

By Senator Pruitt

rb01sa-06

1                                   A reviser's bill to be entitled  
 2                   An act relating to the Florida Statutes;  
 3                   amending ss. 17.076, 20.165, 23.21, 27.51,  
 4                   28.2222, 39.3035, 43.16, 98.077, 101.051,  
 5                   101.111, 112.0455, 112.061, 112.31901, 119.071,  
 6                   119.15, 161.72, 161.74, 163.3180, 163.3184,  
 7                   163.3187, 201.15, 202.26, 215.965, 216.136,  
 8                   253.01, 253.03, 253.74, 316.272, 320.0843,  
 9                   320.27, 322.121, 337.195, 339.2819, 348.9932,  
 10                   373.036, 373.0361, 373.1961, 373.421, 375.075,  
 11                   390.01114, 402.7305, 403.813, 404.056, 406.11,  
 12                   409.165, 409.814, 409.91196, 440.05, 443.121,  
 13                   445.009, 466.004, 475.713, 475.801, 475.805,  
 14                   497.458, 497.459, 499.024, 517.12, 553.792,  
 15                   553.80, 553.842, 553.8425, 556.102, 570.076,  
 16                   608.4355, 608.4381, 620.1108, 620.1110,  
 17                   620.1204, 620.1207, 620.1407, 620.2118,  
 18                   620.2120, 620.2204, 620.8101, 620.8702,  
 19                   620.8703, 624.501, 624.509, 626.9911, 627.351,  
 20                   627.3511, 627.6418, 627.6613, 627.711,  
 21                   627.7295, 633.026, 633.539, 634.021, 634.401,  
 22                   636.223, 641.31, 658.12, 694.16, 721.13,  
 23                   732.103, 739.104, 765.101, 774.203, 774.204,  
 24                   774.205, 774.208, 784.046, 790.25, 872.05,  
 25                   895.09, 938.29, 943.04353, 948.012, 948.03,  
 26                   948.061, 948.062, 1008.25, and 1013.30, F.S.;  
 27                   reenacting ss. 267.0619, 339.64, and 397.405,  
 28                   F.S.; and repealing ss. 624.91(3)(d) and  
 29                   626.8411(2)(d), F.S.; pursuant to s. 11.242,  
 30                   F.S.; deleting provisions that have expired,  
 31                   have become obsolete, have had their effect,

1 have served their purpose, or have been  
2 impliedly repealed or superseded; replacing  
3 incorrect cross-references and citations;  
4 correcting grammatical, typographical, and like  
5 errors; removing inconsistencies, redundancies,  
6 and unnecessary repetition in the statutes;  
7 improving the clarity of the statutes and  
8 facilitating their correct interpretation;  
9 confirming the restoration of provisions  
10 unintentionally omitted from republication in  
11 the acts of the Legislature during the  
12 amendatory process; and conforming to the  
13 directive of the Legislature in s. 1, ch.  
14 93-199, Laws of Florida, to remove  
15 gender-specific references applicable to human  
16 beings from the Florida Statutes without  
17 substantive change in legal effect.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (5) of section 17.076, Florida  
22 Statutes, is amended to read:

23 17.076 Direct deposit of funds.--

24 (5) All direct deposit records made prior to October  
25 1, 1986, are exempt from the provisions of s. 119.07(1). With  
26 respect to direct deposit records made on or after October 1,  
27 1986, the names of the authorized financial institutions and  
28 the account numbers of the beneficiaries are confidential and  
29 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
30 I of the State Constitution. Notwithstanding this exemption  
31 and the provisions of s. 119.071(5)(b) ~~119.07(3)(dd)~~, the

1 department may provide a state university, upon request, with  
2 that university's employee or vendor direct deposit  
3 authorization information on file with the department in order  
4 to accommodate the transition to the university accounting  
5 system. The state university shall maintain the  
6 confidentiality of all such information provided by the  
7 department.

8  
9 Reviser's note.--Amended to conform to the  
10 redesignation of s. 119.07(3)(dd) as s.  
11 119.07(6)(dd) by s. 7, ch. 2004-335, Laws of  
12 Florida, and the further redesignation of s.  
13 119.07(6)(dd) as s. 119.071(5)(b) by s. 25, ch.  
14 2005-251, Laws of Florida.

15  
16 Section 2. Paragraph (b) of subsection (9) of section  
17 20.165, Florida Statutes, is amended to read:

18 20.165 Department of Business and Professional  
19 Regulation.--There is created a Department of Business and  
20 Professional Regulation.

21 (9)

22 (b) All employees certified under chapter 943 as law  
23 enforcement officers shall have felony arrest powers under s.  
24 901.15(12) ~~901.15(10)~~ and shall have all the powers of deputy  
25 sheriffs to:

26 1. Investigate, enforce, and prosecute, throughout the  
27 state, violations and violators of:

28 a. Parts I and II of chapter 210; part VII of chapter  
29 559; and chapters 561-569; and the rules promulgated  
30 thereunder, as well as other state laws which the division,  
31

1 all state law enforcement officers, or beverage enforcement  
2 agents are specifically authorized to enforce.

3           b. All other state laws, provided that the employee  
4 exercises the powers of a deputy sheriff, only after  
5 consultation and in coordination with the appropriate local  
6 sheriff's office, and only if the violation could result in an  
7 administrative proceeding against a license or permit issued  
8 by the division.

9           2. Enforce all criminal laws of the state within  
10 specified jurisdictions when the division is a party to a  
11 written mutual aid agreement with a state agency, sheriff, or  
12 municipal police department, or when the division participates  
13 in the Florida Mutual Aid Plan during a declared state  
14 emergency.

15  
16           Reviser's note.--Amended to conform to the  
17 current location of referenced material in s.  
18 901.15, relating to felony arrest powers. The  
19 reference as added by s. 1, ch. 95-346, Laws of  
20 Florida, was originally to s. 901.15(11). That  
21 material has been redesignated several times  
22 since and is currently in s. 901.15(12).

23  
24           Section 3. Subsection (1) of section 23.21, Florida  
25 Statutes, is amended to read:

26           23.21 Definitions.--For purposes of this part:

27           (1) "Department" means a principal administrative unit  
28 within the executive branch of state government, as defined in  
29 chapter 20, and includes the State Board of Administration,  
30 the Executive Office of the Governor, the Fish and Wildlife  
31 Conservation Commission, the Parole Commission, the Agency for

1 Health Care Administration, the Board of Regents, the State  
2 Board of Community Colleges, the Justice Administrative  
3 Commission, the capital collateral regional counsel  
4 ~~representative~~, and separate budget entities placed for  
5 administrative purposes within a department.

6  
7 Reviser's note.--Amended to conform to the  
8 replacement of the capital collateral  
9 representative with capital collateral regional  
10 counsel in s. 27.701 by s. 1, ch. 97-313, Laws  
11 of Florida.

12  
13 Section 4. Paragraph (a) of subsection (5) of section  
14 27.51, Florida Statutes, is amended to read:

15 27.51 Duties of public defender.--

16 (5)(a) When direct appellate proceedings prosecuted by  
17 a public defender on behalf of an accused and challenging a  
18 judgment of conviction and sentence of death terminate in an  
19 affirmance of such conviction and sentence, whether by the  
20 Florida Supreme Court or by the United States Supreme Court or  
21 by expiration of any deadline for filing such appeal in a  
22 state or federal court, the public defender shall notify the  
23 accused of his or her rights pursuant to Rule 3.850, Florida  
24 Rules of Criminal Procedure, including any time limits  
25 pertinent thereto, and shall advise such person that  
26 representation in any collateral proceedings is the  
27 responsibility of the capital collateral regional counsel  
28 ~~representative~~. The public defender shall then forward all  
29 original files on the matter to the capital collateral  
30 regional counsel ~~representative~~, retaining such copies for his  
31 or her files as may be desired. However, the trial court shall

1 retain the power to appoint the public defender or other  
2 attorney not employed by the capital collateral regional  
3 counsel ~~representative~~ to represent such person in proceedings  
4 for relief by executive clemency pursuant to ss. 27.40 and  
5 27.5303.

6  
7 Reviser's note.--Amended to conform to the  
8 replacement of the capital collateral  
9 representative with capital collateral regional  
10 counsel in s. 27.701 by s. 1, ch. 97-313, Laws  
11 of Florida.

12  
13 Section 5. Section 28.2222, Florida Statutes, is  
14 amended to read:

15 28.2222 Public records capital improvement plan.--On  
16 ~~or before December 1, 1995, and on~~ or before December 1 of  
17 each year immediately preceding each year in which the Public  
18 Records Modernization Trust Fund is scheduled for review under  
19 s. 19(f)(2), Art. III of the State Constitution, each clerk of  
20 the circuit court shall file a 4-year capital improvement plan  
21 with the President of the Senate and the Speaker of the House  
22 of Representatives. The plan must specify the clerk's goals  
23 for modernizing and improving the storage of, and public  
24 access to, public records and must state the manner in which  
25 moneys from the trust fund will be expended to obtain the  
26 stated objectives. The plan must specify the methodology used  
27 to determine the projected cost to implement the plan and to  
28 determine the projected revenue to meet the cost. ~~The plan due~~  
29 ~~December 1, 1995, must report on the period from November 4,~~  
30 ~~1996, through September 30, 1999.~~ Each subsequent capital  
31 improvement plan must state the progress made in fulfilling

1 the objectives listed in the previously filed capital  
2 improvement plan and must state the manner in which moneys  
3 from the trust fund were expended to reach those objectives.

4  
5 Reviser's note.--Amended to delete obsolete  
6 language relating to an initial public records  
7 capital improvement plan that was due December  
8 1, 1995.

9  
10 Section 6. Subsection (3) of section 39.3035, Florida  
11 Statutes, is amended to read:

12 39.3035 Child advocacy centers; standards; state  
13 funding.--

14 (3) A child advocacy center within this state may not  
15 receive the funds generated pursuant to s. 938.10 ~~983.10~~,  
16 state or federal funds administered by a state agency, or any  
17 other funds appropriated by the Legislature unless all of the  
18 standards of subsection (1) are met and the screening  
19 requirement of subsection (2) is met. The Florida Network of  
20 Children's Advocacy Centers, Inc., shall be responsible for  
21 tracking and documenting compliance with subsections (1) and  
22 (2) for any of the funds it administers to member child  
23 advocacy centers.

24  
25 Reviser's note.--Amended to correct a reference  
26 to nonexistent s. 983.10; s. 938.10 relates to  
27 added court costs imposed in certain cases  
28 involving crimes against minors.

29  
30 Section 7. Paragraph (a) of subsection (5) of section  
31 43.16, Florida Statutes, is amended to read:

1           43.16 Justice Administrative Commission; membership,  
2 powers and duties.--

3           (5) The duties of the commission shall include, but  
4 not be limited to, the following:

5           (a) The maintenance of a central state office for  
6 administrative services and assistance when possible to and on  
7 behalf of the state attorneys and public defenders of Florida,  
8 the ~~office of~~ capital collateral regional counsel  
9 ~~representative~~ of Florida, and the Guardian Ad Litem Program.

10  
11           Reviser's note.--Amended to conform to the  
12 replacement of the Office of Capital Collateral  
13 Representative with capital collateral regional  
14 counsel in s. 27.701 by s. 1, ch. 97-313, Laws  
15 of Florida.

16  
17           Section 8. Subsection (3) of section 98.077, Florida  
18 Statutes, is amended to read:

19           98.077 Update of voter signature.--

20           (3) At least once during each general election year,  
21 the supervisor shall publish in a newspaper of general  
22 circulation or other newspaper in the county deemed  
23 appropriate by the supervisor a notice specifying when, where,  
24 or how a voter can update his or her signature that is on file  
25 and how a voter can obtain a voter registration application  
26 from a voter registration official ~~to do so~~.

27  
28           Reviser's note.--Amended to confirm the  
29 deletion by the editors of the words "to do so"  
30 following the word "official" to improve  
31 clarity.



1           Section 9. Subsection (4) of section 101.051, Florida  
2 Statutes, is amended to read:

3           101.051 Electors seeking assistance in casting  
4 ballots; oath to be executed; forms to be furnished.--

5           (4) If an elector needs assistance in voting pursuant  
6 to the provisions of this section, the clerk or one of the  
7 inspectors shall require the elector requesting assistance in  
8 voting to take the following oath:

9

10                                 DECLARATION TO SECURE ASSISTANCE

11

12 State of Florida

13 County of ....

14 Date ....

15 Precinct ....

16

17           I, ...(Print name)..., swear or affirm that I am a  
18 registered elector and request assistance from ...(Print  
19 names)... in voting at the ...(name of election)... held on  
20 ...(date of election)....

21

22   ...(Signature of voter ~~assistant~~)...

23

24 Sworn and subscribed to before me this .... day of ....,  
25 ...(year)....

26

27   ...(Signature of Official Administering Oath)...

28

29

30           Reviser's note.--Amended to confirm the  
31           substitution by the editors of the word "voter"

1 for the word "assistor" to conform to context  
2 and correct a coding error.  
3

4 Section 10. Subsection (4) of section 101.111, Florida  
5 Statutes, is amended to read:

6 101.111 Person desiring to vote may be challenged;  
7 challenger to execute oath; oath of person challenged;  
8 determination of challenge.--

9 (4) Any elector or poll watcher filing a frivolous  
10 challenge of any person's right to vote commits a misdemeanor  
11 of the first degree, punishable as provided in s. 775.082, or  
12 s. 775.083, ~~or s. 775.084~~; however, electors or poll watchers  
13 shall not be subject to liability for any action taken in good  
14 faith and in furtherance of any activity or duty permitted of  
15 such electors or poll watchers by law. Each instance where any  
16 elector or poll watcher files a frivolous challenge of any  
17 person's right to vote constitutes a separate offense.  
18

19 Reviser's note.--Amended to delete an erroneous  
20 reference. Section 775.084 does not relate to  
21 misdemeanors; it relates to violent career  
22 criminals, habitual felony offenders, and  
23 habitual violent felony offenders.  
24

25 Section 11. Paragraph (f) of subsection (13) of  
26 section 112.0455, Florida Statutes, is amended to read:

27 112.0455 Drug-Free Workplace Act.--

28 (13) RULES.--

29 (f) The Justice Administrative Commission may adopt  
30 rules on behalf of the state attorneys and public defenders of  
31 Florida, the ~~Office of~~ capital collateral regional counsel

1 ~~Representative~~ of Florida, and the Judicial Qualifications  
2 Commission.

3  
4 This section shall not be construed to eliminate the  
5 bargainable rights as provided in the collective bargaining  
6 process where applicable.

7  
8 Reviser's note.--Amended to conform to the  
9 replacement of the Office of Capital Collateral  
10 Representative with capital collateral regional  
11 counsel in s. 27.701 by s. 1, ch. 97-313, Laws  
12 of Florida.

13  
14 Section 12. Paragraph (d) of subsection (7) of section  
15 112.061, Florida Statutes, is amended to read:

16 112.061 Per diem and travel expenses of public  
17 officers, employees, and authorized persons.--

18 (7) TRANSPORTATION.--

19 (d)1. The use of privately owned vehicles for official  
20 travel in lieu of publicly owned vehicles or common carriers  
21 may be authorized by the agency head or his or her designee.  
22 Whenever travel is by privately owned vehicle, the traveler  
23 shall be entitled to a mileage allowance at a fixed rate of ~~25~~  
24 ~~cents per mile for state fiscal year 1994 1995 and~~ 29 cents  
25 per mile ~~thereafter~~ or the common carrier fare for such  
26 travel, as determined by the agency head. Reimbursement for  
27 expenditures related to the operation, maintenance, and  
28 ownership of a vehicle shall not be allowed when privately  
29 owned vehicles are used on public business and reimbursement  
30 is made pursuant to this paragraph, except as provided in  
31 subsection (8).

1           2. All mileage shall be shown from point of origin to  
2 point of destination and, when possible, shall be computed on  
3 the basis of the current map of the Department of  
4 Transportation. Vicinity mileage necessary for the conduct of  
5 official business is allowable but must be shown as a separate  
6 item on the expense voucher.

7  
8           Reviser's note.--Amended to delete obsolete  
9 language relating to a mileage rate for the  
10 1994-1995 fiscal year.

11  
12           Section 13. Subsection (1) of section 112.31901,  
13 Florida Statutes, is amended to read:

14           112.31901 Investigatory records.--

15           (1) If certified pursuant to subsection (2), an  
16 investigatory record of the Chief Inspector General within the  
17 Executive Office of the Governor or of the employee designated  
18 by an agency head as the agency inspector general under s.  
19 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of  
20 the State Constitution until the investigation ~~registration~~  
21 ceases to be active, or a report detailing the investigation  
22 is provided to the Governor or the agency head, or 60 days  
23 from the inception of the investigation for which the record  
24 was made or received, whichever first occurs. Investigatory  
25 records are those records that are related to the  
26 investigation of an alleged, specific act or omission or other  
27 wrongdoing, with respect to an identifiable person or group of  
28 persons, based on information compiled by the Chief Inspector  
29 General or by an agency inspector general, as named under the  
30 provisions of s. 112.3189, in the course of an investigation.  
31 An investigation is active if it is continuing with a

1 reasonable, good faith anticipation of resolution and with  
2 reasonable dispatch.

3

4 Reviser's note.--Amended to correct an apparent  
5 drafting error and to conform to context.

6

7 Section 14. Paragraph (d) of subsection (4) and  
8 paragraph (a) of subsection (5) of section 119.071, Florida  
9 Statutes, are amended to read:

10 119.071 General exemptions from inspection or copying  
11 of public records.--

12 (4) AGENCY PERSONNEL INFORMATION.--

13 (d)1. The home addresses, telephone numbers, social  
14 security numbers, and photographs of active or former law  
15 enforcement personnel, including correctional and correctional  
16 probation officers, personnel of the Department of Children  
17 and Family Services whose duties include the investigation of  
18 abuse, neglect, exploitation, fraud, theft, or other criminal  
19 activities, personnel of the Department of Health whose duties  
20 are to support the investigation of child abuse or neglect,  
21 and personnel of the Department of Revenue or local  
22 governments whose responsibilities include revenue collection  
23 and enforcement or child support enforcement; the home  
24 addresses, telephone numbers, social security numbers,  
25 photographs, and places of employment of the spouses and  
26 children of such personnel; and the names and locations of  
27 schools and day care facilities attended by the children of  
28 such personnel are exempt from s. 119.07(1). The home  
29 addresses, telephone numbers, and photographs of firefighters  
30 certified in compliance with s. 633.35; the home addresses,  
31 telephone numbers, photographs, and places of employment of

1 | the spouses and children of such firefighters; and the names  
2 | and locations of schools and day care facilities attended by  
3 | the children of such firefighters are exempt from s.  
4 | 119.07(1). The home addresses and telephone numbers of  
5 | justices of the Supreme Court, district court of appeal  
6 | judges, circuit court judges, and county court judges; the  
7 | home addresses, telephone numbers, and places of employment of  
8 | the spouses and children of justices and judges; and the names  
9 | and locations of schools and day care facilities attended by  
10 | the children of justices and judges are exempt from s.  
11 | 119.07(1). The home addresses, telephone numbers, social  
12 | security numbers, and photographs of current or former state  
13 | attorneys, assistant state attorneys, statewide prosecutors,  
14 | or assistant statewide prosecutors; the home addresses,  
15 | telephone numbers, social security numbers, photographs, and  
16 | places of employment of the spouses and children of current or  
17 | former state attorneys, assistant state attorneys, statewide  
18 | prosecutors, or assistant statewide prosecutors; and the names  
19 | and locations of schools and day care facilities attended by  
20 | the children of current or former state attorneys, assistant  
21 | state attorneys, statewide prosecutors, or assistant statewide  
22 | prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I  
23 | of the State Constitution.

24 |         2. The home addresses, telephone numbers, social  
25 | security numbers, and photographs of current or former human  
26 | resource, labor relations, or employee relations directors,  
27 | assistant directors, managers, or assistant managers of any  
28 | local government agency or water management district whose  
29 | duties include hiring and firing employees, labor contract  
30 | negotiation, administration, or other personnel-related  
31 | duties; the names, home addresses, telephone numbers, social

1 security numbers, photographs, and places of employment of the  
2 spouses and children of such personnel; and the names and  
3 locations of schools and day care facilities attended by the  
4 children of such personnel are exempt from s. 119.07(1) and s.  
5 24(a), Art. I of the State Constitution. This subparagraph is  
6 subject to the Open Government Sunset Review Act in accordance  
7 with s. 119.15 and shall stand repealed on October 2, 2006,  
8 unless reviewed and saved from repeal through reenactment by  
9 the Legislature.

10           3. The home addresses, telephone numbers, social  
11 security numbers, and photographs of current or former United  
12 States attorneys and assistant United States attorneys; the  
13 home addresses, telephone numbers, social security numbers,  
14 photographs, and places of employment of the spouses and  
15 children of current or former United States attorneys and  
16 assistant United States attorneys; and the names and locations  
17 of schools and day care facilities attended by the children of  
18 current or former United States attorneys and assistant United  
19 States attorneys are exempt from s. 119.07(1) and s. 24(a),  
20 Art. I of the State Constitution. This subparagraph is subject  
21 to the Open Government Sunset Review Act in accordance with s.  
22 119.15 and shall stand repealed on October 2, 2009, unless  
23 reviewed and saved from repeal through reenactment by the  
24 Legislature.

25           4. The home addresses, telephone numbers, social  
26 security numbers, and photographs of current or former judges  
27 of United States Courts of Appeal, United States district  
28 judges, and United States magistrate judges; the home  
29 addresses, telephone numbers, social security numbers,  
30 photographs, and places of employment of the spouses and  
31 children of current or former judges of United States Courts

1 of Appeal, United States district judges, and United States  
2 magistrate judges; and the names and locations of schools and  
3 day care facilities attended by the children of current or  
4 former judges of United States Courts of Appeal, United States  
5 district judges, and United States magistrate judges are  
6 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
7 Constitution. This subparagraph is subject to the Open  
8 Government Sunset Review Act in accordance with s. 119.15 and  
9 shall stand repealed on October 2, 2009, unless reviewed and  
10 saved from repeal through reenactment by the Legislature.

11 5. The home addresses, telephone numbers, social  
12 security numbers, and photographs of current or former code  
13 enforcement officers; the names, home addresses, telephone  
14 numbers, social security numbers, photographs, and places of  
15 employment of the spouses and children of such persons; and  
16 the names and locations of schools and day care facilities  
17 attended by the children of such persons are exempt from s.  
18 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
19 subparagraph is subject to the Open Government Sunset Review  
20 Act in accordance with s. 119.15 and shall stand repealed on  
21 October 2, 2006, unless reviewed and saved from repeal through  
22 reenactment by the Legislature.

