

1
2 An act relating to the Florida Statutes;
3 amending ss. 28.246, 28.35, 28.36, 29.21,
4 34.191, 39.701, 63.087, 63.102, 70.20, 101.161,
5 112.08, 112.63, 120.536, 211.06, 215.20,
6 215.555, 216.023, 220.1895, 280.16, 287.042,
7 287.17, 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8 have been impliedly repealed or superseded;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 (1) of section 28.246, Florida
23 Statutes, is amended to read:24 28.246 Payment of court-related fees, charges, and
25 costs; partial payments; distribution of funds.--26 (1) ~~Beginning July 1, 2003,~~ The clerk of the circuit
27 court shall report the following information to the
28 Legislature and the Florida Clerks of Court Operations
29 Corporation ~~Clerk of Court Operations Conference~~ on a form
30 developed by the Department of Financial Services:

31

1 (a) The total amount of mandatory fees, service
2 charges, and costs; the total amount actually assessed; the
3 total amount discharged, waived, or otherwise not assessed;
4 and the total amount collected.

5 (b) The amount of discretionary fees, service charges,
6 and costs assessed; the total amount discharged; and the total
7 amount collected.

8 (c) The total amount of mandatory fines and other
9 monetary penalties; the total amount assessed; the total
10 amount discharged, waived, or otherwise not assessed; and the
11 total amount collected.

12 (d) The amount of discretionary fines and other
13 monetary penalties assessed; the amount discharged; and the
14 total amount collected.

15
16 If provided to the clerk of court by the judge, the clerk, in
17 reporting the amount assessed, shall separately identify the
18 amount assessed pursuant to s. 938.30 as community service;
19 assessed by reducing the amount to a judgment or lien;
20 satisfied by time served; or other. The form developed by the
21 Chief Financial Officer shall include separate entries for
22 recording these amounts. The clerk shall submit the report on
23 ~~a quarterly basis 30 days after the end of the quarter for the~~
24 ~~period from July 1, 2003, through June 30, 2004, and on an~~
25 ~~annual basis thereafter~~, 60 days after the end of the county
26 fiscal year.

27
28 Reviser's note.--Section 23, ch. 2004-265, Laws
29 of Florida, replaced the Clerk of Court
30 Operations Conference with the Florida Clerks
31 of Court Operations Corporation. Subsection (1)

1 is also amended to delete material that has
2 served its purpose.

3
4 Section 2. Paragraph (a) of subsection (3) of section
5 28.35, Florida Statutes, is amended to read:

6 28.35 Florida Clerks of Court Operations
7 Corporation.--

8 (3)(a) The Clerks of Court Operations Corporation
9 shall certify to the President of the Senate, the Speaker of
10 the House of Representatives, the Chief Financial Officer, and
11 the Department of Revenue by October 15 of each year, the
12 amount of the proposed budget certified for each clerk; the
13 revenue projection supporting each clerk's budget; each clerk
14 eligible to retain some or all of the state's share of fines,
15 fees, service charges, and costs; the amount to be paid to
16 each clerk from the Clerks of the Court Trust Fund within the
17 Department of Revenue; the performance measures and standards
18 approved by the corporation ~~conference~~ for each clerk; and the
19 performance of each clerk in meeting the performance
20 standards.

21
22 Reviser's note.--Section 23, ch. 2004-265, Laws
23 of Florida, replaced the Clerk of Court
24 Operations Conference with the Florida Clerks
25 of Court Operations Corporation.

26
27 Section 3. Paragraph (a) of subsection (3) of section
28 28.36, Florida Statutes, is amended to read:

29 28.36 Budget procedure.--There is hereby established a
30 budget procedure for the court-related functions of the clerks
31 of the court.

1 (3) Each proposed budget shall further conform to the
2 following requirements:

3 (a) On or before August 1 for each fiscal year
4 thereafter, the proposed budget shall be prepared, summarized,
5 and submitted by the clerk in each county to the Clerks of
6 Court Operations Corporation in the manner and form prescribed
7 by the corporation ~~conference~~. The proposed budget must
8 provide detailed information on the anticipated revenues
9 available and expenditures necessary for the performance of
10 the standard list of court-related functions of the clerk's
11 office developed pursuant to s. 28.35(4)(a) for the county
12 fiscal year beginning the following October 1.

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

18
19 Section 4. Section 29.21, Florida Statutes, is amended
20 to read:

21 29.21 Department of Management Services to provide
22 assistance in procuring services.--In accordance with s.
23 287.042, the Department of Management Services ~~department~~ may
24 assist the Office of the State Courts Administrator and the
25 Justice Administrative Commission with competitive
26 solicitations for the procurement of state-funded services
27 under this chapter. This may include assistance in the
28 development and review of proposals in compliance with chapter
29 287, and rules adopted under that chapter.

30
31

1 Reviser's note.--Amended to improve clarity and
2 facilitate correct interpretation. The language
3 of this section is derived from subsection (2)
4 of s. 99, ch. 2004-265, Laws of Florida.
5 Subsection (1) of s. 99, ch. 2004-265, provides
6 for certain time-limited duties of the
7 Department of Management Services.

8
9 Section 5. Section 30.17, Florida Statutes, is
10 repealed.

11
12 Reviser's note.--This section, which relates to
13 docketing newly delivered writs of executions,
14 until October 1, 2001, has served its purpose.
15 The docket of executions was only required to
16 be maintained until October 1, 2003.

17
18 Section 6. Section 34.191, Florida Statutes, is
19 amended to read:

20 34.191 Fines and forfeitures; dispositions.--All fines
21 and forfeitures arising from offenses tried in the county
22 court shall be collected and accounted for by the clerk of the
23 court and, other than the charge provided in s. 318.1215,
24 disbursed in accordance with ss. 28.2402, 34.045, 142.01, and
25 142.03 ~~142.13~~ and subject to the provisions of s. 28.246(5)
26 and (6). Notwithstanding the provisions of this section, all
27 fines and forfeitures arising from operation of the provisions
28 of s. 318.1215 shall be disbursed in accordance with that
29 section. All fines and forfeitures received from violations of
30 municipal ordinances committed within a municipality within
31 the territorial jurisdiction of the county court, other than

1 the charge provided in s. 318.1215, shall be paid monthly to
2 the municipality except as provided in s. 28.2402(2), s.
3 34.045(2), s. 318.21, or s. 943.25. All other fines and
4 forfeitures collected by the clerk, other than the charge
5 provided in s. 318.1215, shall be considered income of the
6 office of the clerk for use in performing court-related duties
7 of the office.

8
9 Reviser's note.--Amended to conform to the
10 repeal of s. 142.13 by s. 101, ch. 2004-265,
11 Laws of Florida. Section 142.03 relates to
12 disposition of fines, forfeitures, and civil
13 penalties to municipalities.

14
15 Section 7. Paragraph (c) of subsection (2) and
16 paragraph (a) of subsection (9) of section 39.701, Florida
17 Statutes, are amended to read:

18 39.701 Judicial review.--

19 (2)

20 (c) Notice of a hearing by a citizen review panel must
21 be provided as set forth in subsection (5). At the conclusion
22 of a citizen review panel hearing, each party may propose a
23 recommended order to the chairperson of the panel. Thereafter,
24 the citizen review panel shall submit its report, copies of
25 the proposed recommended orders, and a copy of the panel's
26 recommended order to the court. The citizen review panel's
27 recommended order must be limited to the dispositional options
28 available to the court in subsection ~~(9)~~⁽⁸⁾. Each party may
29 file exceptions to the report and recommended order of the
30 citizen review panel in accordance with Rule 1.490, Florida
31 Rules of Civil Procedure.

1 (9)(a) Based upon the criteria set forth in subsection
2 ~~(8)(7)~~ and the recommended order of the citizen review panel,
3 if any, the court shall determine whether or not the social
4 service agency shall initiate proceedings to have a child
5 declared a dependent child, return the child to the parent,
6 continue the child in out-of-home care for a specified period
7 of time, or initiate termination of parental rights
8 proceedings for subsequent placement in an adoptive home.
9 Modifications to the plan must be handled as prescribed in s.
10 39.601. If the court finds that the prevention or
11 reunification efforts of the department will allow the child
12 to remain safely at home or be safely returned to the home,
13 the court shall allow the child to remain in or return to the
14 home after making a specific finding of fact that the reasons
15 for the creation of the case plan have been remedied to the
16 extent that the child's safety, well-being, and physical,
17 mental, and emotional health will not be endangered.

18
19 Reviser's note.--Amended to conform to the
20 redesignation of s. 39.701(8) as s. 39.701(9)
21 and the redesignation of s. 39.701(7) as s.
22 39.701(8) by s. 2, ch. 2004-362, Laws of
23 Florida.

24
25 Section 8. Paragraph (e) of subsection (4) of section
26 63.087, Florida Statutes, is amended to read:

27 63.087 Proceeding to terminate parental rights pending
28 adoption; general provisions.--

29 (4) PETITION.--

30 (e) The petition must include:
31

1 1. The minor's name, gender, date of birth, and place
2 of birth. The petition must contain all names by which the
3 minor is or has been known, excluding the minor's prospective
4 adoptive name but including the minor's legal name at the time
5 of the filing of the petition. In the case of an infant child
6 whose adoptive name appears on the original birth certificate,
7 the adoptive name shall not be included in the petition, nor
8 shall it be included elsewhere in the termination of parental
9 rights proceeding.

10 2. All information required by the Uniform Child
11 Custody Jurisdiction and Enforcement Act and the Indian Child
12 Welfare Act.

13 3. A statement of the grounds under s. 63.089 upon
14 which the petition is based.

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

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

20 6. A certification of compliance with the requirements
21 of s. 63.0425 regarding notice to grandparents of an impending
22 adoption.

23
24 Reviser's note.--Amended to conform to the
25 repeal and replacement of the Uniform Child
26 Custody Jurisdiction Act with the Uniform Child
27 Custody Jurisdiction and Enforcement Act by
28 chapter 2002-65, Laws of Florida.

29
30 Section 9. Subsection (2) of section 63.102, Florida
31 Statutes, is amended to read:

1 63.102 Filing of petition for adoption or declaratory
2 statement; venue; proceeding for approval of fees and costs.--

3 (2) VENUE.--A petition for adoption or for a
4 declaratory statement as to the adoption contract shall be
5 filed in the county where the petition for termination of
6 parental rights was granted, unless the court, in accordance
7 with s. 47.122, changes the venue to the county where the
8 petitioner or petitioners or the minor resides or where the
9 adoption entity with which the minor has been placed is
10 located. The circuit court in this state must retain
11 jurisdiction over the matter until a final judgment is entered
12 on the adoption. The Uniform Child Custody Jurisdiction and
13 Enforcement Act does not apply until a final judgment is
14 entered on the adoption.

15
16 Reviser's note.--Amended to conform to the
17 repeal and replacement of the Uniform Child
18 Custody Jurisdiction Act with the Uniform Child
19 Custody Jurisdiction and Enforcement Act by
20 chapter 2002-65, Laws of Florida.

21
22 Section 10. Subsection (13) of section 70.20, Florida
23 Statutes, is repealed.

24
25 Reviser's note.--Repealed to delete obsolete
26 language relating to a study of the value of
27 offsite signs in relation to the valuation of
28 commercial properties for ad valorem tax
29 purposes. The Office of Program Policy Analysis
30 and Government Accountability was to have
31 completed the study by December 31, 2002.

1 Section 11. Subsection (3) of section 101.161, Florida
2 Statutes, is amended to read:

3 101.161 Referenda; ballots.--

4 ~~(3)(a) The ballot for the general election in the year~~
5 ~~2000 must contain a statement allowing voters to determine~~
6 ~~whether circuit or county court judges will be selected by~~
7 ~~merit selection and retention as provided in s. 10, Art. V of~~
8 ~~the State Constitution. The ballot in each circuit must~~
9 ~~contain the statement in paragraph (c). The ballot in each~~
10 ~~county must contain the statement in paragraph (c).~~

11 (a)(b) For any general election in which the Secretary
12 of State, for any circuit, or the supervisor of elections, for
13 any county, has certified the ballot position for an
14 initiative to change the method of selection of judges, the
15 ballot for any circuit must contain the statement in paragraph
16 (b)(e) or paragraph (c)(d) and the ballot for any county must
17 contain the statement in paragraph (d)(e) or paragraph (e)(f).

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

28 (c)(d) In any circuit where the initiative is to
29 change the selection of circuit court judges to election by
30 the voters, the ballot shall state: "Shall the method of
31 selecting circuit court judges in the ...(number of the

1 circuit)... judicial circuit be changed from selection by the
2 judicial nominating commission and appointment by the Governor
3 with subsequent terms determined by a retention vote of the
4 people to election by a vote of the people?" This statement
5 must be followed by the word "yes" and also by the word "no."

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

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

24
25 Reviser's note.--Amended to delete obsolete
26 language relating to the ballot for the general
27 election in the year 2000.

28
29 Section 12. Subsection (3) of section 110.161, Florida
30 Statutes, is reenacted to read:

31 110.161 State employees; pretax benefits program.--

1 (3) It is found and declared that the maintenance of a
2 system of personnel management which ensures the state the
3 delivery of high-quality performance by employees is
4 facilitated by the state's ability to attract and retain
5 qualified personnel. The Legislature recognizes that the
6 public interest is best served by development of a benefits
7 program which is not only cost-efficient but sufficiently
8 flexible to meet the individual needs of its employees.

9
10 Reviser's note.--Section 6, ch. 2004-347, Laws
11 of Florida, purported to amend subsections (2)
12 and (3) but actually amended subsections (2)
13 and (7), failing to publish subsection (3).
14 Absent affirmative evidence that the
15 Legislature intended to repeal it, subsection
16 (3) is reenacted to confirm that the omission
17 was not intended.

18
19 Section 13. Paragraph (b) of subsection (2) of section
20 112.08, Florida Statutes, is amended to read:

21 112.08 Group insurance for public officers, employees,
22 and certain volunteers; physical examinations.--

23 (2)

24 (b) In order to obtain approval from the Office of
25 Insurance Regulation of any self-insured plan for health,
26 accident, and hospitalization coverage, each local
27 governmental unit or consortium shall submit its plan along
28 with a certification as to the actuarial soundness of the
29 plan, which certification is prepared by an actuary who is a
30 member of the Society of Actuaries or the American Academy of
31 Actuaries. The Office of Insurance Regulation shall not

1 approve the plan unless it determines that the plan is
2 designed to provide sufficient revenues to pay current and
3 future liabilities, as determined according to generally
4 accepted actuarial principles. After implementation of an
5 approved plan, each local governmental unit or consortium
6 shall annually submit to the Office of Insurance Regulation a
7 report which includes a statement prepared by an actuary who
8 is a member of the Society of Actuaries or the American
9 Academy of Actuaries as to the actuarial soundness of the
10 plan. The report is due 90 days after the close of the fiscal
11 year of the plan. The report shall consist of, but is not
12 limited to:

13 1. The adequacy of contribution rates in meeting the
14 level of benefits provided and the changes, if any, needed in
15 the contribution rates to achieve or preserve a level of
16 funding deemed adequate to enable payment of the benefit
17 amounts provided under the plan and a valuation of present
18 assets, based on statement value, and prospective assets and
19 liabilities of the plan and the extent of any unfunded accrued
20 liabilities.

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

23 3. A description and explanation of actuarial
24 assumptions.

25 4. A schedule illustrating the amortization of any
26 unfunded liabilities.

27 5. A comparative review illustrating the level of
28 funds available to the plan from rates, investment income, and
29 other sources realized over the period covered by the report
30 with the assumptions used.
31

1 6. A statement by the actuary that the report is
2 complete and accurate and that in the actuary's opinion the
3 techniques and assumptions used are reasonable and meet the
4 requirements and intent of this subsection.

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

8
9 All assumptions used in the report shall be based on
10 recognized actuarial principles acceptable to the Office of
11 Insurance Regulation. The office shall review the report and
12 shall notify the administrator of the plan and each entity
13 participating in the plan, as identified by the administrator,
14 of any actuarial deficiencies. Each local governmental unit is
15 responsible for payment of valid claims of its employees that
16 are not paid within 60 days after receipt by the plan
17 administrator or consortium.

18
19 Reviser's note.--Amended to conform to the
20 transfer of certain functions of the Department
21 of Insurance to the Office of Insurance
22 Regulation of the Department of Financial
23 Services by ch. 2002-404, Laws of Florida.

24
25 Section 14. Subsection (2) of section 112.63, Florida
26 Statutes, is amended to read:

27 112.63 Actuarial reports and statements of actuarial
28 impact; review.--

29 (2) The frequency of actuarial reports must be at
30 least every 3 years commencing from the last actuarial report
31 of the plan or system or October 1, 1980, if no actuarial

1 report has been issued within the 3-year period prior to
2 October 1, 1979. The results of each actuarial report shall be
3 filed with the plan administrator within 60 days of
4 certification. Thereafter, the results of each actuarial
5 report shall be made available for inspection upon request.
6 Additionally, each retirement system or plan covered by this
7 act which is not administered directly by the Department of
8 Management Services shall furnish a copy of each actuarial
9 report to the Department of Management Services within 60 days
10 after receipt from the actuary. The requirements of this
11 section are supplemental to actuarial valuations necessary to
12 comply with the requirements of s. ss. 218.321 and 218.39.

13

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

17

18 Section 15. Paragraph (a) of subsection (2) and
19 subsection (3) of section 120.536, Florida Statutes, are
20 repealed, and paragraph (b) of subsection (2) of that section
21 is amended to read:

22 120.536 Rulemaking authority; listing of rules
23 exceeding authority; repeal; challenge.--

24 (2)

25 ~~(b) By October 1, 1999, each agency shall provide to~~
26 ~~the Administrative Procedures Committee a listing of each~~
27 ~~rule, or portion thereof, adopted by that agency before June~~
28 ~~18, 1999, which exceeds the rulemaking authority permitted by~~
29 ~~this section. For those rules of which only a portion exceeds~~
30 ~~the rulemaking authority permitted by this section, the agency~~
31 ~~shall also identify the language of the rule which exceeds~~

1 ~~this authority. The Administrative Procedures Committee shall~~
2 ~~combine the lists and provide the cumulative listing to the~~
3 ~~President of the Senate and the Speaker of the House of~~
4 ~~Representatives. The Legislature shall, at the 2000 Regular~~
5 ~~Session, consider whether specific legislation authorizing the~~
6 ~~identified rules, or portions thereof, should be enacted. By~~
7 ~~January 1, 2001, each agency shall initiate proceedings~~
8 ~~pursuant to s. 120.54 to repeal each rule, or portion thereof,~~
9 ~~identified as exceeding the rulemaking authority permitted by~~
10 ~~this section for which authorizing legislation does not exist.~~
11 ~~By February 1, 2001, the Administrative Procedures Committee~~
12 ~~shall submit to the President of the Senate and the Speaker of~~
13 ~~the House of Representatives a report identifying those rules~~
14 ~~that an agency had previously identified as exceeding the~~
15 ~~rulemaking authority permitted by this section for which~~
16 ~~proceedings to repeal the rule have not been initiated. As of~~
17 ~~July 1, 2001, The Administrative Procedures Committee or any~~
18 ~~substantially affected person may petition an agency to repeal~~
19 ~~any rule, or portion thereof, because it exceeds the~~
20 ~~rulemaking authority permitted by this section. Not later~~
21 ~~than 30 days after the date of filing the petition if the~~
22 ~~agency is headed by an individual, or not later than 45 days~~
23 ~~if the agency is headed by a collegial body, the agency shall~~
24 ~~initiate rulemaking proceedings to repeal the rule, or portion~~
25 ~~thereof, or deny the petition, giving a written statement of~~
26 ~~its reasons for the denial.~~

27
28 Reviser's note.--Amended to delete provisions
29 that have served their purpose. Paragraph
30 (2)(a) related to a review of all rules adopted
31 prior to October 1, 1996. Subsection (3)

1 related to challenges to certain rules during
2 the rule review process.

3
4 Section 16. Section 202.205, Florida Statutes, is
5 repealed.

6
7 Reviser's note.--Repealed to delete obsolete
8 language relating to transitional rates for
9 local communications services.

10
11 Section 17. Subsection (2) of section 211.06, Florida
12 Statutes, is repealed.

13
14 Reviser's note.--Repealed to delete an obsolete
15 provision. This provision governs distributions
16 for proceeds remaining in the Oil and Gas Tax
17 Trust Fund through June 30, 1995.

18
19 Section 18. Subparagraph 8. of paragraph (j) of
20 subsection (4) of section 215.20, Florida Statutes, is
21 repealed.

22
23 Reviser's note.--Repealed to conform to the
24 termination of the Forfeited Property Trust
25 Fund by s. 1, ch. 2004-234, Laws of Florida,
26 and the transfer of current balances and
27 revenues to the Internal Improvement Trust
28 Fund. The Internal Improvement Trust Fund is
29 already included in the list of funds under the
30 Department of Environmental Protection in
31 paragraph (4)(j).

1 Section 19. Paragraph (b) of subsection (6) of section
2 215.555, Florida Statutes, is amended to read:

3 215.555 Florida Hurricane Catastrophe Fund.--

4 (6) REVENUE BONDS.--

5 (b) Emergency assessments.--

6 1. If the board determines that the amount of revenue
7 produced under subsection (5) is insufficient to fund the
8 obligations, costs, and expenses of the fund and the
9 corporation, including repayment of revenue bonds and that
10 portion of the debt service coverage not met by reimbursement
11 premiums, the board shall direct the Office of Insurance
12 Regulation to levy, by order, an emergency assessment on
13 direct premiums for all property and casualty lines of
14 business in this state, including property and casualty
15 business of surplus lines insurers regulated under part VIII
16 of chapter 626, but not including any workers' compensation
17 premiums or medical malpractice premiums. As used in this
18 subsection, the term "property and casualty business" includes
19 all lines of business identified on Form 2, Exhibit of
20 Premiums and Losses, in the annual statement required of
21 authorized insurers by s. 624.424 and any rule adopted under
22 this section, except for those lines identified as accident
23 and health insurance and except for policies written under the
24 National Flood Insurance Program. The assessment shall be
25 specified as a percentage of future premium collections and is
26 subject to annual adjustments by the board to reflect changes
27 in premiums subject to assessments collected under this
28 subparagraph in order to meet debt obligations. The same
29 percentage shall apply to all policies in lines of business
30 subject to the assessment issued or renewed during the
31

1 12-month period beginning on the effective date of the
2 assessment.

3 2. A premium is not subject to an annual assessment
4 under this paragraph in excess of 6 percent of premium with
5 respect to obligations arising out of losses attributable to
6 any one contract year, and a premium is not subject to an
7 aggregate annual assessment under this paragraph in excess of
8 10 percent of premium. An annual assessment under this
9 paragraph shall continue until the revenue bonds issued with
10 respect to which the assessment was imposed are outstanding,
11 including any bonds the proceeds of which were used to refund
12 the revenue bonds, unless adequate provision has been made for
13 the payment of the bonds under the documents authorizing
14 issuance of the bonds.

15 3. With respect to each insurer collecting premiums
16 that are subject to the assessment, the insurer shall collect
17 the assessment at the same time as it collects the premium
18 payment for each policy and shall remit the assessment
19 collected to the fund or corporation as provided in the order
20 issued by the Office of Insurance Regulation. The office shall
21 verify the accurate and timely collection and remittance of
22 emergency assessments and shall report the information to the
23 board in a form and at a time specified by the board. Each
24 insurer collecting assessments shall provide the information
25 with respect to premiums and collections as may be required by
26 the office to enable the office to monitor and verify
27 compliance with this paragraph.

28 4. With respect to assessments of surplus lines
29 premiums, each surplus lines agent shall collect the
30 assessment at the same time as the agent collects the surplus
31 lines tax required by s. 626.932, and the surplus lines agent

1 shall remit the assessment to the Florida Surplus Lines
2 Service Office created by s. 626.921 at the same time as the
3 agent remits the surplus lines tax to the Florida Surplus
4 Lines Service Office. The emergency assessment on each insured
5 procuring coverage and filing under s. 626.938 shall be
6 remitted by the insured to the Florida Surplus Lines Service
7 Office at the time the insured pays the surplus lines tax to
8 the Florida Surplus Lines Service Office. The Florida Surplus
9 Lines Service Office shall remit the collected assessments to
10 the fund or corporation as provided in the order levied by the
11 Office of Insurance Regulation. The Florida Surplus Lines
12 Service Office shall verify the proper application of such
13 emergency assessments and shall assist the board in ensuring
14 the accurate and timely collection and remittance of
15 assessments as required by the board. The Florida Surplus
16 Lines Service Office shall annually calculate the aggregate
17 written premium on property and casualty business, other than
18 workers' compensation and medical malpractice, procured
19 through surplus lines agents and insureds procuring coverage
20 and filing under s. 626.938 and shall report the information
21 to the board in a form and at a time specified by the board.

