended to improve clarity.

10
11 Section 136. Paragraph (d) of subsection (2) of
12 section 718.112, Florida Statutes, is reenacted to read:

13 718.112 Bylaws.--

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

17 (d) Unit owner meetings.--

18 1. There shall be an annual meeting of the unit
19 owners. Unless the bylaws provide otherwise, a vacancy on the
20 board caused by the expiration of a director's term shall be
21 filled by electing a new board member, and the election shall
22 be by secret ballot; however, if the number of vacancies
23 equals or exceeds the number of candidates, no election is
24 required. If there is no provision in the bylaws for terms of
25 the members of the board, the terms of all members of the
26 board shall expire upon the election of their successors at
27 the annual meeting. Any unit owner desiring to be a candidate
28 for board membership shall comply with subparagraph 3. A
29 person who has been convicted of any felony by any court of
30 record in the United States and who has not had his or her
31 right to vote restored pursuant to law in the jurisdiction of

1 his or her residence is not eligible for board membership. The
2 validity of an action by the board is not affected if it is
3 later determined that a member of the board is ineligible for
4 board membership due to having been convicted of a felony.
5 2. The bylaws shall provide the method of calling
6 meetings of unit owners, including annual meetings. Written
7 notice, which notice must include an agenda, shall be mailed,
8 hand delivered, or electronically transmitted to each unit
9 owner at least 14 days prior to the annual meeting and shall
10 be posted in a conspicuous place on the condominium property
11 at least 14 continuous days preceding the annual meeting. Upon
12 notice to the unit owners, the board shall by duly adopted
13 rule designate a specific location on the condominium property
14 or association property upon which all notices of unit owner
15 meetings shall be posted; however, if there is no condominium
16 property or association property upon which notices can be
17 posted, this requirement does not apply. In lieu of or in
18 addition to the physical posting of notice of any meeting of
19 the unit owners on the condominium property, the association
20 may, by reasonable rule, adopt a procedure for conspicuously
21 posting and repeatedly broadcasting the notice and the agenda
22 on a closed-circuit cable television system serving the
23 condominium association. However, if broadcast notice is used
24 in lieu of a notice posted physically on the condominium
25 property, the notice and agenda must be broadcast at least
26 four times every broadcast hour of each day that a posted
27 notice is otherwise required under this section. When
28 broadcast notice is provided, the notice and agenda must be
29 broadcast in a manner and for a sufficient continuous length
30 of time so as to allow an average reader to observe the notice
31 and read and comprehend the entire content of the notice and

1 | the agenda. Unless a unit owner waives in writing the right to
2 | receive notice of the annual meeting, such notice shall be
3 | hand delivered, mailed, or electronically transmitted to each
4 | unit owner. Notice for meetings and notice for all other
5 | purposes shall be mailed to each unit owner at the address
6 | last furnished to the association by the unit owner, or hand
7 | delivered to each unit owner. However, if a unit is owned by
8 | more than one person, the association shall provide notice,
9 | for meetings and all other purposes, to that one address which
10 | the developer initially identifies for that purpose and
11 | thereafter as one or more of the owners of the unit shall so
12 | advise the association in writing, or if no address is given
13 | or the owners of the unit do not agree, to the address
14 | provided on the deed of record. An officer of the association,
15 | or the manager or other person providing notice of the
16 | association meeting, shall provide an affidavit or United
17 | States Postal Service certificate of mailing, to be included
18 | in the official records of the association affirming that the
19 | notice was mailed or hand delivered, in accordance with this
20 | provision.

21 | 3. The members of the board shall be elected by
22 | written ballot or voting machine. Proxies shall in no event be
23 | used in electing the board, either in general elections or
24 | elections to fill vacancies caused by recall, resignation, or
25 | otherwise, unless otherwise provided in this chapter. Not less
26 | than 60 days before a scheduled election, the association
27 | shall mail, deliver, or electronically transmit, whether by
28 | separate association mailing or included in another
29 | association mailing, delivery, or transmission, including
30 | regularly published newsletters, to each unit owner entitled
31 | to a vote, a first notice of the date of the election. Any

1 unit owner or other eligible person desiring to be a candidate
2 for the board must give written notice to the association not
3 less than 40 days before a scheduled election. Together with
4 the written notice and agenda as set forth in subparagraph 2.,
5 the association shall mail, deliver, or electronically
6 transmit a second notice of the election to all unit owners
7 entitled to vote therein, together with a ballot which shall
8 list all candidates. Upon request of a candidate, the
9 association shall include an information sheet, no larger than
10 8 1/2 inches by 11 inches, which must be furnished by the
11 candidate not less than 35 days before the election, to be
12 included with the mailing, delivery, or transmission of the
13 ballot, with the costs of mailing, delivery, or electronic
14 transmission and copying to be borne by the association. The
15 association is not liable for the contents of the information
16 sheets prepared by the candidates. In order to reduce costs,
17 the association may print or duplicate the information sheets
18 on both sides of the paper. The division shall by rule
19 establish voting procedures consistent with the provisions
20 contained herein, including rules establishing procedures for
21 giving notice by electronic transmission and rules providing
22 for the secrecy of ballots. Elections shall be decided by a
23 plurality of those ballots cast. There shall be no quorum
24 requirement; however, at least 20 percent of the eligible
25 voters must cast a ballot in order to have a valid election of
26 members of the board. No unit owner shall permit any other
27 person to vote his or her ballot, and any such ballots
28 improperly cast shall be deemed invalid, provided any unit
29 owner who violates this provision may be fined by the
30 association in accordance with s. 718.303. A unit owner who
31 needs assistance in casting the ballot for the reasons stated

1 | in s. 101.051 may obtain assistance in casting the ballot. The
2 | regular election shall occur on the date of the annual
3 | meeting. The provisions of this subparagraph shall not apply
4 | to timeshare condominium associations. Notwithstanding the
5 | provisions of this subparagraph, an election is not required
6 | unless more candidates file notices of intent to run or are
7 | nominated than board vacancies exist.