23 6. The home addresses, telephone numbers, places of  
24 employment, and photographs of current or former guardians ad  
25 litem, as defined in s. 39.820, and the names, home addresses,  
26 telephone numbers, and places of employment of the spouses and  
27 children of such persons, are exempt from s. 119.07(1)  
28 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution,  
29 if the guardian ad litem provides a written statement that the  
30 guardian ad litem has made reasonable efforts to protect such  
31 information from being accessible through other means



1 available to the public. This subparagraph is subject to the  
2 Open Government Sunset Review Act ~~of 1995~~ in accordance with  
3 s. 119.15 and shall stand repealed on October 2, 2010, unless  
4 reviewed and saved from repeal through reenactment by the  
5 Legislature.

6           7. An agency that is the custodian of the personal  
7 information specified in subparagraph 1., subparagraph 2.,  
8 subparagraph 3., subparagraph 4., subparagraph 5., or  
9 subparagraph 6. and that is not the employer of the officer,  
10 employee, justice, judge, or other person specified in  
11 subparagraph 1., subparagraph 2., subparagraph 3.,  
12 subparagraph 4., subparagraph 5., or subparagraph 6. shall  
13 maintain the exempt status of the personal information only if  
14 the officer, employee, justice, judge, other person, or  
15 employing agency of the designated employee submits a written  
16 request for maintenance of the exemption to the custodial  
17 agency.

18           (5) OTHER PERSONAL INFORMATION.--

19           (a)1. The Legislature acknowledges that the social  
20 security number was never intended to be used for business  
21 purposes but was intended to be used solely for the  
22 administration of the federal Social Security System. The  
23 Legislature is further aware that over time this unique  
24 numeric identifier has been used extensively for identity  
25 verification purposes and other legitimate consensual  
26 purposes. The Legislature is also cognizant of the fact that  
27 the social security number can be used as a tool to perpetuate  
28 fraud against a person and to acquire sensitive personal,  
29 financial, medical, and familial information, the release of  
30 which could cause great financial or personal harm to an  
31 individual. The Legislature intends to monitor the commercial

1 use of social security numbers held by state agencies in order  
2 to maintain a balanced public policy.

3           2. An agency shall not collect an individual's social  
4 security number unless authorized by law to do so or unless  
5 the collection of the social security number is otherwise  
6 imperative for the performance of that agency's duties and  
7 responsibilities as prescribed by law. Social security numbers  
8 collected by an agency must be relevant to the purpose for  
9 which collected and shall not be collected until and unless  
10 the need for social security numbers has been clearly  
11 documented. An agency that collects social security numbers  
12 shall also segregate that number on a separate page from the  
13 rest of the record, or as otherwise appropriate, in order that  
14 the social security number be more easily redacted, if  
15 required, pursuant to a public records request. An agency  
16 collecting a person's social security number shall, upon that  
17 person's request, at the time of or prior to the actual  
18 collection of the social security number by that agency,  
19 provide that person with a statement of the purpose or  
20 purposes for which the social security number is being  
21 collected and used. Social security numbers collected by an  
22 agency shall not be used by that agency for any purpose other  
23 than the purpose stated. Social security numbers collected by  
24 an agency prior to May 13, 2002, shall be reviewed for  
25 compliance with this subparagraph. If the collection of a  
26 social security number prior to May 13, 2002, is found to be  
27 unwarranted, the agency shall immediately discontinue the  
28 collection of social security numbers for that purpose.

29           3. Effective October 1, 2002, all social security  
30 numbers held by an agency are confidential and exempt from s.  
31 119.07(1) and s. 24(a), Art. I of the State Constitution. This

1 exemption applies to all social security numbers held by an  
2 agency before, on, or after the effective date of this  
3 exemption.

4           4. Social security numbers may be disclosed to another  
5 governmental entity or its agents, employees, or contractors  
6 if disclosure is necessary for the receiving entity to perform  
7 its duties and responsibilities. The receiving governmental  
8 entity and its agents, employees, and contractors shall  
9 maintain the confidential and exempt status of such numbers.

10           5. An agency shall not deny a commercial entity  
11 engaged in the performance of a commercial activity as defined  
12 in s. 14.203 or its agents, employees, or contractors access  
13 to social security numbers, provided the social security  
14 numbers will be used only in the normal course of business for  
15 legitimate business purposes, and provided the commercial  
16 entity makes a written request for social security numbers,  
17 verified as provided in s. 92.525, legibly signed by an  
18 authorized officer, employee, or agent of the commercial  
19 entity. The verified written request must contain the  
20 commercial entity's name, business mailing and location  
21 addresses, business telephone number, and a statement of the  
22 specific purposes for which it needs the social security  
23 numbers and how the social security numbers will be used in  
24 the normal course of business for legitimate business  
25 purposes. The aggregate of these requests shall serve as the  
26 basis for the agency report required in subparagraph 8. An  
27 agency may request any other information reasonably necessary  
28 to verify the identity of the entity requesting the social  
29 security numbers and the specific purposes for which such  
30 numbers will be used; however, an agency has no duty to  
31 inquire beyond the information contained in the verified

1 | written request. A legitimate business purpose includes  
2 | verification of the accuracy of personal information received  
3 | by a commercial entity in the normal course of its business;  
4 | use in a civil, criminal, or administrative proceeding; use  
5 | for insurance purposes; use in law enforcement and  
6 | investigation of crimes; use in identifying and preventing  
7 | fraud; use in matching, verifying, or retrieving information;  
8 | and use in research activities. A legitimate business purpose  
9 | does not include the display or bulk sale of social security  
10 | numbers to the general public or the distribution of such  
11 | numbers to any customer that is not identifiable by the  
12 | distributor.

13 |           6. Any person who makes a false representation in  
14 | order to obtain a social security number pursuant to this  
15 | paragraph, or any person who willfully and knowingly violates  
16 | this paragraph, commits a felony of the third degree,  
17 | punishable as provided in s. 775.082 or s. 775.083. Any public  
18 | officer who violates this paragraph is guilty of a noncriminal  
19 | infraction, punishable by a fine not exceeding \$500. A  
20 | commercial entity that provides access to public records  
21 | containing social security numbers in accordance with this  
22 | paragraph is not subject to the penalty provisions of this  
23 | subparagraph.

24 |           7.a. On or after October 1, 2002, a person preparing  
25 | or filing a document to be recorded in the official records by  
26 | the county recorder as provided for in chapter 28 may not  
27 | include any person's social security number in that document,  
28 | unless otherwise expressly required by law. If a social  
29 | security number is or has been included in a document  
30 | presented to the county recorder for recording in the official  
31 | records of the county before, on, or after October 1, 2002, it

1 may be made available as part of the official record available  
2 for public inspection and copying.

3           b. Any person, or his or her attorney or legal  
4 guardian, has the right to request that a county recorder  
5 remove, from an image or copy of an official record placed on  
6 a county recorder's publicly available Internet website or a  
7 publicly available Internet website used by a county recorder  
8 to display public records or otherwise made electronically  
9 available to the general public by such recorder, his or her  
10 social security number contained in that official record. Such  
11 request must be made in writing, legibly signed by the  
12 requester and delivered by mail, facsimile, or electronic  
13 transmission, or delivered in person, to the county recorder.  
14 The request must specify the identification page number that  
15 contains the social security number to be redacted. The county  
16 recorder has no duty to inquire beyond the written request to  
17 verify the identity of a person requesting redaction. A fee  
18 shall not be charged for the redaction of a social security  
19 number pursuant to such request.

20           c. A county recorder shall immediately and  
21 conspicuously post signs throughout his or her offices for  
22 public viewing and shall immediately and conspicuously post ~~a~~  
23 ~~notice~~, on any Internet website or remote electronic site made  
24 available by the county recorder and used for the ordering or  
25 display of official records or images or copies of official  
26 records, a notice stating, in substantially similar form, the  
27 following:

28           (I) On or after October 1, 2002, any person preparing  
29 or filing a document for recordation in the official records  
30 may not include a social security number in such document,  
31 unless required by law.

1           (II) Any person has a right to request a county  
2 recorder to remove, from an image or copy of an official  
3 record placed on a county recorder's publicly available  
4 Internet website or on a publicly available Internet website  
5 used by a county recorder to display public records or  
6 otherwise made electronically available to the general public,  
7 any social security number contained in an official record.  
8 Such request must be made in writing and delivered by mail,  
9 facsimile, or electronic transmission, or delivered in person,  
10 to the county recorder. The request must specify the  
11 identification page number that contains the social security  
12 number to be redacted. No fee will be charged for the  
13 redaction of a social security number pursuant to such a  
14 request.

15           d. Until January 1, 2007, if a social security number,  
16 made confidential and exempt pursuant to this paragraph, or a  
17 complete bank account, debit, charge, or credit card number  
18 made exempt pursuant to paragraph (b) is or has been included  
19 in a court file, such number may be included as part of the  
20 court record available for public inspection and copying  
21 unless redaction is requested by the holder of such number, or  
22 by the holder's attorney or legal guardian, in a signed,  
23 legibly written request specifying the case name, case number,  
24 document heading, and page number. The request must be  
25 delivered by mail, facsimile, electronic transmission, or in  
26 person to the clerk of the circuit court. The clerk of the  
27 circuit court does not have a duty to inquire beyond the  
28 written request to verify the identity of a person requesting  
29 redaction. A fee may not be charged for the redaction of a  
30 social security number or a bank account, debit, charge, or  
31 credit card number pursuant to such request.

1           e. Any person who prepares or files a document to be  
2 recorded in the official records by the county recorder as  
3 provided in chapter 28 may not include a person's social  
4 security number or complete bank account, debit, charge, or  
5 credit card number in that document unless otherwise expressly  
6 required by law. Until January 1, 2007, if a social security  
7 number or a complete bank account, debit, charge, or credit  
8 card number is or has been included in a document presented to  
9 the county recorder for recording in the official records of  
10 the county, such number may be made available as part of the  
11 official record available for public inspection and copying.  
12 Any person, or his or her attorney or legal guardian, may  
13 request that a county recorder remove from an image or copy of  
14 an official record placed on a county recorder's publicly  
15 available Internet website, or a publicly available Internet  
16 website used by a county recorder to display public records  
17 outside the office or otherwise made electronically available  
18 outside the county recorder's office to the general public,  
19 his or her social security number or complete account, debit,  
20 charge, or credit card number contained in that official  
21 record. Such request must be legibly written, signed by the  
22 requester, and delivered by mail, facsimile, electronic  
23 transmission, or in person to the county recorder. The request  
24 must specify the identification page number of the document  
25 that contains the number to be redacted. The county recorder  
26 does not have a duty to inquire beyond the written request to  
27 verify the identity of a person requesting redaction. A fee  
28 may not be charged for redacting such numbers.

29           f. Subparagraphs 5. ~~2-~~ and 6. ~~3-~~ do not apply to the  
30 clerks of the court or the county recorder with respect to  
31 circuit court records and official records.

1 g. On January 1, 2007, and thereafter, the clerk of  
2 the circuit court and the county recorder must keep complete  
3 bank account, debit, charge, and credit card numbers exempt as  
4 provided for in paragraph (b), and must keep social security  
5 numbers confidential and exempt as provided for in  
6 subparagraph 3., without any person having to request  
7 redaction.

8 8. Beginning January 31, 2004, and each January 31  
9 thereafter, every agency must file a report with the Secretary  
10 of State, the President of the Senate, and the Speaker of the  
11 House of Representatives listing the identity of all  
12 commercial entities that have requested social security  
13 numbers during the preceding calendar year and the specific  
14 purpose or purposes stated by each commercial entity regarding  
15 its need for social security numbers. If no disclosure  
16 requests were made, the agency shall so indicate.

17 9. Any affected person may petition the circuit court  
18 for an order directing compliance with this paragraph.

19 10. This paragraph does not supersede any other  
20 applicable public records exemptions existing prior to May 13,  
21 2002, or created thereafter.

22 11. This paragraph is subject to the Open Government  
23 Sunset Review Act in accordance with s. 119.15 and shall stand  
24 repealed October 2, 2007, unless reviewed and saved from  
25 repeal through reenactment by the Legislature.

26  
27 Reviser's note.--Paragraph (4)(d) is amended to  
28 confirm the substitution by the editors of the  
29 cite to s. 119.07(1) for a cite to "subsection  
30 (1)" [of s. 119.07] to conform to the transfer  
31 of s. 119.07(6)(i) to s. 119.071(4)(d) by s.



1           23, ch. 2005-251, Laws of Florida. The  
2           paragraph is also amended to confirm a  
3           substitution by the editors of a cite to the  
4           Open Government Sunset Review Act for a  
5           reference to the Open Government Sunset Review  
6           Act of 1995; the short title was revised by s.  
7           37, ch. 2005-251. Paragraph (5)(a) was amended  
8           to confirm the deletion by the editors of the  
9           words "a notice" following the word "post" to  
10          eliminate redundancy. Paragraph (5)(a) was also  
11          amended to correct a cross-reference; material  
12          referenced, formerly at s. 119.0721(3) and (4),  
13          was relocated to s. 119.071(5)(a)5. and 6., not  
14          s. 119.071(5)(a)2. and 3.

15  
16          Section 15. Paragraph (a) of subsection (4) of section  
17 119.15, Florida Statutes, is amended to read:

18           119.15 Legislative review of exemptions from public  
19 meeting and public records requirements.--

20           (4)(a) A law that enacts a new exemption or  
21 substantially amends an existing exemption must state that the  
22 record or meeting is:

23           1. Exempt from s. ~~24~~ 24(a), Art. I of the State  
24 Constitution;

25           2. Exempt from s. 119.07(1) or s. 286.011; and

26           3. Repealed at the end of 5 years and that the  
27 exemption must be reviewed by the Legislature before the  
28 scheduled repeal date.

29

30           Reviser's note.--Amended to correct an apparent  
31 error and conform to the reference to s. 24,

1 Art. I of the State Constitution in subsection  
2 (2). Paragraph (4)(a) references exemptions  
3 from records or meetings; records are covered  
4 in s. 24(a), Art. I; meetings are covered in s.  
5 24(b), Art. I.

6  
7 Section 16. Subsection (2) of section 161.72, Florida  
8 Statutes, is amended to read:

9 161.72 Findings and intent.--

10 (2) It is the intent of the Legislature to create the  
11 Oceans and Coastal ~~Resources~~ Council to assist the state in  
12 identifying new management strategies to achieve the goal of  
13 maximizing the protection and conservation of ocean and  
14 coastal resources while recognizing their economic benefits.

15  
16 Reviser's note.--Amended to confirm the  
17 deletion by the editors of the word "Resources"  
18 from a reference to the Oceans and Coastal  
19 Resources Council to conform to the name of the  
20 Oceans and Coastal Council as referenced in s.  
21 161.71(2), which defines the council, and in s.  
22 161.73, which provides for creation of the  
23 council.

24  
25 Section 17. Paragraph (n) of subsection (2) of section  
26 161.74, Florida Statutes, is amended to read:

27 161.74 Responsibilities.--

28 (2) RESEARCH PLAN.--The council must complete a  
29 Florida Oceans and Coastal Scientific Research Plan which  
30 shall be used by the Legislature in making funding decisions.  
31 The plan must recommend priorities for scientific research

1 projects. The plan must be submitted to the President of the  
2 Senate and the Speaker of the House of Representatives by  
3 January 15, 2006. Thereafter, annual updates to the plan must  
4 be submitted to the President of the Senate and the Speaker of  
5 the House of Representatives by February 1 of each year. The  
6 research projects contained in the plan must meet at least one  
7 of the following objectives:

8 (n) Developing a statewide analysis of the economic  
9 value associated with ocean and coastal resources, developing  
10 economic baseline data, methodologies, and consistent measures  
11 of oceans and coastal resource economic activity and value,  
12 and developing reports that educate Floridians, the United  
13 States Commission on National Ocean Policy ~~Commission~~, local,  
14 state, and federal agencies and others on the importance of  
15 ocean and coastal resources.

16  
17 Reviser's note.--Amended to confirm the  
18 substitution by the editors of a reference to  
19 the United States Commission on Ocean Policy  
20 for a reference to the National Ocean Policy  
21 Commission to conform to the official name of  
22 the commission.  
23

24 Section 18. Paragraph (b) of subsection (16) of  
25 section 163.3180, Florida Statutes, is amended to read:

26 163.3180 Concurrency.--

27 (16) It is the intent of the Legislature to provide a  
28 method by which the impacts of development on transportation  
29 facilities can be mitigated by the cooperative efforts of the  
30 public and private sectors. The methodology used to calculate  
31

1 proportionate fair-share mitigation under this section shall  
2 be as provided for in subsection (12).

3 (b)1. In its transportation concurrency management  
4 system, a local government shall, by December 1, 2006, include  
5 methodologies that will be applied to calculate proportionate  
6 fair-share mitigation. A developer may choose to satisfy all  
7 transportation concurrency requirements by contributing or  
8 paying proportionate fair-share mitigation if transportation  
9 facilities or facility segments identified as mitigation for  
10 traffic impacts are specifically identified for funding in the  
11 5-year schedule of capital improvements in the capital  
12 improvements element of the local plan or the long-term  
13 concurrency management system or if such contributions or  
14 payments to such facilities or segments are reflected in the  
15 5-year schedule of capital improvements in the next regularly  
16 scheduled update of the capital improvements element. Updates  
17 to the 5-year capital improvements element which reflect  
18 proportionate fair-share contributions may not be found not in  
19 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and  
20 163.3177(3) if additional contributions, payments or funding  
21 sources are reasonably anticipated during a period not to  
22 exceed 10 years to fully mitigate impacts on the  
23 transportation facilities.

24 2. Proportionate fair-share mitigation shall be  
25 applied as a credit against impact fees to the extent that all  
26 or a portion of the proportionate fair-share mitigation is  
27 used to address the same capital infrastructure improvements  
28 contemplated by the local government's impact fee ordinance.

29  
30 Reviser's note.--Amended to correct a reference  
31 to nonexistent s. 163.164(32); s. 163.3164(32),

1 relating to financial feasibility, conforms to  
2 context.

3  
4 Section 19. Paragraph (b) of subsection (1) and  
5 subsections (4) and (17) of section 163.3184, Florida  
6 Statutes, are amended to read:

7 163.3184 Process for adoption of comprehensive plan or  
8 plan amendment.--

9 (1) DEFINITIONS.--As used in this section, the term:

10 (b) "In compliance" means consistent with the  
11 requirements of ss. 163.3177, ~~163.31776~~, when a local  
12 government adopts an educational facilities element, 163.3178,  
13 163.3180, 163.3191, and 163.3245, with the state comprehensive  
14 plan, with the appropriate strategic regional policy plan, and  
15 with chapter 9J-5, Florida Administrative Code, where such  
16 rule is not inconsistent with this part and with the  
17 principles for guiding development in designated areas of  
18 critical state concern and with part III of chapter 369, where  
19 applicable.

20 (4) INTERGOVERNMENTAL REVIEW.--The governmental  
21 agencies specified in paragraph (3)(a) shall provide comments  
22 to the state land planning agency within 30 days after receipt  
23 by the state land planning agency of the complete proposed  
24 plan amendment. If the plan or plan amendment includes or  
25 relates to the public school facilities element pursuant to s.  
26 163.3177(12) ~~163.31776~~, the state land planning agency shall  
27 submit a copy to the Office of Educational Facilities of the  
28 Commissioner of Education for review and comment. The  
29 appropriate regional planning council shall also provide its  
30 written comments to the state land planning agency within 30  
31 days after receipt by the state land planning agency of the

1 complete proposed plan amendment and shall specify any  
2 objections, recommendations for modifications, and comments of  
3 any other regional agencies to which the regional planning  
4 council may have referred the proposed plan amendment. Written  
5 comments submitted by the public within 30 days after notice  
6 of transmittal by the local government of the proposed plan  
7 amendment will be considered as if submitted by governmental  
8 agencies. All written agency and public comments must be made  
9 part of the file maintained under subsection (2).

10 (17) A local government that has adopted a community  
11 vision and urban service boundary under s. 163.3177(13) and  
12 ~~(14) 163.31773(13) and (14)~~ may adopt a plan amendment related  
13 to map amendments solely to property within an urban service  
14 boundary in the manner described in subsections (1), (2), (7),  
15 (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and  
16 3., such that state and regional agency review is eliminated.  
17 The department may not issue an objections, recommendations,  
18 and comments report on proposed plan amendments or a notice of  
19 intent on adopted plan amendments; however, affected persons,  
20 as defined by paragraph (1)(a), may file a petition for  
21 administrative review pursuant to the requirements of s.  
22 163.3187(3)(a) to challenge the compliance of an adopted plan  
23 amendment. This subsection does not apply to any amendment  
24 within an area of critical state concern, to any amendment  
25 that increases residential densities allowable in high-hazard  
26 coastal areas as defined in s. 163.3178(2)(h), or to a text  
27 change to the goals, policies, or objectives of the local  
28 government's comprehensive plan. Amendments submitted under  
29 this subsection are exempt from the limitation on the  
30 frequency of plan amendments in s. 163.3187.

31

1 Reviser's note.--Paragraph (1)(b) and  
2 subsection (4) are amended to conform to the  
3 repeal of s. 163.31776 by s. 3, ch. 2005-290,  
4 Laws of Florida, and the placement of material  
5 relating to a public school facilities element  
6 in s. 163.3177(12). Subsection (17) is amended  
7 to correct a reference to nonexistent s.  
8 163.31773(13) and (14); s. 163.3177(13) and  
9 (14) relate to community vision and urban  
10 service boundaries, respectively.

11  
12 Section 20. Paragraph (1) of subsection (1) of section  
13 163.3187, Florida Statutes, is amended to read:

14 163.3187 Amendment of adopted comprehensive plan.--

15 (1) Amendments to comprehensive plans adopted pursuant  
16 to this part may be made not more than two times during any  
17 calendar year, except:

18 (1) A comprehensive plan amendment to adopt a public  
19 educational facilities element pursuant to s. 163.3177(12)  
20 ~~163.31776~~ and future land-use-map amendments for school siting  
21 may be approved notwithstanding statutory limits on the  
22 frequency of adopting plan amendments.

23  
24 Reviser's note.--Amended to conform to the  
25 repeal of s. 163.31776 by s. 3, ch. 2005-290,  
26 Laws of Florida, and the placement of material  
27 relating to a public school facilities element  
28 in s. 163.3177(12).