22 5. Any assessment authority not used for a particular
23 contract year may be used for a subsequent contract year. If,
24 for a subsequent contract year, the board determines that the
25 amount of revenue produced under subsection (5) is
26 insufficient to fund the obligations, costs, and expenses of
27 the fund and the corporation, including repayment of revenue
28 bonds and that portion of the debt service coverage not met by
29 reimbursement premiums, the board shall direct the Office of
30 Insurance Regulation to levy an emergency assessment up to an
31 amount not exceeding the amount of unused assessment authority

1 from a previous contract year or years, plus an additional 4
2 percent provided that the assessments in the aggregate do not
3 exceed the limits specified in subparagraph 2.

4 6. The assessments otherwise payable to the
5 corporation under this paragraph shall be paid to the fund
6 unless and until the Office of Insurance Regulation and the
7 Florida Surplus Lines Service Office have received from the
8 corporation and the fund a notice, which shall be conclusive
9 and upon which they may rely without further inquiry, that the
10 corporation has issued bonds and the fund has no agreements in
11 effect with local governments under paragraph (c). On or after
12 the date of the notice and until the date the corporation has
13 no bonds outstanding, the fund shall have no right, title, or
14 interest in or to the assessments, except as provided in the
15 fund's agreement with the corporation.

16 7. Emergency assessments are not premium and are not
17 subject to the premium tax, to the surplus lines tax, to any
18 fees, or to any commissions. An insurer is liable for all
19 assessments that it collects and must treat the failure of an
20 insured to pay an assessment as a failure to pay the premium.
21 An insurer is not liable for uncollectible assessments.

22 8. When an insurer is required to return an unearned
23 premium, it shall also return any collected assessment
24 attributable to the unearned premium. A credit adjustment to
25 the collected assessment may be made by the insurer with
26 regard to future remittances that are payable to the fund or
27 corporation, but the insurer is not entitled to a refund.

28 9. When a surplus lines insured or an insured who has
29 procured coverage and filed under s. 626.938 is entitled to
30 the return of an unearned premium, the Florida Surplus Lines
31 Service Office shall provide a credit or refund to the agent

1 or such insured for the collected assessment attributable to
2 the unearned premium prior to remitting the emergency
3 assessment collected to the fund or corporation.

4 10. The exemption of medical malpractice insurance
5 premiums from emergency assessments under this paragraph is
6 repealed May 31, 2007, and medical malpractice insurance
7 premiums shall be subject to emergency assessments
8 attributable to loss events occurring in the contract years
9 commencing on June 1, 2007.

10
11 Reviser's note.--Amended to conform to the
12 correct name of the Florida Surplus Lines
13 Service Office as referenced elsewhere in that
14 paragraph.

15
16 Section 20. Subsection (5) of section 216.023, Florida
17 Statutes, is amended to read:

18 216.023 Legislative budget requests to be furnished to
19 Legislature by agencies.--

20 (5) At the time specified in the legislative budget
21 instructions and in sufficient time to be included in the
22 Governor's recommended budget, the judicial branch is required
23 to submit a performance-based program budget request. The
24 Chief Justice of the Supreme Court shall identify and, after
25 consultation with the Office of Program Policy Analysis and
26 Government Accountability, submit to the President of the
27 Senate and the Speaker of the House of Representatives a list
28 of proposed programs and associated performance measures. The
29 judicial branch shall provide documentation to accompany the
30 list of proposed programs and performance measures as provided
31 under subsection (4). The judicial branch shall submit a

1 performance-based program agency budget request using the
2 programs and performance measures adopted by the Legislature.
3 The Chief Justice may propose revisions to approved programs
4 or performance measures for the judicial branch. The
5 Legislature shall have final approval of all programs and
6 associated performance measures and standards for the judicial
7 branch through the General Appropriations Act or legislation
8 implementing the General Appropriations Act. ~~By September 15,~~
9 ~~2001, the Chief Justice of the Supreme Court shall submit to~~
10 ~~the President of the Senate and the Speaker of the House of~~
11 ~~Representatives a performance based program budget request for~~
12 ~~programs of the judicial branch approved by the Legislature~~
13 ~~and provide a copy to the Executive Office of the Governor.~~

14

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

17

18 Section 21. Section 220.1895, Florida Statutes, is
19 amended to read:

20 220.1895 Rural Job Tax Credit and Urban High-Crime
21 Area Job Tax Credit.--There shall be allowed a credit against
22 the tax imposed by this chapter amounts approved by the Office
23 of Tourism, Trade, and Economic Development pursuant to the
24 Rural Job Tax Credit Program in s. 212.098 and the Urban
25 High-Crime Area Job Tax Credit Program in s. 212.097. A
26 corporation that uses its credit against the tax imposed by
27 this chapter may not take the credit against the tax imposed
28 by chapter 212. If any credit granted under this section is
29 not fully used in the first year for which it becomes
30 available, the unused amount may be carried forward for a
31 period not to exceed 5 years. The carryover may be used in a

1 subsequent year when the tax imposed by this chapter for such
2 year exceeds the credit for such year under this section after
3 applying the other credits and unused credit carryovers in the
4 order provided in s. 220.02(8). ~~The Office of Tourism, Trade,~~
5 ~~and Economic Development shall conduct a review of the Urban~~
6 ~~High Crime Area Job Tax Credit and the Rural Job Tax Credit~~
7 ~~Program and submit its report to the Governor, the President~~
8 ~~of the Senate, and the Speaker of the House of Representatives~~
9 ~~by February 1, 2000.~~

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

13
14 Section 22. Paragraph (d) of subsection (1) of section
15 280.16, Florida Statutes, is amended to read:

16 280.16 Requirements of qualified public depositories;
17 confidentiality.--

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

20 (d) Submit to the Chief Financial Officer annually,
21 not later than November 30, a report of all public deposits
22 held for the credit of all public depositories at the close of
23 business on September 30. Such annual report shall consist of
24 public deposit information in a report format prescribed by
25 the Chief Financial Officer. The manner of required filing may
26 be as a signed writing or electronic data transmission, at the
27 discretion of the Chief Financial Officer ~~Treasurer~~.

28
29 Reviser's note.--Amended to conform to the
30 redesignation of the Treasurer as the Chief
31

1 Financial Officer by ch. 2002-404, Laws of
2 Florida.

3
4 Section 23. Paragraph (b) of subsection (3) of section
5 287.042, Florida Statutes, is amended to read:

6 287.042 Powers, duties, and functions.--The department
7 shall have the following powers, duties, and functions:

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

12 (b)1. Development of procedures for advertising
13 solicitations. These procedures must provide for electronic
14 posting of solicitations for at least 10 days before the date
15 set for receipt of bids, proposals, or replies, unless the
16 department or other agency determines in writing that a
17 shorter period of time is necessary to avoid harming the
18 interests of the state. The Office of Supplier Diversity may
19 consult with the department regarding the development of
20 solicitation distribution procedures to ensure that maximum
21 distribution is afforded to certified minority business
22 enterprises as defined in s. 288.703.

23 2. Development of procedures for electronic posting.
24 The department shall designate a centralized website on the
25 Internet for the department and other agencies to
26 electronically post solicitations, decisions or intended
27 decisions, and other matters relating to procurement. ~~From~~
28 ~~July 1, 2002, until July 1, 2003, the department shall publish~~
29 ~~a notice in each edition of the Florida Administrative Weekly~~
30 ~~which indicates the specific URL or Internet address for the~~
31 ~~centralized website.~~

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

3
4 Section 24. Subsection (5) of section 287.17, Florida
5 Statutes, is repealed.

6
7 Reviser's note.--Repealed to delete an obsolete
8 provision. The required reviews of motor
9 vehicle use were to be conducted by December
10 31, 2000.

11
12 Section 25. Subsection (10) of section 288.063,
13 Florida Statutes, is reenacted to read:

14 288.063 Contracts for transportation projects.--
15 (10) In addition to the other provisions of this
16 section, projects that the Legislature deems necessary to
17 facilitate the economic development and growth of the state
18 may be designated and funded in the General Appropriations
19 Act. Such transportation projects create new employment
20 opportunities, expand transportation infrastructure, improve
21 mobility, or increase transportation innovation. The Office of
22 Tourism, Trade, and Economic Development shall enter into
23 contracts with, and make expenditures to, the appropriate
24 entities for the costs of transportation projects designated
25 in the General Appropriations Act.

26
27 Reviser's note.--Subsection (10) was amended by
28 s. 7, ch. 2004-242, Laws of Florida, to delete
29 the July 1, 2003, repeal formerly set out in
30 the section. Section 5, ch. 2004-6, a reviser's
31 bill, repealed the subsection pursuant to the

1 July 1, 2003, repeal. Absent affirmative
2 evidence of legislative intent to repeal it,
3 subsection (10) is reenacted to confirm its
4 status.

5
6 Section 26. Paragraph (e) of subsection (4) of section
7 288.1224, Florida Statutes, is repealed.

8
9 Reviser's note.--Repealed to delete an obsolete
10 provision. The required review and subsequent
11 report were to be completed by January 1, 2003.

12
13 Section 27. Section 288.12265, Florida Statutes, is
14 amended to read:

15 288.12265 Welcome centers.--

16 (1) ~~Effective July 1, 1999,~~ Responsibility for the
17 welcome centers is assigned to the Florida Commission on
18 Tourism which shall contract with the commission's
19 direct-support organization to employ all welcome center
20 staff. ~~On or before June 30, 1999, all welcome center staff~~
21 ~~shall be offered employment through the direct support~~
22 ~~organization at the same salary such staff received through~~
23 ~~the Department of Transportation, prior to July 1, 1999, but~~
24 ~~with the same benefits provided by the direct support~~
25 ~~organization to the organization's employees. Welcome center~~
26 ~~employees shall have until January 1, 2000, to choose to be~~
27 ~~employed by the direct support organization or to remain~~
28 ~~employed by the state. Those employees who choose to remain~~
29 ~~employed by the state may continue to be assigned by the~~
30 ~~Department of Transportation to the welcome centers until June~~
31 ~~30, 2001. Upon vacating a career service position by a career~~

1 ~~service employee, the position shall be abolished. The~~
2 ~~agreement between the Department of Transportation and the~~
3 ~~Florida Commission on Tourism concerning the funding of~~
4 ~~positions in the welcome centers shall continue until all~~
5 ~~welcome center employees are employed by the direct support~~
6 ~~organization, or until those employees choosing to remain~~
7 ~~employed by the state have found other state employment, or~~
8 ~~until June 30, 2001, whichever occurs first.~~

9 (2) ~~Effective July 1, 1999,~~ The Florida Commission on
10 Tourism, through its direct-support organization, shall
11 administer and operate the welcome centers. Pursuant to a
12 contract with the Department of Transportation, the commission
13 shall be responsible for routine repair, replacement, or
14 improvement and the day-to-day management of interior areas
15 occupied by the welcome centers. All other repairs,
16 replacements, or improvements to the welcome centers shall be
17 the responsibility of the Department of Transportation.

18
19 Reviser's note.--Amended to delete provisions
20 that have served their purpose.

21
22 Section 28. Paragraph (c) of subsection (4) of section
23 288.905, Florida Statutes, is repealed.

24
25 Reviser's note.--Repealed to delete a provision
26 that has served its purpose. The required
27 review and subsequent report were to be
28 completed by January 1, 2002.

29
30 Section 29. Section 288.971, Florida Statutes, is
31 repealed.

1 Reviser's note.--Repealed to delete findings
2 which have served their purpose. The findings
3 refer to military base closing decisions
4 expected to be made in 1995 and reductions in
5 military spending and personnel by 1997.

6
7 Section 30. Subsection (6) of section 290.00689,
8 Florida Statutes, is repealed.

9
10 Reviser's note.--Repealed to delete obsolete
11 provisions. The required review and evaluation
12 of an enterprise zone pilot project area was to
13 be completed prior to the 2004 Regular Session
14 of the Legislature. The report of findings and
15 recommendations was to be submitted by January
16 15, 2004.

17
18 Section 31. Subsection (3) of section 290.015, Florida
19 Statutes, is repealed.

20
21 Reviser's note.--Repealed to delete an obsolete
22 provision. The required review and evaluation
23 of ss. 290.001-290.016 by substantive
24 committees was to be completed prior to the
25 2001 Regular Session of the Legislature.

26
27 Section 32. Section 295.184, Florida Statutes, is
28 repealed.

29
30 Reviser's note.--Repealed to delete provisions
31 that have served their purpose. The

1 recommendations for the design and location of
2 the memorial to Florida World War II veterans
3 was to be submitted on or before January 31,
4 2002.

5
6 Section 33. Paragraph (a) of subsection (2) of section
7 311.125, Florida Statutes, is amended to read:

8 311.125 Uniform Port Access Credential System.--

9 (2)(a) The Department of Highway Safety and Motor
10 Vehicles, in consultation with the Department of Law
11 Enforcement, the Florida Seaport Transportation and Economic
12 Development Council, the Florida Trucking Association, and the
13 United States Transportation ~~and~~ Security Administration shall
14 develop a Uniform Port Access Credential System for use in
15 onsite verification of access authority for all persons on a
16 seaport as defined in s. 311.12(2), utilizing the Uniform Port
17 Access Credential Card as authorized herein. Each seaport, in
18 a manner consistent with the "Port Security Standards
19 Compliance Plan" delivered to the Speaker of the House of
20 Representatives and the President of the Senate on December
21 11, 2000, pursuant to s. 311.12, and this section, is
22 responsible for granting, restricting, or modifying access
23 authority provided to each Uniform Port Access Credential Card
24 holder and promptly communicating the levels of access or
25 changes in the level of access to the department for its use
26 in administering the Uniform Port Access Credential System.
27 Each seaport is responsible for the proper operation and
28 maintenance of the Uniform Port Access Credential Card reader
29 and access verification utilizing the Uniform Port Access
30 Credential System at its location. The Uniform Port Access
31 Credential Card reader and Uniform Port Access Credential

1 System shall be utilized by each seaport to ensure compliance
2 with the access restrictions provided by s. 311.12.

3
4 Reviser's note.--Amended to conform to the
5 correct title of the United States
6 Transportation Security Administration.

7
8 Section 34. Paragraph (b) of subsection (5) and
9 subsection (6) of section 322.135, Florida Statutes, are
10 amended to read:

11 322.135 Driver's license agents.--

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

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

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

23 2. The designation by the tax collector of the driver
24 license functions to be performed by the tax collector in the
25 county.

26 3. Any anticipated capital acquisition or construction
27 costs.

28 4. A projection of equipment available or to be
29 provided by the department.

30
31

1 5. All anticipated operating costs, including
2 facilities, equipment, and personnel to administer driver
3 license services.

4 (6) Administration of driver license services by a
5 county tax collector as the exclusive agent of the department
6 must be revenue neutral with no adverse state fiscal impact
7 and with no adverse unfunded mandate to the tax collector.

8 ~~Toward this end, the Cost Determination and Allocation Task~~
9 ~~Force is created, to be established by July 1, 2001. The task~~
10 ~~force shall be composed of two representatives appointed by~~
11 ~~the executive director of the department, two tax collectors~~
12 ~~appointed by the president of the Florida Tax Collectors,~~
13 ~~Inc., one from a small population county and one from a~~
14 ~~large population county; one person appointed by the Speaker~~
15 ~~of the House of Representatives; one person appointed by the~~
16 ~~President of the Senate; and the Governor's appointee. If~~
17 ~~requested by the task force, the Auditor General must provide~~
18 ~~technical assistance. The purpose of the task force is to~~
19 ~~recommend the allocation of cost between the Department of~~
20 ~~Highway Safety and Motor Vehicles and tax collectors to~~
21 ~~administer driver license services authorized in this chapter.~~
22 ~~These recommendations must be submitted in a written report by~~
23 ~~January 1, 2002. The task force shall dissolve on January 1,~~
24 ~~2002. The written report shall be presented to the President~~
25 ~~of the Senate, the Speaker of the House of Representatives,~~
26 ~~and the Executive Office of the Governor, and shall contain~~
27 ~~findings and determinations and related allocation~~
28 ~~recommendations dealing with costs, both construction and~~
29 ~~operating costs, of both the department and the applicable tax~~
30 ~~collectors, appropriate allocations of costs between the~~
31 ~~department and the tax collectors, and fee recommendations to~~

1 ~~assure that the fees paid for these driver license services do~~
2 ~~not result in a loss of revenue to the state in excess of~~
3 ~~costs incurred by the state.~~

4
5 Reviser's note.--Amended to delete obsolete
6 provisions. The Cost Determination and
7 Allocation Task Force was dissolved in 2002.

8
9 Section 35. Subsection (1) of section 327.395, Florida
10 Statutes, is amended to read:

11 327.395 Boating safety identification cards.--

12 (1) ~~Until October 1, 2001, a person born after~~
13 ~~September 30, 1980, and on or after October 1, 2001,~~ A person
14 21 years of age or younger may not operate a vessel powered by
15 a motor of 10 horsepower or greater unless such person has in
16 his or her possession aboard the vessel photographic
17 identification and a boater safety identification card issued
18 by the commission which shows that he or she has:

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

23 (b) Passed a course equivalency examination approved
24 by the commission; or

25 (c) Passed a temporary certificate examination
26 developed or approved by the commission.

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

1 Section 36. Subsection (4) of section 339.55, Florida
2 Statutes, is amended to read:

3 339.55 State-funded infrastructure bank.--

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

10
11 Reviser's note.--Amended to conform to the
12 repeal of s. 339.137 by s. 10, ch. 2004-366,
13 Laws of Florida.

14
15 Section 37. Subsection (2) of section 339.64, Florida
16 Statutes, is repealed.

17
18 Reviser's note.--Repealed to delete an obsolete
19 provision. The required report was to be
20 delivered to the Governor and Legislature by
21 December 15, 2003.

22
23 Section 38. Subsection (1) of section 364.604, Florida
24 Statutes, is amended to read:

25 364.604 Billing practices.--

26 (1) Each billing party must clearly identify on its
27 bill the name and toll-free number of the originating party;
28 the telecommunications service or information service billed;
29 and the specific charges, taxes, and fees associated with each
30 telecommunications or information service. The originating
31 party is responsible for providing the billing party with all

1 required information. The toll-free number of the originating
2 party or its agent must be answered by a customer service
3 representative or a voice response unit. If the customer
4 reaches a voice response unit, the originating party or its
5 agent must initiate a response to a customer inquiry within 24
6 hours, excluding weekends and holidays. ~~Each~~
7 ~~telecommunications carrier shall have until June 30, 1999, to~~
8 ~~comply with this subsection.~~

9
10 Reviser's note.--Amended to delete an obsolete
11 provision.

12
13 Section 39. Section 373.145, Florida Statutes, is
14 amended to read:

15 373.145 Information program regarding hydrologic
16 conditioning and consumption of major surface and groundwater
17 sources.--In order to aid in the development of a better
18 understanding of the unique surface and groundwater resources
19 of this state, the water management districts shall develop an
20 information program designed to provide information concerning
21 existing hydrologic conditions of major surface and
22 groundwater sources in this state and suggestions for good
23 conservation practices within those areas. ~~The program shall~~
24 ~~be developed by December 31, 2002.~~ Beginning January 1, 2003,
25 and on a regular basis no less than every 6 months thereafter,
26 the information developed pursuant to this section shall be
27 distributed to every member of the Florida Senate and the
28 Florida House of Representatives and to local print and
29 broadcast news organizations. Each water management district
30 shall be responsible for the distribution of this information
31 within its established geographic area.

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

3
4 Section 40. Paragraph (f) of subsection (1) of section
5 373.1963, Florida Statutes, is amended to read:

6 373.1963 Assistance to West Coast Regional Water
7 Supply Authority.--

8 (1) It is the intent of the Legislature to authorize
9 the implementation of changes in governance recommended by the
10 West Coast Regional Water Supply Authority in its reports to
11 the Legislature dated February 1, 1997, and January 5, 1998.
12 The authority and its member governments may reconstitute the
13 authority's governance and rename the authority under a
14 voluntary interlocal agreement with a term of not less than 20
15 years. The interlocal agreement must comply with this
16 subsection as follows:

17 (f) Upon execution of the voluntary interlocal
18 agreement provided for herein, the authority shall jointly
19 develop with the Southwest Florida Water Management District
20 alternative sources of potable water and transmission
21 pipelines to interconnect regionally significant water supply
22 sources and facilities of the authority in amounts sufficient
23 to meet the needs of all member governments for a period of at
24 least 20 years and for natural systems. Nothing herein,
25 however, shall preclude the authority and its member
26 governments from developing traditional water sources pursuant
27 to the voluntary interlocal agreement. Development and
28 construction costs for alternative source facilities, which
29 may include a desalination facility and significant regional
30 interconnects, must be borne as mutually agreed to by both the
31 authority and the Southwest Florida Water Management District.

1 Nothing herein shall preclude authority or district cost
2 sharing with private entities for the construction or
3 ownership of alternative source facilities. By December 31,
4 1997, the authority and the Southwest Florida Water Management
5 District shall ~~1.~~ enter into a mutually acceptable agreement
6 detailing the development and implementation of directives
7 contained in this paragraph. ~~;~~ ~~or~~
8 ~~2. Jointly prepare and submit to the President of the~~
9 ~~Senate and the Speaker of the House of Representatives a~~
10 ~~report describing the progress made and impediments~~
11 ~~encountered in their attempts to implement the water resource~~
12 ~~development and water supply development directives contained~~
13 ~~in this paragraph.~~ Nothing in this section shall be construed
14 to modify the rights or responsibilities of the authority or
15 its member governments, except as otherwise provided herein,
16 or of the Southwest Florida Water Management District or the
17 department pursuant to this chapter or chapter 403 and as
18 otherwise set forth by statutes.
19
20 Reviser's note.--Amended to delete a provision
21 that has served its purpose.
22
23 Section 41. Section 373.1995, Florida Statutes, is
24 repealed.
25
26 Reviser's note.--Repealed to delete an obsolete
27 provision. The required report and subsequent
28 action were to be completed prior to the
29 beginning of the 2001 Regular Legislative
30 Session.
31

1 Section 42. Paragraph (f) of subsection (4) of section
2 373.4592, Florida Statutes, is amended to read:

3 373.4592 Everglades improvement and management.--

4 (4) EVERGLADES PROGRAM.--

5 (f) EAA best management practices.--

6 1. The district, in cooperation with the department,
7 shall develop and implement a water quality monitoring program
8 to evaluate the effectiveness of the BMPs in achieving and
9 maintaining compliance with state water quality standards and
10 restoring and maintaining designated and existing beneficial
11 uses. The program shall include an analysis of the
12 effectiveness of the BMPs in treating constituents that are
13 not being significantly improved by the STAs. The monitoring
14 program shall include monitoring of appropriate parameters at
15 representative locations.

16 2. The district shall continue to require and enforce
17 the BMP and other requirements of chapters 40E-61 and 40E-63,
18 Florida Administrative Code, during the terms of the existing
19 permits issued pursuant to those rules. Chapter 40E-61,
20 Florida Administrative Code, may be amended to include the
21 BMPs required by chapter 40E-63, Florida Administrative Code.
22 Prior to the expiration of existing permits, and during each
23 5-year term of subsequent permits as provided for in this
24 section, those rules shall be amended to implement a
25 comprehensive program of research, testing, and implementation
26 of BMPs that will address all water quality standards within
27 the EAA and Everglades Protection Area. Under this program:

28 a. EAA landowners, through the EAA Environmental
29 Protection District or otherwise, shall sponsor a program of
30 BMP research with qualified experts to identify appropriate
31 BMPs.

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

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

8 d. The district shall conduct research in cooperation
9 with EAA landowners to identify water quality parameters that
10 are not being significantly improved either by the STAs or the
11 BMPs, and to identify further BMP strategies needed to address
12 these parameters.

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

27 a. Nothing in this subparagraph shall limit the
28 existing authority of the department or the district to limit
29 or regulate discharges that pose a significant danger to the
30 public health and safety; and

31

1 b. New land uses and new stormwater management
2 facilities other than alterations to existing agricultural
3 stormwater management systems for water quality improvements
4 shall not be accorded the compliance established by this
5 section. Permits may be required to implement improvements or
6 alterations to existing agricultural water management systems.

7 4. As of December 31, 2006, all permits, including
8 those issued prior to that date, shall require implementation
9 of additional water quality measures, taking into account the
10 water quality treatment actually provided by the STAs and the
11 effectiveness of the BMPs. As of that date, no permittee's
12 discharge shall cause or contribute to any violation of water
13 quality standards in the Everglades Protection Area.

14 5. Effective immediately, landowners within the C-139
15 Basin shall not collectively exceed an annual average loading
16 of phosphorus based proportionately on the historical rainfall
17 for the C-139 Basin over the period of October 1, 1978, to
18 September 30, 1988. New surface inflows shall not increase the
19 annual average loading of phosphorus stated above. Provided
20 that the C-139 Basin does not exceed this annual average
21 loading, all landowners within the Basin shall be in
22 compliance for that year. Compliance determinations for
23 individual landowners within the C-139 Basin for remedial
24 action, if the Basin is determined by the district to be out
25 of compliance for that year, shall be based on the landowners'
26 proportional share of the total phosphorus loading. The total
27 phosphorus discharge load shall be determined as set forth in
28 Appendix B2 of Rule 40E-63, Everglades Program, Florida
29 Administrative Code.