8 | 4. Any approval by unit owners called for by this
9 | chapter or the applicable declaration or bylaws, including,
10 | but not limited to, the approval requirement in s. 718.111(8),
11 | shall be made at a duly noticed meeting of unit owners and
12 | shall be subject to all requirements of this chapter or the
13 | applicable condominium documents relating to unit owner
14 | decisionmaking, except that unit owners may take action by
15 | written agreement, without meetings, on matters for which
16 | action by written agreement without meetings is expressly
17 | allowed by the applicable bylaws or declaration or any statute
18 | that provides for such action.

19 | 5. Unit owners may waive notice of specific meetings
20 | if allowed by the applicable bylaws or declaration or any
21 | statute. If authorized by the bylaws, notice of meetings of
22 | the board of administration, unit owner meetings, except unit
23 | owner meetings called to recall board members under paragraph
24 | (j), and committee meetings may be given by electronic
25 | transmission to unit owners who consent to receive notice by
26 | electronic transmission.

27 | 6. Unit owners shall have the right to participate in
28 | meetings of unit owners with reference to all designated
29 | agenda items. However, the association may adopt reasonable
30 | rules governing the frequency, duration, and manner of unit
31 | owner participation.

1 7. Any unit owner may tape record or videotape a
2 meeting of the unit owners subject to reasonable rules adopted
3 by the division.

4 8. Unless otherwise provided in the bylaws, any
5 vacancy occurring on the board before the expiration of a term
6 may be filled by the affirmative vote of the majority of the
7 remaining directors, even if the remaining directors
8 constitute less than a quorum, or by the sole remaining
9 director. In the alternative, a board may hold an election to
10 fill the vacancy, in which case the election procedures must
11 conform to the requirements of subparagraph 3. unless the
12 association has opted out of the statutory election process,
13 in which case the bylaws of the association control. Unless
14 otherwise provided in the bylaws, a board member appointed or
15 elected under this section shall fill the vacancy for the
16 unexpired term of the seat being filled. Filling vacancies
17 created by recall is governed by paragraph (j) and rules
18 adopted by the division.

19
20 Notwithstanding subparagraphs (b)2. and (d)3., an association
21 may, by the affirmative vote of a majority of the total voting
22 interests, provide for different voting and election
23 procedures in its bylaws, which vote may be by a proxy
24 specifically delineating the different voting and election
25 procedures. The different voting and election procedures may
26 provide for elections to be conducted by limited or general
27 proxy.

28
29 Reviser's note.--Section 4, ch. 2004-345, Laws
30 of Florida, purported to amend paragraph
31 (2)(d), but did not publish the amended

1 paragraph. Absent affirmative evidence of
2 legislative intent to repeal it, paragraph
3 (2)(d) is reenacted to confirm that the
4 omission was not intended.
5

6 Section 137. Paragraph (d) of subsection (2) of
7 section 720.303, Florida Statutes, as created by section 18 of
8 chapter 2004-345, Laws of Florida, and paragraph (a) of
9 subsection (10) of section 720.303, Florida Statutes, are
10 amended to read:

11 720.303 Association powers and duties; meetings of
12 board; official records; budgets; financial reporting;
13 association funds; recalls.--

14 (2) BOARD MEETINGS.--

15 (d) If 20 percent of the total voting interests
16 petition the board to address an item of business, the board
17 shall at its next regular board meeting or at a special
18 meeting of the board, but not later than 60 days after the
19 receipt of the petition, take the petitioned item up on an
20 agenda. The board shall give all members notice of the meeting
21 at which the petitioned item shall be addressed in accordance
22 with the 14-day notice requirement pursuant to subparagraph
23 ~~(c)2. subparagraph 2.~~ Each member shall have the right to
24 speak for at least 3 minutes on each matter placed on the
25 agenda by petition, provided that the member signs the sign-up
26 sheet, if one is provided, or submits a written request to
27 speak prior to the meeting. Other than addressing the
28 petitioned item at the meeting, the board is not obligated to
29 take any other action requested by the petition.

30 (10) RECALL OF DIRECTORS.--
31

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

7 2. When the governing documents, including the
8 declaration, articles of incorporation, or bylaws, provide
9 that only a specific class of members is entitled to elect a
10 board director or directors, only that class of members may
11 vote to recall those board directors so elected.

12
13 Reviser's note.--Paragraph (2)(d) as created by
14 s. 18, ch. 2004-345, Laws of Florida, is
15 amended to improve clarity and facilitate
16 correct interpretation. Paragraph (d) is not
17 divided into subparagraphs; subparagraph (c)2.
18 relates to the 14-day notice. Paragraph (10)(a)
19 is amended to conform to context.