29  
30 Section 21. Subsection (13) of section 201.15, Florida  
31 Statutes, is amended to read:

1           201.15 Distribution of taxes collected.--All taxes  
2 collected under this chapter shall be distributed as follows  
3 and shall be subject to the service charge imposed in s.  
4 215.20(1), except that such service charge shall not be levied  
5 against any portion of taxes pledged to debt service on bonds  
6 to the extent that the amount of the service charge is  
7 required to pay any amounts relating to the bonds:

8           (13) The distribution of proceeds deposited into the  
9 Water Management Lands Trust Fund and the Conservation and  
10 Recreation Lands Trust Fund, pursuant to subsections (4) and  
11 (5), shall not be used for land acquisition, but may be used  
12 for preacquisition costs associated with land purchases. The  
13 Legislature intends that the Florida Forever program supplant  
14 the acquisition programs formerly authorized under ss. 259.032  
15 and 373.59. ~~Prior to the 2005 Regular Session of the~~  
16 ~~Legislature, the Acquisition and Restoration Council shall~~  
17 ~~review and make recommendations to the Legislature concerning~~  
18 ~~the need to repeal this provision. Based on these~~  
19 ~~recommendations, the Legislature shall review the need to~~  
20 ~~repeal this provision during the 2005 Regular Session.~~

21  
22           Reviser's note.--Amended to delete obsolete  
23 language relating to recommendations and a  
24 review to be completed in 2005.

25  
26           Section 22. Effective July 1, 2007, subsections (10)  
27 and (13) of section 201.15, Florida Statutes, as amended by  
28 section 1 of chapter 2005-92, Laws of Florida, are amended to  
29 read:

30           201.15 Distribution of taxes collected.--All taxes  
31 collected under this chapter shall be distributed as follows



1 and shall be subject to the service charge imposed in s.  
2 215.20(1), except that such service charge shall not be levied  
3 against any portion of taxes pledged to debt service on bonds  
4 to the extent that the amount of the service charge is  
5 required to pay any amounts relating to the bonds:

6 (10) The lesser ~~lessor~~ of eight and sixty-six  
7 hundredths percent of the remaining taxes collected under this  
8 chapter or \$136 million in each fiscal year shall be paid into  
9 the State Treasury to the credit of the State Housing Trust  
10 Fund and shall be used as follows:

11 (a) Twelve and one-half percent of that amount shall  
12 be deposited into the State Housing Trust Fund and be expended  
13 by the Department of Community Affairs and by the Florida  
14 Housing Finance Corporation for the purposes for which the  
15 State Housing Trust Fund was created and exists by law.

16 (b) Eighty-seven and one-half percent of that amount  
17 shall be distributed to the Local Government Housing Trust  
18 Fund and shall be used for the purposes for which the Local  
19 Government Housing Trust Fund was created and exists by law.  
20 Funds from this category may also be used to provide for state  
21 and local services to assist the homeless.

22 (13) The distribution of proceeds deposited into the  
23 Water Management Lands Trust Fund and the Conservation and  
24 Recreation Lands Trust Fund, pursuant to subsections (4) and  
25 (5), shall not be used for land acquisition, but may be used  
26 for preacquisition costs associated with land purchases. The  
27 Legislature intends that the Florida Forever program supplant  
28 the acquisition programs formerly authorized under ss. 259.032  
29 and 373.59. ~~Prior to the 2005 Regular Session of the~~  
30 ~~Legislature, the Acquisition and Restoration Council shall~~  
31 ~~review and make recommendations to the Legislature concerning~~

1 ~~the need to repeal this provision. Based on these~~  
2 ~~recommendations, the Legislature shall review the need to~~  
3 ~~repeal this provision during the 2005 Regular Session.~~

4  
5 Reviser's note.--Subsection (10) is amended to  
6 confirm the substitution by the editors of the  
7 word "lesser" for the word "lessor" to conform  
8 to context. Subsection (13) is amended to  
9 delete obsolete language relating to  
10 recommendations and a review to be completed in  
11 2005.

12  
13 Section 23. Paragraph (j) of subsection (3) of section  
14 202.26, Florida Statutes, is amended to read:

15 202.26 Department powers.--

16 (3) To administer the tax imposed by this chapter, the  
17 department may adopt rules relating to:

18 (j) The types of books and records kept in the regular  
19 course of business which must be available during an audit of  
20 a dealer's books and records when the dealer has made an  
21 allocation or attribution pursuant to the definition of sales  
22 prices in s. 202.11(13)(b)8. ~~202.11(14)(b)8.~~ and examples of  
23 methods for determining the reasonableness thereof. Books and  
24 records kept in the regular course of business include, but  
25 are not limited to, general ledgers, price lists, cost  
26 records, customer billings, billing system reports, tariffs,  
27 and other regulatory filings and rules of regulatory  
28 authorities. Such records may be required to be made available  
29 to the department in an electronic format when so kept by the  
30 dealer. The dealer may support the allocation of charges with  
31 books and records kept in the regular course of business

1 covering the dealer's entire service area, including  
2 territories outside this state. During an audit, the  
3 department may reasonably require production of any additional  
4 books and records found necessary to assist in its  
5 determination.

6  
7 Reviser's note.--Amended to correct a reference  
8 and conform to context. Section 202.11(14) was  
9 redesignated as s. 202.11(13) by s. 1, ch.  
10 2005-187, Laws of Florida.

11  
12 Section 24. Section 215.965, Florida Statutes, is  
13 amended to read:

14 215.965 Disbursement of state moneys.--Except as  
15 provided in s. 17.076, s. 253.025(14), s. 259.041(18), s.  
16 717.124(4)(b) and (c) ~~717.124(5)~~, s. 732.107(5), or s.  
17 733.816(5), all moneys in the State Treasury shall be  
18 disbursed by state warrant, drawn by the Chief Financial  
19 Officer upon the State Treasury and payable to the ultimate  
20 beneficiary. This authorization shall include electronic  
21 disbursement.

22  
23 Reviser's note.--Amended to conform to the  
24 redesignation of s. 717.124(5) as s.  
25 717.124(4)(b) and (c) by s. 121, ch. 2004-390,  
26 Laws of Florida.

27  
28 Section 25. Paragraph (a) of subsection (5) of section  
29 216.136, Florida Statutes, is amended to read:

30 216.136 Consensus estimating conferences; duties and  
31 principals.--

1 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

2 (a) Duties.--The Criminal Justice Estimating  
3 Conference shall:

4 1. Develop such official information relating to the  
5 criminal justice system, including forecasts of prison  
6 admissions and population and of supervised felony offender  
7 admissions and population, as the conference determines is  
8 needed for the state planning and budgeting system.

9 2. Develop such official information relating to the  
10 number of eligible discharges and the projected number of  
11 civil commitments for determining space needs pursuant to the  
12 civil proceedings provided under part V of chapter 394.

13 3. Develop official information relating to the number  
14 of sexual offenders and sexual predators who are required by  
15 law to be placed on community control, probation, or  
16 conditional release who are subject to electronic monitoring.  
17 In addition, the Office of Economic and Demographic Research  
18 shall study the factors relating to the sentencing of sex  
19 offenders from the point of arrest through the imposition of  
20 sanctions by the sentencing court, including original charges,  
21 plea negotiations, trial dispositions, and sanctions. The  
22 Department of Corrections, the Office of the State Courts  
23 Administrator, the Florida Department of Law Enforcement, and  
24 the state attorneys shall provide information deemed necessary  
25 for the study. The final report shall be provided to the  
26 President of the Senate and the Speaker of the House of  
27 Representatives by March 1, 2006.

28  
29 Reviser's note.--Amended to confirm the  
30 insertion by the editors of the words "of  
31 Representatives" following the word "House" to

1 conform to the complete name of the legislative  
2 body.

3  
4 Section 26. Paragraph (c) of subsection (1) of section  
5 253.01, Florida Statutes, is amended to read:

6 253.01 Internal Improvement Trust Fund established.--  
7 (1)

8 (c) Notwithstanding any provisions of law to the  
9 contrary, if title to any state-owned lands is vested in the  
10 Board of Trustees of the Internal Improvement Trust Fund and  
11 the lands are located within the Everglades Agricultural Area,  
12 then all proceeds from the sale of any such lands shall be  
13 deposited into the Internal Improvement Trust Fund. The  
14 provisions of this paragraph shall not apply to those lands  
15 acquired pursuant to s. ss- 607.0505, and former s. 620.192,  
16 or chapter 895.

17  
18 Reviser's note.--Amended to clarify the status  
19 of referenced s. 620.192, which was repealed by  
20 s. 25, ch. 2005-267, Laws of Florida.

21  
22 Section 27. Subsection (12) of section 253.03, Florida  
23 Statutes, is amended to read:

24 253.03 Board of trustees to administer state lands;  
25 lands enumerated.--

26 (12) The Board of Trustees of the Internal Improvement  
27 Trust Fund is hereby authorized to administer, manage,  
28 control, conserve, protect, and sell all real property  
29 forfeited to the state pursuant to ss. 895.01-895.09 or  
30 acquired by the state pursuant to s. 607.0505 or former s.  
31 620.192. The board is directed to immediately determine the

1 value of all such property and shall ascertain whether the  
2 property is in any way encumbered. If the board determines  
3 that it is in the best interest of the state to do so, funds  
4 from the Internal Improvement Trust Fund may be used to  
5 satisfy any such encumbrances. If forfeited property receipts  
6 are not sufficient to satisfy encumbrances on the property and  
7 expenses permitted under this section, funds from the Land  
8 Acquisition Trust Fund may be used to satisfy any such  
9 encumbrances and expenses. All property acquired by the board  
10 pursuant to s. 607.0505, former s. 620.192, or ss.  
11 895.01-895.09 shall be sold as soon as commercially feasible  
12 unless the Attorney General recommends and the board  
13 determines that retention of the property in public ownership  
14 would effectuate one or more of the following policies of  
15 statewide significance: protection or enhancement of  
16 floodplains, marshes, estuaries, lakes, rivers, wilderness  
17 areas, wildlife areas, wildlife habitat, or other  
18 environmentally sensitive natural areas or ecosystems; or  
19 preservation of significant archaeological or historical sites  
20 identified by the Secretary of State. In such event the  
21 property shall remain in the ownership of the board, to be  
22 controlled, managed, and disposed of in accordance with this  
23 chapter, and the Internal Improvement Trust Fund shall be  
24 reimbursed from the Land Acquisition Trust Fund, or other  
25 appropriate fund designated by the board, for any funds  
26 expended from the Internal Improvement Trust Fund pursuant to  
27 this subsection in regard to such property. Upon the  
28 recommendation of the Attorney General, the board may  
29 reimburse the investigative agency for its investigative  
30 expenses, costs, and attorneys' fees, and may reimburse law  
31 enforcement agencies for actual expenses incurred in

1 | conducting investigations leading to the forfeiture of such  
2 | property from funds deposited in the Internal Improvement  
3 | Trust Fund of the Department of Environmental Protection. The  
4 | proceeds of the sale of property acquired under s. 607.0505,  
5 | former s. 620.192, or ss. 895.01-895.09 shall be distributed  
6 | as follows:

7 |         (a) After satisfaction of any valid claims arising  
8 | under the provisions of s. 895.09(1)(a) or (b), any moneys  
9 | used to satisfy encumbrances and expended as costs of  
10 | administration, appraisal, management, conservation,  
11 | protection, sale, and real estate sales services and any  
12 | interest earnings lost to the Land Acquisition Trust Fund as  
13 | of a date certified by the Department of Environmental  
14 | Protection shall be replaced first in the Land Acquisition  
15 | Trust Fund, if those funds were used, and then in the Internal  
16 | Improvement Trust Fund; and

17 |         (b) The remainder shall be distributed as set forth in  
18 | s. 895.09.

19 |  
20 |         Reviser's note.--Amended to clarify the status  
21 | of referenced s. 620.192, which was repealed by  
22 | s. 25, ch. 2005-267, Laws of Florida.

23 |  
24 |         Section 28. Subsection (1) of section 253.74, Florida  
25 | Statutes, is amended to read:

26 |         253.74 Penalties.--

27 |         (1) Any person who conducts aquaculture activities in  
28 | excess of those authorized by the board or who conducts such  
29 | activities on state-owned submerged lands without having  
30 | previously obtained an authorization from the board commits a  
31 | misdemeanor and shall be subject to imprisonment for not more

1 | than 6 months or fine of not more than \$1,000, or both. In  
2 | addition to such fine and imprisonment, all works,  
3 | improvements, and animal and plant life involved in the  
4 | project, may be forfeited to the state.

5 |  
6 |           Reviser's note.--Amended to improve clarity.

7 |  
8 |           Section 29. Section 267.0619, Florida Statutes, is  
9 | reenacted to read:

10 |           267.0619 Historical Museum Grants.--The division may  
11 | conduct a program to provide:

12 |           (1)(a) Grants from the Historical Resources Operating  
13 | Trust Fund, including matching grants, to a department or  
14 | agency of the state; a unit of county, municipal, or other  
15 | local government; or a public or private profit or nonprofit  
16 | corporation, partnership, or other organization to assist in  
17 | the development of public educational exhibits relating to the  
18 | historical resources of Florida; and

19 |           (b) Grants from the Historical Resources Operating  
20 | Trust Fund to Florida history museums that are not  
21 | state-operated to assist such museums in paying for operating  
22 | costs.

23 |           (2) In order to be eligible to receive a grant from  
24 | the trust fund to assist in paying operating costs, a Florida  
25 | history museum must fulfill the following criteria:

26 |           (a) The mission of the museum must relate directly and  
27 | primarily to the history of Florida. If the museum has more  
28 | than one mission, the museum is eligible to receive a grant  
29 | for that portion of the operating costs which is reasonably  
30 | attributable to its mission relating to the history of  
31 | Florida;



1           (b) The museum must have been operating and open to  
2 the public for at least 180 days each year during the 2-year  
3 period immediately preceding the date upon which the museum  
4 applies for the grant;

5           (c) The museum must be open and providing museum  
6 services to the public for at least 180 days each year; and

7           (d) The museum must currently employ, and must have  
8 employed during the 2-year period immediately preceding the  
9 date upon which the museum applies for the grant, at least one  
10 full-time staff member or the equivalent thereof whose primary  
11 responsibility is to acquire, maintain, and exhibit to the  
12 public objects that are owned by, or are on loan to, the  
13 museum.

14           (3) An application for a grant must be made to the  
15 division on a form provided by the division. The division  
16 shall adopt rules prescribing categories of grants,  
17 application requirements, criteria and procedures for the  
18 review and evaluation of applications, and other procedures  
19 necessary for the administration of the program, subject to  
20 the requirements of this section. Grant review panels  
21 appointed by the Secretary of State and chaired by a member of  
22 the Florida Historical Commission or a designee appointed by  
23 the commission's presiding officer shall review each  
24 application for a museum grant-in-aid. The review panel shall  
25 submit to the Secretary of State for approval lists of all  
26 applications that are recommended by the panel for the award  
27 of grants, arranged in order of priority. The division may  
28 award a grant to a Florida history museum only if the award  
29 has been approved by the Secretary of State.

30           (4) Money received as an appropriation or contribution  
31 to the grants program must be deposited into the Historical

1 Resources Operating Trust Fund. Money appropriated from  
2 general revenue to the trust fund for the program may not be  
3 granted to a private for-profit museum. Money appropriated  
4 from any source to the trust fund for the program may not be  
5 granted to pay the cost of locating, identifying, evaluating,  
6 acquiring, preserving, protecting, restoring, rehabilitating,  
7 stabilizing, or excavating an archaeological or historic site  
8 or a historic building or the planning of any of those  
9 activities.

10 (5) The division may grant moneys quarterly from the  
11 Historical Resources Operating Trust Fund to history museums  
12 in advance of an exhibit or program for which the moneys are  
13 granted.

14  
15 Reviser's note.--Section 16, ch. 2005-207, Laws  
16 of Florida, amended subsection (3) without  
17 publishing the introductory paragraph to the  
18 section. Absent affirmative evidence of  
19 legislative intent to repeal the introductory  
20 language, it is reenacted here to confirm that  
21 the omission was not intended.

22  
23 Section 30. Subsection (1) of section 316.272, Florida  
24 Statutes, is amended to read:

25 316.272 Exhaust systems, prevention of noise.--

26 (1) Every motor vehicle shall at all times be equipped  
27 with an exhaust system in good working order and in constant  
28 operation, including muffler, manifold pipe, and tailpiping to  
29 prevent excessive or unusual noise. In no event shall an  
30 exhaust system allow noise at a level which exceeds a maximum  
31 decibel level to be established by regulation of the

1 Department of Environmental Protection as provided in s.  
2 403.061(11) ~~403.061(13)~~ in cooperation with the Department of  
3 Highway Safety and Motor Vehicles. No person shall use a  
4 muffler cutout, bypass or similar device upon a vehicle on a  
5 highway.

6  
7 Reviser's note.--Amended to conform to the  
8 current location within s. 403.061 of material  
9 relating to noise pollution; s. 14, ch. 78-95,  
10 Laws of Florida, deleted then-existing  
11 subsections (8) and (9), and subsection (13)  
12 became subsection (11).

13  
14 Section 31. Subsection (1) of section 320.0843,  
15 Florida Statutes, is amended to read:

16 320.0843 License plates for persons with disabilities  
17 eligible for permanent disabled parking permits.--

18 (1) Any owner or lessee of a motor vehicle who resides  
19 in this state and qualifies for a disabled parking permit  
20 under s. 320.0848(2), upon application to the department and  
21 payment of the license tax for a motor vehicle registered  
22 under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b),  
23 (6)(a), or (9)(c) or (d), shall be issued a license plate as  
24 provided by s. 320.06 which, in lieu of the serial number  
25 prescribed by s. 320.06, shall be stamped with the  
26 international wheelchair user symbol after the serial number  
27 of the license plate. The license plate entitles the person to  
28 all privileges afforded by a parking permit issued under s.  
29 320.0848. When more than ~~that~~ one registrant is listed on the  
30 registration issued under this section, the eligible applicant  
31 shall be noted on the registration certificate.

1 Reviser's note.--Amended to confirm the  
2 substitution by the editors of the word "than"  
3 for the word "that" to conform to context.  
4

5 Section 32. Paragraph (b) of subsection (9) of section  
6 320.27, Florida Statutes, is amended to read:

7 320.27 Motor vehicle dealers.--

8 (9) DENIAL, SUSPENSION, OR REVOCATION.--

9 (b) The department may deny, suspend, or revoke any  
10 license issued hereunder or under the provisions of s. 320.77  
11 or s. 320.771 upon proof that a licensee has committed, with  
12 sufficient frequency so as to establish a pattern of  
13 wrongdoing on the part of a licensee, violations of one or  
14 more of the following activities:

15 1. Representation that a demonstrator is a new motor  
16 vehicle, or the attempt to sell or the sale of a demonstrator  
17 as a new motor vehicle without written notice to the purchaser  
18 that the vehicle is a demonstrator. For the purposes of this  
19 section, a "demonstrator," a "new motor vehicle," and a "used  
20 motor vehicle" shall be defined as under s. 320.60.

21 2. Unjustifiable refusal to comply with a licensee's  
22 responsibility under the terms of the new motor vehicle  
23 warranty issued by its respective manufacturer, distributor,  
24 or importer. However, if such refusal is at the direction of  
25 the manufacturer, distributor, or importer, such refusal shall  
26 not be a ground under this section.

27 3. Misrepresentation or false, deceptive, or  
28 misleading statements with regard to the sale or financing of  
29 motor vehicles which any motor vehicle dealer has, or causes  
30 to have, advertised, printed, displayed, published,  
31

1 distributed, broadcast, televised, or made in any manner with  
2 regard to the sale or financing of motor vehicles.

3 4. Failure by any motor vehicle dealer to provide a  
4 customer or purchaser with an odometer disclosure statement  
5 and a copy of any bona fide written, executed sales contract  
6 or agreement of purchase connected with the purchase of the  
7 motor vehicle purchased by the customer or purchaser.

8 5. Failure of any motor vehicle dealer to comply with  
9 the terms of any bona fide written, executed agreement,  
10 pursuant to the sale of a motor vehicle.

11 6. Failure to apply for transfer of a title as  
12 prescribed in s. 319.23(6).

13 7. Use of the dealer license identification number by  
14 any person other than the licensed dealer or his or her  
15 designee.

16 8. Failure to continually meet the requirements of the  
17 licensure law.

18 9. Representation to a customer or any advertisement  
19 to the public representing or suggesting that a motor vehicle  
20 is a new motor vehicle if such vehicle lawfully cannot be  
21 titled in the name of the customer or other member of the  
22 public by the seller using a manufacturer's statement of  
23 origin as permitted in s. 319.23(1).

24 10. Requirement by any motor vehicle dealer that a  
25 customer or purchaser accept equipment on his or her motor  
26 vehicle which was not ordered by the customer or purchaser.

27 11. Requirement by any motor vehicle dealer that any  
28 customer or purchaser finance a motor vehicle with a specific  
29 financial institution or company.

30  
31

1           12. Requirement by any motor vehicle dealer that the  
2 purchaser of a motor vehicle contract with the dealer for  
3 physical damage insurance.

4           13. Perpetration of a fraud upon any person as a  
5 result of dealing in motor vehicles, including, without  
6 limitation, the misrepresentation to any person by the  
7 licensee of the licensee's relationship to any manufacturer,  
8 importer, or distributor.

9           14. Violation of any of the provisions of s. 319.35 by  
10 any motor vehicle dealer.

11           15. Sale by a motor vehicle dealer of a vehicle  
12 offered in trade by a customer prior to consummation of the  
13 sale, exchange, or transfer of a newly acquired vehicle to the  
14 customer, unless the customer provides written authorization  
15 for the sale of the trade-in vehicle prior to delivery of the  
16 newly acquired vehicle.

17           16. Willful failure to comply with any administrative  
18 rule adopted by the department or the provisions of s.  
19 320.131(8).

20           17. Violation of chapter 319, this chapter, or ss.  
21 559.901-559.9221, which has to do with dealing in or repairing  
22 motor vehicles or mobile homes. Additionally, in the case of  
23 used motor vehicles, the willful violation of the federal law  
24 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining  
25 to the consumer sales window form.

26           18. Failure to maintain evidence of notification to  
27 the owner or coowner of a vehicle regarding registration or  
28 titling fees owed ~~owned~~ as required in s. 320.02(17)  
29 ~~320.02(19)~~.