30 6. The district, in cooperation with the department,
31 shall develop and implement a water quality monitoring program

1 to evaluate the quality of the discharge from the C-139 Basin.
2 Upon determination by the department or the district that the
3 C-139 Basin is exceeding any presently existing water quality
4 standards, the district shall require landowners within the
5 C-139 Basin to implement BMPs appropriate to the land uses
6 within the C-139 Basin consistent with subparagraph 2.
7 Thereafter, the provisions of subparagraphs 2.-4. shall apply
8 to the landowners within the C-139 Basin.

9
10 Reviser's note.--Amended to conform to the
11 redesignation of subparagraph (4)(a)8. as
12 subparagraph (4)(a)7. by s. 1, ch. 2003-12,
13 Laws of Florida.

14
15 Section 43. Section 376.71, Florida Statutes, is
16 amended to read:

17 376.71 Registration fee and gross receipts tax.--The
18 registration fee and the gross receipts tax imposed under ss.
19 376.303(1)(d) and 376.70 do not apply to uniform rental
20 companies or linen supply companies. ~~Any such fee or tax that~~
21 ~~was imposed on and remitted, collected, or held in escrow by a~~
22 ~~uniform rental company or linen supply company from October 1,~~
23 ~~1994, and before October 1, 1995, is not payable to the State~~
24 ~~of Florida, and, if remitted, shall be refunded by the~~
25 ~~Department of Revenue.~~

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

29
30 Section 44. Paragraph (c) of subsection (7) of section
31 376.80, Florida Statutes, is amended to read:

1 376.80 Brownfield program administration process.--

2 (7) The contractor who is performing the majority of
3 the site rehabilitation program tasks pursuant to a brownfield
4 site rehabilitation agreement or supervising the performance
5 of such tasks by licensed subcontractors in accordance with
6 the provisions of s. 489.113(9) must certify to the department
7 that the contractor:

8 (c) Maintains comprehensive general liability coverage
9 with limits of not less than \$1 million per occurrence and \$2
10 million general aggregate for bodily injury and property
11 damage and comprehensive automobile liability coverage with
12 limits of not less than ~~\$2~~\$1 million combined single limit.
13 The contractor shall also maintain pollution liability
14 coverage with limits of not less than \$3 million aggregate for
15 personal injury or death, \$1 million per occurrence for
16 personal injury or death, and \$1 million per occurrence for
17 property damage. The contractor's certificate of insurance
18 shall name the state as an additional insured party.

19
20 Reviser's note.--Amended to correct an apparent
21 coding error. The figure "\$1" was inadvertently
22 retained when the paragraph was amended by s.
23 2, ch. 2004-40, Laws of Florida.

24
25 Section 45. Subsection (7) of section 378.034, Florida
26 Statutes, is amended to read:

27 378.034 Submission of a reclamation program request;
28 procedures.--

29 (7) ~~Until 1995, the funds available for approved~~
30 ~~reclamation contracts and acquisitions of nonmandatory lands~~
31 ~~shall not exceed 20 percent of the uncommitted fund balance of~~

1 ~~the trust fund at the beginning of each year.~~ The prioritized
2 list approved by the committee may contain more reclamation
3 program applications than there are funds available during the
4 year.

5
6 Reviser's note.--Amended to delete an obsolete
7 provision.

8
9 Section 46. Paragraph (b) of subsection (5) of section
10 378.035, Florida Statutes, is amended to read:

11 378.035 Department responsibilities and duties with
12 respect to Nonmandatory Land Reclamation Trust Fund.--

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

16 (b) For the abatement of an imminent hazard as
17 provided by s. 403.4154(3) ~~403.4154(4)~~ and for the purpose of
18 closing an abandoned phosphogypsum stack system and carrying
19 out postclosure care as provided by s. 403.4154(5)
20 ~~403.4154(6)~~.

21
22 Reviser's note.--Amended to correct an apparent
23 error in the redesignation of cross-references
24 by s. 4, ch. 2003-423, Laws of Florida. Section
25 403.4154(4) relates to registration fees, and
26 s. 403.4154(6) does not exist.

27
28 Section 47. Subsection (3) of section 381.0046,
29 Florida Statutes, is repealed.

30
31

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

5
6 Section 48. Paragraph (j) of subsection (3) and
7 paragraph (j) of subsection (4) of section 381.0065, Florida
8 Statutes, are amended to read:

9 381.0065 Onsite sewage treatment and disposal systems;
10 regulation.--

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

13 (j) Supervise research on, demonstration of, and
14 training on the performance, environmental impact, and public
15 health impact of onsite sewage treatment and disposal systems
16 within this state. Research fees collected under s.
17 381.0066(2)(k) must be used to develop and fund hands-on
18 training centers designed to provide practical information
19 about onsite sewage treatment and disposal systems to septic
20 tank contractors, master septic tank contractors, contractors,
21 inspectors, engineers, and the public and must also be used to
22 fund research projects which focus on improvements of onsite
23 sewage treatment and disposal systems, including use of
24 performance-based standards and reduction of environmental
25 impact. Research projects shall be initially approved by the
26 technical review and advisory panel and shall be applicable to
27 and reflect the soil conditions specific to Florida. Such
28 projects shall be awarded through competitive negotiation,
29 using the procedures provided in s. 287.055, to public or
30 private entities that have experience in onsite sewage
31 treatment and disposal systems in Florida and that are

1 principally located in Florida. Research projects shall not
2 be awarded to firms or entities that employ or are associated
3 with persons who serve on either the technical review and
4 advisory panel or the research review and advisory committee.

5 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
6 may not construct, repair, modify, abandon, or operate an
7 onsite sewage treatment and disposal system without first
8 obtaining a permit approved by the department. The department
9 may issue permits to carry out this section, but shall not
10 make the issuance of such permits contingent upon prior
11 approval by the Department of Environmental Protection. A
12 construction permit is valid for 18 months from the issuance
13 date and may be extended by the department for one 90-day
14 period under rules adopted by the department. A repair permit
15 is valid for 90 days from the date of issuance. An operating
16 permit must be obtained prior to the use of any aerobic
17 treatment unit or if the establishment generates commercial
18 waste. Buildings or establishments that use an aerobic
19 treatment unit or generate commercial waste shall be inspected
20 by the department at least annually to assure compliance with
21 the terms of the operating permit. The operating permit for a
22 commercial wastewater system is valid for 1 year from the date
23 of issuance and must be renewed annually. The operating permit
24 for an aerobic treatment unit is valid for 2 years from the
25 date of issuance and must be renewed every 2 years. If all
26 information pertaining to the siting, location, and
27 installation conditions or repair of an onsite sewage
28 treatment and disposal system remains the same, a construction
29 or repair permit for the onsite sewage treatment and disposal
30 system may be transferred to another person, if the transferee
31 files, within 60 days after the transfer of ownership, an

1 amended application providing all corrected information and
2 proof of ownership of the property. There is no fee
3 associated with the processing of this supplemental
4 information. A person may not contract to construct, modify,
5 alter, repair, service, abandon, or maintain any portion of an
6 onsite sewage treatment and disposal system without being
7 registered under part III of chapter 489. A property owner
8 who personally performs construction, maintenance, or repairs
9 to a system serving his or her own owner-occupied
10 single-family residence is exempt from registration
11 requirements for performing such construction, maintenance, or
12 repairs on that residence, but is subject to all permitting
13 requirements. A municipality or political subdivision of the
14 state may not issue a building or plumbing permit for any
15 building that requires the use of an onsite sewage treatment
16 and disposal system unless the owner or builder has received a
17 construction permit for such system from the department. A
18 building or structure may not be occupied and a municipality,
19 political subdivision, or any state or federal agency may not
20 authorize occupancy until the department approves the final
21 installation of the onsite sewage treatment and disposal
22 system. A municipality or political subdivision of the state
23 may not approve any change in occupancy or tenancy of a
24 building that uses an onsite sewage treatment and disposal
25 system until the department has reviewed the use of the system
26 with the proposed change, approved the change, and amended the
27 operating permit.

28 (j) An onsite sewage treatment and disposal system for
29 a single-family residence that is designed by a professional
30 engineer registered in the state and certified by such
31 engineer as complying with performance criteria adopted by the

1 department must be approved by the department subject to the
2 following:

3 1. The performance criteria applicable to
4 engineer-designed systems must be limited to those necessary
5 to ensure that such systems do not adversely affect the public
6 health or significantly degrade the groundwater or surface
7 water. Such performance criteria shall include consideration
8 of the quality of system effluent, the proposed total sewage
9 flow per acre, wastewater treatment capabilities of the
10 natural or replaced soil, water quality classification of the
11 potential surface-water-receiving body, and the structural and
12 maintenance viability of the system for the treatment of
13 domestic wastewater. However, performance criteria shall
14 address only the performance of a system and not a system's
15 design.

16 2. The technical review and advisory panel shall
17 assist the department in the development of performance
18 criteria applicable to engineer-designed systems. ~~Workshops~~
19 ~~on the development of the rules delineating such criteria~~
20 ~~shall commence not later than September 1, 1996, and the~~
21 ~~department shall advertise such rules for public hearing no~~
22 ~~later than October 1, 1997.~~

23 3. A person electing to utilize an engineer-designed
24 system shall, upon completion of the system design, submit
25 such design, certified by a registered professional engineer,
26 to the county health department. The county health department
27 may utilize an outside consultant to review the
28 engineer-designed system, with the actual cost of such review
29 to be borne by the applicant. Within 5 working days after
30 receiving an engineer-designed system permit application, the
31 county health department shall request additional information

1 | if the application is not complete. Within 15 working days
2 | after receiving a complete application for an
3 | engineer-designed system, the county health department either
4 | shall issue the permit or, if it determines that the system
5 | does not comply with the performance criteria, shall notify
6 | the applicant of that determination and refer the application
7 | to the department for a determination as to whether the system
8 | should be approved, disapproved, or approved with
9 | modification. The department engineer's determination shall
10 | prevail over the action of the county health department. The
11 | applicant shall be notified in writing of the department's
12 | determination and of the applicant's rights to pursue a
13 | variance or seek review under the provisions of chapter 120.

14 | 4. The owner of an engineer-designed performance-based
15 | system must maintain a current maintenance service agreement
16 | with a maintenance entity permitted by the department. The
17 | maintenance entity shall obtain a biennial system operating
18 | permit from the department for each system under service
19 | contract. The department shall inspect the system at least
20 | annually, or on such periodic basis as the fee collected
21 | permits, and may collect system-effluent samples if
22 | appropriate to determine compliance with the performance
23 | criteria. The fee for the biennial operating permit shall be
24 | collected beginning with the second year of system operation.
25 | The maintenance entity shall inspect each system at least
26 | twice each year and shall report quarterly to the department
27 | on the number of systems inspected and serviced.

28 | 5. If an engineer-designed system fails to properly
29 | function or fails to meet performance standards, the system
30 | shall be re-engineered, if necessary, to bring the system into
31 | compliance with the provisions of this section.

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

6
7 Section 49. Paragraph (a) of subsection (3) and
8 paragraph (a) of subsection (4) of section 381.0072, Florida
9 Statutes, are reenacted to read:

10 381.0072 Food service protection.--It shall be the
11 duty of the Department of Health to adopt and enforce
12 sanitation rules consistent with law to ensure the protection
13 of the public from food-borne illness. These rules shall
14 provide the standards and requirements for the storage,
15 preparation, serving, or display of food in food service
16 establishments as defined in this section and which are not
17 permitted or licensed under chapter 500 or chapter 509.

18 (3) LICENSES REQUIRED.--

19 (a) Licenses; annual renewals.--Each food service
20 establishment regulated under this section shall obtain a
21 license from the department annually. Food service
22 establishment licenses shall expire annually and shall not be
23 transferable from one place or individual to another.
24 However, those facilities licensed by the department's Office
25 of Licensure and Certification, the Child Care Services
26 Program Office, or the Developmental Disabilities Program
27 Office are exempt from this subsection. It shall be a
28 misdemeanor of the second degree, punishable as provided in s.
29 381.0061, s. 775.082, or s. 775.083, for such an establishment
30 to operate without this license. The department may refuse a
31 license, or a renewal thereof, to any establishment that is

1 not constructed or maintained in accordance with law and with
2 the rules of the department. Annual application for renewal
3 shall not be required.

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

5 (a) The department is authorized to collect fees from
6 establishments licensed under this section and from those
7 facilities exempted from licensure under paragraph (3)(a). It
8 is the intent of the Legislature that the total fees assessed
9 under this section be in an amount sufficient to meet the cost
10 of carrying out the provisions of this section.

11
12 Reviser's note.--Section 9, ch. 2004-350, Laws
13 of Florida, purported to amend paragraphs
14 (3)(a) and (4)(a), but failed to publish the
15 amended paragraphs. In the absence of
16 affirmative evidence that the Legislature
17 intended to repeal the paragraphs, paragraphs
18 (3)(a) and (4)(a) are reenacted to confirm that
19 the omission was not intended.

20
21 Section 50. Subsection (5) of section 381.103, Florida
22 Statutes, is repealed.

23
24 Reviser's note.--Repealed to delete an obsolete
25 provision. The required report on the findings,
26 accomplishments, and recommendations of the
27 Community Health pilot projects was to be
28 submitted no later than January 1, 2001.

29
30 Section 51. Subsection (6) of section 381.734, Florida
31 Statutes, is amended to read:

1 381.734 Healthy Communities, Healthy People Program.--
2 (6) The Office of Program Policy Analysis and
3 Government Accountability shall evaluate and report to the
4 Governor, the President of the Senate, and the Speaker of the
5 House of Representatives, by March 1, 2005, on the
6 effectiveness of the department's monitoring and assessment of
7 the program's effectiveness.

8
9 Reviser's note.--Amended to conform to the
10 complete title of the Office of Program Policy
11 Analysis and Government Accountability.

12
13 Section 52. Subsection (1) of section 393.0655,
14 Florida Statutes, is amended to read:

15 393.0655 Screening of direct service providers.--
16 (1) MINIMUM STANDARDS.--The agency shall require level
17 2 employment screening pursuant to chapter 435 for direct
18 service providers who are unrelated to their clients,
19 including support coordinators, and managers and supervisors
20 of residential facilities or comprehensive transitional
21 education programs licensed under s. 393.067 ~~393.967~~ and any
22 other person, including volunteers, who provide care or
23 services, who have access to a client's living areas, or who
24 have access to a client's funds or personal property.
25 Background screening shall include employment history checks
26 as provided in s. 435.03(1) and local criminal records checks
27 through local law enforcement agencies.

28 (a) A volunteer who assists on an intermittent basis
29 for less than 40 hours per month does not have to be screened
30 if the volunteer is under the direct and constant supervision
31

1 of persons who meet the screening requirements of this
2 section.

3 (b) Licensed physicians, nurses, or other
4 professionals licensed and regulated by the Department of
5 Health are not subject to background screening pursuant to
6 this section if they are providing a service that is within
7 their scope of licensed practice.

8 (c) A person selected by the family or the individual
9 with developmental disabilities and paid by the family or the
10 individual to provide supports or services is not required to
11 have a background screening under this section.

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

16
17 Reviser's note.--Amended to correct an apparent
18 error and facilitate correct interpretation.
19 Section 393.967 does not exist; s. 393.067
20 relates to licensure of comprehensive
21 transitional education programs.

22
23 Section 53. Subsection (3) of section 393.068, Florida
24 Statutes, is amended to read:

25 393.068 Family care program.--

26 (3) When it is determined by the agency to be more
27 cost-effective and in the best interest of the client to
28 maintain such client in the home of a direct service provider,
29 the parent or guardian of the client or, if competent, the
30 client may enroll the client in the family care program. The
31 direct service provider of a client enrolled in the family

1 care program shall be reimbursed according to a rate schedule
2 set by the agency. In-home subsidies cited in paragraph
3 ~~(2)(d)(1)(d)~~ shall be provided according to s. 393.0695 and
4 are not subject to any other payment method or rate schedule
5 provided for in this section.

6
7 Reviser's note.--Amended to conform to the
8 redesignation of subunits within s. 393.068 by
9 s. 76, ch. 2004-267, Laws of Florida.

10
11 Section 54. Section 394.498, Florida Statutes, is
12 repealed.

13
14 Reviser's note.--The cited section, which
15 relates to the Child and Adolescent Interagency
16 System of Care Demonstration Models, has served
17 its purpose. Findings and conclusions for the
18 models and recommendations for statewide
19 implementation were to be included in a report
20 to the Legislature by December 31, 2001.

21
22 Section 55. Subsection (3) of section 394.499, Florida
23 Statutes, is repealed, and subsection (1) of that section is
24 amended to read:

25 394.499 Integrated children's crisis stabilization
26 unit/juvenile addictions receiving facility services.--

27 (1) Beginning July 1, 2001, the Department of Children
28 and Family Services, in consultation with the Agency for
29 Health Care Administration, is authorized to establish
30 children's behavioral crisis unit demonstration models in
31 Collier, Lee, and Sarasota Counties. ~~By December 31, 2003, the~~

1 ~~department shall submit to the President of the Senate, the~~
2 ~~Speaker of the House of Representatives, and the chairs of the~~
3 ~~Senate and House committees that oversee departmental~~
4 ~~activities a report that evaluates the number of clients~~
5 ~~served, quality of services, performance outcomes, and~~
6 ~~feasibility of continuing or expanding the demonstration~~
7 ~~models.~~ Beginning July 1, 2004, subject to approval by the
8 Legislature, the department, in cooperation with the agency,
9 may expand the demonstration models to other areas in the
10 state. The children's behavioral crisis unit demonstration
11 models will integrate children's mental health crisis
12 stabilization units with substance abuse juvenile addictions
13 receiving facility services, to provide emergency mental
14 health and substance abuse services that are integrated within
15 facilities licensed and designated by the agency for children
16 under 18 years of age who meet criteria for admission or
17 examination under this section. The services shall be
18 designated as "integrated children's crisis stabilization
19 unit/juvenile addictions receiving facility services," shall
20 be licensed by the agency as children's crisis stabilization
21 units, and shall meet all licensure requirements for crisis
22 stabilization units. The department, in cooperation with the
23 agency, shall develop standards that address eligibility
24 criteria; clinical procedures; staffing requirements;
25 operational, administrative, and financing requirements; and
26 investigation of complaints for such integrated facility
27 services. Standards that are implemented specific to substance
28 abuse services shall meet or exceed existing standards for
29 addictions receiving facilities.

30

31

1 Reviser's note.--Subsection (1) is amended to
2 delete a provision that has served its purpose;
3 it required a report relating to children's
4 behavioral crisis unit demonstration models by
5 December 31, 2003. Subsection (3) is repealed
6 to delete a provision that has served its
7 purpose; the Department of Children and Family
8 Services was to report on an evaluation by
9 December 31, 2003.

10

11 Section 56. Subsection (4) of section 394.82, Florida
12 Statutes, is repealed, and subsection (6) of that section is
13 amended to read:

14

394.82 Funding of expanded services.--

15

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

19

20 Reviser's note.--Subsection (4) is repealed to
21 delete provisions that have served their
22 purpose; the Department of Children and Family
23 Services was directed to submit reports on
24 October 1, 2002, and October 1, 2003.

25

Subsection (6) is amended to conform a
26 cross-reference to the renumbering of subunits
27 necessitated by the repeal of subsection (4) by
28 this act.

29

30 Section 57. Subsection (2) of section 394.9083,
31 Florida Statutes, is repealed.

1 Reviser's note.--Repealed to delete a provision
2 that has served its purpose; a report by the
3 Behavioral Health Services Integration
4 Workgroup was to be submitted by January 1,
5 2002.

6
7 Section 58. Paragraph (b) of subsection (5) and
8 subsection (7) of section 395.4001, Florida Statutes, are
9 amended to read:

10 395.4001 Definitions.--As used in this part, the term:

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

13 (b) Serves as a resource facility to Level II trauma
14 centers, pediatric trauma ~~referral~~ centers, and general
15 hospitals through shared outreach, education, and quality
16 improvement activities.

17 (7) "Pediatric trauma ~~referral~~ center" means a
18 hospital that is verified by the department to be in
19 substantial compliance with pediatric trauma center standards
20 as established by rule of the department and has been approved
21 by the department to operate as a pediatric trauma center.

22
23 Reviser's note.--Amended to conform to the
24 revision of the term "pediatric trauma referral
25 center" to "pediatric trauma center" throughout
26 statutory material relating to the subject by
27 ch. 2004-259, Laws of Florida.

28
29 Section 59. Subsection (2) of section 395.404, Florida
30 Statutes, is amended to read:

31

1 395.404 Review of trauma registry data; report to
2 central registry; confidentiality and limited release.--

3 (2) Each trauma center, pediatric trauma ~~referral~~
4 center, and acute care hospital shall report to the
5 department's brain and spinal cord injury central registry,
6 consistent with the procedures and timeframes of s. 381.74,
7 any person who has a moderate-to-severe brain or spinal cord
8 injury, and shall include in the report the name, age,
9 residence, and type of disability of the individual and any
10 additional information that the department finds necessary.

11
12 Reviser's note.--Amended to conform to the
13 revision of the term "pediatric trauma referral
14 center" to "pediatric trauma center" throughout
15 statutory material relating to the subject by
16 ch. 2004-259, Laws of Florida.

17
18 Section 60. Subsection (1) of section 397.416, Florida
19 Statutes, is repealed.

20
21 Reviser's note.--The cited subsection, which
22 allows persons with certain master's degrees
23 and minimum experience to perform as qualified
24 professionals with respect to substance abuse
25 treatment services until January 1, 2001, has
26 served its purpose.

27
28 Section 61. Subsection (4) of section 397.97, Florida
29 Statutes, is repealed.

30
31

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

3
4 Section 62. Section 400.1755, Florida Statutes, is
5 amended to read:

6 400.1755 Care for persons with Alzheimer's disease or
7 related disorders.--

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

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

22 (3) An individual who provides direct care shall be
23 considered a direct caregiver and must complete the required
24 initial training and an additional 3 hours of training within
25 9 months after beginning employment. This training shall
26 include, but is not limited to, managing problem behaviors,
27 promoting the resident's independence in activities of daily
28 living, and skills in working with families and caregivers.

29 (a) The required 4 hours of training for certified
30 nursing assistants are part of the total hours of training
31 required annually.

1 (b) For a health care practitioner as defined in s.
2 456.001, continuing education hours taken as required by that
3 practitioner's licensing board shall be counted toward this
4 total of 4 hours.

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

10 (5) The Department of Elderly Affairs or its designee
11 must approve the initial and continuing training provided in
12 the facilities. The department must approve training offered
13 in a variety of formats, including, but not limited to,
14 Internet-based training, videos, teleconferencing, and
15 classroom instruction. The department shall keep a list of
16 current providers who are approved to provide initial and
17 continuing training. The department shall adopt rules to
18 establish standards for the trainers and the training required
19 in this section.

20 (6) Upon completing any training listed in this
21 section, the employee or direct caregiver shall be issued a
22 certificate that includes the name of the training provider,
23 the topic covered, and the date and signature of the training
24 provider. The certificate is evidence of completion of
25 training in the identified topic, and the employee or direct
26 caregiver is not required to repeat training in that topic if
27 the employee or direct caregiver changes employment to a
28 different facility or to an assisted living facility, home
29 health agency, adult day care center, or adult family-care
30 home. The direct caregiver must comply with other applicable
31 continuing education requirements.

1
2 ~~An employee hired on or after July 1, 2001, need not comply~~
3 ~~with the guidelines created in this section before July 1,~~
4 ~~2002.~~

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

8
9 Section 63. Sub-subparagraph b. of subparagraph 2. of
10 paragraph (d) of subsection (5) of section 400.179, Florida
11 Statutes, is repealed.

12
13 Reviser's note.--The cited sub-subparagraph,
14 which directs the Agency for Health Care
15 Administration to conduct a study and make
16 recommendations regarding the minimum amount to
17 be held in reserve to protect against certain
18 Medicaid overpayments in a report to be
19 submitted by January 1, 2003, has served its
20 purpose.

21
22 Section 64. Paragraph (g) of subsection (3) of section
23 403.4154, Florida Statutes, is amended to read:

24 403.4154 Phosphogypsum management program.--

25 (3) ABATEMENT OF IMMINENT HAZARD.--

26 (g) The department may impose a lien on the real
27 property on which the phosphogypsum stack system that poses an
28 imminent hazard is located and on the real property underlying
29 and other assets located at associated phosphate fertilizer
30 production facilities equal in amount to the moneys expended
31 from the Nonmandatory Land Reclamation Trust Fund pursuant to

1 paragraph~~(e)~~(d), including attorney's fees and court costs.
2 The owner of any property on which such a lien is imposed is
3 entitled to a release of the lien upon payment to the
4 department of the lien amount. The lien imposed by this
5 section does not take priority over any other prior perfected
6 lien on the real property, personal property, or other assets
7 referenced in this paragraph, including, but not limited to,
8 the associated phosphate rock mine and reserves.

9
10 Reviser's note.--Amended to conform to the
11 redesignation of subunits of subsection (3) by
12 s. 8, ch. 2003-423, Laws of Florida.