20
21 Section 138. Subsection (1) of section 720.402,
22 Florida Statutes, is amended to read:

23 720.402 Publication of false and misleading
24 information.--

25 (1) Any person who, in reasonable reliance upon any
26 material statement or information that is false or misleading
27 and published by or under authority from the developer in
28 advertising and promotional materials, including, but not
29 limited to, a contract of purchase ~~purchaser~~, the declaration
30 of covenants, exhibits to a declaration of covenants,
31 brochures, and newspaper advertising, pays anything of value

1 | toward the purchase of a parcel in a community located in this
2 | state has a cause of action to rescind the contract or collect
3 | damages from the developer for his or her loss before the
4 | closing of the transaction. After the closing of the
5 | transaction, the purchaser has a cause of action against the
6 | developer for damages under this section from the time of
7 | closing until 1 year after the date upon which the last of the
8 | events described in paragraphs (a) through (d) occurs:

9 | (a) The closing of the transaction;

10 | (b) The issuance by the applicable governmental
11 | authority of a certificate of occupancy or other evidence of
12 | sufficient completion of construction of the purchaser's
13 | residence to allow lawful occupancy of the residence by the
14 | purchaser. In counties or municipalities in which certificates
15 | of occupancy or other evidences of completion sufficient to
16 | allow lawful occupancy are not customarily issued, for the
17 | purpose of this section, evidence of lawful occupancy shall be
18 | deemed to be given or issued upon the date that such lawful
19 | occupancy of the residence may be allowed under prevailing
20 | applicable laws, ordinances, or statutes;

21 | (c) The completion by the developer of the common
22 | areas and such recreational facilities, whether or not the
23 | same are common areas, which the developer is obligated to
24 | complete or provide under the terms of the written contract,
25 | governing documents, or written agreement for purchase or
26 | lease of the parcel; or

27 | (d) In the event there is not a written contract or
28 | agreement for sale or lease of the parcel, then the completion
29 | by the developer of the common areas and such recreational
30 | facilities, whether or not they are common areas, which the
31 |

1 developer would be obligated to complete under any rule of law
2 applicable to the developer's obligation.

3
4 Under no circumstances may a cause of action created or
5 recognized under this section survive for a period of more
6 than 5 years after the closing of the transaction.

7
8 Reviser's note.--Amended to improve clarity and
9 facilitate correct interpretation.

10
11 Section 139. Paragraph (d) of subsection (4) of
12 section 720.405, Florida Statutes, is amended to read:

13 720.405 Organizing committee; parcel owner approval.--

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

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

19 720.404(3) ~~720.402(3)~~; and

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

23 720.402 does not contain a subsection (3); s.

24 720.404(3) relates to restrictive covenants.

25
26 Section 140. Subsection (2) of section 721.075,
27 Florida Statutes, is reenacted to read:

28 721.075 Incidental benefits.--Incidental benefits
29 shall be offered only as provided in this section.

30 (2) Each purchaser shall execute a separate
31 acknowledgment and disclosure statement with respect to all

1 incidental benefits, which statement shall include the
2 following information:

3 (a) A fair description of the incidental benefit,
4 including, but not limited to, any user fees or costs
5 associated therewith and any restrictions upon use or
6 availability.

7 (b) A statement that use of or participation in the
8 incidental benefit by the prospective purchaser is completely
9 voluntary, and that payment of any fee or other cost
10 associated with the incidental benefit is required only upon
11 such use or participation.

12 (c) A statement that the incidental benefit is not
13 assignable or otherwise transferable by the prospective
14 purchaser or purchaser.

15 (d) The following disclosure in conspicuous type
16 immediately above the space for the purchaser's signature:
17

18 The incidental benefit[s] described in this statement
19 is [are] offered to prospective purchasers of the timeshare
20 plan [or other permitted reference pursuant to s.
21 721.11(5)(a)]. This [These] benefit[s] is [are] available for
22 your use for [some period 3 years or less] after the first
23 date that the timeshare plan is available for your use. The
24 availability of the incidental benefit[s] may or may not be
25 renewed or extended. You should not purchase an interest in
26 the timeshare plan in reliance upon the continued availability
27 or renewal or extension of this [these] benefit[s].

28 (e) A statement indicating the source of the services,
29 points, or other products that constitute the incidental
30 benefit.
31

1 The acknowledgment and disclosure statement for any incidental
2 benefit shall be filed with the division prior to use. Each
3 purchaser shall receive a copy of his or her executed
4 acknowledgment and disclosure statement as a document required
5 to be provided to him or her pursuant to s. 721.10(1)(b).
6

7 Reviser's note.--Section 7, ch. 2004-279, Laws
8 of Florida, added paragraph (e) to subsection
9 (2) without publishing the flush left language
10 at the end of the subsection. Absent
11 affirmative evidence of legislative intent to
12 repeal it, the flush left language is reenacted
13 to confirm that the omission was not intended.
14

15 Section 141. Subsection (4) of section 744.3678,
16 Florida Statutes, is amended to read:

17 744.3678 Annual accounting.--

18 (4) The guardian shall pay from the ward's estate to
19 the clerk of the circuit court a fee based upon the following
20 graduated fee schedule, upon the filing of the annual
21 financial return, for the auditing of the return:

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

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

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

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

1
2 Upon petition by the guardian, the court may waive the
3 auditing fee upon a showing of insufficient funds in the
4 ward's estate. Any guardian unable to pay the auditing fee may
5 petition the court for a waiver of the fee. The court may
6 waive the fee after it has reviewed the documentation filed by
7 the guardian in support of the waiver.

8
9 Reviser's note.--Amended to improve clarity and
10 facilitate correct interpretation.