30  
31

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 320.02(19) as created by s.  
3 14, ch. 2005-164, Laws of Florida, as s.  
4 320.02(17) by the reviser as a result of the  
5 redesignation of existing s. 320.02(17) and  
6 (18) as a portion of s. 320.02(16) by s. 1, ch.  
7 2005-254, Laws of Florida. The word "owed" was  
8 substituted for the word "owned" to conform to  
9 context.

10

11 Section 33. Subsection (8) of section 322.121, Florida  
12 Statutes, is amended to read:

13 322.121 Periodic reexamination of all drivers.--

14 (8) In addition to any other examination authorized by  
15 this section, an applicant for a renewal of an endorsement  
16 issued under s. 322.57(1)(a), (b), ~~(c)~~, (d), ~~or (e)~~, or (f)  
17 may be required to complete successfully an examination of his  
18 or her knowledge regarding state and federal rules,  
19 regulations, and laws, governing the type of vehicle which he  
20 or she is seeking an endorsement to operate.

21

22 Reviser's note.--Amended to conform to the  
23 redesignation of s. 322.57(1)(c), (d), and (e)  
24 as s. 322.57(1)(d), (e), and (f) by s. 90, ch.  
25 2005-164, Laws of Florida.

26

27 Section 34. Subsection (3) of section 337.195, Florida  
28 Statutes, is amended to read:

29 337.195 Limits on liability.--

30 (3) In all cases involving personal injury, property  
31 damage, or death, a person or entity who contracts to prepare

1 | or provide engineering plans for the construction or repair of  
2 | a highway, road, street, bridge, or other transportation  
3 | facility for the Department of Transportation shall be  
4 | presumed to have prepared such engineering plans using the  
5 | degree of care and skill ordinarily exercised by other  
6 | engineers in the field under similar conditions and in similar  
7 | localities and with due regard for acceptable engineering  
8 | standards and principles if the engineering plans conformed to  
9 | the Department of Transportation's design standards material  
10 | to the condition or defect that was the proximate cause of the  
11 | personal ~~person~~ injury, property damage, or death. This  
12 | presumption can be overcome only upon a showing of the  
13 | person's or entity's gross negligence in the preparation of  
14 | the engineering plans and shall not be interpreted or  
15 | construed to alter or affect any claim of the Department of  
16 | Transportation against such person or entity. The limitation  
17 | on liability contained in this subsection shall not apply to  
18 | any hidden or undiscoverable condition created by the  
19 | engineer. This subsection does not affect any claim of any  
20 | entity against such engineer or engineering firm, which claim  
21 | is associated with such entity's facilities on or in  
22 | Department of Transportation roads or other transportation  
23 | facilities.

24 |  
25 |       Reviser's note.--Amended to confirm the  
26 |       substitution by the editors of the word  
27 |       "personal" for the word "person" to conform to  
28 |       context.

29 |  
30 |       Section 35. Paragraph (a) of subsection (4) of section  
31 | 339.2819, Florida Statutes, is amended to read:



1           339.2819 Transportation Regional Incentive Program.--

2           (4)(a) Projects to be funded with Transportation  
3 Regional Incentive Program funds shall, at a minimum:

4           1. Support those transportation facilities that serve  
5 national, statewide, or regional functions and function as an  
6 integrated regional transportation system.

7           2. Be identified in the capital improvements element  
8 of a comprehensive plan that has been determined to be in  
9 compliance with part II of chapter 163, after July 1, 2005, or  
10 to implement a long-term concurrency management system adopted  
11 by a local government in accordance with s. 163.3180(9)  
12 ~~163.3177(9)~~. Further, the project shall be in compliance with  
13 local government comprehensive plan policies relative to  
14 corridor management.

15           3. Be consistent with the Strategic Intermodal System  
16 Plan developed under s. 339.64.

17           4. Have a commitment for local, regional, or private  
18 financial matching funds as a percentage of the overall  
19 project cost.

20  
21           Reviser's note.--Amended to substitute a  
22 reference to s. 163.3180(9), relating to  
23 long-term transportation and school community  
24 management systems, for a reference to s.  
25 163.3177(9), relating to rule adoption of  
26 minimum criteria for review and determination  
27 of compliance of local government plan elements  
28 to conform to context.

29  
30           Section 36. Subsection (2) of section 339.64, Florida  
31 Statutes, is reenacted to read:

1           339.64 Strategic Intermodal System Plan.--

2           (2) In association with the continued development of  
3 the Strategic Intermodal System Plan, the Florida  
4 Transportation Commission, as part of its work program review  
5 process, shall conduct an annual assessment of the progress  
6 that the department and its transportation partners have made  
7 in realizing the goals of economic development, improved  
8 mobility, and increased intermodal connectivity of the  
9 Strategic Intermodal System. The Florida Transportation  
10 Commission shall coordinate with the department, the Statewide  
11 Intermodal Transportation Advisory Council, and other  
12 appropriate entities when developing this assessment. The  
13 Florida Transportation Commission shall deliver a report to  
14 the Governor and Legislature no later than 14 days after the  
15 regular session begins, with recommendations as necessary to  
16 fully implement the Strategic Intermodal System.

17  
18           Reviser's note.--Reenacted to confirm the  
19 continued existence of subsection (2), which  
20 was repealed by s. 37, ch. 2005-2, Laws of  
21 Florida, a reviser's bill, because it related  
22 to obsolete reporting requirements. Those  
23 requirements were revised and updated by s. 7,  
24 ch. 2005-281, Laws of Florida.

25  
26           Section 37. Paragraph (a) of subsection (2) of section  
27 348.9932, Florida Statutes, is amended to read:

28           348.9932 Southwest Florida Expressway Authority.--

29           (2) The governing body of the authority shall consist  
30 of seven voting members and one nonvoting member, as set forth  
31 in this subsection.

1 (a)1.

2 a. One member who is a permanent resident of Collier  
3 County and one member who is a permanent resident of Lee  
4 County shall be appointed by the Governor to serve a term of 4  
5 years each. The Governor shall select his or her appointees  
6 from a list submitted by the board of county commissioners of  
7 each county, with each list recommending five candidates from  
8 their respective county.

9 b. One member who is a permanent resident of Collier  
10 County shall be appointed by the Board of County Commissioners  
11 of Collier County and one member who is a permanent resident  
12 of Lee County shall be appointed by the Board of County  
13 Commissioners of Lee County to serve a term of 4 years each.

14 2. Each member appointed under this paragraph shall be  
15 a person of outstanding reputation for integrity,  
16 responsibility, and business ability and shall have an  
17 interest in ground transportation. No elected official and no  
18 person who is an employee, in any capacity, of Collier County  
19 or Lee County or of any city within Collier County or Lee  
20 County shall be an appointed member of the authority except as  
21 set forth in this section.

22 3. Each appointed member shall be a resident of his or  
23 her respective county during his or her entire term.

24 4. Each appointed member shall be a voting member and  
25 shall hold office until his or her successor has been  
26 appointed and has qualified. A vacancy occurring during a term  
27 shall be filled only for the remainder of the unexpired term.

28  
29 Reviser's note.--Amended pursuant to the  
30 directive of the Legislature in s. 1, ch.  
31 93-199, Laws of Florida, to remove

1 gender-specific references applicable to human  
2 beings from the Florida Statutes without  
3 substantive change in legal effect.  
4

5 Section 38. Paragraph (d) of subsection (1) and  
6 paragraph (b) of subsection (7) of section 373.036, Florida  
7 Statutes, are amended to read:

8 373.036 Florida water plan; district water management  
9 plans.--

10 (1) FLORIDA WATER PLAN.--In cooperation with the water  
11 management districts, regional water supply authorities, and  
12 others, the department shall develop the Florida water plan.  
13 The Florida water plan shall include, but not be limited to:

14 (d) Goals, objectives, and guidance for the  
15 development and review of programs, rules, and plans relating  
16 to water resources, based on statutory policies and  
17 directives. The state water policy rule, renamed the water  
18 resource implementation rule pursuant to s. 373.019(23)  
19 ~~373.019(20)~~, shall serve as this part of the plan. Amendments  
20 or additions to this part of the Florida water plan shall be  
21 adopted by the department as part of the water resource  
22 implementation rule. In accordance with s. 373.114, the  
23 department shall review rules of the water management  
24 districts for consistency with this rule. Amendments to the  
25 water resource implementation rule must be adopted by the  
26 secretary of the department and be submitted to the President  
27 of the Senate and the Speaker of the House of Representatives  
28 within 7 days after publication in the Florida Administrative  
29 Weekly. Amendments shall not become effective until the  
30 conclusion of the next regular session of the Legislature  
31 following their adoption.

1           (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL  
2 REPORT.--

3           (b) The consolidated annual report shall contain the  
4 following elements, as appropriate to that water management  
5 district:

6           1. A district water management plan annual report or  
7 the annual work plan report allowed in subparagraph (2)(e)4.

8           2. The department-approved minimum flows and levels  
9 annual priority list and schedule required by s. 373.042(2).

10           3. The annual 5-year capital improvements plan  
11 required by s. 373.536(6)(a)3.

12           4. The alternative water supplies annual report  
13 required by s. 373.1961(3)(n) ~~373.1961(2)(k)~~.

14           5. The final annual 5-year water resource development  
15 work program required by s. 373.536(6)(a)4.

16           6. The Florida Forever Water Management District Work  
17 Plan annual report required by s. 373.199(7).

18           7. The mitigation donation annual report required by  
19 s. 373.414(1)(b)2.

20  
21           Reviser's note.--Paragraph (1)(d) is amended to  
22 conform to the redesignation of subunits of s.  
23 373.019 by s. 1, ch. 2005-291, Laws of Florida.  
24 Paragraph (7)(b) is amended to conform to the  
25 redesignation of subunits of s. 373.1961 by s.  
26 3, ch. 2005-291.

27  
28           Section 39. Subsection (3) of section 373.0361,  
29 Florida Statutes, is amended to read:

30           373.0361 Regional water supply planning.--

31

1           (3) The water supply development component of a  
2 regional water supply plan which deals with or affects public  
3 utilities and public water supply for those areas served by a  
4 regional water supply authority and its member governments  
5 within the boundary of the Southwest Florida Water Management  
6 District shall be developed jointly by the authority and the  
7 district. In areas not served by regional water supply  
8 authorities, or other multijurisdictional water supply  
9 entities, and where opportunities exist to meet water supply  
10 needs more efficiently through multijurisdictional projects  
11 identified pursuant to paragraph (2)(a) ~~s. 372.0361(2)(a)~~,  
12 water management districts are directed to assist in  
13 developing multijurisdictional approaches to water supply  
14 project development jointly with affected water utilities,  
15 special districts, and local governments.

16  
17           Reviser's note.--Amended to confirm the  
18 substitution by the editors of a reference to  
19 paragraph (2)(a) for a reference to nonexistent  
20 s. 372.0361(2)(a); s. 373.0361(2)(a) references  
21 multijurisdictional projects.

22  
23           Section 40. Paragraph (e) of subsection (3) of section  
24 373.1961, Florida Statutes, is amended to read:

25           373.1961 Water production; general powers and duties;  
26 identification of needs; funding criteria; economic  
27 incentives; reuse funding.--

28           (3) FUNDING.--

29           (e) Applicants for projects that may receive funding  
30 assistance pursuant to the Water Protection and Sustainability  
31 Program shall, at a minimum, be required to pay 60 percent of

1 the project's construction costs. The water management  
2 districts may, at their discretion, totally or partially waive  
3 this requirement for projects sponsored by financially  
4 disadvantaged small local governments as defined in s.  
5 403.885(5) ~~403.885(4)~~. The water management districts or basin  
6 boards may, at their discretion, use ad valorem or federal  
7 revenues to assist a project applicant in meeting the  
8 requirements of this paragraph.

9  
10 Reviser's note.--Amended to conform to the  
11 redesignation of subunits within s. 403.885 by  
12 s. 16, ch. 2005-291, Laws of Florida.

13  
14 Section 41. Subsection (1) of section 373.421, Florida  
15 Statutes, is amended to read:

16 373.421 Delineation methods; formal determinations.--  
17 (1) The Environmental Regulation Commission shall  
18 adopt a unified statewide methodology for the delineation of  
19 the extent of wetlands as defined in s. 373.019(25)  
20 ~~373.019(22)~~. This methodology shall consider regional  
21 differences in the types of soils and vegetation that may  
22 serve as indicators of the extent of wetlands. This  
23 methodology shall also include provisions for determining the  
24 extent of surface waters other than wetlands for the purposes  
25 of regulation under s. 373.414. This methodology shall not  
26 become effective until ratified by the Legislature. Subsequent  
27 to legislative ratification, the wetland definition in s.  
28 373.019(25) ~~373.019(22)~~ and the adopted wetland methodology  
29 shall be binding on the department, the water management  
30 districts, local governments, and any other governmental  
31 entities. Upon ratification of such wetland methodology, the

1 | Legislature preempts the authority of any water management  
2 | district, state or regional agency, or local government to  
3 | define wetlands or develop a delineation methodology to  
4 | implement the definition and determines that the exclusive  
5 | definition and delineation methodology for wetlands shall be  
6 | that established pursuant to s. 373.019(25) ~~373.019(22)~~ and  
7 | this section. Upon such legislative ratification, any existing  
8 | wetlands definition or wetland delineation methodology shall  
9 | be superseded by the wetland definition and delineation  
10 | methodology established pursuant to this chapter. Subsequent  
11 | to legislative ratification, a delineation of the extent of a  
12 | surface water or wetland by the department or a water  
13 | management district, pursuant to a formal determination under  
14 | subsection (2), or pursuant to a permit issued under this part  
15 | in which the delineation was field-verified by the permitting  
16 | agency and specifically approved in the permit, shall be  
17 | binding on all other governmental entities for the duration of  
18 | the formal determination or permit. All existing rules and  
19 | methodologies of the department, the water management  
20 | districts, and local governments, regarding surface water or  
21 | wetland definition and delineation shall remain in full force  
22 | and effect until the common methodology rule becomes  
23 | effective. However, this shall not be construed to limit any  
24 | power of the department, the water management districts, and  
25 | local governments to amend or adopt a surface water or wetland  
26 | definition or delineation methodology until the common  
27 | methodology rule becomes effective.

28 |  
29 |           Reviser's note.--Amended to conform to the  
30 |           redesignation of subunits within s. 373.019 by  
31 |           s. 1, ch. 2005-291, Laws of Florida.



1           Section 42. Subsection (1) of section 375.075, Florida  
2 Statutes, is amended to read:

3           375.075 Outdoor recreation; financial assistance to  
4 local governments.--

5           (1) The Department of Environmental Protection is  
6 authorized to establish the Florida Recreation Development  
7 Assistance Program to provide grants to qualified local  
8 governmental entities to acquire or develop land for public  
9 outdoor recreation purposes. To the extent not needed for debt  
10 service on bonds issued pursuant to s. 375.051, each year the  
11 department shall develop and plan a program which shall be  
12 based upon funding of not less than 5 percent of the money  
13 credited to the Land Acquisition Trust Fund pursuant to s.  
14 201.15(2) and (3) in that year. ~~Beginning fiscal year~~  
15 ~~2001-2002,~~ The department shall develop and plan a program  
16 which shall be based upon the cumulative total funding  
17 provided from this section and from the Florida Forever Trust  
18 Fund pursuant to s. 259.105(3)(d) ~~259.105(3)(c)~~.

19  
20           Reviser's note.--Amended to correct a reference  
21 and conform to context and to delete an  
22 obsolete date reference. Section 259.105(3)(c)  
23 was amended by s. 11, ch. 2000-170, Laws of  
24 Florida, and language relating to transfer of  
25 funds to the Land Acquisition Trust Fund for  
26 grants pursuant to s. 375.075 was stricken;  
27 material relating to transfer of funds pursuant  
28 to s. 375.075 was added by s. 11, ch. 2000-170,  
29 at a new s. 259.105(3)(d).  
30  
31

1           Section 43. Paragraph (a) of subsection (3) of section  
2 390.01114, Florida Statutes, is amended to read:

3           390.01114 Parental Notice of Abortion Act.--

4           (3) NOTIFICATION REQUIRED.--

5           (a) Actual notice shall be provided by the physician  
6 performing or inducing the termination of pregnancy before the  
7 performance or inducement of the termination of the pregnancy  
8 of a minor. The notice may be given by a referring physician.  
9 The physician who performs or induces the termination of  
10 pregnancy must receive the written statement of the referring  
11 physician certifying that the referring physician has given  
12 notice. If actual notice is not possible after a reasonable  
13 effort has been made, the physician performing or inducing the  
14 termination of pregnancy or the referring physician must give  
15 constructive notice. Notice given under this subsection by the  
16 physician performing or inducing the termination of pregnancy  
17 must include the name and address of the facility providing  
18 the termination of pregnancy, and the name of the physician  
19 providing notice. Notice given under this subsection by a  
20 referring physician must include the name and address of the  
21 facility where he or she is referring the minor and the name  
22 of the physician providing notice. If actual notice is  
23 provided by telephone, the physician must actually speak with  
24 the parent or guardian, and must record in the minor's medical  
25 file the name of the parent or guardian provided notice, the  
26 phone number dialed, and the date and time of the call. If  
27 constructive notice is given, the physician must document that  
28 notice by placing copies of any document related to the  
29 constructive notice, including, but not limited to, a copy of  
30 the letter and the return receipt, in the minor's medical  
31 file.

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

2

3 Section 44. Section 397.405, Florida Statutes, is  
4 reenacted to read:

5 397.405 Exemptions from licensure.--The following are  
6 exempt from the licensing provisions of this chapter:

7 (1) A hospital or hospital-based component licensed  
8 under chapter 395.

9 (2) A nursing home facility as defined in s. 400.021.

10 (3) A substance abuse education program established  
11 pursuant to s. 1003.42.

12 (4) A facility or institution operated by the Federal  
13 Government.

14 (5) A physician licensed under chapter 458 or chapter  
15 459.

16 (6) A psychologist licensed under chapter 490.

17 (7) A social worker, marriage and family therapist, or  
18 mental health counselor licensed under chapter 491.

19 (8) An established and legally cognizable church or  
20 nonprofit religious organization or denomination providing  
21 substance abuse services, including prevention services, which  
22 are exclusively religious, spiritual, or ecclesiastical in  
23 nature. A church or nonprofit religious organization or  
24 denomination providing any of the licensable service  
25 components itemized under s. 397.311(18) is not exempt for  
26 purposes of its provision of such licensable service  
27 components but retains its exemption with respect to all  
28 services which are exclusively religious, spiritual, or  
29 ecclesiastical in nature.

30 (9) Facilities licensed under s. 393.063 that, in  
31 addition to providing services to persons who are

1 | developmentally disabled as defined therein, also provide  
2 | services to persons developmentally at risk as a consequence  
3 | of exposure to alcohol or other legal or illegal drugs while  
4 | in utero.

5 |           (10) DUI education and screening services provided  
6 | pursuant to ss. 316.192, 316.193, 322.095, 322.271, and  
7 | 322.291. Persons or entities providing treatment services must  
8 | be licensed under this chapter unless exempted from licensing  
9 | as provided in this section.

10 |  
11 | The exemptions from licensure in this section do not apply to  
12 | any service provider that receives an appropriation, grant, or  
13 | contract from the state to operate as a service provider as  
14 | defined in this chapter or to any substance abuse program  
15 | regulated pursuant to s. 397.406. Furthermore, this chapter  
16 | may not be construed to limit the practice of a physician  
17 | licensed under chapter 458 or chapter 459, a psychologist  
18 | licensed under chapter 490, or a psychotherapist licensed  
19 | under chapter 491 who provides substance abuse treatment, so  
20 | long as the physician, psychologist, or psychotherapist does  
21 | not represent to the public that he or she is a licensed  
22 | service provider and does not provide services to clients  
23 | pursuant to part V of this chapter. Failure to comply with any  
24 | requirement necessary to maintain an exempt status under this  
25 | section is a misdemeanor of the first degree, punishable as  
26 | provided in s. 775.082 or s. 775.083.

27 |  
28 |           Reviser's note.--Section 4, ch. 2005-55, Laws  
29 |           of Florida, reenacted subsection (8) without  
30 |           publishing the flush left language at the end  
31 |           of the section. Absent affirmative evidence of

1 legislative intent to repeal the flush left  
2 language, it is reenacted here to confirm that  
3 the omission was not intended.  
4

5 Section 45. Subsections (3) and (4) of section  
6 402.7305, Florida Statutes, are amended to read:

7 402.7305 Department of Children and Family Services;  
8 procurement of contractual services; contract management.--

9 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.--The  
10 Department of Children and Family Services shall review the  
11 time period for which the department executes contracts and  
12 shall execute multiyear contracts to make the most efficient  
13 use of the resources devoted to contract processing and  
14 execution. Whenever the department chooses not to use a  
15 multiyear contract, a justification for that decision must be  
16 contained in the contract. Notwithstanding s. 287.057(15), the  
17 department is responsible for establishing a contract  
18 management process that requires a member of the department's  
19 Senior Management or Selected ~~Select~~ Exempt Service to assign  
20 in writing the responsibility of a contract to a contract  
21 manager. The department shall maintain a set of procedures  
22 describing its contract management process which must  
23 minimally include the following requirements:

24 (a) The contract manager shall maintain the official  
25 contract file throughout the duration of the contract and for  
26 a period not less than 6 years after the termination of the  
27 contract.

28 (b) The contract manager shall review all invoices for  
29 compliance with the criteria and payment schedule provided for  
30 in the contract and shall approve payment of all invoices  
31

1 before their transmission to the Department of Financial  
2 Services for payment.

3 (c) The contract manager shall maintain a schedule of  
4 payments and total amounts disbursed and shall periodically  
5 reconcile the records with the state's official accounting  
6 records.

7 (d) For contracts involving the provision of direct  
8 client services, the contract manager shall periodically visit  
9 the physical location where the services are delivered and  
10 speak directly to clients receiving the services and the staff  
11 responsible for delivering the services.

12 (e) The contract manager shall meet at least once a  
13 month directly with the contractor's representative and  
14 maintain records of such meetings.

15 (f) The contract manager shall periodically document  
16 any differences between the required performance measures and  
17 the actual performance measures. If a contractor fails to meet  
18 and comply with the performance measures established in the  
19 contract, the department may allow a reasonable period for the  
20 contractor to correct performance deficiencies. If performance  
21 deficiencies are not resolved to the satisfaction of the  
22 department within the prescribed time, and if no extenuating  
23 circumstances can be documented by the contractor to the  
24 department's satisfaction, the department must terminate the  
25 contract. The department may not enter into a new contract  
26 with that same contractor for the services for which the  
27 contract was previously terminated for a period of at least 24  
28 months after the date of termination. The contract manager  
29 shall obtain and enforce corrective action plans, if  
30 appropriate, and maintain records regarding the completion or  
31 failure to complete corrective action items.