13
14 Section 65. Paragraph (a) of subsection (17) of
15 section 409.2563, Florida Statutes, is repealed, and paragraph
16 (m) of subsection (4) of that section is amended to read:

17 409.2563 Administrative establishment of child support
18 obligations.--

19 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
20 SUPPORT ORDER.--To commence a proceeding under this section,
21 the department shall provide to the custodial parent and serve
22 the noncustodial parent with a notice of proceeding to
23 establish administrative support order and a blank financial
24 affidavit form. The notice must state:

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

29 1. The noncustodial parent may request in writing that
30 the department proceed in circuit court to determine his or
31 her support obligations.

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

4 3. If the noncustodial parent submits the request
5 authorized in subparagraph 1., or the statement authorized in
6 subparagraph 2. to the department within 20 days after the
7 receipt of the initial notice, the department shall file a
8 petition in circuit court for the determination of the
9 noncustodial parent's child support obligations, and shall
10 send to the noncustodial parent a copy of its petition, a
11 notice of commencement of action, and a request for waiver of
12 service of process as provided in the Florida Rules of Civil
13 Procedure.

14 4. If, within 10 days after receipt of the
15 department's petition and waiver of service, the noncustodial
16 parent signs and returns the waiver of service form to the
17 department, the department shall terminate the administrative
18 proceeding without prejudice and proceed in circuit court.

19 5. In any circuit court action filed by the department
20 pursuant to this paragraph or filed by a noncustodial parent
21 or other person pursuant to paragraph (l) or paragraph (n),
22 the department shall be a party only with respect to those
23 issues of support allowed and reimbursable under Title IV-D of
24 the Social Security Act. It is the responsibility of the
25 noncustodial parent or other person to take the necessary
26 steps to present other issues for the court to consider.

27
28 The department may serve the notice of proceeding to establish
29 administrative support order by certified mail, restricted
30 delivery, return receipt requested. Alternatively, the
31 department may serve the notice by any means permitted for

1 service of process in a civil action. For purposes of this
2 section, an authorized employee of the department may serve
3 the notice and execute an affidavit of service. Service by
4 certified mail is completed when the certified mail is
5 received or refused by the addressee or by an authorized agent
6 as designated by the addressee in writing. If a person other
7 than the addressee signs the return receipt, the department
8 shall attempt to reach the addressee by telephone to confirm
9 whether the notice was received, and the department shall
10 document any telephonic communications. If someone other than
11 the addressee signs the return receipt, the addressee does not
12 respond to the notice, and the department is unable to confirm
13 that the addressee has received the notice, service is not
14 completed and the department shall attempt to have the
15 addressee served personally. The department shall provide the
16 custodial parent or caretaker relative with a copy of the
17 notice by regular mail to the last known address of the
18 custodial parent or caretaker.

19
20 Reviser's note.--Paragraph (4)(m) is amended to
21 conform to the complete title of the Florida
22 Rules of Civil Procedure. Paragraph (17)(a) is
23 repealed to delete provisions that have served
24 their purpose; the paragraph provided for
25 establishment and evaluation of a study area,
26 with reports due June 30, 2002; June 30, 2003;
27 and June 30, 2004.

28
29 Section 66. Subsection (7) of section 409.907, Florida
30 Statutes, is amended to read:

31

1 409.907 Medicaid provider agreements.--The agency may
2 make payments for medical assistance and related services
3 rendered to Medicaid recipients only to an individual or
4 entity who has a provider agreement in effect with the agency,
5 who is performing services or supplying goods in accordance
6 with federal, state, and local law, and who agrees that no
7 person shall, on the grounds of handicap, race, color, or
8 national origin, or for any other reason, be subjected to
9 discrimination under any program or activity for which the
10 provider receives payment from the agency.

11 (7) The agency may require, as a condition of
12 participating in the Medicaid program and before entering into
13 the provider agreement, that the provider submit information,
14 in an initial and any required renewal applications,
15 concerning the professional, business, and personal background
16 of the provider and permit an onsite inspection of the
17 provider's service location by agency staff or other personnel
18 designated by the agency to perform this function. The agency
19 shall perform a random onsite inspection, within 60 days after
20 receipt of a fully complete new provider's application, of the
21 provider's service location prior to making its first payment
22 to the provider for Medicaid services to determine the
23 applicant's ability to provide the services that the applicant
24 is proposing to provide for Medicaid reimbursement. The agency
25 is not required to perform an onsite inspection of a provider
26 or program that is licensed by the agency, that provides
27 services under waiver programs for home and community-based
28 services, or that is licensed as a medical foster home by the
29 Department of Children and Family Services. As a continuing
30 condition of participation in the Medicaid program, a provider
31 shall immediately notify the agency of any current or pending

1 bankruptcy filing. Before entering into the provider
2 agreement, or as a condition of continuing participation in
3 the Medicaid program, the agency may also require that
4 Medicaid providers reimbursed on a fee-for-services basis or
5 fee schedule basis which is not cost-based, post a surety bond
6 not to exceed \$50,000 or the total amount billed by the
7 provider to the program during the current or most recent
8 calendar year, whichever is greater. For new providers, the
9 amount of the surety bond shall be determined by the agency
10 based on the provider's estimate of its first year's billing.
11 If the provider's billing during the first year exceeds the
12 bond amount, the agency may require the provider to acquire an
13 additional bond equal to the actual billing level of the
14 provider. A provider's bond shall not exceed \$50,000 if a
15 physician or group of physicians licensed under chapter 458,
16 chapter 459, or chapter 460 has a 50 percent or greater
17 ownership interest in the provider or if the provider is an
18 assisted living facility licensed under part III of chapter
19 400. The bonds permitted by this section are in addition to
20 the bonds referenced in s. 400.179(5)(d) ~~400.179(4)(d)~~. If the
21 provider is a corporation, partnership, association, or other
22 entity, the agency may require the provider to submit
23 information concerning the background of that entity and of
24 any principal of the entity, including any partner or
25 shareholder having an ownership interest in the entity equal
26 to 5 percent or greater, and any treating provider who
27 participates in or intends to participate in Medicaid through
28 the entity. The information must include:

29 (a) Proof of holding a valid license or operating
30 certificate, as applicable, if required by the state or local
31

1 jurisdiction in which the provider is located or if required
2 by the Federal Government.

3 (b) Information concerning any prior violation, fine,
4 suspension, termination, or other administrative action taken
5 under the Medicaid laws, rules, or regulations of this state
6 or of any other state or the Federal Government; any prior
7 violation of the laws, rules, or regulations relating to the
8 Medicare program; any prior violation of the rules or
9 regulations of any other public or private insurer; and any
10 prior violation of the laws, rules, or regulations of any
11 regulatory body of this or any other state.

12 (c) Full and accurate disclosure of any financial or
13 ownership interest that the provider, or any principal,
14 partner, or major shareholder thereof, may hold in any other
15 Medicaid provider or health care related entity or any other
16 entity that is licensed by the state to provide health or
17 residential care and treatment to persons.

18 (d) If a group provider, identification of all members
19 of the group and attestation that all members of the group are
20 enrolled in or have applied to enroll in the Medicaid program.

21
22 Reviser's note.--Amended to conform to the
23 context of the reference and the fact that
24 there is no s. 400.179(4)(d).

25
26 Section 67. Subsections (1) and (6) of section
27 409.9071, Florida Statutes, are amended to read:

28 409.9071 Medicaid provider agreements for school
29 districts certifying state match.--

30 (1) The agency shall ~~submit a state plan amendment by~~
31 ~~September 1, 1997, for the purpose of obtaining federal~~

1 ~~authorization to~~ reimburse school-based services as provided
2 in former s. 236.0812 pursuant to the rehabilitative services
3 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes
4 of this section, billing agent consulting services shall be
5 considered billing agent services, as that term is used in s.
6 409.913(10), and, as such, payments to such persons shall not
7 be based on amounts for which they bill nor based on the
8 amount a provider receives from the Medicaid program. This
9 provision shall not restrict privatization of Medicaid
10 school-based services. Subject to any limitations provided for
11 in the General Appropriations Act, the agency, in compliance
12 with appropriate federal authorization, shall develop policies
13 and procedures and shall allow for certification of state and
14 local education funds which have been provided for
15 school-based services as specified in s. 1011.70 and
16 authorized by a physician's order where required by federal
17 Medicaid law. Any state or local funds certified pursuant to
18 this section shall be for children with specified disabilities
19 who are eligible for both Medicaid and part B or part H of the
20 Individuals with Disabilities Education Act (IDEA), or the
21 exceptional student education program, or who have an
22 individualized educational plan.

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

27
28 Reviser's note.--Subsection (1) is amended to
29 delete a provision that has served its purpose.
30 Subsection (6) is amended to make the sentence
31 complete and provide clarity.

1 Section 68. Subparagraph 4. of paragraph (a) of
2 subsection (1) of section 409.908, Florida Statutes, is
3 repealed.

4
5 Reviser's note.--The cited subparagraph, which
6 provides for hospital inpatient rates to be
7 reduced by 6 percent effective July 1, 2001,
8 and restored effective April 1, 2002, has
9 served its purpose.

10
11 Section 69. Section 409.91188, Florida Statutes, is
12 amended to read:

13 409.91188 Specialty prepaid health plans for Medicaid
14 recipients with HIV or AIDS.--The Agency for Health Care
15 Administration is authorized to contract with specialty
16 prepaid health plans and pay them on a prepaid capitated basis
17 to provide Medicaid benefits to Medicaid-eligible recipients
18 who have human immunodeficiency syndrome (HIV) or acquired
19 immunodeficiency syndrome (AIDS). The agency shall apply for
20 and is authorized to implement federal waivers or other
21 necessary federal authorization to implement the prepaid
22 health plans authorized by this section. The agency shall
23 procure the specialty prepaid health plans through a
24 competitive procurement. In awarding a contract to a managed
25 care plan, the agency shall take into account price, quality,
26 accessibility, linkages to community-based organizations, and
27 the comprehensiveness of the benefit package offered by the
28 plan. The agency may bid the HIV/AIDS specialty plans on a
29 county, regional, or statewide basis. Qualified plans must be
30 licensed under chapter 641. The agency shall monitor and
31 evaluate the implementation of this waiver program if it is

1 approved by the Federal Government ~~and shall report on its~~
2 ~~status to the President of the Senate and the Speaker of the~~
3 ~~House of Representatives by February 1, 2001.~~ To improve
4 coordination of medical care delivery and to increase cost
5 efficiency for the Medicaid program in treating HIV disease,
6 the Agency for Health Care Administration shall seek all
7 necessary federal waivers to allow participation in the
8 Medipass HIV disease management program for Medicare
9 beneficiaries who test positive for HIV infection and who also
10 qualify for Medicaid benefits such as prescription medications
11 not covered by Medicare.

12

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

15

16 Section 70. Paragraph (a) of subsection (4), paragraph
17 (b) of subsection (16), subsection (41), and paragraph (d) of
18 subsection (49) of section 409.912, Florida Statutes, are
19 amended to read:

20 409.912 Cost-effective purchasing of health care.--The
21 agency shall purchase goods and services for Medicaid
22 recipients in the most cost-effective manner consistent with
23 the delivery of quality medical care. To ensure that medical
24 services are effectively utilized, the agency may, in any
25 case, require a confirmation or second physician's opinion of
26 the correct diagnosis for purposes of authorizing future
27 services under the Medicaid program. This section does not
28 restrict access to emergency services or poststabilization
29 care services as defined in 42 C.F.R. part 438.114. Such
30 confirmation or second opinion shall be rendered in a manner
31 approved by the agency. The agency shall maximize the use of

1 prepaid per capita and prepaid aggregate fixed-sum basis
2 services when appropriate and other alternative service
3 delivery and reimbursement methodologies, including
4 competitive bidding pursuant to s. 287.057, designed to
5 facilitate the cost-effective purchase of a case-managed
6 continuum of care. The agency shall also require providers to
7 minimize the exposure of recipients to the need for acute
8 inpatient, custodial, and other institutional care and the
9 inappropriate or unnecessary use of high-cost services. The
10 agency may mandate prior authorization, drug therapy
11 management, or disease management participation for certain
12 populations of Medicaid beneficiaries, certain drug classes,
13 or particular drugs to prevent fraud, abuse, overuse, and
14 possible dangerous drug interactions. The Pharmaceutical and
15 Therapeutics Committee shall make recommendations to the
16 agency on drugs for which prior authorization is required. The
17 agency shall inform the Pharmaceutical and Therapeutics
18 Committee of its decisions regarding drugs subject to prior
19 authorization. The agency is authorized to limit the entities
20 it contracts with or enrolls as Medicaid providers by
21 developing a provider network through provider credentialing.
22 The agency may limit its network based on the assessment of
23 beneficiary access to care, provider availability, provider
24 quality standards, time and distance standards for access to
25 care, the cultural competence of the provider network,
26 demographic characteristics of Medicaid beneficiaries,
27 practice and provider-to-beneficiary standards, appointment
28 wait times, beneficiary use of services, provider turnover,
29 provider profiling, provider licensure history, previous
30 program integrity investigations and findings, peer review,
31 provider Medicaid policy and billing compliance records,

1 clinical and medical record audits, and other factors.

2 Providers shall not be entitled to enrollment in the Medicaid
3 provider network. The agency is authorized to seek federal
4 waivers necessary to implement this policy.

5 (4) The agency may contract with:

6 (a) An entity that provides no prepaid health care
7 services other than Medicaid services under contract with the
8 agency and which is owned and operated by a county, county
9 health department, or county-owned and operated hospital to
10 provide health care services on a prepaid or fixed-sum basis
11 to recipients, which entity may provide such prepaid services
12 either directly or through arrangements with other providers.
13 Such prepaid health care services entities must be licensed
14 under parts I and III ~~by January 1, 1998, and until then are~~
15 ~~exempt from the provisions of part I~~ of chapter 641. An entity
16 recognized under this paragraph which demonstrates to the
17 satisfaction of the Office of Insurance Regulation of the
18 Financial Services Commission that it is backed by the full
19 faith and credit of the county in which it is located may be
20 exempted from s. 641.225.

21 (16)

22 (b) The responsibility of the agency under this
23 subsection shall include the development of capabilities to
24 identify actual and optimal practice patterns; patient and
25 provider educational initiatives; methods for determining
26 patient compliance with prescribed treatments; fraud, waste,
27 and abuse prevention and detection programs; and beneficiary
28 case management programs.

29 1. The practice pattern identification program shall
30 evaluate practitioner prescribing patterns based on national
31 and regional practice guidelines, comparing practitioners to

1 | their peer groups. The agency and its Drug Utilization Review
2 | Board shall consult with the Department of Health and a panel
3 | of practicing health care professionals consisting of the
4 | following: the Speaker of the House of Representatives and the
5 | President of the Senate shall each appoint three physicians
6 | licensed under chapter 458 or chapter 459; and the Governor
7 | shall appoint two pharmacists licensed under chapter 465 and
8 | one dentist licensed under chapter 466 who is an oral surgeon.
9 | Terms of the panel members shall expire at the discretion of
10 | the appointing official. ~~The panel shall begin its work by~~
11 | ~~August 1, 1999, regardless of the number of appointments made~~
12 | ~~by that date.~~ The advisory panel shall be responsible for
13 | evaluating treatment guidelines and recommending ways to
14 | incorporate their use in the practice pattern identification
15 | program. Practitioners who are prescribing inappropriately or
16 | inefficiently, as determined by the agency, may have their
17 | prescribing of certain drugs subject to prior authorization or
18 | may be terminated from all participation in the Medicaid
19 | program.

20 | 2. The agency shall also develop educational
21 | interventions designed to promote the proper use of
22 | medications by providers and beneficiaries.

23 | 3. The agency shall implement a pharmacy fraud, waste,
24 | and abuse initiative that may include a surety bond or letter
25 | of credit requirement for participating pharmacies, enhanced
26 | provider auditing practices, the use of additional fraud and
27 | abuse software, recipient management programs for
28 | beneficiaries inappropriately using their benefits, and other
29 | steps that will eliminate provider and recipient fraud, waste,
30 | and abuse. The initiative shall address enforcement efforts to
31 | reduce the number and use of counterfeit prescriptions.

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

8 5. The agency may apply for any federal waivers needed
9 to implement this paragraph.

10 (41) The agency shall provide for the development of a
11 demonstration project by establishment in Miami-Dade County of
12 a long-term-care facility licensed pursuant to chapter 395 to
13 improve access to health care for a predominantly minority,
14 medically underserved, and medically complex population and to
15 evaluate alternatives to nursing home care and general acute
16 care for such population. Such project is to be located in a
17 health care condominium and colocated with licensed facilities
18 providing a continuum of care. The establishment of this
19 project is not subject to the provisions of s. 408.036 or s.
20 408.039. ~~The agency shall report its findings to the Governor,~~
21 ~~the President of the Senate, and the Speaker of the House of~~
22 ~~Representatives by January 1, 2003.~~

23 (49) The agency shall contract with established
24 minority physician networks that provide services to
25 historically underserved minority patients. The networks must
26 provide cost-effective Medicaid services, comply with the
27 requirements to be a MediPass provider, and provide their
28 primary care physicians with access to data and other
29 management tools necessary to assist them in ensuring the
30 appropriate use of services, including inpatient hospital
31 services and pharmaceuticals.

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

3
4 Reviser's note.--Paragraphs (4)(a) and (16)(b)
5 and subsection (41) are amended to delete
6 provisions that have served their purpose.
7 Paragraph (49)(d) is amended to conform to the
8 context of the reference.

9
10 Section 71. Subsection (3) of section 420.504, Florida
11 Statutes, is amended to read:

12 420.504 Public corporation; creation, membership,
13 terms, expenses.--

14 (3) The corporation is a separate budget entity and is
15 not subject to control, supervision, or direction by the
16 Department of Community Affairs in any manner, including, but
17 not limited to, personnel, purchasing, transactions involving
18 real or personal property, and budgetary matters. The
19 corporation shall consist of a board of directors composed of
20 the Secretary of Community Affairs as an ex officio and voting
21 member and eight members appointed by the Governor subject to
22 confirmation by the Senate from the following:

23 (a) One citizen actively engaged in the residential
24 home building industry.

25 (b) One citizen actively engaged in the banking or
26 mortgage banking industry.

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

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

31

1 (e) One citizen actively engaged in the commercial
2 building industry.

3 (f) One citizen who is a former local government
4 elected official.

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

8
9 ~~The changes in membership categories required by this act~~
10 ~~shall be effective when the term of one citizen member expires~~
11 ~~in 1998.~~

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

15
16 Section 72. Paragraph (g) of subsection (2) of section
17 430.04, Florida Statutes, is reenacted to read:

18 430.04 Duties and responsibilities of the Department
19 of Elderly Affairs.--The Department of Elderly Affairs shall:

20 (2) Be responsible for ensuring that each area agency
21 on aging operates in a manner to ensure that the elderly of
22 this state receive the best services possible. The department
23 shall rescind designation of an area agency on aging or take
24 intermediate measures against the agency, including corrective
25 action, unannounced special monitoring, temporary assumption
26 of operation of one or more programs by the department,
27 placement on probationary status, imposing a moratorium on
28 agency action, imposing financial penalties for
29 nonperformance, or other administrative action pursuant to
30 chapter 120, if the department finds that:

31

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

3
4 Reviser's note.--Section 4, ch. 2004-386, Laws
5 of Florida, amended subsection (2), including
6 insertion of a new paragraph (f), without
7 publishing existing paragraph (f). Absent
8 affirmative evidence of legislative intent to
9 repeal existing paragraph (f), it is reenacted
10 here, redesignated as paragraph (g), to confirm
11 that the omission was not intended.

12
13 Section 73. Paragraph (b) of subsection (6) of section
14 430.205, Florida Statutes, is amended to read:

15 430.205 Community care service system.--

16 (6) Notwithstanding other requirements of this
17 chapter, the Department of Elderly Affairs and the Agency for
18 Health Care Administration shall develop an integrated
19 long-term-care delivery system.

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

21 1. The agency, in consultation with the department,
22 shall develop an implementation plan to integrate the Frail
23 Elder Option into the Nursing Home Diversion pilot project and
24 each program's funds into one capitated program serving the
25 aged. Beginning July 1, 2004, the agency may not enroll
26 additional individuals in the Frail Elder Option.

27 2. The agency, in consultation with the department,
28 shall integrate the Aged and Disabled Adult Medicaid waiver
29 program and the Assisted Living for the Elderly Medicaid
30 waiver program and each program's funds into one
31 fee-for-service Medicaid waiver program serving the aged and

1 disabled. Once the programs are integrated, funding to provide
2 care in assisted-living facilities under the new waiver may
3 not be less than the amount appropriated in the 2003-2004
4 fiscal year for the Assisted Living for the Elderly Medicaid
5 waiver.

6 a. The agency shall seek federal waivers necessary to
7 integrate these waiver programs.

8 b. The agency and the department shall reimburse
9 providers for case management services on a capitated basis
10 and develop uniform standards for case management in this
11 fee-for-service Medicaid waiver program. The coordination of
12 acute and chronic medical services for individuals shall be
13 included in the capitated rate for case management services.

14 c. The agency and the department shall adopt any rules
15 necessary to comply with or administer these requirements,
16 effect and implement interagency agreements between the
17 department and the agency, and comply with federal
18 requirements.

19 3. The Legislature finds that preservation of the
20 historic aging network of lead agencies is essential to the
21 well-being of Florida's elderly population. The Legislature
22 finds that the Florida aging network constitutes a system of
23 essential community providers which should be nurtured and
24 assisted to develop systems of operations which allow the
25 gradual assumption of responsibility and financial risk for
26 managing a client through the entire continuum of long-term
27 care services within the area the lead agency is currently
28 serving, and which allow lead agency providers to develop
29 managed systems of service delivery. The department, in
30 consultation with the agency, shall therefore:

31

1 a. Develop a demonstration project in which existing
2 community care for the elderly lead agencies are assisted in
3 transferring their business model and the service delivery
4 system within their current community care service area to
5 enable assumption, over a period of time, of full risk as a
6 community diversion pilot project contractor providing
7 long-term care services in the areas of operation. The
8 department, in consultation with the agency and the Department
9 of Children and Family Services, shall develop an
10 implementation plan for no more than three lead agencies by
11 October 31, 2004.

12 b. In the demonstration area, a community care for the
13 elderly lead agency shall be initially reimbursed on a prepaid
14 or fixed-sum basis for services provided under the newly
15 integrated fee-for-service Medicaid waiver. By the end of the
16 third year of operation, the demonstration project shall
17 include all services under the long-term care community
18 diversion pilot project.

19 c. During the first year of operation, the department,
20 in consultation with the agency, may place providers at risk
21 to provide nursing home services for the enrolled individuals
22 who are participating in the demonstration project. During the
23 3-year development period, the agency and the department may
24 limit the level of custodial nursing home risk that the
25 administering entities assume. Under risk-sharing
26 arrangements, during the first 3 years of operation, the
27 department, in consultation with the agency, may reimburse the
28 administering entity for the cost of providing nursing home
29 care for Medicaid-eligible participants who have been
30 permanently placed and remain in a nursing home for more than
31

1 | 1 year, or may disenroll such participants from the
2 | demonstration project.

3 | d. The agency, in consultation with the department,
4 | shall develop reimbursement rates based on the historical cost
5 | experience of the state in providing long-term care and
6 | nursing home services under Medicaid waiver programs to the
7 | population 65 years of age and older in the area served by the
8 | pilot project.

9 | e. The department, in consultation with the agency,
10 | shall ensure that the entity or entities receiving prepaid or
11 | fixed-sum reimbursement are assisted in developing internal
12 | management and financial control systems necessary to manage
13 | the risk associated with providing services under a prepaid or
14 | fixed-sum rate system.

15 | f. If the department and the agency share risk of
16 | custodial nursing home placement, payment rates during the
17 | first 3 years of operation shall be set at not more than 100
18 | percent of the costs to the agency and the department of
19 | providing equivalent services to the population within the
20 | area of the pilot project for the year prior to the year in
21 | which the pilot project is implemented, adjusted forward to
22 | account for inflation and policy changes in the Medicaid
23 | program. In subsequent years, the rate shall be negotiated,
24 | based on the cost experience of the entity in providing
25 | contracted services, but may not exceed 95 percent of the
26 | amount that would have been paid in the pilot project area
27 | absent the prepaid or fixed sum reimbursement methodology.

28 | g. Community care for the elderly lead agencies that
29 | have operated for a period of at least 20 years, which provide
30 | Medicare-certified services to elders, and which have
31 | developed a system of service provision by health care

1 volunteers shall be given priority in the selection of the
2 pilot project if they meet the minimum requirements specified
3 in the competitive procurement.

4 h. The agency and the department shall adopt rules
5 necessary to comply with or administer these requirements,
6 effect and implement interagency agreements between the agency
7 and the department, and comply with federal requirements.

8 i. The department and the agency shall seek federal
9 waivers necessary to implement the requirements of this
10 section.

11 j. The Department of Elderly Affairs shall conduct or
12 contract for an evaluation of the demonstration project. The
13 department shall submit the evaluation to the Governor and the
14 Legislature by January 1, 2007. The evaluation must address
15 the effectiveness of the pilot project in providing a
16 comprehensive system of appropriate and high-quality,
17 long-term care services to elders in the least restrictive
18 setting and make recommendations on expanding the project to
19 other parts of the state.