11
12 Section 142. Paragraph (d) of subsection (2) of
13 section 744.7021, Florida Statutes, is amended to read:

14 744.7021 Statewide Public Guardianship Office.--There
15 is hereby created the Statewide Public Guardianship Office
16 within the Department of Elderly Affairs.

17 (2) The executive director shall, within available
18 resources, have oversight responsibilities for all public
19 guardians.

20 (d) By ~~January 1, 2004, and by~~ January 1 of each year
21 ~~thereafter~~, the executive director shall provide a status
22 report and provide further recommendations to the secretary
23 that address the need for public guardianship services and
24 related issues.

25
26 Reviser's note.--Amended to improve clarity and
27 delete obsolete language.

28
29 Section 143. Subsection (5) of section 782.081,
30 Florida Statutes, is amended to read:

31 782.081 Commercial exploitation of self-murder.--

1 (5) A person who violates this section commits a
2 felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084 ~~774.084~~.

4
5 Reviser's note.--Amended to improve clarity and
6 facilitate correct interpretation. Section
7 774.084 does not exist; s. 775.084 provides
8 punishment for felonies.

9
10 Section 144. Paragraph (b) of subsection (4) of
11 section 784.046, Florida Statutes, is amended to read:

12 784.046 Action by victim of repeat violence, sexual
13 violence, or dating violence for protective injunction; powers
14 and duties of court and clerk of court; filing and form of
15 petition; notice and hearing; temporary injunction; issuance;
16 statewide verification system; enforcement.--

17 (4)

18 (b) The sworn petition must be in substantially the
19 following form:

20
21 PETITION FOR INJUNCTION FOR PROTECTION
22 AGAINST REPEAT VIOLENCE, SEXUAL
23 VIOLENCE, OR DATING VIOLENCE

24
25 Before me, the undersigned authority, personally
26 appeared Petitioner ...(Name)..., who has been sworn and says
27 that the following statements are true:

28
29 1. Petitioner resides at ...(address)... (A petitioner
30 for an injunction for protection against sexual violence may
31 furnish an address to the court in a separate confidential

1 filing if, for safety reasons, the petitioner requires the
2 location of his or her current residence to be confidential
3 pursuant to s. 119.07(6)(s) ~~119.07(3)(s)~~, Florida Statutes.)

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

5 3.a. Petitioner has suffered repeat violence as
6 demonstrated by the fact that the respondent has:
7 ...(enumerate incidents of violence)...

8
9
10
11

12
13 b. Petitioner has suffered sexual violence as
14 demonstrated by the fact that the respondent has: (enumerate
15 incident of violence and include incident report number from
16 law enforcement agency or attach notice of inmate release.)

17
18
19
20

21
22 c. Petitioner is a victim of dating violence and has
23 reasonable cause to believe that he or she is in imminent
24 danger of becoming the victim of another act of dating
25 violence or has reasonable cause to believe that he or she is
26 in imminent danger of becoming a victim of dating violence, as
27 demonstrated by the fact that the respondent has: ...(list the
28 specific incident or incidents of violence and describe the
29 length of time of the relationship, whether it has been in
30 existence during the last 6 months, the nature of the
31 relationship of a romantic or intimate nature, the frequency

1 and type of interaction, and any other facts that characterize
2 the relationship.)...

3
4
5
6

7
8 4. Petitioner genuinely fears repeat violence by the
9 respondent.

10 5. Petitioner seeks: an immediate injunction against
11 the respondent, enjoining him or her from committing any
12 further acts of violence; an injunction enjoining the
13 respondent from committing any further acts of violence; and
14 an injunction providing any terms the court deems necessary
15 for the protection of the petitioner and the petitioner's
16 immediate family, including any injunctions or directives to
17 law enforcement agencies.

18
19 Reviser's note.--Amended to conform to the
20 redesignation of s. 119.07(3)(s) as s.
21 119.07(6)(s) by s. 7, ch. 2004-335, Laws of
22 Florida.

23
24 Section 145. Paragraph (a) of subsection (1) of
25 section 895.02, Florida Statutes, is amended to read:

26 895.02 Definitions.--As used in ss. 895.01-895.08, the
27 term:

28 (1) "Racketeering activity" means to commit, to
29 attempt to commit, to conspire to commit, or to solicit,
30 coerce, or intimidate another person to commit:

31

- 1 (a) Any crime which is chargeable by indictment or
2 information under the following provisions of the Florida
3 Statutes:
- 4 1. Section 210.18, relating to evasion of payment of
5 cigarette taxes.
 - 6 2. Section 403.727(3)(b), relating to environmental
7 control.
 - 8 3. Section 409.920 or s. 409.9201, relating to
9 Medicaid fraud.
 - 10 4. Section 414.39, relating to public assistance
11 fraud.
 - 12 5. Section 440.105 or s. 440.106, relating to workers'
13 compensation.
 - 14 6. Section 465.0161, relating to distribution of
15 medicinal drugs without a permit as an Internet pharmacy.
 - 16 7. Sections 499.0051, 499.0052, 499.00535 ~~499.0053~~,
17 499.00545, and 499.0691, relating to crimes involving
18 contraband and adulterated drugs.
 - 19 8. Part IV of chapter 501, relating to telemarketing.
 - 20 9. Chapter 517, relating to sale of securities and
21 investor protection.
 - 22 10. Section 550.235, s. 550.3551, or s. 550.3605,
23 relating to dogracing and horseracing.
 - 24 11. Chapter 550, relating to jai alai frontons.
 - 25 12. Chapter 552, relating to the manufacture,
26 distribution, and use of explosives.
 - 27 13. Chapter 560, relating to money transmitters, if
28 the violation is punishable as a felony.
 - 29 14. Chapter 562, relating to beverage law enforcement.
 - 30 15. Section 624.401, relating to transacting insurance
31 without a certificate of authority, s. 624.437(4)(c)1.,