1           (g) The contract manager shall document any contract  
2 modifications, which shall include recording any contract  
3 amendments as provided for in this section.

4           (h) The contract manager shall be properly trained  
5 before being assigned responsibility for any contract.

6           (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.--The  
7 department shall establish contract monitoring units staffed  
8 by career service employees who report to a member of the  
9 Selected ~~Select~~ Exempt Service or Senior Management Service  
10 and who have been properly trained to perform contract  
11 monitoring, with at least one member of the contract  
12 monitoring unit possessing specific knowledge and experience  
13 in the contract's program area. The department shall establish  
14 a contract monitoring process that must include, but need not  
15 be limited to, the following requirements:

16           (a) Performing a risk assessment at the start of each  
17 fiscal year and preparing an annual contract monitoring  
18 schedule that includes consideration for the level of risk  
19 assigned. The department may monitor any contract at any time  
20 regardless of whether such monitoring was originally included  
21 in the annual contract monitoring schedule.

22           (b) Preparing a contract monitoring plan, including  
23 sampling procedures, before performing onsite monitoring at  
24 external locations of a service provider. The plan must  
25 include a description of the programmatic, fiscal, and  
26 administrative components that will be monitored on site. If  
27 appropriate, clinical and therapeutic components may be  
28 included.

29           (c) Conducting analyses of the performance and  
30 compliance of an external service provider by means of desk  
31

1 reviews if the external service provider will not be monitored  
2 on site during a fiscal year.

3 (d) Unless the department sets forth in writing the  
4 need for an extension, providing a written report presenting  
5 the results of the monitoring within 30 days after the  
6 completion of the onsite monitoring or desk review.

7 (e) Developing and maintaining a set of procedures  
8 describing the contract monitoring process.

9  
10 Reviser's note.--Amended to conform to the  
11 substitution by the editors of the word  
12 "Selected" for the word "Select" to conform to  
13 the title of the Selected Exempt Service as  
14 referenced in part V of chapter 110, which  
15 created it.

16  
17 Section 46. Paragraphs (r) and (u) of subsection (2)  
18 of section 403.813, Florida Statutes, are amended to read:

19 403.813 Permits issued at district centers;  
20 exceptions.--

21 (2) A permit is not required under this chapter,  
22 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214  
23 or chapter 25270, 1949, Laws of Florida, for activities  
24 associated with the following types of projects; however,  
25 except as otherwise provided in this subsection, nothing in  
26 this subsection relieves an applicant from any requirement to  
27 obtain permission to use or occupy lands owned by the Board of  
28 Trustees of the Internal Improvement Trust Fund or any water  
29 management district in its governmental or proprietary  
30 capacity or from complying with applicable local pollution  
31



1 control programs authorized under this chapter or other  
2 requirements of county and municipal governments:

3 (r) The removal of aquatic plants, the removal of  
4 tussocks, the associated replanting of indigenous aquatic  
5 plants, and the associated removal from lakes of organic  
6 detrital material when such planting or removal is performed  
7 and authorized by permit or exemption granted under s. 369.20  
8 or s. 369.25, provided that:

9 1. Organic detrital material that exists on the  
10 surface of natural mineral substrate shall be allowed to be  
11 removed to a depth of 3 feet or to the natural mineral  
12 substrate, whichever is less;

13 2. All material removed pursuant to this paragraph  
14 shall be deposited in an upland site in a manner that will  
15 prevent the reintroduction of the material into waters in the  
16 state except when spoil material is permitted to be used to  
17 create wildlife islands in freshwater bodies of the state when  
18 a governmental entity is permitted pursuant to s. 369.20 to  
19 create such islands as a part of a restoration or enhancement  
20 project;

21 3. All activities are performed in a manner consistent  
22 with state water quality standards; and

23 4. No activities under this exemption are conducted in  
24 wetland areas, as defined by s. 373.019(25) ~~373.019(22)~~, which  
25 are supported by a natural soil as shown in applicable United  
26 States Department of Agriculture county soil surveys, except  
27 when a governmental entity is permitted pursuant to s. 369.20  
28 to conduct such activities as a part of a restoration or  
29 enhancement project.

30  
31

1 The department may not adopt implementing rules for this  
2 paragraph, notwithstanding any other provision of law.

3 (u) Notwithstanding any provision to the contrary in  
4 this subsection, a permit or other authorization under chapter  
5 253, chapter 369, chapter 373, or this chapter is not required  
6 for an individual residential property owner for the removal  
7 of organic detrital material from freshwater rivers or lakes  
8 that have a natural sand or rocky substrate and that are not  
9 Aquatic Preserves or for the associated removal and replanting  
10 of aquatic vegetation for the purpose of environmental  
11 enhancement, providing that:

12 1. No activities under this exemption are conducted in  
13 wetland areas, as defined by s. 373.019(25) ~~373.019(22)~~, which  
14 are supported by a natural soil as shown in applicable United  
15 States Department of Agriculture county soil surveys.

16 2. No filling or peat mining is allowed.

17 3. No removal of native wetland trees, including, but  
18 not limited to, ash, bay, cypress, gum, maple, or tupelo,  
19 occurs.

20 4. When removing organic detrital material, no portion  
21 of the underlying natural mineral substrate or rocky substrate  
22 is removed.

23 5. Organic detrital material and plant material  
24 removed is deposited in an upland site in a manner that will  
25 not cause water quality violations.

26 6. All activities are conducted in such a manner, and  
27 with appropriate turbidity controls, so as to prevent any  
28 water quality violations outside the immediate work area.

29 7. Replanting with a variety of aquatic plants native  
30 to the state shall occur in a minimum of 25 percent of the  
31 preexisting vegetated areas where organic detrital material is

1 removed, except for areas where the material is removed to  
2 bare rocky substrate; however, an area may be maintained clear  
3 of vegetation as an access corridor. The access corridor width  
4 may not exceed 50 percent of the property owner's frontage or  
5 50 feet, whichever is less, and may be a sufficient length  
6 waterward to create a corridor to allow access for a boat or  
7 swimmer to reach open water. Replanting must be at a minimum  
8 density of 2 feet on center and be completed within 90 days  
9 after removal of existing aquatic vegetation, except that  
10 under dewatered conditions replanting must be completed within  
11 90 days after reflooding. The area to be replanted must extend  
12 waterward from the ordinary high water line to a point where  
13 normal water depth would be 3 feet or the preexisting  
14 vegetation line, whichever is less. Individuals are required  
15 to make a reasonable effort to maintain planting density for a  
16 period of 6 months after replanting is complete, and the  
17 plants, including naturally recruited native aquatic plants,  
18 must be allowed to expand and fill in the revegetation area.  
19 Native aquatic plants to be used for revegetation must be  
20 salvaged from the enhancement project site or obtained from an  
21 aquatic plant nursery regulated by the Department of  
22 Agriculture and Consumer Services. Plants that are not native  
23 to the state may not be used for replanting.

24           8. No activity occurs any farther than 100 feet  
25 waterward of the ordinary high water line, and all activities  
26 must be designed and conducted in a manner that will not  
27 unreasonably restrict or infringe upon the riparian rights of  
28 adjacent upland riparian owners.

29           9. The person seeking this exemption notifies the  
30 applicable department district office in writing at least 30  
31 days before commencing work and allows the department to

1 | conduct a preconstruction site inspection. Notice must include  
2 | an organic-detrital-material removal and disposal plan and, if  
3 | applicable, a vegetation-removal and revegetation plan.

4 |         10. The department is provided written certification  
5 | of compliance with the terms and conditions of this paragraph  
6 | within 30 days after completion of any activity occurring  
7 | under this exemption.

8 |  
9 |         Reviser's note.--Amended to conform to the  
10 |         redesignation of subunits within s. 373.019 by  
11 |         s. 1, ch. 2005-291, Laws of Florida.

12 |  
13 |         Section 47. Subsection (5) of section 404.056, Florida  
14 | Statutes, is amended to read:

15 |         404.056 Environmental radiation standards and  
16 | projects; certification of persons performing measurement or  
17 | mitigation services; mandatory testing; notification on real  
18 | estate documents; rules.--

19 |         (5) NOTIFICATION ON REAL ESTATE  
20 | DOCUMENTS.--Notification shall be provided on at least one  
21 | document, form, or application executed at the time of, or  
22 | prior to, contract for sale and purchase of any building or  
23 | execution of a rental agreement for any building. Such  
24 | notification shall contain the following language:

25 |  
26 |         "RADON GAS: Radon is a naturally occurring radioactive  
27 | gas that, when it has accumulated in a building in sufficient  
28 | quantities, may present health risks to persons who are  
29 | exposed to it over time. Levels of radon that exceed federal  
30 | and state guidelines have been found in buildings in Florida.

31 |

1 Additional information regarding radon and radon testing may  
2 be obtained from your county health department."  
3

4 The requirements of this subsection do not apply to any  
5 residential transient occupancy, as described in s.  
6 509.013(12) ~~509.013(11)~~, provided that such occupancy is 45  
7 days or less in duration.  
8

9 Reviser's note.--Amended to conform to the  
10 redesignation of s. 509.013(11) as s.  
11 509.013(12) by s. 7, ch. 2004-292, Laws of  
12 Florida.  
13

14 Section 48. Paragraph (b) of subsection (2) of section  
15 406.11, Florida Statutes, is amended to read:

16 406.11 Examinations, investigations, and autopsies.--  
17 (2)

18 (b) The Medical Examiners Commission shall adopt  
19 rules, pursuant to chapter 120, providing for the notification  
20 of the next of kin that an investigation by the medical  
21 examiner's office is being conducted. A medical examiner may  
22 not retain or furnish any body part of the deceased for  
23 research or any other purpose which is not in conjunction with  
24 a determination of the identification of or cause or manner of  
25 death of the deceased or the presence of disease or which is  
26 not otherwise authorized by this chapter, part V ~~X~~ of chapter  
27 765 ~~732~~, or chapter 873, without notification of and approval  
28 by the next of kin.  
29

30 Reviser's note.--Amended to conform to the  
31 transfer of material in former part X of

1 chapter 732 to part V of chapter 765 pursuant  
2 to ch. 2001-226, Laws of Florida.

3  
4 Section 49. Paragraph (f) of subsection (3) of section  
5 409.165, Florida Statutes, is amended to read:

6 409.165 Alternate care for children.--

7 (3) With the written consent of parents, custodians,  
8 or guardians, or in accordance with those provisions in  
9 chapter 39 that relate to dependent children, the department,  
10 under rules properly adopted, may place a child:

11 (f) In a subsidized independent living situation,  
12 subject to the provisions of s. 409.1451(4)(c) ~~409.1451(3)(c)~~,

13  
14 under such conditions as are determined to be for the best  
15 interests or the welfare of the child. Any child placed in an  
16 institution or in a family home by the department or its  
17 agency may be removed by the department or its agency, and  
18 such other disposition may be made as is for the best interest  
19 of the child, including transfer of the child to another  
20 institution, another home, or the home of the child.

21 Expenditure of funds appropriated for out-of-home care can be  
22 used to meet the needs of a child in the child's own home or  
23 the home of a relative if the child can be safely served in  
24 the child's own home or that of a relative if placement can be  
25 avoided by the expenditure of such funds, and if the  
26 expenditure of such funds in this manner is calculated by the  
27 department to be a potential cost savings.

28  
29 Reviser's note.--Amended to conform to the  
30 redesignation of subunits within s. 409.1451 by  
31 s. 1, ch. 2004-362, Laws of Florida.

1           Section 50. Subsection (9) of section 409.814, Florida  
2 Statutes, is amended to read:

3           409.814 Eligibility.--A child who has not reached 19  
4 years of age whose family income is equal to or below 200  
5 percent of the federal poverty level is eligible for the  
6 Florida KidCare program as provided in this section. For  
7 enrollment in the Children's Medical Services Network, a  
8 complete application includes the medical or behavioral health  
9 screening. If, subsequently, an individual is determined to be  
10 ineligible for coverage, he or she must immediately be  
11 disenrolled from the respective Florida KidCare program  
12 component.

13           (9) Subject to paragraph (4)(b) and s. 624.91(4)  
14 ~~624.91(3)~~, the Florida KidCare program shall withhold benefits  
15 from an enrollee if the program obtains evidence that the  
16 enrollee is no longer eligible, submitted incorrect or  
17 fraudulent information in order to establish eligibility, or  
18 failed to provide verification of eligibility. The applicant  
19 or enrollee shall be notified that because of such evidence  
20 program benefits will be withheld unless the applicant or  
21 enrollee contacts a designated representative of the program  
22 by a specified date, which must be within 10 days after the  
23 date of notice, to discuss and resolve the matter. The program  
24 shall make every effort to resolve the matter within a  
25 timeframe that will not cause benefits to be withheld from an  
26 eligible enrollee.

27  
28           Reviser's note.--Amended to conform to the  
29 redesignation of subunits within s. 624.91 by  
30 s. 6, ch. 2004-1, Laws of Florida.  
31

1           Section 51. Subsections (1) and (2) of section  
2 409.91196, Florida Statutes, are amended to read:

3           409.91196 Supplemental rebate agreements;  
4 confidentiality of records and meetings.--

5           (1) Trade secrets, rebate amount, percent of rebate,  
6 manufacturer's pricing, and supplemental rebates which are  
7 contained in records of the Agency for Health Care  
8 Administration and its agents with respect to supplemental  
9 rebate negotiations and which are prepared pursuant to a  
10 supplemental rebate agreement under s. 409.912(39)(a)7.  
11 ~~409.912(40)(a)7.~~ are confidential and exempt from s. 119.07  
12 and s. 24(a), Art. I of the State Constitution.

13           (2) Those portions of meetings of the Medicaid  
14 Pharmaceutical and Therapeutics Committee at which trade  
15 secrets, rebate amount, percent of rebate, manufacturer's  
16 pricing, and supplemental rebates are disclosed for discussion  
17 or negotiation of a supplemental rebate agreement under s.  
18 409.912(39)(a)7. ~~409.912(40)(a)7.~~ are exempt from s. 286.011  
19 and s. 24(b), Art. I of the State Constitution.

20  
21           Reviser's note.--Amended to conform to the  
22 repeal of former s. 409.912(38) by s. 55, ch.  
23 2004-5, Laws of Florida, and the redesignation  
24 of subunits by the reviser necessitated by that  
25 repeal.

26  
27           Section 52. Subsection (11) of section 440.05, Florida  
28 Statutes, is amended to read:

29           440.05 Election of exemption; revocation of election;  
30 notice; certification.--

31



1           (11) Any corporate officer permitted by this chapter  
2 to claim an exemption must be listed on the records of this  
3 state's Secretary of State, Division of Corporations, as a  
4 corporate officer. The department shall issue a stop-work  
5 order under s. 440.107(7) ~~440.107(1)~~ to any corporation who  
6 employs a person who claims to be exempt as a corporate  
7 officer but who fails or refuses to produce the documents  
8 required under this subsection to the department within 3  
9 business days after the request is made.

10  
11           Reviser's note.--Amended to correct a reference  
12 and conform to context. Section 440.107(1)  
13 contains legislative findings; s. 440.107(7)  
14 relates to stop-work orders.

15  
16           Section 53. Paragraph (c) of subsection (3) of section  
17 443.121, Florida Statutes, is amended to read:

18           443.121 Employing units affected.--

19           (3) ELECTIVE COVERAGE.--

20           (c) Certain services for political subdivisions.--

21           1. Any political subdivision of this state may elect  
22 to cover under this chapter, for at least 1 calendar year,  
23 service performed by employees in all of the hospitals and  
24 institutions of higher education operated by the political  
25 subdivision. Election must be made by filing with the tax  
26 collection service provider a notice of election at least 30  
27 days before the effective date of the election. The election  
28 may exclude any services described in s. 443.1216(4). Any  
29 political subdivision electing coverage under this paragraph  
30 must be a reimbursing employer and make reimbursements in lieu  
31 of contributions for benefits attributable to this employment,

1 provided for nonprofit organizations in s. 443.1312(3) and  
2 (5).

3           2. The provisions of s. 443.091(3) ~~443.091(4)~~ relating  
4 to benefit rights based on service for nonprofit organizations  
5 and state hospitals and institutions of higher education also  
6 apply to service covered by an election under this section.

7           3. The amounts required to be reimbursed in lieu of  
8 contributions by any political subdivision under this  
9 paragraph shall be billed, and payment made, as provided in s.  
10 443.1312(3) for similar reimbursements by nonprofit  
11 organizations.

12           4. An election under this paragraph may be terminated  
13 after at least 1 calendar year of coverage by filing with the  
14 tax collection service provider written notice not later than  
15 30 days before the last day of the calendar year in which the  
16 termination is to be effective. The termination takes effect  
17 on January 1 of the next ensuing calendar year for services  
18 performed after that date.

19  
20           Reviser's note.--Amended to correct a  
21 long-standing cross-reference error. Section  
22 443.091(4) relates to invocation of federal  
23 measures regarding unemployment compensation in  
24 the event of a national emergency; benefits for  
25 services are covered in s. 443.091(3). See ss.  
26 5 and 7, ch. 71-225, Laws of Florida, for the  
27 intended reference.

28  
29           Section 54. Subsection (9) of section 445.009, Florida  
30 Statutes, is amended to read:

31           445.009 One-stop delivery system.--

1           (9)(a) Workforce Florida, Inc., working with the  
2 Agency for Workforce Innovation, shall coordinate among the  
3 agencies a plan for a One-Stop Electronic Network made up of  
4 one-stop delivery system centers and other partner agencies  
5 that are operated by authorized public or private for-profit  
6 or not-for-profit agents. The plan shall identify resources  
7 within existing revenues to establish and support this  
8 electronic network for service delivery that includes  
9 Government Services Direct. If necessary, the plan shall  
10 identify additional funding needed to achieve the provisions  
11 of this subsection.

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

20           1. The Unemployment Compensation Program of the Agency  
21 for Workforce Innovation.

22           2. The public employment service described in s.  
23 443.181.

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

26           4. The Student Financial Assistance System of the  
27 Department of Education.

28           5. Enrollment in the public postsecondary education  
29 system.

30           6. Other information systems determined appropriate by  
31 Workforce Florida, Inc.

1  
2 ~~The systems shall be fully coordinated at both the state and~~  
3 ~~local levels by July 1, 2001.~~

4  
5 Reviser's note.--Amended to delete a provision  
6 requiring that certain information systems  
7 relating to one-stop delivery of workforce  
8 services be fully coordinated by July 1, 2001.

9  
10 Section 55. Paragraph (a) of subsection (2) of section  
11 466.004, Florida Statutes, is amended to read:

12 466.004 Board of Dentistry.--

13 (2) To advise the board, it is the intent of the  
14 Legislature that councils be appointed as specified in  
15 paragraphs (a), (b), and (c). The department shall provide  
16 administrative support to the councils and shall provide  
17 public notice of meetings and agenda of the councils. Councils  
18 shall include at least one board member who shall chair the  
19 council and shall include nonboard members. All council  
20 members shall be appointed by the board chair. Council  
21 members shall be appointed for 4-year terms, and all members  
22 shall be eligible for reimbursement of expenses in the manner  
23 of board members.

24 (a) A Council on Dental Hygiene shall be appointed by  
25 the board chair and shall include one dental hygienist member  
26 of the board, who shall chair the council, one dental member  
27 of the board, and three dental hygienists who are actively  
28 engaged in the practice of dental hygiene in this state. In  
29 making the appointments, the chair shall consider  
30 recommendations from the Florida Dental Hygiene Hygienist  
31 Association. The council shall meet at the request of the

1 board chair, a majority of the members of the board, or the  
2 council chair; however, the council must meet at least three  
3 times a year. The council is charged with the responsibility  
4 of and shall meet for the purpose of developing rules and  
5 policies for recommendation to the board, which the board  
6 shall consider, on matters pertaining to that part of  
7 dentistry consisting of educational, preventive, or  
8 therapeutic dental hygiene services; dental hygiene licensure,  
9 discipline, or regulation; and dental hygiene education. Rule  
10 and policy recommendations of the council shall be considered  
11 by the board at its next regularly scheduled meeting in the  
12 same manner in which it considers rule and policy  
13 recommendations from designated subcommittees of the board.  
14 Any rule or policy proposed by the board pertaining to the  
15 specified part of dentistry defined by this subsection shall  
16 be referred to the council for a recommendation before final  
17 action by the board. The board may take final action on rules  
18 pertaining to the specified part of dentistry defined by this  
19 subsection without a council recommendation if the council  
20 fails to submit a recommendation in a timely fashion as  
21 prescribed by the board.

22  
23 Reviser's note.--Amended to confirm the  
24 substitution by the editors of the word  
25 "Hygiene" for the word "Hygienists" to conform  
26 to the proper name of the Florida Dental  
27 Hygiene Association.

28  
29 Section 56. Subsection (3) of section 475.713, Florida  
30 Statutes, is amended to read:

31

1           475.713 Civil action concerning commission; order to  
2 show cause; hearing; release of proceeds; award of costs and  
3 attorney's fees.--

4           (3) The court shall issue an order releasing the  
5 broker's claim of lien against the owner's net proceeds from  
6 such disposition, discharging any commission notice that may  
7 ~~be~~ have been recorded, ordering the release to the owner of  
8 the disputed reserved proceeds, and awarding costs and  
9 reasonable attorney's fees to the owner to be paid by the  
10 broker if, following a hearing, the court determines that the  
11 owner is not a party to a brokerage agreement that will result  
12 in the owner being obligated to pay the broker the claimed  
13 commission or any portion thereof with respect to the  
14 disposition of the commercial real estate identified in the  
15 commission notice. If the court determines that the owner is a  
16 party to a brokerage agreement that will result in the owner  
17 being obligated to pay the broker the claimed commission or  
18 any portion thereof with respect to the disposition of the  
19 commercial real estate identified in the commission notice,  
20 the court shall issue an order so stating, ordering the  
21 release to the broker of the disputed reserved proceeds or  
22 such portion thereof to which the court determines that the  
23 broker is entitled, and awarding costs and reasonable  
24 attorney's fees to the broker to be paid by the owner. Such  
25 orders are final judgments.

26  
27           Reviser's note.--Amended to confirm the  
28 deletion by the editors of the word "be"  
29 following the word "may" to improve clarity.  
30  
31

1           Section 57. Subsection (8) of section 475.801, Florida  
2 Statutes, is amended to read:

3           475.801 Definitions.--As used in this part:

4           (8) "Lien notice" means the written notice of lien  
5 made by a broker claiming a commission under s. 475.805  
6 ~~745.805~~.