20 4. The department, in consultation with the agency,
21 shall study the integration of the database systems for the
22 Comprehensive Assessment and Review of Long-Term Care (CARES)
23 program and the Client Information and Referral Tracking
24 System (CIRTS) and develop a plan for database integration.
25 The department shall submit the plan to the Governor, the
26 President of the Senate, and the Speaker of the House of
27 Representatives by December 31, 2004.

28 5. The agency, in consultation with the department,
29 shall work with the fiscal agent for the Medicaid program to
30 develop a service utilization reporting system that operates
31 through the fiscal agent for the capitated plans.

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

3
4 Section 74. Subsection (6) of section 440.05, Florida
5 Statutes, is amended to read:

6 440.05 Election of exemption; revocation of election;
7 notice; certification.--

8 (6) A construction industry certificate of election to
9 be exempt which is issued in accordance with this section
10 shall be valid for 2 years after the effective date stated
11 thereon. Both the effective date and the expiration date must
12 be listed on the face of the certificate by the department.
13 The construction industry certificate must expire at midnight,
14 2 years from its issue date, as noted on the face of the
15 exemption certificate. ~~Any person who has received from the~~
16 ~~department a construction industry certificate of election to~~
17 ~~be exempt which is in effect on December 31, 1998, shall file~~
18 ~~a new notice of election to be exempt by the last day in his~~
19 ~~or her birth month following December 1, 1998.~~ A construction
20 industry certificate of election to be exempt may be revoked
21 before its expiration by the officer for whom it was issued or
22 by the department for the reasons stated in this section. At
23 least 60 days prior to the expiration date of a construction
24 industry certificate of exemption issued after December 1,
25 1998, the department shall send notice of the expiration date
26 and an application for renewal to the certificateholder at the
27 address on the certificate.

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

31

1 Section 75. Paragraph (a) of subsection (6) of section
2 440.491, Florida Statutes, is amended to read:

3 440.491 Reemployment of injured workers;
4 rehabilitation.--

5 (6) TRAINING AND EDUCATION.--
6 (a) Upon referral of an injured employee by the
7 carrier, or upon the request of an injured employee, the
8 department shall conduct a training and education screening to
9 determine whether it should refer the employee for a
10 vocational evaluation and, if appropriate, approve training
11 and education or other vocational services for the employee.
12 The department may not approve formal training and education
13 programs unless it determines, after consideration of the
14 reemployment assessment, pertinent reemployment status reviews
15 or reports, and such other relevant factors as it prescribes
16 by rule, that the reemployment plan is likely to result in
17 return to suitable gainful employment. The department is
18 authorized to expend moneys from the Workers' Compensation
19 Administration Trust Fund, established by s. 440.50, to secure
20 appropriate training and education at a community college as
21 designated in s. 1000.21(3) or at a career center
22 ~~vocational technical school~~ established under s. 1001.44, or
23 to secure other vocational services when necessary to satisfy
24 the recommendation of a vocational evaluator. As used in this
25 paragraph, "appropriate training and education" includes
26 securing a general education diploma (GED), if necessary. The
27 department shall establish training and education standards
28 pertaining to employee eligibility, course curricula and
29 duration, and associated costs.

30

31

1 Reviser's note.--Amended to conform to the
2 substitution of the term "career center" for
3 "vocational-technical school" throughout
4 statutory material relating to the subject by
5 ch. 2004-357, Laws of Florida. Also amended to
6 conform to the terminology used in s. 1001.44.
7

8 Section 76. Section 440.591, Florida Statutes, is
9 amended to read:

10 440.591 Administrative procedure; rulemaking
11 authority.--The department, the Financial Services Commission,
12 the agency, and the Department of Education may adopt rules
13 pursuant to ss. 120.536(1) and 120.54 to implement the
14 provisions of this chapter conferring duties upon them ~~it~~.
15

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

19 Section 77. Paragraph (a) of subsection (5) of section
20 443.191, Florida Statutes, is amended to read:

21 443.191 Unemployment Compensation Trust Fund;
22 establishment and control.--

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

24 (a) Money credited to this state's account in the
25 federal Unemployment Compensation Trust Fund by the Secretary
26 of the Treasury of the United States under 42 U.S.C. s. 1103
27 may not be requisitioned from this state's account or used
28 except for the payment of benefits and for the payment of
29 expenses incurred for the administration of this chapter.
30 These moneys may be requisitioned under subsection (3) for the
31 payment of benefits. These moneys may also be requisitioned

1 and used for the payment of expenses incurred for the
2 administration of this chapter, but only under a specific
3 appropriation by the Legislature and only if the expenses are
4 incurred and the money is requisitioned after the enactment of
5 an appropriations law that:

6 1. Specifies the purposes for which the money is
7 appropriated and the amounts appropriated;

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

11 3. Limits the amount that may be obligated during any
12 12-month period beginning on July 1 and ending on the next
13 June 30 to an amount that does not exceed the amount by which
14 the aggregate of the amounts credited to the state's account
15 under 42 U.S.C. s. 1103 during the same 12-month period and
16 the 34 preceding 12-month periods exceeds the aggregate of the
17 amounts obligated for administration and paid out for benefits
18 and charged against the amounts credited to the state's
19 account during those 35 12-month periods.

20
21 ~~Notwithstanding this paragraph, money credited for federal~~
22 ~~fiscal years 1999, 2000, and 2001 may only be used solely for~~
23 ~~the administration of the Unemployment Compensation Program.~~
24 ~~This money is not otherwise subject to this paragraph when~~
25 ~~appropriated by the Legislature.~~

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

29
30
31

1 Section 78. Subsection (5) and paragraph (b) of
2 subsection (6) of section 445.003, Florida Statutes, are
3 repealed.

4
5 Reviser's note.--Subsection (5), which required
6 the former Department of Labor and Employment
7 Security to phase-down Job Training Partnership
8 Act duties before the July 1, 2000, abolishment
9 of the federal program, and to complete related
10 outstanding accounts and issues by July 1, 2002
11 (transfer to Agency for Workforce Innovation),
12 is obsolete. Paragraph (6)(b), which required
13 the Office of Program Policy Analysis and
14 Government Accountability to review the
15 workforce development system and submit a final
16 report by December 31, 2002, has served its
17 purpose.

18
19 Section 79. Subsection (3) and paragraph (b) of
20 subsection (9) of section 445.009, Florida Statutes, are
21 amended to read:

22 445.009 One-stop delivery system.--

23 (3) ~~Notwithstanding any other provision of law, any~~
24 ~~memorandum of understanding in effect on June 30, 2000,~~
25 ~~between a regional workforce board and the Department of Labor~~
26 ~~and Employment Security governing the delivery of workforce~~
27 ~~services shall remain in effect until September 30, 2000.~~

28 Beginning October 1, 2000, regional workforce boards shall
29 enter into a memorandum of understanding with the Agency for
30 Workforce Innovation for the delivery of employment services

31

1 authorized by the federal Wagner-Peyser Act. This memorandum
2 of understanding must be performance based.

3 (a) Unless otherwise required by federal law, at least
4 90 percent of the Wagner-Peyser funding must go into direct
5 customer service costs.

6 (b) Employment services must be provided through the
7 one-stop delivery system, under the guidance of one-stop
8 delivery system operators. One-stop delivery system operators
9 shall have overall authority for directing the staff of the
10 workforce system. Personnel matters shall remain under the
11 ultimate authority of the Agency for Workforce Innovation.
12 However, the one-stop delivery system operator shall submit to
13 the agency information concerning the job performance of
14 agency employees who deliver employment services. The agency
15 shall consider any such information submitted by the one-stop
16 delivery system operator in conducting performance appraisals
17 of the employees.

18 (c) The agency shall retain fiscal responsibility and
19 accountability for the administration of funds allocated to
20 the state under the Wagner-Peyser Act. An agency employee who
21 is providing services authorized under the Wagner-Peyser Act
22 shall be paid using Wagner-Peyser Act funds.

23 ~~(d) The Office of Program Policy Analysis and~~
24 ~~Government Accountability, in consultation with Workforce~~
25 ~~Florida, Inc., shall review the delivery of employment~~
26 ~~services under the Wagner-Peyser Act and the integration of~~
27 ~~those services with other activities performed through the~~
28 ~~one stop delivery system and shall provide recommendations to~~
29 ~~the Legislature for improving the effectiveness of the~~
30 ~~delivery of employment services in this state. The Office of~~
31 ~~Program Policy Analysis and Government Accountability shall~~

1 ~~submit a report and recommendations to the Governor, the~~
2 ~~President of the Senate, and the Speaker of the House of~~
3 ~~Representatives by December 31, 2002.~~

4 (9)

5 (b) The network shall assure that a uniform method is
6 used to determine eligibility for and management of services
7 provided by agencies that conduct workforce development
8 activities. The Department of Management Services shall
9 develop strategies to allow access to the databases and
10 information management systems of the following systems in
11 order to link information in those databases with the one-stop
12 delivery system:

13 1. The Unemployment Compensation Program of the Agency
14 for Workforce Innovation.

15 2. The public employment service described in s.
16 443.181.

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

19 ~~4. The Workers' Compensation System of the Department~~
20 ~~of Labor and Employment Security.~~

21 ~~4.5.~~ The Student Financial Assistance System of the
22 Department of Education.

23 ~~5.6.~~ Enrollment in the public postsecondary education
24 system.

25 ~~6.7.~~ Other information systems determined appropriate
26 by Workforce Florida, Inc.

27
28 The systems shall be fully coordinated at both the state and
29 local levels by July 1, 2001.

30

31

1 Reviser's note.--Amended to delete provisions
2 that are obsolete or have served their purpose.
3 Subparagraph (9)(b)4. is deleted to remove a
4 reference to an information management system
5 of the Department of Labor and Employment
6 Security; the system was not implemented, and
7 the department was abolished by s. 69, ch.
8 2002-194, Laws of Florida.

9
10 Section 80. Section 446.051, Florida Statutes, is
11 reenacted to read:

12 446.051 Related instruction for apprentices.--

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

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

26
27 Reviser's note.--Reenacted to confirm the
28 substitution of the term "career education" for
29 "vocational education" to conform to that
30 substitution throughout statutory material
31

1 relating to the subject by ch. 2004-357, Laws
2 of Florida.

3
4 Section 81. Paragraph (a) of subsection (1) and
5 subsection (2) of section 450.081, Florida Statutes, are
6 reenacted to read:

7 450.081 Hours of work in certain occupations.--

8 (1)(a) Minors 15 years of age or younger shall not be
9 employed, permitted, or suffered to work before 7 a.m. or
10 after 7 p.m. when school is scheduled the following day or for
11 more than 15 hours in any one week. On any school day, minors
12 15 years of age or younger who are not enrolled in a career
13 education program shall not be gainfully employed for more
14 than 3 hours, unless there is no session of school the
15 following day.

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

24
25 Reviser's note.--Reenacted to confirm the
26 substitution of the term "career education" for
27 "vocational education" to conform to that
28 substitution throughout statutory material
29 relating to the subject by ch. 2004-357, Laws
30 of Florida.

31

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

3 455.2177 Monitoring of compliance with continuing
4 education requirements.--

5 (2) The department may refuse renewal of a licensee's
6 license until the licensee has satisfied all applicable
7 continuing education requirements. This subsection does not
8 preclude the department or boards from imposing additional
9 penalties pursuant to the applicable practice act or rules
10 adopted pursuant thereto.

11
12 Reviser's note.--Amended to improve clarity and
13 correct sentence construction.

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

17 455.32 Management Privatization Act.--

18 (14) The contract between the department and the
19 corporation must be in compliance with this section and other
20 applicable laws. The department shall retain responsibility
21 for any duties it currently exercises relating to its police
22 powers and any other current duty that is not provided to the
23 corporation by contract or this section. The contract shall
24 provide, at a minimum, that:

25 (c) The corporation submit an annual budget for
26 approval by the department. If the department's appropriations
27 request differs from the budget submitted by the corporation,
28 the relevant professional board shall be permitted to
29 authorize the inclusion in the appropriations request of a
30 comment or statement of disagreement with the department's
31 request.

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

3
4 Section 84. Subsection (2) of section 475.615, Florida
5 Statutes, is amended to read:

6 475.615 Qualifications for registration, licensure, or
7 certification.--

8 (2) The board is authorized to waive or modify any
9 education, experience, or examination requirements established
10 in this ~~part section~~ in order to conform with any such
11 requirements established by the Appraisal Qualifications Board
12 of the Appraisal Foundation and recognized by the Appraisal
13 Subcommittee or any successor body recognized by federal law.

14
15 Reviser's note.--Amended to improve clarity and
16 facilitate correct interpretation. Section 9,
17 ch. 91-89, Laws of Florida, created part II,
18 ch. 475, Florida Statutes, regulating
19 appraisers, including the reference to "this
20 section." Education, experience, and
21 examination requirements were created by s. 9,
22 ch. 91-89, and are located in ss. 475.616 and
23 475.617.

24
25 Section 85. Section 489.146, Florida Statutes, is
26 amended to read:

27 489.146 Privatization of services.--Notwithstanding
28 any other provision of this part relating to the review of
29 licensure applications, issuance of licenses and renewals,
30 collection of revenues, fees, and fines, service of documents,
31 publications, and printing, and other ministerial functions of

1 the department relating to the regulation of contractors, the
2 department shall make all reasonable efforts to contract with
3 one or more private entities for provision of such services,
4 when such services can be provided in a more efficient manner
5 by private entities. The department or the board shall retain
6 final authority for licensure decisions and rulemaking,
7 including all appeals or other legal action resulting from
8 such licensure decisions or rulemaking. The department and the
9 board shall adopt rules to implement the provisions of this
10 section. ~~The department shall report all progress and the~~
11 ~~status of privatization and privatization efforts to the~~
12 ~~Legislature by March 1, 1998.~~

13

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

16

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

19 489.531 Prohibitions; penalties.--

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

26 (a) A code enforcement officer designated pursuant to
27 this subsection may issue a citation for any violation of
28 subsection (1) whenever, based upon personal investigation,
29 the code enforcement officer has reasonable and probable
30 grounds to believe that such a violation has occurred.

31

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

- 4 1. The time and date of issuance.
- 5 2. The name and address of the person to whom the
6 citation is issued.
- 7 3. The time and date of the violation.
- 8 4. A brief description of the violation and the facts
9 constituting reasonable cause.
- 10 5. The name of the code enforcement officer.
- 11 6. The procedure for the person to follow in order to
12 pay the civil penalty or to contest the citation.
- 13 7. The applicable civil penalty if the person elects
14 not to contest the citation.

15 (c) The local governing body of the county or
16 municipality is authorized to enforce codes and ordinances
17 against unlicensed contractors under the provisions of this
18 section and may enact an ordinance establishing procedures for
19 implementing this section, including a schedule of penalties
20 to be assessed by the code enforcement officers. The maximum
21 civil penalty which may be levied shall not exceed \$500.
22 Moneys collected pursuant to this section shall be retained
23 locally as provided for by local ordinance and may be set
24 aside in a specific fund to support future enforcement
25 activities against unlicensed contractors.

26 (d) The act for which the citation is issued shall be
27 ceased upon receipt of the citation; and the person charged
28 with the violation shall elect either to correct the violation
29 and pay the civil penalty in the manner indicated on the
30 citation or, within 10 days of receipt of the citation,
31 exclusive of weekends and legal holidays, request an

1 administrative hearing before the enforcement or licensing
2 board or designated special magistrate to appeal the issuance
3 of the citation by the code enforcement officer.

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

8 2. Failure of a violator to appeal the decision of the
9 code enforcement officer within the time period set forth in
10 this paragraph shall constitute a waiver of the violator's
11 right to an administrative hearing. A waiver of the right to
12 administrative hearing shall be deemed an admission of the
13 violation and, penalties may be imposed accordingly.

14 3. If the person issued the citation, or his or her
15 designated representative, shows that the citation is invalid
16 or that the violation has been corrected prior to appearing
17 before the enforcement or licensing board or designated
18 special magistrate, the enforcement or licensing board or
19 designated special magistrate shall dismiss the citation
20 unless the violation is irreparable or irreversible.

21 4. Each day a willful, knowing violation continues
22 shall constitute a separate offense under the provisions of
23 this subsection.

24 (e) A person cited for a violation pursuant to this
25 subsection is deemed to be charged with a noncriminal
26 infraction.

27 (f) If the enforcement or licensing board or
28 designated special magistrate finds that a violation exists,
29 the enforcement or licensing board or designated special
30 magistrate may order the violator to pay a civil penalty of
31 not less than the amount set forth on the citation but not

1 more than \$500 per day for each violation. In determining the
2 amount of the penalty, the enforcement or licensing board or
3 designated special magistrate shall consider the following
4 factors:

- 5 1. The gravity of the violation.
- 6 2. Any actions taken by the violator to correct the
7 violation.
- 8 3. Any previous violations committed by the violator.

9 (g) Upon written notification by the code enforcement
10 officer that a violator had not contested the citation or paid
11 the civil penalty within the timeframe allowed on the
12 citation, or if a violation has not been corrected within the
13 timeframe set forth on the notice of violation, the
14 enforcement or licensing board or the designated special
15 magistrate shall enter an order ordering the violator to pay
16 the civil penalty set forth on the citation or notice of
17 violation, and a hearing shall not be necessary for the
18 issuance of such order.

19 (h) A certified copy of an order imposing a civil
20 penalty against an uncertified contractor may be recorded in
21 the public records and thereafter shall constitute a lien
22 against any real or personal property owned by the violator.
23 Upon petition to the circuit court, such order may be enforced
24 in the same manner as a court judgment by the sheriffs of this
25 state, including a levy against personal property; however,
26 such order shall not be deemed to be a court judgment except
27 for enforcement purposes. A civil penalty imposed pursuant to
28 this part shall continue to accrue until the violator comes
29 into compliance or until judgment is rendered in a suit to
30 foreclose on a lien filed pursuant to this section, whichever
31 occurs first. After 3 months from the filing of any such lien

1 | which remains unpaid, the enforcement or licensing board or
2 | designated special magistrate may authorize the local
3 | governing body's attorney to foreclose on the lien. No lien
4 | created pursuant to the provisions of this part may be
5 | foreclosed on real property which is a homestead under s. 4,
6 | Art. X of the State Constitution.

7 | (i) This subsection does not authorize or permit a
8 | code enforcement officer to perform any function or duty of a
9 | law enforcement officer other than a function or duty that is
10 | authorized in this subsection.

11 | (j) An aggrieved party, including the local governing
12 | body, may appeal a final administrative order of an
13 | enforcement or licensing board or designated special
14 | magistrate to the circuit court. Such an appeal shall not be a
15 | hearing de novo but shall be limited to appellate review of
16 | the record created before the enforcement or licensing board
17 | or designated special magistrate. An appeal shall be filed
18 | within 30 days of the execution of the order to be appealed.

19 | (k) All notices required by this subsection shall be
20 | provided to the alleged violator by certified mail, return
21 | receipt requested; by hand delivery by the sheriff or other
22 | law enforcement officer or code enforcement officer; by
23 | leaving the notice at the violator's usual place of residence
24 | with some person of his or her family above 15 years of age
25 | and informing such person of the contents of the notice; or by
26 | including a hearing date within the citation.

27 | (l) For those counties which enact ordinances to
28 | implement this subsection and which have local construction
29 | licensing boards or local government code enforcement boards,
30 | the local construction licensing board or local government
31 | code enforcement board shall be responsible for the

1 administration of such citation program and training of code
2 enforcement officers. The local governing body of the county
3 shall enter into interlocal agreements with any municipalities
4 in the county so that such municipalities may by ordinance,
5 resolution, policy, or administrative order, authorize
6 individuals to enforce the provisions of this section. Such
7 individuals shall be subject to the requirements of training
8 as specified by the local construction licensing board.

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

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

16 (o) Nothing in this subsection shall be construed to
17 authorize local jurisdictions to exercise disciplinary
18 authority or procedures established in this subsection against
19 an individual holding a proper valid certificate issued
20 pursuant to this part.

21
22 Reviser's note.--Section 87, ch. 2004-11, Laws
23 of Florida, amended portions of subsection (4)
24 without publishing the introductory paragraph
25 of the subsection. Absent affirmative evidence
26 of legislative intent to repeal it, the
27 introductory paragraph of subsection (4) is
28 reenacted to confirm that the omission was not
29 intended.
30
31

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

5 497.103 Rulemaking authority of board and
6 department.--

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

8 (c) If the Chief Financial Officer makes any
9 recommendation pursuant to this subsection concerning approval
10 or denial of an application for license or otherwise under
11 this chapter, the running of the period under s. 120.60 for
12 approving or denying a completed application shall be tolled
13 from the date ~~of~~ the Chief Financial Officer's recommendation
14 is made for the shorter of 90 days or until the effect of such
15 recommendation is determined in accordance with paragraph (a).
16

17 Reviser's note.--Amended to improve clarity and
18 correct sentence construction.
19

20 Section 88. Effective October 1, 2005, paragraph (b)
21 of subsection (6) and subsection (7) of section 497.140,
22 Florida Statutes, as amended and renumbered from section
23 497.525, Florida Statutes, by section 10 of chapter 2004-301,
24 Laws of Florida, are amended to read:

25 497.140 Fees.--

26 (6)

27 (b) The board may with the concurrence of the
28 department, if that portion of the Regulatory Trust Fund held
29 by the department for implementation of this chapter is not in
30 deficit and has a reasonable cash balance, earmark \$5 of each
31 initial licensure and each license renewal fee collected under

1 | this chapter and direct the deposit of each such amount into
2 | the separate account required in paragraph (a), to be utilized
3 | by the department for the purposes of combating unlicensed
4 | practice in violation of this chapter. Such earmarked amount
5 | may be, as the board directs, in lieu of or in addition to the
6 | special unlicensed activity fee imposed under paragraph (a).
7 | The earmarking may be imposed and thereafter eliminated from
8 | time to time according to the adequacy of trust funds held for
9 | implementation of this chapter.

10 | (7) Any fee required to be paid under this chapter,
11 | which was set at a fixed amount as in the 2004 edition of the
12 | Florida Statutes, but as to which this chapter now provides to
13 | be a fee as determined by board rule subject to a cap
14 | specified in this chapter, shall remain at the amount as set
15 | in the 2004 edition of the Florida Statutes unless and until
16 | the board shall change such fee by rule.

17 |
18 | Reviser's note.--Amended to improve clarity and
19 | correct sentence construction.

20 |
21 | Section 89. Effective October 1, 2005, subsection (6)
22 | of section 497.150, Florida Statutes, as created by section 20
23 | of chapter 2004-301, Laws of Florida, is amended to read:

24 | 497.150 Compliance examinations of existing
25 | licensees.--

26 | (6) If the department finds any accounts or records
27 | required to be made or maintained by a licensee under this
28 | chapter to be inadequate or inadequately kept or posted, it
29 | may ~~be~~ employ experts to reconstruct, rewrite, post, or
30 | balance them at the expense of the person being examined,
31 | provided the person has failed to maintain, complete, or

1 correct such records or accounting after the department has
2 given her or him notice and a reasonable opportunity to do so.

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

6
7 Section 90. Effective October 1, 2005, paragraph (b)
8 of subsection (7) of section 497.152, Florida Statutes, as
9 created by section 22 of chapter 2004-301, Laws of Florida, is
10 amended to read:

11 497.152 Disciplinary grounds.--This section sets forth
12 conduct which is prohibited and which shall constitute grounds
13 for denial of any application, imposition of discipline, and
14 other enforcement action against the licensee or other person
15 committing such conduct. For purposes of this section, the
16 requirements of this chapter include the requirements of rules
17 adopted under authority of this chapter. No subsection heading
18 in this section shall be interpreted as limiting the
19 applicability of any paragraph within the subsection.

20 (7) RELATIONS WITH OTHER LICENSEES.--

21 (b) Making any misleading statements or
22 misrepresentations as to the financial condition of any
23 person, or which are falsely and maliciously critical of any
24 person for the purpose of damaging that person's business
25 regulated under this chapter.

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

29
30 Section 91. Effective October 1, 2005, paragraph (b)
31 of subsection (5) of section 497.153, Florida Statutes, as

1 created by section 23 of chapter 2004-301, Laws of Florida, is
2 amended to read:

3 497.153 Disciplinary procedures and penalties.--

4 (5) PENALTIES.--

5 (b) In addition to any fine and other sanction
6 imposed, the board may order the payment by the licensee of
7 the reasonable costs of the department and the board
8 associated with investigation and prosecution of the matter,
9 and may order the licensee to make restitution as directed by
10 board order to persons harmed by the violation.

11
12 Reviser's note.--Amended to improve clarity and
13 correct sentence construction.

14
15 Section 92. Effective October 1, 2005, subsection (2)
16 of section 497.160, Florida Statutes, as amended and
17 renumbered from section 497.437, Florida Statutes, by section
18 30 of chapter 2004-301, Laws of Florida, is amended to read:

19 497.160 Receivership proceedings.--

20 (2) A receivership under this section may be
21 temporary, or for the winding up and dissolution of the
22 business, as the department may request and the court
23 determines to be necessary or advisable in the circumstances.
24 Venue of receivership proceedings may be, at the department's
25 election, in Leon County, or the county where the subject of
26 the receivership is located. The appointed receiver shall be
27 the department or such person as the department may nominate
28 and the court shall approve. The provisions of part I of
29 chapter 631 shall be applicable to receiverships under this
30 section except to the extent the court shall determine the
31 application of particular of such provisions to be

1 impracticable or would produce unfair results in the
2 circumstances. Expenditures by the department from its
3 budgeted funds, the Preneed Funeral Contract Consumer
4 Protection Trust Fund, and other regulatory trust funds
5 derived from this chapter, for implementation and effectuation
6 of such a receivership, shall be authorized; any such funds
7 expended shall be a claim against the estate in the
8 receivership proceedings.