1 relating to operating an unauthorized multiple-employer
2 welfare arrangement, or s. 626.902(1)(b), relating to
3 representing or aiding an unauthorized insurer.
4 16. Section 655.50, relating to reports of currency
5 transactions, when such violation is punishable as a felony.
6 17. Chapter 687, relating to interest and usurious
7 practices.
8 18. Section 721.08, s. 721.09, or s. 721.13, relating
9 to real estate timeshare plans.
10 19. Chapter 782, relating to homicide.
11 20. Chapter 784, relating to assault and battery.
12 21. Chapter 787, relating to kidnapping.
13 22. Chapter 790, relating to weapons and firearms.
14 23. Section 796.03, s. 796.035, s. 796.04, s. 796.045,
15 s. 796.05, or s. 796.07, relating to prostitution and sex
16 trafficking.
17 24. Chapter 806, relating to arson.
18 25. Section 810.02(2)(c), relating to specified
19 burglary of a dwelling or structure.
20 26. Chapter 812, relating to theft, robbery, and
21 related crimes.
22 27. Chapter 815, relating to computer-related crimes.
23 28. Chapter 817, relating to fraudulent practices,
24 false pretenses, fraud generally, and credit card crimes.
25 29. Chapter 825, relating to abuse, neglect, or
26 exploitation of an elderly person or disabled adult.
27 30. Section 827.071, relating to commercial sexual
28 exploitation of children.
29 31. Chapter 831, relating to forgery and
30 counterfeiting.
31

- 1 32. Chapter 832, relating to issuance of worthless
2 checks and drafts.
- 3 33. Section 836.05, relating to extortion.
- 4 34. Chapter 837, relating to perjury.
- 5 35. Chapter 838, relating to bribery and misuse of
6 public office.
- 7 36. Chapter 843, relating to obstruction of justice.
- 8 37. Section 847.011, s. 847.012, s. 847.013, s.
9 847.06, or s. 847.07, relating to obscene literature and
10 profanity.
- 11 38. Section 849.09, s. 849.14, s. 849.15, s. 849.23,
12 or s. 849.25, relating to gambling.
- 13 39. Chapter 874, relating to criminal street gangs.
- 14 40. Chapter 893, relating to drug abuse prevention and
15 control.
- 16 41. Chapter 896, relating to offenses related to
17 financial transactions.
- 18 42. Sections 914.22 and 914.23, relating to tampering
19 with a witness, victim, or informant, and retaliation against
20 a witness, victim, or informant.
- 21 43. Sections 918.12 and 918.13, relating to tampering
22 with jurors and evidence.

23

24 Reviser's note.--Amended to conform to the
25 redesignation of the referenced s. 499.0053 as
26 s. 499.00535 by the reviser incident to
27 compiling the 2003 Florida Statutes.

28

29 Section 146. Paragraph (i) of subsection (3) of
30 section 921.0022, Florida Statutes, is amended to read:

31

1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.051(1)	1st	Attempted felony murder while
6			perpetrating or attempting to
7			perpetrate a felony enumerated in
8			s. 782.04(3).
9	782.07(2)	1st	Aggravated manslaughter of an
10			elderly person or disabled adult.
11	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
12			reward or as a shield or hostage.
13	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
14			or facilitate commission of any
15			felony.
16	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
17			interfere with performance of any
18			governmental or political
19			function.
20	787.02(3)(a)	1st	False imprisonment; child under
21			age 13; perpetrator also commits
22			aggravated child abuse, sexual
23			battery, or lewd or lascivious
24			battery, molestation, conduct, or
25			exhibition.
26	790.161	1st	Attempted capital destructive
27			device offense.
28	790.166(2)	1st,PBL	Possessing, selling, using, or
29			attempting to use a weapon of
30			mass destruction.
31			

1	794.011(2)	1st	Attempted sexual battery; victim
2			less than 12 years of age.
3	794.011(2)	Life	Sexual battery; offender younger
4			than 18 years and commits sexual
5			battery on a person less than 12
6			years.
7	794.011(4)	1st	Sexual battery; victim 12 years
8			or older, certain circumstances.
9	794.011(8)(b)	1st	Sexual battery; engage in sexual
10			conduct with minor 12 to 18 years
11			by person in familial or
12			custodial authority.
13	800.04(5)(b)	1st	Lewd or lascivious molestation;
14			victim less than 12 years;
15			offender 18 years or older.
16	812.13(2)(a)	1st,PBL	Robbery with firearm or other
17			deadly weapon.
18	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
19			deadly weapon.
20	812.135(2)(b)	1st	Home-invasion robbery with
21			weapon.
22	817.568(7)	2nd,PBL	Fraudulent use of personal
23			identification information of an
24			individual under the age of 18 by
25			his or her parent, legal
26			guardian, or person exercising
27			custodial authority.
28	827.03(2)	1st	Aggravated child abuse.
29	847.0145(1)	1st	Selling, or otherwise
30			transferring custody or control,
31			of a minor.