7  
8           Reviser's note.--Amended to correct a reference  
9 to nonexistent s. 745.805; s. 475.805 relates  
10 to the contents of lien notices.

11  
12           Section 58. Subsection (2) of section 475.805, Florida  
13 Statutes, is amended to read:

14           475.805 Contents of lien notice.--

15           (2) A lien notice in substantially the following form  
16 shall be sufficient for purposes of subsection (1):

17  
18                           BROKER'S COMMISSION LIEN NOTICE  
19                           UNDER FLORIDA COMMERCIAL REAL ESTATE  
20                           LEASING COMMISSION LIEN ACT  
21

22 Notice is hereby given, pursuant to the Florida Commercial  
23 Real Estate Leasing Commission Lien Act, part IV of chapter  
24 475, Florida Statutes (the "act"), that the undersigned real  
25 estate broker is entitled to receive a leasing commission from  
26 the owner named below pursuant to the terms of a written  
27 brokerage commission agreement regarding a lease of the  
28 commercial real estate described below, and the undersigned  
29 broker claims a lien under the act against the owner's  
30 interest in the commercial real estate in the amount set forth  
31 below.

- 1 1. Name of the owner who is obligated to pay the commission:  
2 .....
- 3 2. (Check one:) The owner obligated to pay the commission is:  
4 [ ] the landlord under the lease.  
5 [ ] the tenant under the lease.
- 6 3. Name of the person owning ~~owing~~ the fee simple interest in  
7 the commercial real estate, if other than the owner who is  
8 obligated to pay the commission:  
9 .....
- 10 4. Legal description of the commercial real estate:  
11 .....
- 12 5. Name, mailing address, telephone number, and Florida  
13 broker license number of the undersigned broker:  
14 .....  
15 .....  
16 .....
- 17 6. Effective date of the written brokerage commission  
18 agreement between the owner and the broker under which the  
19 commission is or will be payable: .....,  
20 .....
- 21 7. Amount of commission claimed by the undersigned broker:  
22 \$....., or ..... percent  
23 of rents payable under lease, or  
24 [specify other formula for determination of commission  
25 amount]:  
26 .....
- 27 8. The lease for which the commission is claimed is described  
28 as follows [provide all information known to the broker]:  
29 Name of landlord: .....  
30 Name of tenant: .....  
31 Date of lease: .....,





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

Section 59. Paragraph (a) of subsection (9) of section 497.458, Florida Statutes, is amended to read:

497.458 Disposition of proceeds received on contracts.--

(9) The amounts required to be placed in trust by this section for contracts previously entered into shall be as follows:

(a) For contracts entered into before October 1, 1993, the trust amounts as amended by s. 6, chapter 83-316 ~~83-816~~, Laws of Florida, shall apply.

Reviser's note.--Amended to correct a reference to s. 6, ch. 83-816, Laws of Florida. Chapter 83-816 does not exist; s. 6, ch. 83-316, Laws of Florida, amended the material currently in s. 497.458.

Section 60. Paragraph (b) of subsection (6) of section 497.459, Florida Statutes, is amended to read:

497.459 Cancellation of, or default on, preneed contracts.--

(6) OTHER PROVISIONS.--

(b) The amounts required to be refunded by this section for contracts previously entered into shall be as follows:

1           1. For contracts entered into before October 1, 1993,  
2 the refund amounts as amended by s. 7, chapter 83-316 ~~83-816~~,  
3 Laws of Florida, shall apply.

4           2. For contracts entered into on or after October 1,  
5 1993, the refund amounts as amended by s. 99, chapter 93-399,  
6 Laws of Florida, shall apply.

7  
8           Reviser's note.--Amended to correct a reference  
9 to s. 7, ch. 83-816, Laws of Florida. Chapter  
10 83-816 does not exist; s. 7, ch. 83-316, Laws  
11 of Florida, amended the material currently in  
12 s. 497.459.

13  
14           Section 61. Subsection (3) of section 499.024, Florida  
15 Statutes, is amended to read:

16           499.024 Drug product classification.--The secretary  
17 shall adopt rules to classify drug products intended for use  
18 by humans which the United States Food and Drug Administration  
19 has not classified in the federal act or the Code of Federal  
20 Regulations.

21           (3) Any product that falls under the drug definition,  
22 s. 499.003(17) ~~499.003(12)~~, may be classified under the  
23 authority of this section. This section does not subject  
24 portable emergency oxygen inhalators to classification;  
25 however, this section does not exempt any person from ss.  
26 499.01 and 499.015.

27  
28           Reviser's note.--Amended to conform to the  
29 redesignation of s. 499.003(12), defining the  
30 term "drug," as s. 499.003(17) by s. 3, ch.  
31 2003-155, Laws of Florida.

1           Section 62. Subsection (20) of section 517.12, Florida  
2 Statutes, is amended to read:

3           517.12 Registration of dealers, associated persons,  
4 investment advisers, and branch offices.--

5           (20) The registration requirements of this section do  
6 not apply to any general lines insurance agent or life  
7 insurance agent licensed under chapter 626, for the sale of a  
8 security as defined in s. 517.021(21)(g) ~~517.021(20)(g)~~, if  
9 the individual is directly authorized by the issuer to offer  
10 or sell the security on behalf of the issuer and the issuer is  
11 a federally chartered savings bank subject to regulation by  
12 the Federal Deposit Insurance Corporation. Actions under this  
13 subsection shall constitute activity under the insurance  
14 agent's license for purposes of ss. 626.611 and 626.621.

15  
16           Reviser's note.--Amended to correct a reference  
17 and conform to context. Section 517.021(20) is  
18 not divided into paragraphs; s. 517.021(21)(g)  
19 lists certificates of deposit within the  
20 definition of the word "security." The  
21 reference in s. 517.12, originally to s.  
22 517.021(19)(g), was added by s. 12, ch.  
23 2002-404, Laws of Florida; the cited material  
24 there is now in s. 517.021(21)(g).

25  
26           Section 63. Subsection (1) of section 553.792, Florida  
27 Statutes, is amended to read:

28           553.792 Building permit application to local  
29 government.--

30           (1) Within 10 days of an applicant submitting an  
31 application to the local government, the local government

1 shall advise the applicant what information, if any, is needed  
2 to deem the application properly completed in compliance with  
3 the filing requirements published by the local government. If  
4 the local government does not provide written notice that the  
5 applicant has not submitted the properly completed  
6 application, the application shall be automatically deemed  
7 properly completed and accepted. Within 45 days after  
8 receiving a completed application, a local government must  
9 notify an applicant if additional information is required for  
10 the local government to determine the sufficiency of the  
11 application, and shall specify the additional information that  
12 is required. The applicant must submit the additional  
13 information to the local government or request that the local  
14 government act without the additional information. While the  
15 applicant responds to the request for additional information,  
16 the 120-day period described in this subsection~~(2)~~ is tolled.  
17 Both parties may agree to a reasonable request for an  
18 extension of time, particularly in the event of a force major  
19 or other extraordinary circumstance. The local government must  
20 approve, approve with conditions, or deny the application  
21 within 120 days following receipt of a completed application.

22  
23 Reviser's note.--Amended to correct a reference  
24 and improve clarity. Section 553.792(2) does  
25 not reference a 120-day period for action on an  
26 application; subsection (1) does require local  
27 government action on an application within 120  
28 days following receipt of a completed  
29 application.

30  
31

1           Section 64. Paragraph (a) of subsection (7) of section  
2 553.80, Florida Statutes, is amended to read:

3           553.80 Enforcement.--

4           (7) The governing bodies of local governments may  
5 provide a schedule of reasonable fees, as authorized by s.  
6 125.56(2) or s. 166.222 and this section, for enforcing this  
7 part. These fees, and any fines or investment earnings related  
8 to the fees, shall be used solely for carrying out the local  
9 government's responsibilities in enforcing the Florida  
10 Building Code. When providing a schedule of reasonable fees,  
11 the total estimated annual revenue derived from fees, and the  
12 fines and investment earnings related to the fees, may not  
13 exceed the total estimated annual costs of allowable  
14 activities. Any unexpended balances shall be carried forward  
15 to future years for allowable activities or shall be refunded  
16 at the discretion of the local government. The basis for a fee  
17 structure for allowable activities shall relate to the level  
18 of service provided by the local government. Fees charged  
19 shall be consistently applied.

20           (a) As used in this subsection, the phrase "enforcing  
21 the Florida Building Code" includes the direct costs and  
22 reasonable indirect costs associated with review of building  
23 plans, building inspections, reinspections, and building  
24 permit processing; building code enforcement; and fire  
25 inspections associated with new construction. The phrase may  
26 also include training costs associated with the enforcement of  
27 the Florida Building Code and enforcement action pertaining to  
28 unlicensed contractor activity to the extent not funded by  
29 other user fees.

1 Reviser's note.--Amended to confirm the  
2 insertion by the editors of the word "and"  
3 following the word "reinspections" to improve  
4 clarity.

5  
6 Section 65. Subsections (3) and (4) of section  
7 553.842, Florida Statutes, are amended to read:

8 553.842 Product evaluation and approval.--

9 (3) Products or methods or systems of construction  
10 that require approval under s. 553.77, that have standardized  
11 testing or comparative or rational analysis methods  
12 established by the code, and that are certified by an approved  
13 product evaluation entity, testing laboratory, or  
14 certification agency as complying with the standards specified  
15 by the code shall be approved for statewide use. Products  
16 required to be approved for statewide use shall be approved by  
17 one of the methods established in subsection (5) ~~(6)~~ without  
18 further evaluation.

19 (4) Products or methods or systems of construction  
20 requiring approval under s. 553.77 must be approved by one of  
21 the methods established in subsection (5) ~~or subsection (6)~~  
22 before their use in construction in this state. Products may  
23 be approved by the commission for statewide use.  
24 Notwithstanding a local government's authority to amend the  
25 Florida Building Code as provided in this act, statewide  
26 approval shall preclude local jurisdictions from requiring  
27 further testing, evaluation, or submission of other evidence  
28 as a condition of using the product so long as the product is  
29 being used consistent with the conditions of its approval.

30  
31

1 Reviser's note.--Amended to conform to the  
2 deletion of former s. 553.842(5) and the  
3 consequent redesignation of subsection (6) as  
4 subsection (5) by s. 16, ch. 2005-147, Laws of  
5 Florida.

6  
7 Section 66. Paragraph (f) of subsection (1) of section  
8 553.8425, Florida Statutes, is amended to read:

9 553.8425 Local product approval.--

10 (1) For local product approval, products or systems of  
11 construction shall demonstrate compliance with the structural  
12 windload requirements of the Florida Building Code through one  
13 of the following methods:

14 (f) Designation of compliance with a prescriptive,  
15 material standard adopted by the commission by rule under s.  
16 553.842(15) ~~553.842(16)~~.

17  
18 Reviser's note.--Amended to conform to the  
19 location of material relating to adoption of a  
20 rule listing prescriptive material standards in  
21 s. 553.842(15); s. 553.842(16) does not exist.

22  
23 Section 67. Subsection (6) of section 556.102, Florida  
24 Statutes, is amended to read:

25 556.102 Definitions.--As used in this act:

26 (6) "Excavate" or "excavation" means any manmade cut,  
27 cavity, trench, or depression in the earth's surface, formed  
28 by removal of earth, intended to change the grade or level of  
29 land, or intended to penetrate or disturb the surface of the  
30 earth, including land beneath the waters of the state, as  
31 defined in s. 373.019(20) ~~373.019(17)~~, and the term includes



1 pipe bursting and directional drilling or boring from one  
2 point to another point beneath the surface of the earth, or  
3 other trenchless technologies.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of s. 373.019(17), defining  
7 "water" or "waters of the state," as s.  
8 373.019(20) by s. 1, ch. 2005-291, Laws of  
9 Florida.

10  
11 Section 68. Paragraph (c) of subsection (2) of section  
12 570.076, Florida Statutes, is amended to read:

13 570.076 Environmental Stewardship Certification  
14 Program.--The department may, by rule, establish the  
15 Environmental Stewardship Certification Program consistent  
16 with this section. A rule adopted under this section must be  
17 developed in consultation with state universities,  
18 agricultural organizations, and other interested parties.

19 (2) The department shall provide an agricultural  
20 certification under this program for implementation of one or  
21 more of the following criteria:

22 (c) Best management practices adopted by rule pursuant  
23 to s. 403.067(7)(c) ~~403.067(7)(d)~~ or s. 570.085(2).

24  
25 Reviser's note.--Amended to conform a reference  
26 to the location of material relating to best  
27 management practices in s. 403.067(7)(c); s.  
28 403.067(7)(d) was amended and merged into  
29 paragraph (c) by s. 6, ch. 2005-166, Laws of  
30 Florida, and s. 13, ch. 2005-291, Laws of  
31 Florida.

1           Section 69. Paragraph (a) of subsection (1) of section  
2 608.4355, Florida Statutes, is amended to read:

3           608.4355 Notice of intent to demand payment.--

4           (1) If a proposed appraisal event is submitted to a  
5 vote at a members' meeting, or is submitted to a member  
6 pursuant to a consent vote, a member who is entitled to and  
7 who wishes to assert appraisal rights with respect to any  
8 class or series of membership interests:

9           (a) Must deliver to a manager or managing member of  
10 the limited liability company before the vote is taken, or  
11 within 20 days after receiving the notice pursuant to s.  
12 608.4354(3) ~~608.4353(3)~~ if action is to be taken without a  
13 member meeting, written notice of such person's intent to  
14 demand payment if the proposed appraisal event is effectuated.

15  
16           Reviser's note.--Amended to conform to the fact  
17 that s. 608.4353 does not contain a subsection  
18 (3) and s. 608.4354(3) relates to notice in a  
19 situation where an appraisal event is to be  
20 approved other than by a member meeting.

21  
22           Section 70. Subsection (6) of section 608.4381,  
23 Florida Statutes, is amended to read:

24           608.4381 Action on plan of merger.--

25           (6) A plan of merger may provide for the manner, if  
26 any, in which the plan of merger may be amended at any time  
27 before the effective date of the merger, except after the  
28 approval of the plan of merger by the members of a limited  
29 liability company that is a party to the merger, the plan of  
30 merger may not be amended to:

1           (a) Change the amount or kind of interests,  
2 partnership interests, shares, obligations, other securities,  
3 cash, rights, or any other property to be received by the  
4 members of such limited liability company in exchange for or  
5 on conversion of their interests;

6           (b) If the surviving entity is a limited liability  
7 company, change any term of the articles of organization or  
8 the operating agreement of the surviving entity, except for  
9 changes that otherwise could be adopted without the approval  
10 of the members of the surviving entity;

11           (c) If the surviving entity is not a limited liability  
12 company, change any term of the articles of incorporation or  
13 comparable governing document of the surviving entity, except  
14 for changes that otherwise could be adopted by the board of  
15 directors or comparable representatives of the surviving  
16 entity; or

17           (d) Change any of the terms and conditions of the plan  
18 of merger if any such change, alone or in the aggregate, would  
19 materially and adversely affect the members, or any class or  
20 group of members, of such limited liability company.

21  
22 If an amendment to a plan of merger is made in accordance with  
23 the plan and articles of merger have been filed with the  
24 Department of State, an amended certificate of merger executed  
25 by each limited liability company and other business entity  
26 that is a party to the merger shall be filed with the  
27 Department of State prior to the effective date of the merger.

28  
29           Reviser's note.--Amended to confirm the  
30           insertion by the editors of the word "with"  
31

1 following the word "accordance" to improve  
2 clarity.

3  
4 Section 71. Subsection (5) of section 620.1108,  
5 Florida Statutes, is amended to read:

6 620.1108 Name.--

7 (5) Subject to s. 620.1905 ~~620.905~~, this section  
8 applies to any foreign limited partnership transacting  
9 business in this state, having a certificate of authority to  
10 transact business in this state, or applying for a certificate  
11 of authority.

12  
13 Reviser's note.--Amended to confirm the  
14 substitution by the editors of a reference to  
15 s. 620.1905 for a reference to s. 620.905,  
16 which does not exist. Section 620.1905 relates  
17 to noncomplying names of foreign limited  
18 partnerships.

19  
20 Section 72. Paragraph (b) of subsection (2) of section  
21 620.1110, Florida Statutes, is amended to read:

22 620.1110 Effect of partnership agreement; nonwaivable  
23 provisions.--

24 (2) A partnership agreement may not:

25 (b) Vary the law applicable to a limited partnership  
26 under s. 620.1106 ~~620.106~~;

27  
28 Reviser's note.--Amended to confirm the  
29 substitution by the editors of a reference to  
30 s. 620.1106 for a reference to s. 620.106,  
31 which was repealed by s. 25, ch. 2005-267, Laws

1 of Florida. Section 620.1106 relates to  
2 governing law.

3  
4 Section 73. Paragraphs (g) and (k) of subsection (1)  
5 of section 620.1204, Florida Statutes, are amended to read:

6 620.1204 Signing of records.--

7 (1) Each record delivered to the Department of State  
8 for filing pursuant to this act must be signed in the  
9 following manner:

10 (g) A certificate of dissolution, a statement of  
11 termination, and a certificate of revocation of dissolution  
12 must be signed by all general partners listed in the  
13 certificate of limited partnership or, if the certificate of  
14 limited partnership of a dissolved limited partnership lists  
15 no general partners, by the person appointed pursuant to s.  
16 620.1803(3) or (4) ~~620.803(3) or (4)~~ to wind up the dissolved  
17 limited partnership's activities.

18 (k) A statement by a person pursuant to s. 620.1605(2)  
19 ~~620.1605(1)(d)~~ stating that the person has dissociated as a  
20 general partner must be signed by that person.

21  
22 Reviser's note.--Paragraph (1)(g) is amended to  
23 confirm the substitution by the editors of a  
24 reference to s. 620.1803(3) or (4) for a  
25 reference to s. 620.803(3) or (4). Section  
26 620.803 does not exist; s. 620.1803(3) and (4)  
27 relate to appointment of a person to wind up  
28 limited partnership activities. Paragraph  
29 (1)(k) is amended to correct a reference and  
30 conform to context; s. 620.1605(1)(d) does not  
31

1 exist; s. 620.1605(2) relates to a statement of  
2 dissociation.

3  
4 Section 74. Paragraph (a) of subsection (3) of section  
5 620.1207, Florida Statutes, is amended to read:

6 620.1207 Correcting filed record.--

7 (3) When filed by the Department of State, a statement  
8 of correction is effective retroactively as of the effective  
9 date of the record the statement corrects, but the statement  
10 is effective when filed:

11 (a) For the purposes of s. 620.1103(3) and (4)  
12 ~~620.103(3) and (4)~~.

13  
14 Reviser's note.--Amended to confirm the  
15 substitution by the editors of a reference to  
16 s. 620.1103(3) and (4) for a reference to s.  
17 620.103(3) and (4). Section 620.103 was  
18 repealed by s. 25, ch. 2005-267, Laws of  
19 Florida; s. 620.1103(3) and (4) relate to  
20 documents serving as notice of limited  
21 partnership and partner status.

22  
23 Section 75. Subsection (9) of section 620.1407,  
24 Florida Statutes, is amended to read:

25 620.1407 Right of general partner and former general  
26 partner to information.--

27 (9) The rights under this section do not extend to a  
28 person as transferee, but the rights under subsection (3) of a  
29 person dissociated as a general partner may be exercised by  
30 the legal representative of an individual who dissociated as a  
31

1 general partner under s. 620.1603(7)(b) or (c) ~~620.603(7)(b)~~  
2 ~~or (c)~~.

3  
4 Reviser's note.--Amended to confirm the  
5 substitution by the editors of a reference to  
6 s. 620.1603(7)(b) or (c) for a reference to s.  
7 620.603(7)(b) or (c). Section 620.603 does not  
8 exist; s. 620.1603(7)(b) and (c) relate to  
9 dissociation of a general partner by virtue of  
10 guardianship or incapacity, respectively.

11  
12 Section 76. Paragraph (b) of subsection (2) of section  
13 620.2118, Florida Statutes, is amended to read:

14 620.2118 Appraisal notice and form.--

15 (2) The appraisal notice must be sent no earlier than  
16 the date the appraisal event became effective and no later  
17 than 10 days after such date and must:

18 (b) State:

19 1. Where the form described in paragraph (a) must be  
20 sent.

21 2. A date by which the limited partnership must  
22 receive the form, which date may not be fewer than 40 or more  
23 than 60 days after the date the appraisal notice and form  
24 described in this subsection are sent, and state that the  
25 limited partner shall have waived the right to demand  
26 appraisal with respect to the limited partner interests unless  
27 the form is received by the limited partnership by such  
28 specified date.

29 3. In the case of limited partner interest represented  
30 by a certificate, the location at which certificates for such  
31 certificated partnership interests must be deposited, if that

1 | action is required by the limited partnership, and the date by  
2 | which those certificates must be deposited, which date may not  
3 | be earlier than the date for receiving the required form under  
4 | subparagraph 2.

5 |         4. The limited partnership's estimate of the fair  
6 | value of the limited partner interests.

7 |         5. An offer to each limited partner who is entitled to  
8 | appraisal rights to pay the limited partnership's estimate of  
9 | fair value set forth in subparagraph 4.

10 |         6. That, if requested in writing, the limited  
11 | partnership will provide to the limited partner so requesting,  
12 | within 10 days after the date specified in subparagraph 2.,  
13 | the number of limited partners who return the forms by the  
14 | specified date and the total number of limited partner  
15 | interests owned by them.

16 |         7. The date by which the notice to withdraw under s.  
17 | 620.2119 ~~620.1119~~ must be received, which date must be within  
18 | 20 days after the date specified in subparagraph 2.

19 |

20 |         Reviser's note.--Amended to correct a reference  
21 | and conform to context. Section 620.1119 does  
22 | not exist; s. 620.2119 relates to the right to  
23 | withdraw.

24 |

25 |         Section 77. Subsection (1) of section 620.2120,  
26 | Florida Statutes, is amended to read:

27 |         620.2120 Limited partner's acceptance of limited  
28 | partnership's offer.--

29 |         (1) If the limited partner states on the form provided  
30 | in s. 620.2118(1) that the limited partner accepts the offer  
31 | of the limited partnership to pay the limited partnership's



1 | estimated fair value for the limited partner interest, the  
2 | limited partnership shall make such payment to the limited  
3 | partner within 90 days after the limited partnership's receipt  
4 | of the items required by s. 620.2119(1) ~~620.1119(1)~~.