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

12
13 Section 93. Effective October 1, 2005, subsection (2)
14 of section 497.166, Florida Statutes, as created by section 36
15 of chapter 2004-301, Laws of Florida, is amended to read:

16 497.166 Preneed sales.--

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

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

25
26 Section 94. Effective October 1, 2005, subsections
27 (10) and (14) of section 497.167, Florida Statutes, as created
28 by section 37 of chapter 2004-301, Laws of Florida, are
29 amended to read:

30 497.167 Administrative matters.--

31

1 (10) The board may establish by rule procedures and
2 requirements for the appearance before the board of any
3 applicant or principal of an applicant, to stand for oral
4 interview by the board at a public meeting of the board,
5 before an application shall be deemed complete. Such rule may
6 require such appearance for all or specified categories of
7 applicants and may provide criteria for determining when such
8 appearance shall be required.

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

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

16
17 Section 95. Effective October 1, 2005, subsection (2)
18 of section 497.260, Florida Statutes, as amended and
19 renumbered from section 497.003, Florida Statutes, by section
20 42 of chapter 2004-301, Laws of Florida, is amended to read:

21 497.260 Cemeteries; exemption; investigation and
22 mediation.--

23 (2) Section 497.276(1) as to burial records, and ss.
24 497.152(1)(d), 497.164, 497.2765 ~~497.310~~, 497.280, and 497.284
25 apply to all cemeteries in this state.

26
27 Reviser's note.--Amended to conform to the
28 redesignation of s. 497.310 as s. 497.2765 by
29 the reviser, effective October 1, 2005,
30 incident to the reorganization of chapter 497
31 by ch. 2004-301, Laws of Florida.

1 Section 96. Effective October 1, 2005, subsection (5)
2 of section 497.369, Florida Statutes, as amended and
3 renumbered from section 470.007, Florida Statutes, by section
4 74 of chapter 2004-301, Laws of Florida, is amended to read:

5 497.369 Embalmers; licensure as an embalmer by
6 endorsement; licensure of a temporary embalmer.--

7 (5) There may be adopted by the licensing authority
8 rules authorizing an applicant who has met the requirements of
9 paragraphs (1)(b) and (c) and who is awaiting an opportunity
10 to take the examination required by subsection (4) to be
11 licensed as a temporary licensed embalmer. A temporary
12 licensed ~~temporary~~ embalmer may work as an embalmer in a
13 licensed funeral establishment under the general supervision
14 of a licensed embalmer. Such temporary license shall expire 60
15 days after the date of the next available examination required
16 under subsection (4); however, the temporary license may be
17 renewed one time under the same conditions as initial
18 issuance. The fee for issuance or renewal of an embalmer
19 temporary license shall be set by rule of the licensing
20 authority but may not exceed \$200. The fee required in this
21 subsection shall be nonrefundable and in addition to the fee
22 required in subsection (1).

23
24 Reviser's note.--Amended to eliminate
25 redundancy.
26

27 Section 97. Effective October 1, 2005, paragraph (j)
28 of subsection (1), paragraph (a) of subsection (5), and
29 subsection (6) of section 497.453, Florida Statutes, as
30 amended and renumbered from section 497.407, Florida Statutes,
31

1 by section 102 of chapter 2004-301, Laws of Florida, are
2 amended to read:

3 497.453 Application for preneed license, procedures
4 and criteria; renewal; reports.--

5 (1) PRENEED LICENSE APPLICATION PROCEDURES.--

6 (j) The application shall disclose the existence of
7 all preneed contracts for service or merchandise entered into
8 by the applicant, or by any other entity under common control
9 with the applicant, without or prior to authorization under
10 this section or predecessors to this section. As to each such
11 contract, the applicant shall disclose the name and address of
12 the contract purchaser, the status of the contract, and what
13 steps or measures the applicant has taken to ensure
14 performance of unfulfilled contracts, setting forth the
15 treatment and status of funds received from the customer in
16 regard to the contract, and stating the name and address of
17 any institution where such funds are deposited and the number
18 used by the institution to identify the account. With respect
19 to contracts entered into before January 1, 1983, an
20 application to issue or renew a preneed license may not be
21 denied solely on the basis of such disclosure. The purchaser
22 of any such contract may not be required to liquidate the
23 account if such account was established before July 1, 1965.
24 Information disclosed may be used by the licensing authority
25 to notify the contract purchaser and the institution in which
26 such funds are deposited should the holder of a preneed
27 license be unable to fulfill the requirements of the contract.

28 (5) RENEWAL OF LICENSES.--

29 (a) A preneed license shall expire annually on June 1,
30 unless renewed, or at such other time or times as may be
31 provided by rule. The application for renewal of the license

1 shall be on forms prescribed by rule and shall be accompanied
2 by a renewal fee as specified in paragraph (c).

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

10

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

13

14 Section 98. Effective October 1, 2005, subsection (8)
15 of section 497.458, Florida Statutes, as amended and
16 renumbered from section 497.417, Florida Statutes, by section
17 107 of chapter 2004-301, Laws of Florida, is amended to read:

18 497.458 Disposition of proceeds received on
19 contracts.--

20 (8) If in the preneed licensee's opinion it does not
21 have the ability to select the financial responsibility
22 alternative of s. 497.461 or s. 497.462, then the preneed
23 licensee license shall not have the right to sell or solicit
24 preneed contracts.

25

26 Reviser's note.--Amended to correct an apparent
27 error and facilitate correct interpretation.

28

29 Section 99. Effective October 1, 2005, subsection (5)
30 of section 497.466, Florida Statutes, as amended and

31

1 renumbered from section 497.439, Florida Statutes, by section
2 115 of chapter 2004-301, Laws of Florida, is amended to read:

3 497.466 Preneed sales agents, license required;
4 application procedures and criteria; responsibility of preneed
5 licensee.--

6 (5) SIMPLIFIED PROCEDURES FOR SUBSEQUENT CHANGE OF
7 SPONSORING LICENSEE.--The board may by rule establish
8 simplified requirements and procedures under which any preneed
9 sales agent, who within the 12 months preceding application
10 under this subsection held in good standing a preneed sales
11 agent license under this section, may obtain a preneed sales
12 agent's license under this section to represent a different
13 sponsoring preneed licensee. The simplified requirements shall
14 dispense with the requirement for submission of fingerprints.
15 The licensing authority may by rule prescribe forms to be used
16 by applicants under this subsection, which forms may dispense
17 with the requirement for any information not deemed by the
18 licensing authority to be necessary to tracking the identity
19 ~~identify~~ of the preneed licensee responsible for the
20 activities of the preneed sales agent. No preneed sales agent
21 licensee whose sales agent license issued by the board was
22 revoked or suspended or otherwise terminated while in other
23 than good standing, shall be eligible to use the simplified
24 requirements and procedures. The issuance of a preneed sales
25 agent license under this subsection shall not operate as a bar
26 to any subsequent disciplinary action relating to grounds
27 arising prior to obtaining the license under this subsection.
28 There shall be a fee payable to the department under such
29 simplified procedures, which fee shall be the same as the fee
30 paid upon initial application for a preneed sales agent

31

1 license, except that no fingerprint fee shall be required if
2 such fingerprint fee is required for initial applications.

3
4 Reviser's note.--Amended to correct an apparent
5 error.

6
7 Section 100. Effective October 1, 2005, subsection (3)
8 of section 497.550, Florida Statutes, as amended and
9 renumbered from section 497.361, Florida Statutes, by section
10 118 of chapter 2004-301, Laws of Florida, is amended to read:

11 497.550 Licensure of monument establishments required;
12 procedures and criteria.--

13 (3) ACTION CONCERNING APPLICATIONS.--A duly completed
14 application for licensure as a monument establishment,
15 accompanied by the required application fee, shall be approved
16 unless there is shown by clear and convincing evidence that
17 the applicant will not, before commencing operations, have the
18 facilities required by this part or that issuance of the
19 license would pose an unreasonable risk to the public because
20 of one or more of the following factors:

21 (a) The applicant's lack of experience.

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

23 (c) The criminal or disciplinary record of the
24 applicant or its principals.

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

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

30
31

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

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

8 497.551 Renewal of monument establishment licensure.--

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

17 (b) Total sales of \$50,001 to \$250,000, renewal fee
18 \$1,500.

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

22
23 Section 102. Effective October 1, 2005, subsection (1)
24 of section 497.603, Florida Statutes, as amended and
25 renumbered from section 470.018, Florida Statutes, by section
26 128 of chapter 2004-301, Laws of Florida, is amended to read:

27 497.603 Direct disposers, renewal of license.--

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

31

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

3
4 Section 103. Effective October 1, 2005, paragraph (c)
5 of subsection (2) and subsection (6) of section 497.604,
6 Florida Statutes, as amended and renumbered from section
7 470.021, Florida Statutes, by section 129 of chapter 2004-301,
8 Laws of Florida, are amended to read:

9 497.604 Direct disposal establishments, license
10 required; licensing procedures and criteria; license renewal;
11 regulation.--

12 (2) APPLICATION PROCEDURES.--

13 (c) The application shall name the licensed direct
14 disposer or licensed funeral director who will be acting as a
15 direct disposer in charge of the direct disposal
16 establishment.

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

22
23 Reviser's note.--Paragraph (2)(c) is amended to
24 correct an apparent error. Subsection (6) is
25 amended to improve clarity and facilitate
26 correct interpretation.

27
28 Section 104. Effective October 1, 2005, subsection (3)
29 of section 497.608, Florida Statutes, as created by section
30 133 of chapter 2004-301, Laws of Florida, is amended to read:

31

1 497.608 Liability for unintentional commingling of the
2 residue of the cremation process.--

3 (3) If an operator follows the procedures set forth in
4 written procedures filed with and approved by the licensing
5 authority, or adopts and follows the standard uniform
6 procedures adopted by the licensing authority, the operator
7 shall not be liable for the unintentional or the incidental
8 commingling of cremated remains resulting from more than one
9 cremation cycle or from postcremation processing, shipping,
10 packing, or identifying those remains.

11
12 Reviser's note.--Amended to improve clarity and
13 correct sentence construction and to correct an
14 apparent error.

15
16 Section 105. Subsection (12) of section 550.0251,
17 Florida Statutes, is amended to read:

18 550.0251 The powers and duties of the Division of
19 Pari-mutuel Wagering of the Department of Business and
20 Professional Regulation.--The division shall administer this
21 chapter and regulate the pari-mutuel industry under this
22 chapter and the rules adopted pursuant thereto, and:

23 (12) The division shall have full authority and power
24 to make, adopt, amend, or repeal rules relating to cardroom
25 operations, to enforce and to carry out the provisions of s.
26 849.086, and to regulate the authorized cardroom activities in
27 the state. ~~The division is authorized to adopt emergency~~
28 ~~rules prior to January 1, 1997, to implement the provisions of~~
29 ~~s. 849.086.~~

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

3
4 Section 106. Subsection (19) of section 553.791,
5 Florida Statutes, is repealed.

6
7 Reviser's note.--Repealed to delete obsolete
8 language requiring a report to the Legislature
9 on or before January 1, 2004.

10
11 Section 107. Subsection (1) of section 553.8413,
12 Florida Statutes, is amended to read:

13 553.8413 Education Technical Advisory
14 Committee.--Effective upon this act becoming a law, funds that
15 are available under ss. 489.109(3) and 489.509(3) shall be
16 allocated and expended by the Florida Building Commission as
17 provided in this section.

18 (1) ~~Effective upon this act becoming a law, the~~
19 ~~Florida Building Commission shall appoint those members of the~~
20 ~~Building Construction Industry Advisory Committee on October~~
21 ~~1, 2001, as established by rule 6A 10.029, Florida~~
22 ~~Administrative Code, to the Education Technical Advisory~~
23 ~~Committee of the Florida Building Commission to complete their~~
24 ~~terms of office.~~ Members of the Florida Building Commission
25 shall ~~also~~ be appointed to the Education Technical Advisory
26 Committee. The members of the committee shall broadly
27 represent the building construction industry and must consist
28 of no fewer than 10 persons. The chairperson of the Florida
29 Building Commission shall annually designate the chairperson
30 of the committee. The terms of the committee members shall be

31

1 2 years each, and members may be reappointed at the discretion
2 of the Florida Building Commission.

3
4 Reviser's note.--Amended to delete an obsolete
5 provision. The terms of office of the members
6 of the Building Construction Industry Advisory
7 Committee on October 1, 2001, as appointed to
8 the Education Technical Advisory Committee of
9 the Florida Building Commission have been
10 completed.

11
12 Section 108. Subsection (4) of section 556.112,
13 Florida Statutes, is repealed.

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

18
19 Section 109. Subsection (2) of section 558.002,
20 Florida Statutes, is amended to read:

21 558.002 Definitions.--As used in this chapter, the
22 term:

23 (2) "Association" has the same meaning as in s.
24 718.103(2), s. 719.103(2), s. 720.301(9), or s. 723.075
25 ~~723.025~~.

26
27 Reviser's note.--Amended to conform to context.
28 Section 723.075 relates to the meaning of the
29 term "association" in regard to homeowners'
30 associations for mobile home parks. Section
31

1 723.025 relates to a park owner's access to
2 mobile homes and lots.

3
4 Section 110. Paragraph (a) of subsection (12) of
5 section 558.004, Florida Statutes, is amended to read:

6 558.004 Notice and opportunity to repair.--

7 (12) This chapter does not:

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

13
14 Reviser's note.--Amended to improve clarity.

15 Chapter 2004-342, Laws of Florida, changed all
16 other references to "act" in this section to
17 "chapter."

18
19 Section 111. Subsection (2) of section 560.408,
20 Florida Statutes, is repealed.

21
22 Reviser's note.--Repealed to delete obsolete
23 language requiring a report to the President of
24 the Senate and the Speaker of the House of
25 Representatives on January 1, 2004.

26
27 Section 112. Section 570.235, Florida Statutes, is
28 repealed.

29
30 Reviser's note.--This section created a Pest
31 Exclusion Advisory Committee which was to

1 conclude its findings and issue a report by
2 January 1, 2001.

3
4 Section 113. Subsection (14) of section 570.71,
5 Florida Statutes, is repealed, and subsection (2) of that
6 section is amended to read:

7 570.71 Conservation easements and agreements.--

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

11 (a) Purchase conservation easements, as defined in s.
12 704.06.

13 (b) Purchase rural-lands-protection easements pursuant
14 to this act.

15 (c) Fund resource conservation agreements pursuant to
16 this act.

17 (d) Fund agricultural protection agreements pursuant
18 to this act.

19
20 ~~No funds may be expended to implement this subsection prior to~~
21 ~~July 1, 2002.~~

22
23 Reviser's note.--Subsection (2) is amended to
24 delete obsolete language. Subsection (14) is
25 repealed to delete obsolete language requiring
26 a report to the Governor, the President of the
27 Senate, and the Speaker of the House of
28 Representatives by December 31, 2001.

29
30 Section 114. Subsection (3) of section 581.131,
31 Florida Statutes, is amended to read:

1 581.131 Certificate of registration.--

2 (3) Before any nurseryman, stock dealer, agent, or
3 plant broker advertises nursery stock for sale, a copy of the
4 certificate of registration must be provided to the publisher
5 of the advertisement. The registration number issued by the
6 department and printed on the certificate of registration must
7 be included in the advertisement. Registration numbers
8 printed in the advertisements must be legible. ~~Any~~
9 ~~advertisement for the sale of nursery stock in print prior to~~
10 ~~July 1, 1995, shall be exempt from the requirements of this~~
11 ~~subsection.~~

12
13 Reviser's note.--Amended to delete obsolete
14 language relating to advertisements in print
15 prior to July 1, 1995.

16
17 Section 115. Subsections (1) and (3) of section
18 620.9901, Florida Statutes, are repealed.

19
20 Reviser's note.--Subsection (1) is repealed to
21 delete obsolete language applying the Revised
22 Uniform Partnership Act of 1995 to specified
23 partnerships between January 1, 1996, and
24 January 1, 1998. Subsection (3) provides for
25 voluntary application of the act between
26 January 1, 1996, and January 1, 1998.

27
28 Section 116. Subsection (5) of section 624.426,
29 Florida Statutes, is amended to read:

30 624.426 Exceptions to countersignature law.--Section
31 624.425 does not apply to:

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

6
7 Reviser's note.--Amended to improve clarity.

8
9 Section 117. Subsection (1) of section 626.112,
10 Florida Statutes, is reenacted to read:

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

14 (1)(a) No person may be, act as, or advertise or hold
15 himself or herself out to be an insurance agent, insurance
16 adjuster, or customer representative unless he or she is
17 currently licensed by the department and appointed by an
18 appropriate appointing entity or person.

19 (b) Except as provided in subsection (6) or in
20 applicable department rules, and in addition to other conduct
21 described in this chapter with respect to particular types of
22 agents, a license as an insurance agent, service
23 representative, customer representative, or limited customer
24 representative is required in order to engage in the
25 solicitation of insurance. For purposes of this requirement,
26 as applicable to any of the license types described in this
27 section, the solicitation of insurance is the attempt to
28 persuade any person to purchase an insurance product by:

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

31

1 2. Distributing an invitation to contract to
2 prospective purchasers;

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

5 4. Completing orders or applications for insurance
6 products; or

7 5. Comparing insurance products, advising as to
8 insurance matters, or interpreting policies or coverages.

9
10 However, an employee leasing company licensed pursuant to
11 chapter 468 which is seeking to enter into a contract with an
12 employer that identifies products and services offered to
13 employees may deliver proposals for the purchase of employee
14 leasing services to prospective clients of the employee
15 leasing company setting forth the terms and conditions of
16 doing business; classify employees as permitted by s. 468.529;
17 collect information from prospective clients and other sources
18 as necessary to perform due diligence on the prospective
19 client and to prepare a proposal for services; provide and
20 receive enrollment forms, plans, and other documents; and
21 discuss or explain in general terms the conditions,
22 limitations, options, or exclusions of insurance benefit plans
23 available to the client or employees of the employee leasing
24 company were the client to contract with the employee leasing
25 company. Any advertising materials or other documents
26 describing specific insurance coverages must identify and be
27 from a licensed insurer or its licensed agent or a licensed
28 and appointed agent employed by the employee leasing company.
29 The employee leasing company may not advise or inform the
30 prospective business client or individual employees of
31 specific coverage provisions, exclusions, or limitations of

1 particular plans. As to clients for which the employee leasing
2 company is providing services pursuant to s. 468.525(4), the
3 employee leasing company may engage in activities permitted by
4 ss. 626.7315, 626.7845, and 626.8305, subject to the
5 restrictions specified in those sections. If a prospective
6 client requests more specific information concerning the
7 insurance provided by the employee leasing company, the
8 employee leasing company must refer the prospective business
9 client to the insurer or its licensed agent or to a licensed
10 and appointed agent employed by the employee leasing company.

11

12 Reviser's note.--Section 20, ch. 2004-390, Laws
13 of Florida, amended paragraph (1)(a) without
14 publishing the flush left language at the end
15 of the subsection. Absent affirmative evidence
16 of legislative intent to repeal the flush left
17 language at the end of the subsection,
18 subsection (1) is reenacted to confirm that the
19 omission was not intended.

20

21 Section 118. Subsection (1) of section 626.641,
22 Florida Statutes, is amended to read:

23

626.641 Duration of suspension or revocation.--

24

(1) The department shall, in its order suspending a
25 license or appointment or in its order suspending the
26 eligibility of a person to hold or apply for such license or
27 appointment, specify the period during which the suspension is
28 to be in effect; but such period shall not exceed 2 years. The
29 license, appointment, or eligibility shall remain suspended
30 during the period so specified, subject, however, to any
31 rescission or modification of the order by the department, or

1 modification or reversal thereof by the court, prior to
2 expiration of the suspension period. A license, appointment,
3 or eligibility which has been suspended shall not be
4 reinstated except upon request for such reinstatement and, in
5 the case of a second suspension, completion of continuing
6 education courses prescribed and approved by the department ~~or~~
7 ~~office~~; but the department shall not grant such reinstatement
8 if it finds that the circumstance or circumstances for which
9 the license, appointment, or eligibility was suspended still
10 exist or are likely to recur.

11

12 Reviser's note.--Amended to delete the words
13 "or office" as added by s. 44, ch. 2004-374,
14 Laws of Florida. Section 48, ch. 2004-390, Laws
15 of Florida, deleted all other references to
16 "office" to make provision for the Department
17 of Financial Services to regulate insurance
18 adjusters rather than the Office of Insurance
19 Regulation.

20

21 Section 119. Section 627.6685, Florida Statutes, is
22 repealed.

23

24 Reviser's note.--This section, which relates to
25 mental health coverage, does not apply to
26 benefits for services furnished on or after
27 September 30, 2001.

28

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

31

627.6699 Employee Health Care Access Act.--

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

3 (a) A small employer carrier must elect to become
4 either a risk-assuming carrier or a reinsuring carrier. ~~Each~~
5 ~~small employer carrier must make an initial election, binding~~
6 ~~through January 1, 1994. The carrier's initial election must~~
7 ~~be made no later than October 31, 1992.~~ By October 31, 1993,
8 all small employer carriers must file a final election, which
9 is binding for 2 years, from January 1, 1994, through December
10 31, 1995, after which an election shall be binding for a
11 period of 5 years. Any carrier that is not a small employer
12 carrier ~~on October 31, 1992,~~ and intends to become a small
13 employer carrier ~~after October 31, 1992,~~ must file its
14 designation when it files the forms and rates it intends to
15 use for small employer group health insurance; such
16 designation shall be binding for 2 years after the date of
17 approval of the forms and rates, and any subsequent
18 designation is binding for 5 years. The office may permit a
19 carrier to modify its election at any time for good cause
20 shown, after a hearing.

21
22 Reviser's note.--Amended to delete obsolete
23 language relating to small employer carriers'
24 initial elections by specified dates.

25
26 Section 121. Subparagraph 5. of paragraph (b) of
27 subsection (5) of section 627.736, Florida Statutes, is
28 amended to read:

29 627.736 Required personal injury protection benefits;
30 exclusions; priority; claims.--

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

1 (b)
2 5. ~~Effective upon this act becoming a law and before~~
3 ~~November 1, 2001, allowable amounts that may be charged to a~~
4 ~~personal injury protection insurance insurer and insured for~~
5 ~~magnetic resonance imaging services shall not exceed 200~~
6 ~~percent of the allowable amount under Medicare Part B for year~~
7 ~~2001, for the area in which the treatment was rendered.~~
8 Beginning November 1, 2001, Allowable amounts that may be
9 charged to a personal injury protection insurance insurer and
10 insured for magnetic resonance imaging services shall not
11 exceed 175 percent of the allowable amount under the
12 participating physician fee schedule of Medicare Part B for
13 year 2001, for the area in which the treatment was rendered,
14 adjusted annually on August 1 to reflect the prior calendar
15 year's changes in the annual Medical Care Item of the Consumer
16 Price Index for All Urban Consumers in the South Region as
17 determined by the Bureau of Labor Statistics of the United
18 States Department of Labor for the 12-month period ending June
19 30 of that year, except that allowable amounts that may be
20 charged to a personal injury protection insurance insurer and
21 insured for magnetic resonance imaging services provided in
22 facilities accredited by the Accreditation Association for
23 Ambulatory Health Care, the American College of Radiology, or
24 the Joint Commission on Accreditation of Healthcare
25 Organizations shall not exceed 200 percent of the allowable
26 amount under the participating physician fee schedule of
27 Medicare Part B for year 2001, for the area in which the
28 treatment was rendered, adjusted annually on August 1 to
29 reflect the prior calendar year's changes in the annual
30 Medical Care Item of the Consumer Price Index for All Urban
31 Consumers in the South Region as determined by the Bureau of

1 Labor Statistics of the United States Department of Labor for
2 the 12-month period ending June 30 of that year. This
3 paragraph does not apply to charges for magnetic resonance
4 imaging services and nerve conduction testing for inpatients
5 and emergency services and care as defined in chapter 395
6 rendered by facilities licensed under chapter 395.

7
8 Reviser's note.--Amended to delete an obsolete
9 provision limiting charges to personal injury
10 insurers and insureds for magnetic resonance
11 imaging to 200 percent of the allowable amount
12 under Medicare Part B until November 1, 2001.

13
14 Section 122. Subsection (4) of section 628.909,
15 Florida Statutes, is repealed, and subsection (1) of that
16 section is amended to read:

17 628.909 Applicability of other laws.--

18 (1) The Florida Insurance Code shall not apply to
19 captive insurers or industrial insured captive insurers except
20 as provided in this part and subsections (2) and, (3), ~~and~~
21 ~~(4)~~.