1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning or introducing
5			bacteria, radioactive materials,
6			viruses, or chemical compounds
7			into food, drink, medicine, or
8			water with intent to kill or
9			injure another person.
10	893.135	1st	Attempted capital trafficking
11			offense.
12	893.135(1)(a)3.	1st	Trafficking in cannabis, more
13			than 10,000 lbs.
14	893.135		
15	(1)(b)1.c.	1st	Trafficking in cocaine, more than
16			400 grams, less than 150
17			kilograms.
18	893.135		
19	(1)(c)1.c.	1st	Trafficking in illegal drugs,
20			more than 28 grams, less than 30
21			kilograms.
22	893.135		
23	(1)(d)1.c.	1st	Trafficking in phencyclidine,
24			more than 400 grams.
25	893.135		
26	(1)(e)1.c.	1st	Trafficking in methaqualone, more
27			than 25 kilograms.
28	893.135		
29	(1)(f)1.c.	1st	Trafficking in amphetamine, more
30			than 200 grams.
31			

1 893.135
2 (1)(h)1.c. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 10 kilograms or more.
5 893.135
6 (1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
7 kilograms or more.
8 893.135
9 (1)(k)2.c. 1st Trafficking in Phenethylamines,
10 400 grams or more.
11 896.101(5)(c) 1st Money laundering, financial
12 instruments totaling or exceeding
13 \$100,000.
14 896.104(4)(a)3. 1st Structuring transactions to evade
15 reporting or registration
16 requirements, financial
17 transactions totaling or
18 exceeding \$100,000.

19
20 Reviser's note.--Amended to conform to the
21 redesignation of the referenced s. 499.0053 as
22 s. 499.00535 by the reviser incident to
23 compiling the 2003 Florida Statutes.

24
25 Section 147. Section 932.706, Florida Statutes, is
26 amended to read:
27 932.706 Forfeiture training requirements.--The
28 Criminal Justice Standards and Training Commission shall
29 develop a standardized course of training for basic recruits
30 and continuing education which shall be designed to develop
31 proficiency in the seizure and forfeiture of property under

1 the Florida Contraband Forfeiture Act. ~~Such course of training~~
2 ~~and continuing education shall be developed and implemented by~~
3 ~~December 1, 1995.~~ The curriculum for the course of training
4 and continuing education must include, but is not limited to,
5 racial and ethnic sensitivity and a review of cases in this
6 state which involve searches and seizures, the use of
7 drug-courier profiles by law enforcement agencies, and the use
8 of an order to stop based on a pretext.

9
10 Reviser's note.--Amended to delete an obsolete
11 provision. The cited course of training and
12 continuing education was to be developed and
13 implemented by December 1, 1995.

14
15 Section 148. Subsection (3) of section 943.125,
16 Florida Statutes, is repealed.

17
18 Reviser's note.--Repealed to delete a provision
19 that has served its purpose. The cited
20 subsection provides for the development of
21 arrest and security protocols by October 1,
22 1996.

23
24 Section 149. Subsection (2) of section 944.026,
25 Florida Statutes, is amended to read:

26 944.026 Community-based facilities and programs.--
27 (2) ~~By January 1, 2002, and~~ Notwithstanding any other
28 law, the department shall ensure that at least 400 of its
29 contracted beds in nonsecure community-based residential
30 substance abuse treatment facilities authorized under
31 subparagraph (1)(b)1. or probation and restitution centers

1 authorized under paragraph (1)(c) are designated for
2 transition assistance for inmates who are nearing their date
3 of release from a correctional institution or a community
4 correctional center. These designated beds shall be provided
5 by private organizations that do not have a faith component
6 and that are under contract with the department. In making
7 placement decisions, the department and the contract providers
8 shall give priority consideration to those inmates who are
9 nearing their date of release and who are to be placed in some
10 form of postrelease community supervision. However, if an
11 inmate whose sentence expires upon his or her release from a
12 correctional institution or a community correction center and
13 for whom community supervision is not required demonstrates
14 the need for or interest in and suitability for
15 transition-housing assistance, as determined by the
16 department, the inmate is eligible to be considered for
17 placement in transition housing. A right to substance abuse
18 program services is not stated, intended, or otherwise implied
19 by this subsection.

20

21 Reviser's note.--Amended to delete obsolete
22 language.

23

24 Section 150. Paragraph (a) of subsection (5) of
25 section 944.1905, Florida Statutes, is amended to read:

26 944.1905 Initial inmate classification; inmate
27 reclassification.--The Department of Corrections shall
28 classify inmates pursuant to an objective classification
29 scheme. The initial inmate classification questionnaire and
30 the inmate reclassification questionnaire must cover both
31 aggravating and mitigating factors.

1 (5)(a) Notwithstanding any other provision of this
2 section, the department shall assign to specific correctional
3 facilities all inmates who are less than 18 years of age and
4 who are not eligible for and have not been assigned to a
5 facility for youthful offenders. Any such inmate who is less
6 than 18 years of age shall be housed in a dormitory that is
7 separate from inmates who are 18 years of age or older.
8 Furthermore, the department shall provide any food service,
9 education, and recreation for such inmate separately from
10 inmates who are 18 years of age or older. ~~The department shall~~
11 ~~report to the Legislature on compliance with this paragraph by~~
12 ~~April 1, 2002.~~

13

14 Reviser's note.--Amended to delete obsolete
15 language. The referenced report of compliance
16 was due on April 1, 2002.