5 |  
6 |       Reviser's note.--Amended to confirm the  
7 |       substitution by the editors of a reference to  
8 |       s. 620.2119(1) for a reference to s.  
9 |       620.1119(1). Section 620.1119 does not exist;  
10 |       s. 620.2119(1) relates to deposit of a limited  
11 |       partner's certificates and corresponding loss  
12 |       of rights as a limited partner.

13 |  
14 |       Section 78. Paragraphs (d) and (f) of subsection (3)  
15 | of section 620.2204, Florida Statutes, are amended to read:

16 |       620.2204 Application to existing relationships.--

17 |       (3) With respect to a limited partnership formed  
18 | before January 1, 2006, the following rules apply except as  
19 | the partners otherwise elect in the manner provided in the  
20 | partnership agreement or by law for amending the partnership  
21 | agreement:

22 |       (d) The provisions of s. 620.1603(4) ~~620.603(4)~~ do not  
23 | apply.

24 |       (f) The provisions of s. 620.1801(1)(c) ~~620.1801(3)~~ do  
25 | not apply and the connection between a person's dissociation  
26 | as a general partner and the dissolution of the limited  
27 | partnership is the same as existed immediately before January  
28 | 1, 2006.

29 |  
30 |       Reviser's note.--Paragraph (3)(d) is amended to  
31 |       confirm the substitution by the editors of a

1 reference to s. 620.1603(4) for a reference to  
2 s. 620.603(4). Section 620.603 does not exist;  
3 s. 620.1603(4) relates to expulsion of a  
4 general partner. Paragraph (3)(f) is amended to  
5 confirm the substitution by the editors of a  
6 reference to s. 620.1801(1)(c) for a reference  
7 to s. 620.1801(3). Section 620.1801(3) does not  
8 exist; s. 620.1801(1)(c) relates to the  
9 dissociation of a general partner and consent  
10 to continue or dissolve the limited  
11 partnership.

12  
13 Section 79. Subsection (15) of section 620.8101,  
14 Florida Statutes, is amended to read:

15 620.8101 Definitions.--As used in this act, the term:

16 (15) "Statement" means a statement of partnership  
17 authority under s. 620.8303, a statement of denial under s.  
18 620.8304, a statement of dissociation under s. 620.8704, a  
19 statement of dissolution under s. 620.8805, a statement of  
20 merger under s. 620.8918 ~~620.8907~~, a statement of  
21 qualification under s. 620.9001, a statement of foreign  
22 qualification under s. 620.9102, or an amendment or  
23 cancellation of any of the foregoing.

24  
25 Reviser's note.--Amended to conform to the  
26 repeal of s. 620.8907 by s. 25, ch. 2005-267,  
27 Laws of Florida. Filings required for merger  
28 are now covered in s. 620.8918, including a  
29 reference to the statement of merger.

30  
31

1           Section 80. Subsection (1) of section 620.8702,  
2 Florida Statutes, is amended to read:

3           620.8702 Dissociated partner's power to bind and  
4 liability to partnership.--

5           (1) For 1 year after a partner dissociates without  
6 resulting in a dissolution and winding up of the partnership  
7 business, the partnership, including a surviving partnership  
8 under ss. 620.8911-620.8923 ~~620.8901-620.8908~~, is bound by an  
9 act of the dissociated partner which would have bound the  
10 partnership under s. 620.8301 before dissociation only if, at  
11 the time of entering into the transaction, the other party:

12           (a) Reasonably believed that the dissociated partner  
13 was then a partner;

14           (b) Did not have notice of the partner's dissociation;  
15 and

16           (c) Is not deemed to have had knowledge under s.  
17 620.8303(4) or notice under s. 620.8704(4).

18  
19           Reviser's note.--Amended to conform to the  
20 repeal of ss. 620.8901-620.8908 relating to  
21 conversion of a partnership to a limited  
22 partnership; conversion procedures are now  
23 covered in ss. 620.8911-620.8923.

24  
25           Section 81. Subsection (2) of section 620.8703,  
26 Florida Statutes, is amended to read:

27           620.8703 Dissociated partner's liability to other  
28 persons.--

29           (2) A partner who dissociates without resulting in a  
30 dissolution and winding up of the partnership business is  
31 liable as a partner to any other party to a transaction

1 entered into by the partnership, or a surviving partnership  
2 under ss. 620.8911-620.8923 ~~620.8901-620.8908~~, within 1 year  
3 after the partner's dissociation only if the partner is liable  
4 for the obligation under s. 620.8306 and, at the time of  
5 entering into the transaction, the other party:

6 (a) Reasonably believed that the dissociated partner  
7 was then a partner;

8 (b) Did not have notice of the partner's dissociation;  
9 and

10 (c) Is not deemed to have had knowledge under s.  
11 620.8303(4) or notice under s. 620.8704(4).

12  
13 Reviser's note.--Amended to conform to the  
14 repeal of ss. 620.8901-620.8908 relating to  
15 conversion of a partnership to a limited  
16 partnership; conversion procedures are now  
17 covered in ss. 620.8911-620.8923.

18  
19 Section 82. Paragraph (a) of subsection (7) of section  
20 624.501, Florida Statutes, is amended to read:

21 624.501 Filing, license, appointment, and  
22 miscellaneous fees.--The department, commission, or office, as  
23 appropriate, shall collect in advance, and persons so served  
24 shall pay to it in advance, fees, licenses, and miscellaneous  
25 charges as follows:

26 (7) Life insurance agents.

27 (a) Agent's original appointment and biennial renewal  
28 or continuation thereof, each insurer or agent making an  
29 appointment:

30 Appointment fee.....\$42.00  
31 State tax.....12.00

1 County tax.....6.00  
2 Total.....\$60.00

3  
4 Reviser's note.--Amended to confirm the  
5 reinsertion by the editors of the word "fee"  
6 following the word "Appointment" to correct a  
7 coding error and conform to context.

8  
9 Section 83. Paragraph (b) of subsection (5) of section  
10 624.509, Florida Statutes, is amended to read:

11 624.509 Premium tax; rate and computation.--

12 (5)

13 (b) For purposes of this subsection:

14 1. The term "salaries" does not include amounts paid  
15 as commissions.

16 2. The term "employees" does not include independent  
17 contractors or any person whose duties require that the person  
18 hold a valid license under the Florida Insurance Code, except  
19 adjusters, managing general agents, and service  
20 representatives, as defined in s. 626.015.

21 3. The term "net tax" means the tax imposed by this  
22 section after applying the calculations and credits set forth  
23 in subsection (4).

24 4. An affiliated group of corporations that created a  
25 service company within its affiliated group on July 30, 2002,  
26 shall allocate the salary of each service company employee  
27 covered by contracts with affiliated group members to the  
28 companies for which the employees perform services. The salary  
29 allocation is based on the amount of time during the tax year  
30 that the individual employee spends performing services or  
31 otherwise working for each company over the total amount of

1 | time the employee spends performing services or otherwise  
2 | working for all companies. The total amount of salary  
3 | allocated to an insurance company within the affiliated group  
4 | shall be included as that insurer's employee salaries for  
5 | purposes of this section.

6 |       a. Except as provided in subparagraph (a)2.  
7 | ~~subparagraph 2.~~, the term "affiliated group of corporations"  
8 | means two or more corporations that are entirely owned by a  
9 | single corporation and that constitute an affiliated group of  
10 | corporations as defined in s. 1504(a) of the Internal Revenue  
11 | Code.

12 |       b. The term "service company" means a separate  
13 | corporation within the affiliated group of corporations whose  
14 | employees provide services to affiliated group members and  
15 | which are treated as service company employees for  
16 | unemployment compensation and common law purposes. The holding  
17 | company of an affiliated group may not qualify as a service  
18 | company. An insurance company may not qualify as a service  
19 | company.

20 |       c. If an insurance company fails to substantiate,  
21 | whether by means of adequate records or otherwise, its  
22 | eligibility to claim the service company exception under this  
23 | section, or its salary allocation under this section, no  
24 | credit shall be allowed.

25 |       5. A service company that is a subsidiary of a mutual  
26 | insurance holding company, which mutual insurance holding  
27 | company was in existence on or before January 1, 2000, shall  
28 | allocate the salary of each service company employee covered  
29 | by contracts with members of the mutual insurance holding  
30 | company system to the companies for which the employees  
31 | perform services. The salary allocation is based on the ratio

1 of the amount of time during the tax year which the individual  
2 employee spends performing services or otherwise working for  
3 each company to the total amount of time the employee spends  
4 performing services or otherwise working for all companies.  
5 The total amount of salary allocated to an insurance company  
6 within the mutual insurance holding company system shall be  
7 included as that insurer's employee salaries for purposes of  
8 this section. However, this subparagraph does not apply for  
9 any tax year unless funds sufficient to offset the anticipated  
10 salary credits have been appropriated to the General Revenue  
11 Fund prior to the due date of the final return for that year.

12 a. The term "mutual insurance holding company system"  
13 means two or more corporations that are subsidiaries of a  
14 mutual insurance holding company and in compliance with part  
15 IV of chapter 628.

16 b. The term "service company" means a separate  
17 corporation within the mutual insurance holding company system  
18 whose employees provide services to other members of the  
19 mutual insurance holding company system and are treated as  
20 service company employees for unemployment compensation and  
21 common-law purposes. The mutual insurance holding company may  
22 not qualify as a service company.

23 c. If an insurance company fails to substantiate,  
24 whether by means of adequate records or otherwise, its  
25 eligibility to claim the service company exception under this  
26 section, or its salary allocation under this section, no  
27 credit shall be allowed.

28  
29 Reviser's note.--Amended to correct a reference  
30 and conform to context; subparagraph (5)(b)2.  
31 does not reference affiliated groups of

1 corporations; they are covered in subparagraph  
2 (5)(a)2.

3  
4 Section 84. Paragraph (d) of subsection (3) of section  
5 624.91, Florida Statutes, is repealed.

6  
7 Reviser's note.--The cited paragraph, which  
8 authorizes certain enrollees in the Healthy  
9 Kids program as of January 31, 2004, to remain  
10 eligible until January 1, 2005, has served its  
11 purpose.

12  
13 Section 85. Paragraph (d) of subsection (2) of section  
14 626.8411, Florida Statutes, is repealed.

15  
16 Reviser's note.--The cited paragraph, which  
17 provides that s. 626.592 does not apply to  
18 title insurance agents or agencies, is  
19 obsolete; s. 626.592 was repealed by s. 32, ch.  
20 2005-257, Laws of Florida.

21  
22 Section 86. Paragraph (b) of subsection (4) of section  
23 626.9911, Florida Statutes, is amended to read:

24 626.9911 Definitions.--As used in this act, the term:

25 (4) "Life expectancy provider" means a person who  
26 determines, or holds himself or herself out as determining,  
27 life expectancies or mortality ratings used to determine life  
28 expectancies:

29 (b) In connection with a viatical settlement  
30 investment, pursuant to s. 517.021(23) ~~517.021(22)~~; or

31



1 Reviser's note.--Amended to correct a reference  
2 and conform to context. Section 517.021(22)  
3 defines "underwriter"; s. 517.021(23) defines  
4 "viatical settlement investment."  
5

6 Section 87. Paragraph (d) of subsection (6) of section  
7 627.351, Florida Statutes, is amended to read:

8 627.351 Insurance risk apportionment plans.--

9 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

10 (d)1. It is the intent of the Legislature that the  
11 rates for coverage provided by the corporation be actuarially  
12 sound and not competitive with approved rates charged in the  
13 admitted voluntary market, so that the corporation functions  
14 as a residual market mechanism to provide insurance only when  
15 the insurance cannot be procured in the voluntary market.  
16 Rates shall include an appropriate catastrophe loading factor  
17 that reflects the actual catastrophic exposure of the  
18 corporation.

19 2. For each county, the average rates of the  
20 corporation for each line of business for personal lines  
21 residential policies excluding rates for wind-only policies  
22 shall be no lower than the average rates charged by the  
23 insurer that had the highest average rate in that county among  
24 the 20 insurers with the greatest total direct written premium  
25 in the state for that line of business in the preceding year,  
26 except that with respect to mobile home coverages, the average  
27 rates of the corporation shall be no lower than the average  
28 rates charged by the insurer that had the highest average rate  
29 in that county among the 5 insurers with the greatest total  
30 written premium for mobile home owner's policies in the state  
31 in the preceding year.

1           3. Rates for personal lines residential wind-only  
2 policies must be actuarially sound and not competitive with  
3 approved rates charged by authorized insurers. Corporation  
4 rate manuals shall include a rate surcharge for seasonal  
5 occupancy. To ensure that personal lines residential wind-only  
6 rates are not competitive with approved rates charged by  
7 authorized insurers, the corporation, in conjunction with the  
8 office, shall develop a wind-only ratemaking methodology,  
9 which methodology shall be contained in each rate filing made  
10 by the corporation with the office. If the office determines  
11 that the wind-only rates or rating factors filed by the  
12 corporation fail to comply with the wind-only ratemaking  
13 methodology provided for in this subsection, it shall so  
14 notify the corporation and require the corporation to amend  
15 its rates or rating factors to come into compliance within 90  
16 days of notice from the office.

17           4. For the purposes of establishing a pilot program to  
18 evaluate issues relating to the availability and affordability  
19 of insurance in an area where historically there has been  
20 little market competition, the provisions of subparagraph 2.  
21 do not apply to coverage provided by the corporation in Monroe  
22 County if the office determines that a reasonable degree of  
23 competition does not exist for personal lines residential  
24 policies. The provisions of subparagraph 3. do not apply to  
25 coverage provided by the corporation in Monroe County if the  
26 office determines that a reasonable degree of competition does  
27 not exist for personal lines residential policies in the area  
28 of that county which is eligible for wind-only coverage. In  
29 this county, the rates for personal lines residential coverage  
30 shall be actuarially sound and not excessive, inadequate, or  
31 unfairly discriminatory and are subject to the other

1 | provisions of the paragraph and s. 627.062. The commission  
2 | shall adopt rules establishing the criteria for determining  
3 | whether a reasonable degree of competition exists for personal  
4 | lines residential policies in Monroe County. By March 1, 2006,  
5 | the office shall submit a report to the Legislature providing  
6 | an evaluation of the implementation of the pilot program  
7 | affecting Monroe County.

8 |         5. Rates for commercial lines coverage shall not be  
9 | subject to the requirements of subparagraph 2., but shall be  
10 | subject to all other requirements of this paragraph and s.  
11 | 627.062.

12 |         6. Nothing in this paragraph shall require or allow  
13 | the corporation to adopt a rate that is inadequate under s.  
14 | 627.062.

15 |         7. The corporation shall certify to the office at  
16 | least twice annually that its personal lines rates comply with  
17 | the requirements of subparagraphs 1. and 2. If any adjustment  
18 | in the rates or rating factors of the corporation is necessary  
19 | to ensure such compliance, the corporation shall make and  
20 | implement such adjustments and file its revised rates and  
21 | rating factors with the office. If the office thereafter  
22 | determines that the revised rates and rating factors fail to  
23 | comply with the provisions of subparagraphs 1. and 2., it  
24 | shall notify the corporation and require the corporation to  
25 | amend its rates or rating factors in conjunction with its next  
26 | rate filing. The office must notify the corporation by  
27 | electronic means of any rate filing it approves for any  
28 | insurer among the insurers referred to in subparagraph 2.

29 |         8. In addition to the rates otherwise determined  
30 | pursuant to this paragraph, the corporation shall impose and  
31 |

1 collect an amount equal to the premium tax provided for in s.  
2 624.509 to augment the financial resources of the corporation.

3 9.a. To assist the corporation in developing  
4 additional ratemaking methods to assure compliance with  
5 subparagraphs 1. and 5. 4-, the corporation shall appoint a  
6 rate methodology panel consisting of one person recommended by  
7 the Florida Association of Insurance Agents, one person  
8 recommended by the Professional Insurance Agents of Florida,  
9 one person recommended by the Florida Association of Insurance  
10 and Financial Advisors, one person recommended by the insurer  
11 with the highest voluntary market share of residential  
12 property insurance business in the state, one person  
13 recommended by the insurer with the second-highest voluntary  
14 market share of residential property insurance business in the  
15 state, one person recommended by an insurer writing commercial  
16 residential property insurance in this state, one person  
17 recommended by the Office of Insurance Regulation, and one  
18 board member designated by the board chairman, who shall serve  
19 as chairman of the panel.

20 b. By January 1, 2004, the rate methodology panel  
21 shall provide a report to the corporation of its findings and  
22 recommendations for the use of additional ratemaking methods  
23 and procedures, including the use of a rate equalization  
24 surcharge in an amount sufficient to assure that the total  
25 cost of coverage for policyholders or applicants to the  
26 corporation is sufficient to comply with subparagraph 1.

27 c. Within 30 days after such report, the corporation  
28 shall present to the President of the Senate, the Speaker of  
29 the House of Representatives, the minority party leaders of  
30 each house of the Legislature, and the chairs of the standing  
31 committees of each house of the Legislature having

1 jurisdiction of insurance issues, a plan for implementing the  
2 additional ratemaking methods and an outline of any  
3 legislation needed to facilitate use of the new methods.

4 d. The plan must include a provision that producer  
5 commissions paid by the corporation shall not be calculated in  
6 such a manner as to include any rate equalization surcharge.  
7 However, without regard to the plan to be developed or its  
8 implementation, producer commissions paid by the corporation  
9 for each account, other than the quota share primary program,  
10 shall remain fixed as to percentage, effective rate,  
11 calculation, and payment method until January 1, 2004.

12 10. By January 1, 2004, the corporation shall develop  
13 a notice to policyholders or applicants that the rates of  
14 Citizens Property Insurance Corporation are intended to be  
15 higher than the rates of any admitted carrier and providing  
16 other information the corporation deems necessary to assist  
17 consumers in finding other voluntary admitted insurers willing  
18 to insure their property.

19  
20 Reviser's note.--Amended to conform to the  
21 redesignation of subparagraph (6)(d)4. as  
22 subparagraph (6)(d)5. by s. 7, ch. 2005-111,  
23 Laws of Florida.

24  
25 Section 88. Paragraph (d) of subsection (6) of section  
26 627.3511, Florida Statutes, is amended to read:

27 627.3511 Depopulation of Citizens Property Insurance  
28 Corporation.--

29 (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.--

30 (d) The calculation of an insurer's regular assessment  
31 liability under s. 627.351(6)(b)3.a. and b. ~~627.351(b)3.a.~~ and

1 ~~b-~~, but not emergency assessments collected from policyholders  
2 pursuant to s. 627.351(6)(b)3.d., shall, with respect to  
3 commercial residential policies removed from the corporation  
4 under an approved take-out plan, exclude such removed policies  
5 for the succeeding 3 years, as follows:

6       1. In the first year following removal of the  
7 policies, the policies are excluded from the calculation to  
8 the extent of 100 percent.

9       2. In the second year following removal of the  
10 policies, the policies are excluded from the calculation to  
11 the extent of 75 percent.

12       3. In the third year following removal of the  
13 policies, the policies are excluded from the calculation to  
14 the extent of 50 percent.

15  
16       Reviser's note.--Amended to correct a reference  
17 and conform to context. The cite to s.  
18 627.351(b)3.a. and b. does not reference the  
19 subsection within s. 627.351 where the  
20 referenced material is located; based on  
21 context, a reference to s. 627.351(6)(b)3.a.  
22 and b., relating to levy of assessments on  
23 assessable insurers with specified deficits,  
24 was substituted for the incomplete cite.

25  
26       Section 89. Subsection (1) of section 627.6418,  
27 Florida Statutes, is amended to read:

28       627.6418 Coverage for mammograms.--

29       (1) An accident or health insurance policy issued,  
30 amended, delivered, or renewed in this state must provide  
31 coverage for at least the following:

1 (a) A baseline mammogram for any woman who is 35 years  
2 of age or older, but younger than 40 years of age.

3 (b) A mammogram every 2 years for any woman who is 40  
4 years of age or older, but younger than 50 years of age, or  
5 more frequently based on the patient's physician's  
6 recommendation.

7 (c) A mammogram every year for any woman who is 50  
8 years of age or older.

9 (d) One or more mammograms a year, based upon a  
10 physician's recommendation, for any woman who is at risk for  
11 breast cancer because of a personal or family history of  
12 breast cancer, because of having a history of biopsy-proven  
13 benign breast disease, because of having a mother, sister, or  
14 daughter who has or has had breast cancer, or because a woman  
15 has not given birth before the age of 30.

16  
17 ~~It is the intent of the Legislature that, when practice~~  
18 ~~parameters for the delivery of mammography services are~~  
19 ~~developed pursuant to s. 408.02(7), the Legislature review the~~  
20 ~~requirements of this section and conform to the practice~~  
21 ~~parameters.~~

22  
23 Reviser's note.--Amended to delete a provision  
24 that has served its purpose. The practice  
25 parameters to be reviewed were to be developed  
26 pursuant to s. 408.02(7), which was repealed by  
27 s. 42, ch. 2004-297, Laws of Florida.

28  
29 Section 90. Subsection (1) of section 627.6613,  
30 Florida Statutes, is amended to read:

31 627.6613 Coverage for mammograms.--

1           (1) A group, blanket, or franchise accident or health  
2 insurance policy issued, amended, delivered, or renewed in  
3 this state must provide coverage for at least the following:

4           (a) A baseline mammogram for any woman who is 35 years  
5 of age or older, but younger than 40 years of age.

6           (b) A mammogram every 2 years for any woman who is 40  
7 years of age or older, but younger than 50 years of age, or  
8 more frequently based on the patient's physician's  
9 recommendation.

10           (c) A mammogram every year for any woman who is 50  
11 years of age or older.

12           (d) One or more mammograms a year, based upon a  
13 physician's recommendation, for any woman who is at risk for  
14 breast cancer because of a personal or family history of  
15 breast cancer, because of having a history of biopsy-proven  
16 benign breast disease, because of having a mother, sister, or  
17 daughter who has or has had breast cancer, or because a woman  
18 has not given birth before the age of 30.

19  
20 ~~It is the intent of the Legislature that, when practice~~  
21 ~~parameters for the delivery of mammography services are~~  
22 ~~developed pursuant to s. 408.02(7), the Legislature review the~~  
23 ~~requirements of this section and conform to the practice~~  
24 ~~parameters.~~

25  
26           Reviser's note.--Amended to delete a provision  
27 that has served its purpose. The practice  
28 parameters to be reviewed were to be developed  
29 pursuant to s. 408.02(7), which was repealed by  
30 s. 42, ch. 2004-297, Laws of Florida.