22
23 Reviser's note.--Subsection (1) is amended to
24 delete a reference to subsection (4), which is
25 repealed. Subsection (4) relates to an
26 exemption from s. 624.404(8), which was
27 repealed by s. 14, ch. 91-108, Laws of Florida.

28
29 Section 123. Paragraph (c) of subsection (3) of
30 section 633.0215, Florida Statutes, is repealed.

31

1 Reviser's note.--Repealed to delete a provision
2 that has served its purpose. The provision
3 allowed locally adopted fire code requirements
4 to be deemed local variations of the Florida
5 Fire Prevention Code until adoption of a
6 statewide firesafety code or rescission of the
7 requirements, such action taking place no later
8 than January 1, 2002. The State Fire Marshal
9 has adopted a statewide firesafety code.

10

11 Section 124. Subsection (2) of section 636.240,
12 Florida Statutes, is amended to read:

13 636.240 Injunctions.--

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

17

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

20

21 Section 125. Subsection (10) of section 641.51,
22 Florida Statutes, is amended to read:

23 641.51 Quality assurance program; second medical
24 opinion requirement.--

25 (10) Each organization shall adopt recommendations for
26 preventive pediatric health care which are consistent with the
27 requirements for health checkups for children developed for
28 the Medicaid program. Each organization shall establish goals
29 to achieve ~~80 percent compliance by July 1, 1998, and~~
30 90-percent compliance by July 1, 1999, for their enrolled
31 pediatric population.

1 Reviser's note.--Amended to delete obsolete
2 language relating to organizational compliance
3 by July 1, 1998.
4

5 Section 126. Subsection (2) of section 648.50, Florida
6 Statutes, is amended to read:

7 648.50 Effect of suspension, revocation upon
8 associated licenses and licensees.--

9 (2) In case of the suspension or revocation of the
10 license or appointment, or the eligibility to hold a license
11 or appointment, of any bail bond agent, the license,
12 appointment, or eligibility of any and all bail bond agents
13 who are members of a bail bond agency, whether incorporated or
14 unincorporated, and any and all temporary bail bond agents ~~or~~
15 ~~runners~~ employed by such bail bond agency, who knowingly are
16 parties to the act which formed the ground for the suspension
17 or revocation may likewise be suspended or revoked.
18

19 Reviser's note.--Amended to delete an obsolete
20 reference. All other references to "runners"
21 were deleted from this section by s. 80, ch.
22 2003-267, Laws of Florida, and s. 71, ch.
23 2003-281, Laws of Florida.
24

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

27 650.05 Plans for coverage of employees of political
28 subdivisions.--

29 (1) Each political subdivision of the state is
30 authorized to submit for approval by the state agency a plan
31 for extending the benefits of Title II of the Social Security

1 Act, in conformity with the applicable provisions of such act,
2 to employees of such political subdivisions. Each such plan
3 and any amendment thereof shall be approved by the state
4 agency if it is found that such plan, or such plan as amended,
5 is in conformity with such requirements as are provided in
6 regulations of the state agency, except that no such plan
7 shall be approved unless:

8 (e) It provides that the political subdivision will
9 make such reports, in such form and containing such
10 information, as the state agency may from time to time
11 require, and comply with such provisions as the state agency
12 or the Secretary of Health and Human Services ~~Health,~~
13 ~~Education, and Welfare~~ may from time to time find necessary to
14 assure the correctness and verification of such reports; and
15

16 Reviser's note.--Amended to conform to the
17 transfer of the duties of the former Secretary
18 of Health, Education, and Welfare concerning
19 Social Security to the Secretary of Health and
20 Human Services by Pub. L. No. 96-88.
21

22 Section 128. Subparagraph 6. of paragraph (a) of
23 subsection (2) of section 655.948, Florida Statutes, is
24 repealed.
25

26 Reviser's note.--Subparagraph (2)(a)6., which
27 relates to the failure to meet the minimum
28 daily liquidity required of s. 658.68, is
29 repealed. Section 658.68 was repealed by s. 25,
30 ch. 2004-340, Laws of Florida, and s. 108, ch.
31 2004-390, Laws of Florida.

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

3 658.60 Depositories of public moneys and pledge of
4 assets.--

5 (2) Notwithstanding any other provision of this
6 section or the provisions of any other law requiring security
7 for deposits of funds in the form of surety bond, in the form
8 of the deposit or pledge of securities, or in any other form,
9 security for such deposits shall not be required to the extent
10 that such deposits are insured under the provisions of the
11 Federal Deposit Insurance Act, as now or hereafter amended.
12 Recognition is accorded to the custom and usage, and its
13 practicality, of the deposit or pledge of securities by banks,
14 as security for deposits, in an aggregate amount which,
15 because of the fluctuation from time to time of the aggregate
16 amount of the deposits secured thereby, may at times be in an
17 amount in excess of the required amount of such security
18 without withdrawing and redepositing securities with each
19 decrease and increase of the aggregate amount of deposits
20 secured thereby. In order to effectuate the provisions of the
21 first sentence of this subsection, ~~and in recognition of the~~
22 ~~availability of such excess securities for inclusion in the~~
23 ~~liquidity of state banks as provided in s. 658.68,~~ whenever
24 the amount of securities deposited or pledged exceeds the
25 amount required for the deposits secured thereby, securities
26 in an amount equal to such excess shall, for all purposes and
27 laws, while such excess exists be, and be treated as, freed
28 and discharged from such deposit and pledge even though not
29 physically withdrawn or removed from such deposit or pledge,
30 ~~and, in determining the securities which are so freed and~~
31 ~~discharged, those securities which are eligible for inclusion~~

1 ~~in a state bank's liquidity as provided in s. 658.68 shall~~
2 ~~first be included in such determination.~~ However, such excess
3 securities which are not physically withdrawn or removed from
4 deposit or from the pledge thereof shall immediately and
5 automatically, for all purposes and laws, be, and be treated
6 as, redeposited and repledged at such time or times as, and to
7 the extent that, there is an increase in the amount of
8 security required for funds deposited with the bank, ~~and, in~~
9 ~~determining the securities which are so automatically and~~
10 ~~immediately redeposited and repledged, there shall first be~~
11 ~~included those securities which are not eligible for the~~
12 ~~aforsaid liquidity under s. 658.68.~~

13

14 Reviser's note.--Amended to conform to the
15 repeal of s. 658.68 by s. 25, ch. 2004-340,
16 Laws of Florida, and s. 108, ch. 2004-390, Laws
17 of Florida.

18

19 Section 130. Subsection (1) of section 663.02, Florida
20 Statutes, is amended to read:

21 663.02 Applicability of state banking laws.--

22 (1) International banking corporations having offices
23 in this state shall be subject to all the provisions of the
24 financial institutions codes and chapter 655 as though such
25 international banking corporations were state banks, except
26 where it may appear, from the context or otherwise, that such
27 provisions are clearly applicable only to banks or trust
28 companies organized under the laws of this state or the United
29 States. Without limiting the foregoing general provisions, it
30 is the intent of the Legislature that the following provisions
31 shall be applicable to such banks or corporations: s. 655.031,

1 relating to administrative enforcement guidelines; s. 655.032,
2 relating to investigations, subpoenas, hearings, and
3 witnesses; s. 655.0321, relating to hearings, proceedings, and
4 related documents and restricted access thereto; s. 655.033,
5 relating to cease and desist orders; s. 655.037, relating to
6 removal by the office of an officer, director, committee
7 member, employee, or other person; s. 655.041, relating to
8 administrative fines and enforcement; and s. 658.49, relating
9 to loans by banks not exceeding \$50,000. International banking
10 corporations shall not have the powers conferred on domestic
11 banks by the provisions of s. 658.60, relating to deposits of
12 public funds. ~~International banking corporations shall not be~~
13 ~~subject to the provisions of s. 658.68, relating to liquidity.~~
14 The provisions of chapter 687, relating to interest and usury,
15 shall apply to all loans not subject to s. 658.49.

16

17 Reviser's note.--Amended to conform to the
18 repeal of s. 658.68 by s. 25, ch. 2004-340,
19 Laws of Florida, and s. 108, ch. 2004-390, Laws
20 of Florida.

21

22 Section 131. Subsection (3) of section 663.318,
23 Florida Statutes, is repealed.

24

25 Reviser's note.--Subsection (3), which subjects
26 an international development bank organized
27 under chapter 607 as a corporation for profit
28 to s. 658.68, is repealed. Section 658.68 was
29 repealed by s. 25, ch. 2004-340, Laws of
30 Florida, and s. 108, ch. 2004-390, Laws of
31 Florida.

1 Section 132. Subsection (4) of section 668.602,
2 Florida Statutes, is amended to read:

3 668.602 Definitions.--As used in this part, the term:

4 (4) "Computer virus" means a computer program that is
5 designed to replicate itself or affect another program or file
6 in the computer by attaching a copy of the program or other
7 set of instructions to one or more computer programs or files
8 without the consent of the owner or lawful user. The term
9 includes, but is not limited to, programs that are designed to
10 contaminate other computer programs; compromise computer
11 security; consume ~~consume~~ computer resources; modify,
12 destroy, record, or transmit data; or disrupt the normal
13 operation of the computer, computer system, or computer
14 network. The term also includes, but is not limited to,
15 programs that are designed to use a computer without the
16 knowledge and consent of the owner or authorized user and to
17 send large quantities of data to a targeted computer network
18 without the consent of the network for the purpose of
19 degrading the targeted computer's or network's performance or
20 for the purpose of denying access through the network to the
21 targeted computer or network.

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

24
25 Section 133. Subsection (1) of section 717.1400,
26 Florida Statutes, is amended to read:

27 717.1400 Registration.--

28 (1) In order to file claims as a claimant's
29 representative, acquire ownership of or entitlement to
30 unclaimed property, receive a distribution of fees and costs
31 from the department, and obtain unclaimed property dollar

1 amounts, the number of reported shares of stock, and the last
2 four digits of social security numbers held by the department,
3 a private investigator holding a Class "C" individual license
4 under chapter 493 must register with the department on such
5 form as the department shall prescribe by rule, and must be
6 verified by the applicant. To register with the department, a
7 private investigator must provide:

8 (a) A legible copy of the applicant's Class "A"
9 business license under chapter 493 or that of the applicant's
10 employer which holds a Class "A" business license under
11 chapter 493.

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

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

16 (d) The names of agents or employees, if any, who are
17 designated to act on behalf of the private investigator,
18 together with a legible copy of their photo identification
19 issued by an agency of the United States, or a state, or a
20 political subdivision thereof.

21 (e) Sufficient information to enable the department to
22 disburse funds by electronic funds transfer.

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

26
27 Reviser's note.--Amended to improve clarity.

28
29 Section 134. Paragraph (d) of subsection (2) of
30 section 718.112, Florida Statutes, is reenacted to read:

31 718.112 Bylaws.--

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

4 (d) Unit owner meetings.--

5 1. There shall be an annual meeting of the unit
6 owners. Unless the bylaws provide otherwise, a vacancy on the
7 board caused by the expiration of a director's term shall be
8 filled by electing a new board member, and the election shall
9 be by secret ballot; however, if the number of vacancies
10 equals or exceeds the number of candidates, no election is
11 required. If there is no provision in the bylaws for terms of
12 the members of the board, the terms of all members of the
13 board shall expire upon the election of their successors at
14 the annual meeting. Any unit owner desiring to be a candidate
15 for board membership shall comply with subparagraph 3. A
16 person who has been convicted of any felony by any court of
17 record in the United States and who has not had his or her
18 right to vote restored pursuant to law in the jurisdiction of
19 his or her residence is not eligible for board membership. The
20 validity of an action by the board is not affected if it is
21 later determined that a member of the board is ineligible for
22 board membership due to having been convicted of a felony.

23 2. The bylaws shall provide the method of calling
24 meetings of unit owners, including annual meetings. Written
25 notice, which notice must include an agenda, shall be mailed,
26 hand delivered, or electronically transmitted to each unit
27 owner at least 14 days prior to the annual meeting and shall
28 be posted in a conspicuous place on the condominium property
29 at least 14 continuous days preceding the annual meeting. Upon
30 notice to the unit owners, the board shall by duly adopted
31 rule designate a specific location on the condominium property

1 or association property upon which all notices of unit owner
2 meetings shall be posted; however, if there is no condominium
3 property or association property upon which notices can be
4 posted, this requirement does not apply. In lieu of or in
5 addition to the physical posting of notice of any meeting of
6 the unit owners on the condominium property, the association
7 may, by reasonable rule, adopt a procedure for conspicuously
8 posting and repeatedly broadcasting the notice and the agenda
9 on a closed-circuit cable television system serving the
10 condominium association. However, if broadcast notice is used
11 in lieu of a notice posted physically on the condominium
12 property, the notice and agenda must be broadcast at least
13 four times every broadcast hour of each day that a posted
14 notice is otherwise required under this section. When
15 broadcast notice is provided, the notice and agenda must be
16 broadcast in a manner and for a sufficient continuous length
17 of time so as to allow an average reader to observe the notice
18 and read and comprehend the entire content of the notice and
19 the agenda. Unless a unit owner waives in writing the right to
20 receive notice of the annual meeting, such notice shall be
21 hand delivered, mailed, or electronically transmitted to each
22 unit owner. Notice for meetings and notice for all other
23 purposes shall be mailed to each unit owner at the address
24 last furnished to the association by the unit owner, or hand
25 delivered to each unit owner. However, if a unit is owned by
26 more than one person, the association shall provide notice,
27 for meetings and all other purposes, to that one address which
28 the developer initially identifies for that purpose and
29 thereafter as one or more of the owners of the unit shall so
30 advise the association in writing, or if no address is given
31 or the owners of the unit do not agree, to the address

1 provided on the deed of record. An officer of the association,
2 or the manager or other person providing notice of the
3 association meeting, shall provide an affidavit or United
4 States Postal Service certificate of mailing, to be included
5 in the official records of the association affirming that the
6 notice was mailed or hand delivered, in accordance with this
7 provision.

8 3. The members of the board shall be elected by
9 written ballot or voting machine. Proxies shall in no event be
10 used in electing the board, either in general elections or
11 elections to fill vacancies caused by recall, resignation, or
12 otherwise, unless otherwise provided in this chapter. Not less
13 than 60 days before a scheduled election, the association
14 shall mail, deliver, or electronically transmit, whether by
15 separate association mailing or included in another
16 association mailing, delivery, or transmission, including
17 regularly published newsletters, to each unit owner entitled
18 to a vote, a first notice of the date of the election. Any
19 unit owner or other eligible person desiring to be a candidate
20 for the board must give written notice to the association not
21 less than 40 days before a scheduled election. Together with
22 the written notice and agenda as set forth in subparagraph 2.,
23 the association shall mail, deliver, or electronically
24 transmit a second notice of the election to all unit owners
25 entitled to vote therein, together with a ballot which shall
26 list all candidates. Upon request of a candidate, the
27 association shall include an information sheet, no larger than
28 8 1/2 inches by 11 inches, which must be furnished by the
29 candidate not less than 35 days before the election, to be
30 included with the mailing, delivery, or transmission of the
31 ballot, with the costs of mailing, delivery, or electronic

1 transmission and copying to be borne by the association. The
2 association is not liable for the contents of the information
3 sheets prepared by the candidates. In order to reduce costs,
4 the association may print or duplicate the information sheets
5 on both sides of the paper. The division shall by rule
6 establish voting procedures consistent with the provisions
7 contained herein, including rules establishing procedures for
8 giving notice by electronic transmission and rules providing
9 for the secrecy of ballots. Elections shall be decided by a
10 plurality of those ballots cast. There shall be no quorum
11 requirement; however, at least 20 percent of the eligible
12 voters must cast a ballot in order to have a valid election of
13 members of the board. No unit owner shall permit any other
14 person to vote his or her ballot, and any such ballots
15 improperly cast shall be deemed invalid, provided any unit
16 owner who violates this provision may be fined by the
17 association in accordance with s. 718.303. A unit owner who
18 needs assistance in casting the ballot for the reasons stated
19 in s. 101.051 may obtain assistance in casting the ballot. The
20 regular election shall occur on the date of the annual
21 meeting. The provisions of this subparagraph shall not apply
22 to timeshare condominium associations. Notwithstanding the
23 provisions of this subparagraph, an election is not required
24 unless more candidates file notices of intent to run or are
25 nominated than board vacancies exist.

26 4. Any approval by unit owners called for by this
27 chapter or the applicable declaration or bylaws, including,
28 but not limited to, the approval requirement in s. 718.111(8),
29 shall be made at a duly noticed meeting of unit owners and
30 shall be subject to all requirements of this chapter or the
31 applicable condominium documents relating to unit owner

1 decisionmaking, except that unit owners may take action by
2 written agreement, without meetings, on matters for which
3 action by written agreement without meetings is expressly
4 allowed by the applicable bylaws or declaration or any statute
5 that provides for such action.

6 5. Unit owners may waive notice of specific meetings
7 if allowed by the applicable bylaws or declaration or any
8 statute. If authorized by the bylaws, notice of meetings of
9 the board of administration, unit owner meetings, except unit
10 owner meetings called to recall board members under paragraph
11 (j), and committee meetings may be given by electronic
12 transmission to unit owners who consent to receive notice by
13 electronic transmission.

14 6. Unit owners shall have the right to participate in
15 meetings of unit owners with reference to all designated
16 agenda items. However, the association may adopt reasonable
17 rules governing the frequency, duration, and manner of unit
18 owner participation.

19 7. Any unit owner may tape record or videotape a
20 meeting of the unit owners subject to reasonable rules adopted
21 by the division.

22 8. Unless otherwise provided in the bylaws, any
23 vacancy occurring on the board before the expiration of a term
24 may be filled by the affirmative vote of the majority of the
25 remaining directors, even if the remaining directors
26 constitute less than a quorum, or by the sole remaining
27 director. In the alternative, a board may hold an election to
28 fill the vacancy, in which case the election procedures must
29 conform to the requirements of subparagraph 3. unless the
30 association has opted out of the statutory election process,
31 in which case the bylaws of the association control. Unless

1 otherwise provided in the bylaws, a board member appointed or
2 elected under this section shall fill the vacancy for the
3 unexpired term of the seat being filled. Filling vacancies
4 created by recall is governed by paragraph (j) and rules
5 adopted by the division.

6
7 Notwithstanding subparagraphs (b)2. and (d)3., an association
8 may, by the affirmative vote of a majority of the total voting
9 interests, provide for different voting and election
10 procedures in its bylaws, which vote may be by a proxy
11 specifically delineating the different voting and election
12 procedures. The different voting and election procedures may
13 provide for elections to be conducted by limited or general
14 proxy.

15
16 Reviser's note.--Section 4, ch. 2004-345, Laws
17 of Florida, purported to amend paragraph
18 (2)(d), but did not publish the amended
19 paragraph. Absent affirmative evidence of
20 legislative intent to repeal it, paragraph
21 (2)(d) is reenacted to confirm that the
22 omission was not intended.

23
24 Section 135. Paragraph (d) of subsection (2) of
25 section 720.303, Florida Statutes, as created by section 18 of
26 chapter 2004-345, Laws of Florida, and paragraph (a) of
27 subsection (10) of section 720.303, Florida Statutes, are
28 amended to read:

29 720.303 Association powers and duties; meetings of
30 board; official records; budgets; financial reporting;
31 association funds; recalls.--

1 (2) BOARD MEETINGS.--

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

17 (10) RECALL OF DIRECTORS.--

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

24 2. When the governing documents, including the
25 declaration, articles of incorporation, or bylaws, provide
26 that only a specific class of members is entitled to elect a
27 board director or directors, only that class of members may
28 vote to recall those board directors so elected.

29

30 Reviser's note.--Paragraph (2)(d) as created by
31 s. 18, ch. 2004-345, Laws of Florida, is

1 amended to improve clarity and facilitate
2 correct interpretation. Paragraph (d) is not
3 divided into subparagraphs; subparagraph (c)2.
4 relates to the 14-day notice. Paragraph (10)(a)
5 is amended to conform to context.

6
7 Section 136. Subsection (1) of section 720.402,
8 Florida Statutes, is amended to read:

9 720.402 Publication of false and misleading
10 information.--

11 (1) Any person who, in reasonable reliance upon any
12 material statement or information that is false or misleading
13 and published by or under authority from the developer in
14 advertising and promotional materials, including, but not
15 limited to, a contract of purchase ~~purchaser~~, the declaration
16 of covenants, exhibits to a declaration of covenants,
17 brochures, and newspaper advertising, pays anything of value
18 toward the purchase of a parcel in a community located in this
19 state has a cause of action to rescind the contract or collect
20 damages from the developer for his or her loss before the
21 closing of the transaction. After the closing of the
22 transaction, the purchaser has a cause of action against the
23 developer for damages under this section from the time of
24 closing until 1 year after the date upon which the last of the
25 events described in paragraphs (a) through (d) occurs:

26 (a) The closing of the transaction;

27 (b) The issuance by the applicable governmental
28 authority of a certificate of occupancy or other evidence of
29 sufficient completion of construction of the purchaser's
30 residence to allow lawful occupancy of the residence by the
31 purchaser. In counties or municipalities in which certificates

1 of occupancy or other evidences of completion sufficient to
2 allow lawful occupancy are not customarily issued, for the
3 purpose of this section, evidence of lawful occupancy shall be
4 deemed to be given or issued upon the date that such lawful
5 occupancy of the residence may be allowed under prevailing
6 applicable laws, ordinances, or statutes;

7 (c) The completion by the developer of the common
8 areas and such recreational facilities, whether or not the
9 same are common areas, which the developer is obligated to
10 complete or provide under the terms of the written contract,
11 governing documents, or written agreement for purchase or
12 lease of the parcel; or

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

19
20 Under no circumstances may a cause of action created or
21 recognized under this section survive for a period of more
22 than 5 years after the closing of the transaction.

23
24 Reviser's note.--Amended to improve clarity and
25 facilitate correct interpretation.

26
27 Section 137. Paragraph (d) of subsection (4) of
28 section 720.405, Florida Statutes, is amended to read:

29 720.405 Organizing committee; parcel owner approval.--

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

1 (d) Contain no covenants that are more restrictive on
2 the affected parcel owners than the covenants contained in the
3 previous governing documents, except as permitted under s.
4 720.404(3) ~~720.402(3)~~; and

5
6 Reviser's note.--Amended to improve clarity and
7 facilitate correct interpretation. Section
8 720.402 does not contain a subsection (3); s.
9 720.404(3) relates to restrictive covenants.

10
11 Section 138. Subsection (2) of section 721.075,
12 Florida Statutes, is reenacted to read:

13 721.075 Incidental benefits.--Incidental benefits
14 shall be offered only as provided in this section.

15 (2) Each purchaser shall execute a separate
16 acknowledgment and disclosure statement with respect to all
17 incidental benefits, which statement shall include the
18 following information:

19 (a) A fair description of the incidental benefit,
20 including, but not limited to, any user fees or costs
21 associated therewith and any restrictions upon use or
22 availability.

23 (b) A statement that use of or participation in the
24 incidental benefit by the prospective purchaser is completely
25 voluntary, and that payment of any fee or other cost
26 associated with the incidental benefit is required only upon
27 such use or participation.

28 (c) A statement that the incidental benefit is not
29 assignable or otherwise transferable by the prospective
30 purchaser or purchaser.

31

1 (d) The following disclosure in conspicuous type
2 immediately above the space for the purchaser's signature:
3

4 The incidental benefit[s] described in this statement
5 is [are] offered to prospective purchasers of the timeshare
6 plan [or other permitted reference pursuant to s.
7 721.11(5)(a)]. This [These] benefit[s] is [are] available for
8 your use for [some period 3 years or less] after the first
9 date that the timeshare plan is available for your use. The
10 availability of the incidental benefit[s] may or may not be
11 renewed or extended. You should not purchase an interest in
12 the timeshare plan in reliance upon the continued availability
13 or renewal or extension of this [these] benefit[s].

14 (e) A statement indicating the source of the services,
15 points, or other products that constitute the incidental
16 benefit.
17

18 The acknowledgment and disclosure statement for any incidental
19 benefit shall be filed with the division prior to use. Each
20 purchaser shall receive a copy of his or her executed
21 acknowledgment and disclosure statement as a document required
22 to be provided to him or her pursuant to s. 721.10(1)(b).
23

24 Reviser's note.--Section 7, ch. 2004-279, Laws
25 of Florida, added paragraph (e) to subsection
26 (2) without publishing the flush left language
27 at the end of the subsection. Absent
28 affirmative evidence of legislative intent to
29 repeal it, the flush left language is reenacted
30 to confirm that the omission was not intended.
31

1 Section 139. Subsection (4) of section 744.3678,
2 Florida Statutes, is amended to read:

3 744.3678 Annual accounting.--

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

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

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

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

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

18
19 Upon petition by the guardian, the court may waive the
20 auditing fee upon a showing of insufficient funds in the
21 ward's estate. Any guardian unable to pay the auditing fee may
22 petition the court for a waiver of the fee. The court may
23 waive the fee after it has reviewed the documentation filed by
24 the guardian in support of the waiver.

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

28
29 Section 140. Paragraph (d) of subsection (2) of
30 section 744.7021, Florida Statutes, is amended to read:

31

1 744.7021 Statewide Public Guardianship Office.--There
2 is hereby created the Statewide Public Guardianship Office
3 within the Department of Elderly Affairs.