17

18 Section 151. Subsections (3) and (4) of section
19 944.803, Florida Statutes, are amended to read:

20 944.803 Faith-based programs for inmates.--

21 (3) ~~By March 1, 2002,~~ The department must have ~~at~~
22 ~~least three additional faith based dormitory programs fully~~
23 ~~operational and by June 1, 2002, the department must have at~~
24 ~~least three more faith based dormitory programs fully~~
25 ~~operational, for a total of six new programs fully operational~~
26 ~~by June 1, 2002.~~ These six programs shall be similar to and in
27 addition to the current faith-based pilot program. The six new
28 programs shall be a joint effort with the department and
29 faith-based service groups within the community. The
30 department shall ensure that an inmate's faith orientation, or
31 lack thereof, will not be considered in determining admission

1 | to a faith-based program and that the program does not attempt
2 | to convert an inmate toward a particular faith or religious
3 | preference. The programs shall operate 24 hours a day within
4 | the existing correctional facilities. The programs must
5 | emphasize the importance of personal responsibility,
6 | meaningful work, education, substance abuse treatment, and
7 | peer support. Participation in the faith-based dormitory
8 | program shall be voluntary. However, at least 80 percent of
9 | the inmates participating in this program must be within 36
10 | months of release. Assignment to these programs shall be based
11 | on evaluation and the length of time the inmate is projected
12 | to be assigned to that particular institution. In evaluating
13 | an inmate for this program, priority shall be given to inmates
14 | who have shown an indication for substance abuse. A right to
15 | substance abuse program services is not stated, intended, or
16 | otherwise implied by this subsection. The department may not
17 | remove an inmate once assigned to the program except for the
18 | purposes of population management, for inmate conduct that may
19 | subject the inmate to disciplinary confinement or loss of
20 | gain-time, for physical or mental health concerns, or for
21 | security or safety concerns. To support the programming
22 | component, the department shall assign a chaplain and a
23 | full-time clerical support person dedicated to each dormitory
24 | to implement and monitor the program and to strengthen
25 | volunteer participation and support. ~~By January 1, 2004, the~~
26 | ~~department shall submit an evaluation report to the Governor,~~
27 | ~~the President of the Senate, and the Speaker of the House of~~
28 | ~~Representatives on the faith based dormitory program. The~~
29 | ~~report must contain the findings from an extensive and~~
30 | ~~scientifically sound evaluation of the program, including at~~
31 | ~~least a longitudinal followup of the inmates who have~~

1 ~~successfully completed the program compared to other similar~~
2 ~~inmates who have not participated and an opinion survey of the~~
3 ~~faith based service providers.~~

4 (4) ~~Effective October 1, 2001,~~ The Department of
5 Corrections shall assign chaplains to community correctional
6 centers authorized pursuant to s. 945.091(1)(b). These
7 chaplains shall strengthen volunteer participation by
8 recruiting volunteers in the community to assist inmates in
9 transition, and, if requested by the inmate, placement in a
10 mentoring program or at a contracted substance abuse
11 transition housing program. When placing an inmate in a
12 contracted program, the chaplain shall work with the
13 institutional transition assistance specialist in an effort to
14 successfully place the released inmate.

15
16 Reviser's note.--Amended to delete obsolete
17 language.

18
19 Section 152. Subsection (7) of section 948.09, Florida
20 Statutes, is amended to read:

21 948.09 Payment for cost of supervision and
22 rehabilitation.--

23 (7) The department shall establish a payment plan for
24 all costs ordered by the courts for collection by the
25 department and a priority order for payments, except that
26 victim restitution payments authorized under s. 948.03(1)(e)
27 ~~948.03(5)~~ take precedence over all other court-ordered
28 payments. The department is not required to disburse
29 cumulative amounts of less than \$10 to individual payees
30 established on this payment plan.

1 Reviser's note.--Amended to improve clarity and
2 facilitate correct interpretation. The
3 referenced material is found in s.
4 948.03(1)(e).

5
6 Section 153. Subsection (2) of section 948.30, Florida
7 Statutes, is amended to read:

8 948.30 Additional terms and conditions of probation or
9 community control for certain sex offenses.--Conditions
10 imposed pursuant to this section do not require oral
11 pronouncement at the time of sentencing and shall be
12 considered standard conditions of probation or community
13 control for offenders specified in this section.

14 (2) Effective for a probationer or community
15 controllee whose crime was committed on or after October 1,
16 1997, and who is placed on sex offender probation for a
17 violation of chapter 794, s. 800.04, s. 827.071, or s.
18 847.0145, in addition to any other provision of this section
19 ~~subsection~~, the court must impose the following conditions of
20 probation or community control:

21 (a) As part of a treatment program, participation at
22 least annually in polygraph examinations to obtain information
23 necessary for risk management and treatment and to reduce the
24 sex offender's denial mechanisms. A polygraph examination must
25 be conducted by a polygrapher trained specifically in the use
26 of the polygraph for the monitoring of sex offenders, where
27 available, and shall be paid for by the sex offender. The
28 results of the polygraph examination shall not be used as
29 evidence in court to prove that a violation of community
30 supervision has occurred.

31

1 (b) Maintenance of a driving log and a prohibition
2 against driving a motor vehicle alone without the prior
3 approval of the supervising officer.

4 (c) A prohibition against obtaining or using a post
5 office box without the prior approval of the supervising
6 officer.

7 (d) If there was sexual contact, a submission to, at
8 the probationer's or community controllee's expense, an HIV
9 test with the results to be released to the victim or the
10 victim's parent or guardian.

11 (e) Electronic monitoring when deemed necessary by the
12 community control or probation officer and his or her
13 supervisor, and ordered by the court at the recommendation of
14 the Department of Corrections.

15
16 Reviser's note.--Amended to improve clarity and
17 facilitate correct interpretation. The
18 referenced subsection was s. 948.03(5), which
19 was redesignated as s. 948.30 by s. 18, ch.
20 2004-373, Laws of Florida.

21
22 Section 154. Paragraph (a) of subsection (5) of
23 section 957.07, Florida Statutes, is amended to read:

24 957.07 Cost-saving requirements.--

25 (5)(a) By February 1, ~~2002,~~ and each year thereafter,
26 the Prison Per-Diem Workgroup shall develop consensus per diem
27 rates to be used when determining per diem rates of privately
28 operated prisons. The Office of Program Policy Analysis and
29 Government Accountability, the Office of the Auditor General,
30 and the staffs of the appropriations committees of both the
31 Senate and the House of Representatives are the principals of

1 | the workgroup. The workgroup may consult with other experts to
2 | assist in the development of the consensus per diem rates. All
3 | meetings of the workgroup shall be open to the public as
4 | provided in chapter 286.

5 |

6 | Reviser's note.--Amended to delete obsolete
7 | language.

8 |

9 | Section 155. Subsection (4) of section 958.045,
10 | Florida Statutes, is amended to read:

11 | 958.045 Youthful offender basic training program.--

12 | (4) Upon admittance to the department, an educational
13 | and substance abuse assessment shall be performed on each
14 | youthful offender. Upon admittance to the basic training
15 | program, each offender shall have a full substance abuse
16 | assessment to determine the offender's need for substance
17 | abuse treatment. The educational assessment shall be
18 | accomplished through the aid of the Test of Adult Basic
19 | Education or any other testing instrument approved by the
20 | Department of Education, as appropriate. Each offender who has
21 | not obtained a high school diploma shall be enrolled in an
22 | adult education program designed to aid the offender in
23 | improving his or her academic skills and earning a high school
24 | diploma. Further assessments of the prior vocational skills
25 | and future career ~~vocational~~ education shall be provided to
26 | the offender. A periodic evaluation shall be made to assess
27 | the progress of each offender, and upon completion of the
28 | basic training program the assessment and information from the
29 | department's record of each offender shall be transferred to
30 | the appropriate community residential program.

31 |

1 Reviser's note.--Reenacted to conform to ch.
2 2004-357, Laws of Florida.

3
4 Section 156. Subsection (12) of section 985.404,
5 Florida Statutes, is repealed.

6
7 Reviser's note.--Repealed to delete a provision
8 that has served its purpose. The referenced
9 workgroup's recommendations regarding
10 development of a classification and placement
11 system for juvenile offenders committed to
12 residential programs was due by September 30,
13 2001.

14
15 Section 157. Section 1009.765, Florida Statutes, is
16 amended to read:

17 1009.765 Ethics in Business scholarships for community
18 colleges and independent postsecondary educational
19 institutions.--When the former Department of Insurance or the
20 Office of Insurance Regulation of the Financial Services
21 Commission receives a \$6 million settlement as specified in
22 the Consent Order of the Treasurer and Insurance Commissioner,
23 case number 18900-96-c, that portion of the \$6 million not
24 used to satisfy the requirements of section 18 of the Consent
25 Order must be transferred from the Insurance Regulatory Trust
26 Fund to the State Student Financial Assistance Trust Fund to
27 be is appropriated from the State Student Financial Assistance
28 Trust Fund to provide Ethics in Business scholarships to
29 students enrolled in public community colleges and independent
30 postsecondary educational institutions eligible to participate
31 in the William L. Boyd, IV, Florida Resident Access Grant

1 Program under s. 1009.89. The funds shall be allocated to
2 institutions for scholarships in the following ratio:
3 Two-thirds for community colleges and one-third for eligible
4 independent institutions. The Department of Education shall
5 administer the scholarship program for students attending
6 community colleges and independent institutions. These funds
7 must be allocated to institutions that provide an equal amount
8 of matching funds generated by private donors for the purpose
9 of providing Ethics in Business scholarships. Public funds may
10 not be used to provide the match, nor may funds collected for
11 other purposes. Notwithstanding any other provision of law,
12 the State Board of Administration shall have the authority to
13 invest the funds appropriated under this section. The State
14 Board of Education may adopt rules for administration of the
15 program.

16
17 Reviser's note.--Amended to improve clarity.
18 Section 20.13, which created the Department of
19 Insurance, was repealed by s. 3, ch. 2003-1,
20 Laws of Florida, and the duties of the
21 Department of Insurance were transferred to the
22 Department of Financial Services or the
23 Financial Services Commission. The words "to
24 be" were substituted for the word "is" to
25 facilitate correct interpretation.

26
27 Section 158. Paragraph (h) of subsection (7) of
28 section 1012.796, Florida Statutes, is amended to read:
29 1012.796 Complaints against teachers and
30 administrators; procedure; penalties.--
31

1 (7) A panel of the commission shall enter a final
2 order either dismissing the complaint or imposing one or more
3 of the following penalties:

4 (h) Refer the teacher, administrator ~~administer~~, or
5 supervisor to the recovery network program provided in s.
6 1012.798 under such terms and conditions as the commission may
7 specify.

8
9 Reviser's note.--Amended to improve clarity and
10 facilitate correct interpretation.

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