4 (2) The executive director shall, within available
5 resources, have oversight responsibilities for all public
6 guardians.

7 (d) By ~~January 1, 2004, and by~~ January 1 of each year
8 ~~thereafter~~, the executive director shall provide a status
9 report and provide further recommendations to the secretary
10 that address the need for public guardianship services and
11 related issues.

12
13 Reviser's note.--Amended to improve clarity and
14 delete obsolete language.

15
16 Section 141. Subsection (5) of section 782.081,
17 Florida Statutes, is amended to read:

18 782.081 Commercial exploitation of self-murder.--

19 (5) A person who violates this section commits a
20 felony of the third degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084 ~~774.084~~.

22
23 Reviser's note.--Amended to improve clarity and
24 facilitate correct interpretation. Section
25 774.084 does not exist; s. 775.084 provides
26 punishment for felonies.

27
28 Section 142. Paragraph (b) of subsection (4) of
29 section 784.046, Florida Statutes, is amended to read:

30 784.046 Action by victim of repeat violence, sexual
31 violence, or dating violence for protective injunction; powers

1 and duties of court and clerk of court; filing and form of
 2 petition; notice and hearing; temporary injunction; issuance;
 3 statewide verification system; enforcement.--

4 (4)

5 (b) The sworn petition must be in substantially the
 6 following form:

7
 8 PETITION FOR INJUNCTION FOR PROTECTION
 9 AGAINST REPEAT VIOLENCE, SEXUAL
 10 VIOLENCE, OR DATING VIOLENCE
 11

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

15
 16 1. Petitioner resides at ...(address)... (A petitioner
 17 for an injunction for protection against sexual violence may
 18 furnish an address to the court in a separate confidential
 19 filing if, for safety reasons, the petitioner requires the
 20 location of his or her current residence to be confidential
 21 pursuant to s. 119.07(6)(s) ~~119.07(3)(s)~~, Florida Statutes.)

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

23 3.a. Petitioner has suffered repeat violence as
 24 demonstrated by the fact that the respondent has:

25 ...(enumerate incidents of violence)...

26
 27
 28
 29

30
 31

1 respondent from committing any further acts of violence; and
2 an injunction providing any terms the court deems necessary
3 for the protection of the petitioner and the petitioner's
4 immediate family, including any injunctions or directives to
5 law enforcement agencies.

6
7 Reviser's note.--Amended to conform to the
8 redesignation of s. 119.07(3)(s) as s.
9 119.07(6)(s) by s. 7, ch. 2004-335, Laws of
10 Florida.

11
12 Section 143. Paragraph (a) of subsection (1) of
13 section 895.02, Florida Statutes, is amended to read:

14 895.02 Definitions.--As used in ss. 895.01-895.08, the
15 term:

16 (1) "Racketeering activity" means to commit, to
17 attempt to commit, to conspire to commit, or to solicit,
18 coerce, or intimidate another person to commit:

19 (a) Any crime which is chargeable by indictment or
20 information under the following provisions of the Florida
21 Statutes:

22 1. Section 210.18, relating to evasion of payment of
23 cigarette taxes.

24 2. Section 403.727(3)(b), relating to environmental
25 control.

26 3. Section 409.920 or s. 409.9201, relating to
27 Medicaid fraud.

28 4. Section 414.39, relating to public assistance
29 fraud.

30 5. Section 440.105 or s. 440.106, relating to workers'
31 compensation.

- 1 6. Section 465.0161, relating to distribution of
2 medicinal drugs without a permit as an Internet pharmacy.
- 3 7. Sections 499.0051, 499.0052, 499.00535 ~~499.0053~~,
4 499.00545, and 499.0691, relating to crimes involving
5 contraband and adulterated drugs.
- 6 8. Part IV of chapter 501, relating to telemarketing.
- 7 9. Chapter 517, relating to sale of securities and
8 investor protection.
- 9 10. Section 550.235, s. 550.3551, or s. 550.3605,
10 relating to dogracing and horseracing.
- 11 11. Chapter 550, relating to jai alai frontons.
- 12 12. Chapter 552, relating to the manufacture,
13 distribution, and use of explosives.
- 14 13. Chapter 560, relating to money transmitters, if
15 the violation is punishable as a felony.
- 16 14. Chapter 562, relating to beverage law enforcement.
- 17 15. Section 624.401, relating to transacting insurance
18 without a certificate of authority, s. 624.437(4)(c)1.,
19 relating to operating an unauthorized multiple-employer
20 welfare arrangement, or s. 626.902(1)(b), relating to
21 representing or aiding an unauthorized insurer.
- 22 16. Section 655.50, relating to reports of currency
23 transactions, when such violation is punishable as a felony.
- 24 17. Chapter 687, relating to interest and usurious
25 practices.
- 26 18. Section 721.08, s. 721.09, or s. 721.13, relating
27 to real estate timeshare plans.
- 28 19. Chapter 782, relating to homicide.
- 29 20. Chapter 784, relating to assault and battery.
- 30 21. Chapter 787, relating to kidnapping.
- 31 22. Chapter 790, relating to weapons and firearms.

- 1 23. Section 796.03, s. 796.035, s. 796.04, s. 796.045,
2 s. 796.05, or s. 796.07, relating to prostitution and sex
3 trafficking.
- 4 24. Chapter 806, relating to arson.
- 5 25. Section 810.02(2)(c), relating to specified
6 burglary of a dwelling or structure.
- 7 26. Chapter 812, relating to theft, robbery, and
8 related crimes.
- 9 27. Chapter 815, relating to computer-related crimes.
- 10 28. Chapter 817, relating to fraudulent practices,
11 false pretenses, fraud generally, and credit card crimes.
- 12 29. Chapter 825, relating to abuse, neglect, or
13 exploitation of an elderly person or disabled adult.
- 14 30. Section 827.071, relating to commercial sexual
15 exploitation of children.
- 16 31. Chapter 831, relating to forgery and
17 counterfeiting.
- 18 32. Chapter 832, relating to issuance of worthless
19 checks and drafts.
- 20 33. Section 836.05, relating to extortion.
- 21 34. Chapter 837, relating to perjury.
- 22 35. Chapter 838, relating to bribery and misuse of
23 public office.
- 24 36. Chapter 843, relating to obstruction of justice.
- 25 37. Section 847.011, s. 847.012, s. 847.013, s.
26 847.06, or s. 847.07, relating to obscene literature and
27 profanity.
- 28 38. Section 849.09, s. 849.14, s. 849.15, s. 849.23,
29 or s. 849.25, relating to gambling.
- 30 39. Chapter 874, relating to criminal street gangs.
- 31

1	<u>499.00535</u> 499.0053	1st	Sale or purchase of contraband
2			legend drugs resulting in great
3			bodily harm.
4	560.123(8)(b)3.	1st	Failure to report currency or
5			payment instruments totaling or
6			exceeding \$100,000 by money
7			transmitter.
8	560.125(5)(c)	1st	Money transmitter business by
9			unauthorized person, currency, or
10			payment instruments totaling or
11			exceeding \$100,000.
12	655.50(10)(b)3.	1st	Failure to report financial
13			transactions totaling or
14			exceeding \$100,000 by financial
15			institution.
16	775.0844	1st	Aggravated white collar crime.
17	782.04(1)	1st	Attempt, conspire, or solicit to
18			commit premeditated murder.
19	782.04(3)	1st,PBL	Accomplice to murder in
20			connection with arson, sexual
21			battery, robbery, burglary, and
22			other specified felonies.
23	782.051(1)	1st	Attempted felony murder while
24			perpetrating or attempting to
25			perpetrate a felony enumerated in
26			s. 782.04(3).
27	782.07(2)	1st	Aggravated manslaughter of an
28			elderly person or disabled adult.
29	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
30			reward or as a shield or hostage.
31			

1	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
2			or facilitate commission of any
3			felony.
4	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
5			interfere with performance of any
6			governmental or political
7			function.
8	787.02(3)(a)	1st	False imprisonment; child under
9			age 13; perpetrator also commits
10			aggravated child abuse, sexual
11			battery, or lewd or lascivious
12			battery, molestation, conduct, or
13			exhibition.
14	790.161	1st	Attempted capital destructive
15			device offense.
16	790.166(2)	1st,PBL	Possessing, selling, using, or
17			attempting to use a weapon of
18			mass destruction.
19	794.011(2)	1st	Attempted sexual battery; victim
20			less than 12 years of age.
21	794.011(2)	Life	Sexual battery; offender younger
22			than 18 years and commits sexual
23			battery on a person less than 12
24			years.
25	794.011(4)	1st	Sexual battery; victim 12 years
26			or older, certain circumstances.
27	794.011(8)(b)	1st	Sexual battery; engage in sexual
28			conduct with minor 12 to 18 years
29			by person in familial or
30			custodial authority.
31			

1	800.04(5)(b)	1st	Lewd or lascivious molestation;
2			victim less than 12 years;
3			offender 18 years or older.
4	812.13(2)(a)	1st,PBL	Robbery with firearm or other
5			deadly weapon.
6	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
7			deadly weapon.
8	812.135(2)(b)	1st	Home-invasion robbery with
9			weapon.
10	817.568(7)	2nd,PBL	Fraudulent use of personal
11			identification information of an
12			individual under the age of 18 by
13			his or her parent, legal
14			guardian, or person exercising
15			custodial authority.
16	827.03(2)	1st	Aggravated child abuse.
17	847.0145(1)	1st	Selling, or otherwise
18			transferring custody or control,
19			of a minor.
20	847.0145(2)	1st	Purchasing, or otherwise
21			obtaining custody or control, of
22			a minor.
23	859.01	1st	Poisoning or introducing
24			bacteria, radioactive materials,
25			viruses, or chemical compounds
26			into food, drink, medicine, or
27			water with intent to kill or
28			injure another person.
29	893.135	1st	Attempted capital trafficking
30			offense.
31			

1	893.135(1)(a)3.	1st	Trafficking in cannabis, more
2			than 10,000 lbs.
3	893.135		
4	(1)(b)1.c.	1st	Trafficking in cocaine, more than
5			400 grams, less than 150
6			kilograms.
7	893.135		
8	(1)(c)1.c.	1st	Trafficking in illegal drugs,
9			more than 28 grams, less than 30
10			kilograms.
11	893.135		
12	(1)(d)1.c.	1st	Trafficking in phencyclidine,
13			more than 400 grams.
14	893.135		
15	(1)(e)1.c.	1st	Trafficking in methaqualone, more
16			than 25 kilograms.
17	893.135		
18	(1)(f)1.c.	1st	Trafficking in amphetamine, more
19			than 200 grams.
20	893.135		
21	(1)(h)1.c.	1st	Trafficking in
22			gamma-hydroxybutyric acid (GHB),
23			10 kilograms or more.
24	893.135		
25	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
26			kilograms or more.
27	893.135		
28	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
29			400 grams or more.
30			
31			

1 896.101(5)(c) 1st Money laundering, financial
2 instruments totaling or exceeding
3 \$100,000.
4 896.104(4)(a)3. 1st Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions totaling or
8 exceeding \$100,000.

9
10 Reviser's note.--Amended to conform to the
11 redesignation of the referenced s. 499.0053 as
12 s. 499.00535 by the reviser incident to
13 compiling the 2003 Florida Statutes.

14
15 Section 145. Section 932.706, Florida Statutes, is
16 amended to read:

17 932.706 Forfeiture training requirements.--The
18 Criminal Justice Standards and Training Commission shall
19 develop a standardized course of training for basic recruits
20 and continuing education which shall be designed to develop
21 proficiency in the seizure and forfeiture of property under
22 the Florida Contraband Forfeiture Act. ~~Such course of training~~
23 ~~and continuing education shall be developed and implemented by~~
24 ~~December 1, 1995.~~ The curriculum for the course of training
25 and continuing education must include, but is not limited to,
26 racial and ethnic sensitivity and a review of cases in this
27 state which involve searches and seizures, the use of
28 drug-courier profiles by law enforcement agencies, and the use
29 of an order to stop based on a pretext.

30
31

1 Reviser's note.--Amended to delete an obsolete
2 provision. The cited course of training and
3 continuing education was to be developed and
4 implemented by December 1, 1995.

5
6 Section 146. Subsection (3) of section 943.125,
7 Florida Statutes, is repealed.

8
9 Reviser's note.--Repealed to delete a provision
10 that has served its purpose. The cited
11 subsection provides for the development of
12 arrest and security protocols by October 1,
13 1996.

14
15 Section 147. Subsection (2) of section 944.026,
16 Florida Statutes, is amended to read:

17 944.026 Community-based facilities and programs.--
18 (2) ~~By January 1, 2002, and~~ Notwithstanding any other
19 law, the department shall ensure that at least 400 of its
20 contracted beds in nonsecure community-based residential
21 substance abuse treatment facilities authorized under
22 subparagraph (1)(b)1. or probation and restitution centers
23 authorized under paragraph (1)(c) are designated for
24 transition assistance for inmates who are nearing their date
25 of release from a correctional institution or a community
26 correctional center. These designated beds shall be provided
27 by private organizations that do not have a faith component
28 and that are under contract with the department. In making
29 placement decisions, the department and the contract providers
30 shall give priority consideration to those inmates who are
31 nearing their date of release and who are to be placed in some

1 form of postrelease community supervision. However, if an
2 inmate whose sentence expires upon his or her release from a
3 correctional institution or a community correction center and
4 for whom community supervision is not required demonstrates
5 the need for or interest in and suitability for
6 transition-housing assistance, as determined by the
7 department, the inmate is eligible to be considered for
8 placement in transition housing. A right to substance abuse
9 program services is not stated, intended, or otherwise implied
10 by this subsection.

11
12 Reviser's note.--Amended to delete obsolete
13 language.

14
15 Section 148. Paragraph (a) of subsection (5) of
16 section 944.1905, Florida Statutes, is amended to read:

17 944.1905 Initial inmate classification; inmate
18 reclassification.--The Department of Corrections shall
19 classify inmates pursuant to an objective classification
20 scheme. The initial inmate classification questionnaire and
21 the inmate reclassification questionnaire must cover both
22 aggravating and mitigating factors.

23 (5)(a) Notwithstanding any other provision of this
24 section, the department shall assign to specific correctional
25 facilities all inmates who are less than 18 years of age and
26 who are not eligible for and have not been assigned to a
27 facility for youthful offenders. Any such inmate who is less
28 than 18 years of age shall be housed in a dormitory that is
29 separate from inmates who are 18 years of age or older.
30 Furthermore, the department shall provide any food service,
31 education, and recreation for such inmate separately from

1 inmates who are 18 years of age or older. ~~The department shall~~
2 ~~report to the Legislature on compliance with this paragraph by~~
3 ~~April 1, 2002.~~

4
5 Reviser's note.--Amended to delete obsolete
6 language. The referenced report of compliance
7 was due on April 1, 2002.

8
9 Section 149. Subsections (3) and (4) of section
10 944.803, Florida Statutes, are amended to read:

11 944.803 Faith-based programs for inmates.--

12 (3) ~~By March 1, 2002,~~ The department must have ~~at~~
13 ~~least three additional faith based dormitory programs fully~~
14 ~~operational and by June 1, 2002, the department must have at~~
15 ~~least three more faith based dormitory programs fully~~
16 ~~operational, for a total of six new programs fully operational~~
17 ~~by June 1, 2002.~~ These six programs shall be similar to and in
18 addition to the current faith-based pilot program. The six new
19 programs shall be a joint effort with the department and
20 faith-based service groups within the community. The
21 department shall ensure that an inmate's faith orientation, or
22 lack thereof, will not be considered in determining admission
23 to a faith-based program and that the program does not attempt
24 to convert an inmate toward a particular faith or religious
25 preference. The programs shall operate 24 hours a day within
26 the existing correctional facilities. The programs must
27 emphasize the importance of personal responsibility,
28 meaningful work, education, substance abuse treatment, and
29 peer support. Participation in the faith-based dormitory
30 program shall be voluntary. However, at least 80 percent of
31 the inmates participating in this program must be within 36

1 months of release. Assignment to these programs shall be based
2 on evaluation and the length of time the inmate is projected
3 to be assigned to that particular institution. In evaluating
4 an inmate for this program, priority shall be given to inmates
5 who have shown an indication for substance abuse. A right to
6 substance abuse program services is not stated, intended, or
7 otherwise implied by this subsection. The department may not
8 remove an inmate once assigned to the program except for the
9 purposes of population management, for inmate conduct that may
10 subject the inmate to disciplinary confinement or loss of
11 gain-time, for physical or mental health concerns, or for
12 security or safety concerns. To support the programming
13 component, the department shall assign a chaplain and a
14 full-time clerical support person dedicated to each dormitory
15 to implement and monitor the program and to strengthen
16 volunteer participation and support. ~~By January 1, 2004, the~~
17 ~~department shall submit an evaluation report to the Governor,~~
18 ~~the President of the Senate, and the Speaker of the House of~~
19 ~~Representatives on the faith based dormitory program. The~~
20 ~~report must contain the findings from an extensive and~~
21 ~~scientifically sound evaluation of the program, including at~~
22 ~~least a longitudinal followup of the inmates who have~~
23 ~~successfully completed the program compared to other similar~~
24 ~~inmates who have not participated and an opinion survey of the~~
25 ~~faith based service providers.~~

26 (4) ~~Effective October 1, 2001,~~ The Department of
27 Corrections shall assign chaplains to community correctional
28 centers authorized pursuant to s. 945.091(1)(b). These
29 chaplains shall strengthen volunteer participation by
30 recruiting volunteers in the community to assist inmates in
31 transition, and, if requested by the inmate, placement in a

1 mentoring program or at a contracted substance abuse
2 transition housing program. When placing an inmate in a
3 contracted program, the chaplain shall work with the
4 institutional transition assistance specialist in an effort to
5 successfully place the released inmate.

6
7 Reviser's note.--Amended to delete obsolete
8 language.

9
10 Section 150. Subsection (7) of section 948.09, Florida
11 Statutes, is amended to read:

12 948.09 Payment for cost of supervision and
13 rehabilitation.--

14 (7) The department shall establish a payment plan for
15 all costs ordered by the courts for collection by the
16 department and a priority order for payments, except that
17 victim restitution payments authorized under s. 948.03(1)(e)
18 ~~948.03(5)~~ take precedence over all other court-ordered
19 payments. The department is not required to disburse
20 cumulative amounts of less than \$10 to individual payees
21 established on this payment plan.

22
23 Reviser's note.--Amended to improve clarity and
24 facilitate correct interpretation. The
25 referenced material is found in s.
26 948.03(1)(e).

27
28 Section 151. Subsection (2) of section 948.30, Florida
29 Statutes, is amended to read:

30 948.30 Additional terms and conditions of probation or
31 community control for certain sex offenses.--Conditions

1 imposed pursuant to this section do not require oral
2 pronouncement at the time of sentencing and shall be
3 considered standard conditions of probation or community
4 control for offenders specified in this section.

5 (2) Effective for a probationer or community
6 controllee whose crime was committed on or after October 1,
7 1997, and who is placed on sex offender probation for a
8 violation of chapter 794, s. 800.04, s. 827.071, or s.
9 847.0145, in addition to any other provision of this section
10 ~~subsection~~, the court must impose the following conditions of
11 probation or community control:

12 (a) As part of a treatment program, participation at
13 least annually in polygraph examinations to obtain information
14 necessary for risk management and treatment and to reduce the
15 sex offender's denial mechanisms. A polygraph examination must
16 be conducted by a polygrapher trained specifically in the use
17 of the polygraph for the monitoring of sex offenders, where
18 available, and shall be paid for by the sex offender. The
19 results of the polygraph examination shall not be used as
20 evidence in court to prove that a violation of community
21 supervision has occurred.

22 (b) Maintenance of a driving log and a prohibition
23 against driving a motor vehicle alone without the prior
24 approval of the supervising officer.

25 (c) A prohibition against obtaining or using a post
26 office box without the prior approval of the supervising
27 officer.

28 (d) If there was sexual contact, a submission to, at
29 the probationer's or community controllee's expense, an HIV
30 test with the results to be released to the victim or the
31 victim's parent or guardian.

1 (e) Electronic monitoring when deemed necessary by the
2 community control or probation officer and his or her
3 supervisor, and ordered by the court at the recommendation of
4 the Department of Corrections.

5
6 Reviser's note.--Amended to improve clarity and
7 facilitate correct interpretation. The
8 referenced subsection was s. 948.03(5), which
9 was redesignated as s. 948.30 by s. 18, ch.
10 2004-373, Laws of Florida.

11
12 Section 152. Paragraph (a) of subsection (5) of
13 section 957.07, Florida Statutes, is amended to read:

14 957.07 Cost-saving requirements.--

15 (5)(a) By February 1, ~~2002,~~ and each year thereafter,
16 the Prison Per-Diem Workgroup shall develop consensus per diem
17 rates to be used when determining per diem rates of privately
18 operated prisons. The Office of Program Policy Analysis and
19 Government Accountability, the Office of the Auditor General,
20 and the staffs of the appropriations committees of both the
21 Senate and the House of Representatives are the principals of
22 the workgroup. The workgroup may consult with other experts to
23 assist in the development of the consensus per diem rates. All
24 meetings of the workgroup shall be open to the public as
25 provided in chapter 286.

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

29
30 Section 153. Subsection (4) of section 958.045,
31 Florida Statutes, is amended to read:

1 958.045 Youthful offender basic training program.--
2 (4) Upon admittance to the department, an educational
3 and substance abuse assessment shall be performed on each
4 youthful offender. Upon admittance to the basic training
5 program, each offender shall have a full substance abuse
6 assessment to determine the offender's need for substance
7 abuse treatment. The educational assessment shall be
8 accomplished through the aid of the Test of Adult Basic
9 Education or any other testing instrument approved by the
10 Department of Education, as appropriate. Each offender who has
11 not obtained a high school diploma shall be enrolled in an
12 adult education program designed to aid the offender in
13 improving his or her academic skills and earning a high school
14 diploma. Further assessments of the prior vocational skills
15 and future career ~~vocational~~ education shall be provided to
16 the offender. A periodic evaluation shall be made to assess
17 the progress of each offender, and upon completion of the
18 basic training program the assessment and information from the
19 department's record of each offender shall be transferred to
20 the appropriate community residential program.

21
22 Reviser's note.--Reenacted to conform to ch.
23 2004-357, Laws of Florida.

24
25 Section 154. Subsection (12) of section 985.404,
26 Florida Statutes, is repealed.

27
28 Reviser's note.--Repealed to delete a provision
29 that has served its purpose. The referenced
30 workgroup's recommendations regarding
31 development of a classification and placement

1 system for juvenile offenders committed to
2 residential programs was due by September 30,
3 2001.

4
5 Section 155. Section 1009.765, Florida Statutes, is
6 amended to read:

7 1009.765 Ethics in Business scholarships for community
8 colleges and independent postsecondary educational
9 institutions.--When the former Department of Insurance or the
10 Office of Insurance Regulation of the Financial Services
11 Commission receives a \$6 million settlement as specified in
12 the Consent Order of the Treasurer and Insurance Commissioner,
13 case number 18900-96-c, that portion of the \$6 million not
14 used to satisfy the requirements of section 18 of the Consent
15 Order must be transferred from the Insurance Regulatory Trust
16 Fund to the State Student Financial Assistance Trust Fund to
17 be is appropriated from the State Student Financial Assistance
18 Trust Fund to provide Ethics in Business scholarships to
19 students enrolled in public community colleges and independent
20 postsecondary educational institutions eligible to participate
21 in the William L. Boyd, IV, Florida Resident Access Grant
22 Program under s. 1009.89. The funds shall be allocated to
23 institutions for scholarships in the following ratio:
24 Two-thirds for community colleges and one-third for eligible
25 independent institutions. The Department of Education shall
26 administer the scholarship program for students attending
27 community colleges and independent institutions. These funds
28 must be allocated to institutions that provide an equal amount
29 of matching funds generated by private donors for the purpose
30 of providing Ethics in Business scholarships. Public funds may
31 not be used to provide the match, nor may funds collected for

1 other purposes. Notwithstanding any other provision of law,
2 the State Board of Administration shall have the authority to
3 invest the funds appropriated under this section. The State
4 Board of Education may adopt rules for administration of the
5 program.

6
7 Reviser's note.--Amended to improve clarity.

8 Section 20.13, which created the Department of
9 Insurance, was repealed by s. 3, ch. 2003-1,
10 Laws of Florida, and the duties of the
11 Department of Insurance were transferred to the
12 Department of Financial Services or the
13 Financial Services Commission. The words "to
14 be" were substituted for the word "is" to
15 facilitate correct interpretation.

16
17 Section 156. Paragraph (h) of subsection (7) of
18 section 1012.796, Florida Statutes, is amended to read:

19 1012.796 Complaints against teachers and
20 administrators; procedure; penalties.--

21 (7) A panel of the commission shall enter a final
22 order either dismissing the complaint or imposing one or more
23 of the following penalties:

24 (h) Refer the teacher, administrator ~~administer~~, or
25 supervisor to the recovery network program provided in s.
26 1012.798 under such terms and conditions as the commission may
27 specify.

28
29 Reviser's note.--Amended to improve clarity and
30 facilitate correct interpretation.

31