1           Section 91. Section 627.711, Florida Statutes, is  
2 amended to read:

3           627.711 Notice of premium discounts for hurricane loss  
4 mitigation.--Using a form prescribed by the Office of  
5 Insurance Regulation, the insurer shall clearly notify the  
6 applicant or policyholder of any personal lines residential  
7 property insurance policy, at the time of the issuance of the  
8 policy and at each renewal, of the availability and the range  
9 of each premium discount, credit, other rate differential, or  
10 reduction in deductibles for properties on which fixtures or  
11 construction techniques demonstrated to reduce the amount of  
12 loss in a windstorm can be or have been installed or  
13 implemented. The prescribed form shall describe generally what  
14 actions the policyholders may be able to take to reduce their  
15 windstorm premium. The prescribed form and a list of such  
16 ranges approved by the office for each insurer licensed in the  
17 state and providing such discounts, credits, other rate  
18 differentials, or reductions in deductibles for properties  
19 described in this subsection shall be available for electronic  
20 viewing and download from the Department of Financial  
21 Services' or the Office of Insurance Regulation's Internet  
22 website. The Financial Services Commission may adopt rules to  
23 implement this subsection.

24  
25           Reviser's note.--Amended to confirm the  
26 insertion by the editors of the word "be"  
27 following the word "can" to improve clarity.

28  
29           Section 92. Paragraph (a) of subsection (5) of section  
30 627.7295, Florida Statutes, is amended to read:

31           627.7295 Motor vehicle insurance contracts.--

1           (5)(a) A licensed general lines agent may charge a  
2 per-policy fee not to exceed \$10 to cover the administrative  
3 costs of the agent associated with selling the motor vehicle  
4 insurance policy if the policy covers only personal injury  
5 protection coverage as provided by s. 627.736 and property  
6 damage liability coverage as provided by s. 627.7275 and if no  
7 other insurance is sold or issued in conjunction with or  
8 collateral to the policy. The fee is not considered part of  
9 the premium.

10  
11           Reviser's note.--Amended to reinsert language  
12           inadvertently deleted during the 2005 editorial  
13           process.

14  
15           Section 93. Section 633.026, Florida Statutes, is  
16 amended to read:

17           633.026 Informal interpretations of the Florida Fire  
18 Prevention Code.--The Division of State Fire Marshal shall by  
19 rule establish an informal process of rendering nonbinding  
20 interpretations of the Florida Fire Prevention Code. The  
21 Division of State Fire Marshal may contract with and refer  
22 interpretive issues to a nonprofit organization that has  
23 experience in interpreting and enforcing the Florida Fire  
24 Prevention Code. The Division of State Fire Marshal shall  
25 immediately implement the process prior to the completion of  
26 formal rulemaking. It is the intent of the Legislature that  
27 the Division of State Fire Marshal create a process to refer  
28 questions to a small group of individuals certified under s.  
29 633.081(2), to which a party can pose questions regarding the  
30 interpretation of code provisions. It is the intent of the  
31 Legislature that the process provide for the expeditious

1 resolution of the issues presented and publication of the  
2 resulting interpretation on the website of the Division of  
3 State Fire Marshal. It is the intent of the Legislature that  
4 this program be similar to the program established by the  
5 Florida Building Commission in s. 553.775(3)(g) ~~553.77(7)~~.  
6 Such interpretations shall be advisory only and nonbinding on  
7 the parties or the State Fire Marshal. In order to administer  
8 this section, the department may adopt by rule and impose a  
9 fee for nonbinding interpretations, with payment made directly  
10 to the third party. The fee may not exceed \$150 for each  
11 request for a review or interpretation.

12  
13 Reviser's note.--Amended to conform to the  
14 deletion of s. 553.77(7) by s. 8, ch. 2005-147,  
15 Laws of Florida, and the addition of  
16 substantially similar language at s.  
17 553.775(3)(g) by s. 9, ch. 2005-147.

18  
19 Section 94. Subsection (3) of section 633.539, Florida  
20 Statutes, is amended to read:

21 633.539 Requirements for installation, inspection, and  
22 maintenance of fire protection systems.--

23 (3) For contracts written after June 30, 2005, the  
24 contractor who installs the underground pipng from the point  
25 of service is responsible for completing the installation to  
26 the aboveground connection flange, which by definition in this  
27 chapter is no more than 1 foot above the finished floor,  
28 before completing the Contractor's Material and Test  
29 Certificate for Underground Piping document. Aboveground  
30 contractors may not complete the Contractor's Material and  
31 Test Certificate for Underground Piping document for

1 | underground piping or portions thereof which have been  
2 | installed by others.

3 |

4 |       Reviser's note.--Amended to confirm the  
5 |       insertion by the editors of the word "piping"  
6 |       following the word "underground" to improve  
7 |       clarity.

8 |

9 |       Section 95. Section 634.021, Florida Statutes, is  
10 | amended to read:

11 |       634.021 Powers of department, commission, and office;  
12 | rules.--The office shall administer this act and the  
13 | commission may adopt rules pursuant to ss. 120.536(1) and  
14 | 120.54 to implement the provisions of this act related to  
15 | motor vehicle service agreement companies and motor vehicle  
16 | service agreements. The department shall administer this act  
17 | and may adopt rules pursuant to ss. 120.536(1) and 120.54 to  
18 | implement provisions of this act related to sales  
19 | representatives.

20 |

21 |       Reviser's note.--Amended to improve clarity and  
22 |       conform to the designation of companies that  
23 |       provide motor vehicle service agreement  
24 |       products throughout part I of chapter 634.

25 |

26 |       Section 96. Paragraph (a) of subsection (13) of  
27 | section 634.401, Florida Statutes, is amended to read:

28 |       634.401 Definitions.--As used in this part, the term:  
29 |       (13) "Service warranty" means any warranty, guaranty,  
30 | extended warranty or extended guaranty, maintenance service  
31 | contract equal to or greater than 1 year in length or which

1 does not meet the exemption in paragraph (a), contract  
2 agreement, or other written promise for a specific duration to  
3 perform the repair, replacement, or maintenance of a consumer  
4 product, or for indemnification for repair, replacement, or  
5 maintenance, for operational or structural failure due to a  
6 defect in materials or workmanship, normal wear and tear,  
7 power surge, or accidental damage from handling in return for  
8 the payment of a segregated charge by the consumer; however:

9 (a) Maintenance service contracts written for less  
10 than 1 year which do not contain provisions for  
11 indemnification and which do not provide a discount to the  
12 consumer for any combination of parts and labor in excess of  
13 20 percent during the effective period of such contract, motor  
14 vehicle service agreements, transactions exempt under s.  
15 624.125, and home warranties subject to regulation under part  
16 ~~parts I and~~ II of this chapter are excluded from this  
17 definition;

18  
19 Reviser's note.--Amended to correct a reference  
20 and conform to context. Part II of chapter 634  
21 regulates home warranty associations; part I of  
22 chapter 634 regulates motor vehicle service  
23 agreement companies.

24  
25 Section 97. Subsection (2) of section 636.223, Florida  
26 Statutes, is amended to read:

27 636.223 Administrative penalty.--In lieu of suspending  
28 or revoking a certificate of authority whenever any discount  
29 medical plan organization has been found to have violated any  
30 provision of this part, the office may:

31

1           (2) Impose a monetary penalty of not less than ~~that~~  
2 \$100 for each violation, but not to exceed an aggregate  
3 penalty of \$75,000.

4  
5           Reviser's note.--Amended to confirm the  
6 substitution by the editors of the word "than"  
7 for the word "that" to conform to context and  
8 improve clarity.

9  
10           Section 98. Paragraph (a) of subsection (40) of  
11 section 641.31, Florida Statutes, is amended to read:

12           641.31 Health maintenance contracts.--

13           (40)(a) Any group rate, rating schedule, or rating  
14 manual for a health maintenance organization policy, which  
15 provides creditable coverage as defined in s. 627.6561(5),  
16 filed with the office shall provide for an appropriate rebate  
17 of premiums paid in the last policy year, contract year, or  
18 calendar year when the majority of members of a health plan  
19 are enrolled in and have maintained participation in any  
20 health wellness, maintenance, or improvement program offered  
21 by the group contract holder. The group must provide evidence  
22 of demonstrative maintenance or improvement of his or her  
23 health status as determined by assessments of agreed-upon  
24 health status indicators between the group and the health  
25 insurer, including, but not limited to, reduction in weight,  
26 body mass index, and smoking cessation. Any rebate provided by  
27 the health maintenance organization is presumed to be  
28 appropriate unless credible data demonstrates otherwise, or  
29 unless the rebate program requires the insured to incur costs  
30 to qualify for the rebate which equals or exceeds the value of  
31

1 the rebate but the rebate may not exceed 10 percent of paid  
2 premiums.

3  
4 Reviser's note.--Amended to confirm the  
5 insertion by the editors of the word "have"  
6 following the word "and" to improve clarity.

7  
8 Section 99. Subsection (4) of section 658.12, Florida  
9 Statutes, is amended to read:

10 658.12 Definitions.--Subject to other definitions  
11 contained in the financial institutions codes and unless the  
12 context otherwise requires:

13 (4) "Branch" or "branch office" of a bank means any  
14 office or place of business of a bank, other than its main  
15 office and the facilities and operations authorized by ss.  
16 658.26(4) ~~658.26(5)~~, 658.65, and 660.33, at which deposits are  
17 received, checks are paid, or money is lent. With respect to a  
18 bank which has a trust department, the terms "branch" and  
19 "branch office" have the meanings herein ascribed to a branch  
20 or a branch office of a trust company. "Branch" or "branch  
21 office" of a trust company means any office or place of  
22 business of a trust company, other than its main office and  
23 its trust service offices established pursuant to s. 660.33,  
24 where trust business is transacted with its customers.

25  
26 Reviser's note.--Amended to conform to the  
27 redesignation of s. 658.26(5), relating to  
28 armored car services, to s. 658.26(4) by s. 15,  
29 ch. 2004-340, Laws of Florida, and s. 98, ch.  
30 2004-390, Laws of Florida.

31

1           Section 100. Section 694.16, Florida Statutes, is  
2 amended to read:

3           694.16 Conveyances by merger or conversion of business  
4 entities.--As to any merger or conversion of business entities  
5 prior to June 15, 2000, the title to all real estate, or any  
6 interest therein, owned by a business entity that was a party  
7 to a merger or a conversion is vested in the surviving entity  
8 without reversion or impairment, notwithstanding the  
9 requirement of a deed which was previously required by s.  
10 607.11101, s. 608.4383, former s. 620.204, former s. 620.8904,  
11 or former s. 620.8906.

12  
13           Reviser's note.--Amended to conform to the  
14 repeal of ss. 620.204, 620.8904, and 620.8906  
15 by s. 25, ch. 2005-267, Laws of Florida.

16  
17           Section 101. Paragraph (b) of subsection (2) of  
18 section 721.13, Florida Statutes, is amended to read:

19           721.13 Management.--

20           (2)

21           (b) The managing entity shall invest the operating and  
22 reserve funds of the timeshare plan in accordance with s.  
23 518.11(1); however, the managing entity shall give safety of  
24 capital greater weight than production of income. In no event  
25 shall the managing entity invest timeshare plan funds with a  
26 developer or with any entity that is not independent of any  
27 developer or any managing entity within the meaning of s.  
28 721.05(22) ~~721.05(20)~~, and in no event shall the managing  
29 entity invest timeshare plan funds in notes and mortgages  
30 related in any way to the timeshare plan.

31



1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 721.05(20), defining the  
3 term "managing entity," as s. 721.05(22) by s.  
4 3, ch. 2004-279, Laws of Florida.

5  
6 Section 102. Subsection (6) of section 732.103,  
7 Florida Statutes, is amended to read:

8 732.103 Share of other heirs.--The part of the  
9 intestate estate not passing to the surviving spouse under s.  
10 732.102, or the entire intestate estate if there is no  
11 surviving spouse, descends as follows:

12 (6) If none of the foregoing, and if any of the  
13 descendants of the decedent's great-grandparents were  
14 Holocaust victims as defined in s. 626.9543(3)(a)  
15 ~~626.9543(3)(b)~~, including such victims in countries  
16 cooperating with the discriminatory policies of Nazi Germany,  
17 then to the lineal descendants of the great-grandparents. The  
18 court shall allow any such descendant to meet a reasonable,  
19 not unduly restrictive, standard of proof to substantiate his  
20 or her lineage. This subsection only applies to escheated  
21 property and shall cease to be effective for proceedings filed  
22 after December 31, 2004.

23  
24 Reviser's note.--Amended to conform to the  
25 redesignation of s. 626.9543(3)(b) as s.  
26 626.9543(3)(a) by s. 76, ch. 2004-390, Laws of  
27 Florida.

28  
29 Section 103. Subsection (1) of section 739.104,  
30 Florida Statutes, is amended to read:

31

1           739.104 Power to disclaim; general requirements; when  
2 irrevocable.--

3           (1) A person may disclaim, in whole or in part,  
4 conditionally or unconditionally, any interest in or power  
5 over property, including a power of ~~or~~ appointment. A person  
6 may disclaim the interest or power even if its creator imposed  
7 a spendthrift provision or similar restriction on transfer or  
8 a restriction or limitation on the right to disclaim. A  
9 disclaimer shall be unconditional unless the disclaimant  
10 explicitly provides otherwise in the disclaimer.

11  
12           Reviser's note.--Amended to conform to context.

13  
14           Section 104. Subsection (1) and paragraph (d) of  
15 subsection (5) of section 765.101, Florida Statutes, are  
16 amended to read:

17           765.101 Definitions.--As used in this chapter:

18           (1) "Advance directive" means a witnessed written  
19 document or oral statement in which instructions are given by  
20 a principal or in which the principal's desires are expressed  
21 concerning any aspect of the principal's health care, and  
22 includes, but is not limited to, the designation of a health  
23 care surrogate, a living will, or an anatomical gift made  
24 pursuant to part V ~~X~~ of chapter 765 ~~732~~.

25           (5) "Health care decision" means:

26           (d) The decision to make an anatomical gift pursuant  
27 to part V ~~X~~ of chapter 765 ~~732~~.

28  
29           Reviser's note.--Amended to conform to the  
30 transfer of material in former part X of  
31

1 chapter 732 to part V of chapter 765 pursuant  
2 to ch. 2001-226, Laws of Florida.

3  
4 Section 105. Subsection (23) of section 774.203,  
5 Florida Statutes, is amended to read:

6 774.203 Definitions.--As used in this act, the term:

7 (23) "Qualified physician" means a medical doctor,  
8 who:

9 (a) Is a board-certified pathologist licensed to  
10 practice and actively practices in this country who performed  
11 services requested or authorized by a physician who:

12 1. Has conducted a physical examination of the exposed  
13 person or, if the person is deceased, has reviewed all  
14 available records relating to the exposed person's medical  
15 condition;

16 2. Is actually treating or has treated the exposed  
17 person, and has or had a doctor-patient relationship with the  
18 person; and

19 3. Is licensed to practice and actively practices in  
20 this country; or

21 (b) Is a board-certified oncologist, pulmonary  
22 specialist, or specialist in occupational and environmental  
23 medicine who:

24 1. Has conducted a physical examination of the exposed  
25 person or, if the person is deceased, has reviewed all  
26 available records relating to the exposed person's medical  
27 condition;

28 2. Is actually treating or has treated the exposed  
29 person, and has or had a doctor-patient relationship with the  
30 person; and

31

1           3. Is licensed to practice and actively practices in  
2 this country.

3  
4           Reviser's note.--Amended to confirm the  
5 insertion by the editors of the word "has"  
6 following the word "or" to improve clarity.

7  
8           Section 106. Paragraph (f) of subsection (2) of  
9 section 774.204, Florida Statutes, is amended to read:

10           774.204 Physical impairment.--

11           (2) A person may not file or maintain a civil action  
12 alleging a nonmalignant asbestos claim in the absence of a  
13 prima facie showing of physical impairment as a result of a  
14 medical condition to which exposure to asbestos was a  
15 substantial contributing factor. The prima facie showing must  
16 include all of the following requirements:

17           (f) A determination by a qualified physician that  
18 asbestosis or diffuse pleural thickening, rather than chronic  
19 obstructive pulmonary disease, is a substantial contributing  
20 factor to the exposed person's physical impairment, based at a  
21 minimum on a determination that the exposed person has:

22           1. Total lung capacity, by plethysmography or timed  
23 gas dilution, below the predicted lower limit of normal;

24           2. Forced vital capacity below the lower limit of  
25 normal and a ratio of FEV1 to FVC that is equal to or greater  
26 than the predicted lower limit of normal; or

27           3. A chest X ray showing small, irregular opacities  
28 (s, t, u) graded by a certified B-reader as at least 2/1 on  
29 the ILO scale.

30  
31

1 Reviser's note.--Amended to confirm the  
2 insertion by the editors of the word "as"  
3 following the term "certified B-reader" to  
4 improve clarity.

5  
6 Section 107. Subsection (3) of section 774.205,  
7 Florida Statutes, is amended to read:

8 774.205 Claimant proceedings.--

9 (3) All asbestos claims and silica claims filed in  
10 this state on or after the effective date of this act must  
11 include, in addition to the written report described in  
12 subsection (2) ~~subsection (3) of section 5~~ and the information  
13 required by s. 774.207(2), a sworn information form containing  
14 the following information:

15 (a) The claimant's name, address, date of birth, and  
16 marital status;

17 (b) If the claimant alleges exposure to asbestos or  
18 silica through the testimony of another person or alleges  
19 other than direct or bystander exposure to a product, the  
20 name, address, date of birth, and marital status for each  
21 person by which the claimant alleges exposure, hereinafter the  
22 "index person," and the claimant's relationship to each such  
23 person;

24 (c) The specific location of each alleged exposure;

25 (d) The beginning and ending dates of each alleged  
26 exposure as to each asbestos product or silica product for  
27 each location at which exposure allegedly took place for the  
28 plaintiff and each index person;

29 (e) The occupation and name of the employer of the  
30 exposed person at the time of each alleged exposure;

31

1 (f) The specific condition related to asbestos or  
2 silica claimed to exist; and

3 (g) Any supporting documentation of the condition  
4 claimed to exist.

5  
6 Reviser's note.--The introductory paragraph of  
7 subsection (3) is amended to confirm the  
8 substitution of a reference to "subsection (2)"  
9 for a reference to "subsection (3) of section  
10 5" of ch. 2005-274, Laws of Florida. Subsection  
11 (2) describes the written report. Paragraph  
12 (3)(b) is amended to confirm the insertion by  
13 the editors of the word "and" following the  
14 word "birth" to improve clarity.

15  
16 Section 108. Paragraph (b) of subsection (1) of  
17 section 774.208, Florida Statutes, is amended to read:

18 774.208 Liability rules applicable to protect sellers,  
19 renters, and lessors.--

20 (1)

21 (b) For the purpose of sub-subparagraph (a)1.b.  
22 ~~sub-subparagraph 1.b.~~, a product seller may not be considered  
23 to have failed to exercise reasonable care with respect to a  
24 product based upon an alleged failure to inspect the product,  
25 if:

26 1. The failure occurred because there was no  
27 reasonable opportunity to inspect the product; or

28 2. The inspection, in the exercise of reasonable care,  
29 would not have revealed the aspect of the product which  
30 allegedly caused the exposed person's impairment.

31

1 Reviser's note.--Amended to confirm the  
2 substitution by the editors of a reference to  
3 sub-subparagraph (a)1.b. for a reference to  
4 sub-subparagraph 1.b. Paragraph (b) does not  
5 contain a sub-subparagraph 1.b.;  
6 sub-subparagraph (a)1.b., relating to failure  
7 of a product seller to use reasonable care with  
8 respect to the product, conforms to context.

9  
10 Section 109. Paragraph (b) of subsection (4) of  
11 section 784.046, Florida Statutes, is amended to read:

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

17 (4)

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

20  
21 PETITION FOR INJUNCTION FOR PROTECTION  
22 AGAINST REPEAT VIOLENCE, SEXUAL  
23 VIOLENCE, OR DATING VIOLENCE  
24

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

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

1 filing if, for safety reasons, the petitioner requires the  
2 location of his or her current residence to be confidential  
3 pursuant to s. 119.071(2)(j) ~~119.07(6)(s)~~, Florida Statutes.)

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

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

7 ...(enumerate incidents of violence)...

8  
9 .....  
10 .....  
11 .....

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

18  
19 .....  
20 .....  
21 .....

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



1 relationship of a romantic or intimate nature, the frequency  
2 and type of interaction, and any other facts that characterize  
3 the relationship.)...

4  
5 .....  
6 .....  
7 .....

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

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

19  
20 Reviser's note.--Amended to conform to the  
21 redesignation of s. 119.07(6)(s) as s.  
22 119.071(2)(j) by s. 17, ch. 2005-251, Laws of  
23 Florida.

24  
25 Section 110. Paragraph (p) of subsection (3) of  
26 section 790.25, Florida Statutes, is amended to read:

27 790.25 Lawful ownership, possession, and use of  
28 firearms and other weapons.--

29 (3) LAWFUL USES.--The provisions of ss. 790.053 and  
30 790.06 do not apply in the following instances, and, despite  
31 such sections, it is lawful for the following persons to own,

1 possess, and lawfully use firearms and other weapons,  
2 ammunition, and supplies for lawful purposes:

3 (p) Investigators employed by the capital collateral  
4 regional counsel ~~representative~~, while actually carrying out  
5 official duties, provided such investigators:

- 6 1. Are employed full time;
- 7 2. Meet the official training standards for firearms  
8 as established by the Criminal Justice Standards and Training  
9 Commission as provided in s. 943.12(1) and the requirements of  
10 ss. 493.6108(1)(a) and 943.13(1)-(4); and
- 11 3. Are individually designated by an affidavit of  
12 consent signed by the capital collateral regional counsel  
13 ~~representative~~ and filed with the clerk of the circuit court  
14 in the county in which the investigator is headquartered.

15  
16 Reviser's note.--Amended to conform to the  
17 replacement of the capital collateral  
18 representative with capital collateral regional  
19 counsel in s. 27.701 by s. 1, ch. 97-313, Laws  
20 of Florida.

21  
22 Section 111. Paragraph (e) of subsection (2) of  
23 section 872.05, Florida Statutes, is amended to read:

24 872.05 Unmarked human burials.--

25 (2) DEFINITIONS.--As used in this section:

26 (e) "State Archaeologist" means the person employed by  
27 the division pursuant to s. 267.031(7) ~~267.031(6)~~.

28  
29 Reviser's note.--Amended to conform to the  
30 redesignation of s. 267.031(6) as s. 267.031(7)  
31 by s. 1, ch. 2004-91, Laws of Florida.

1           Section 112. Paragraph (c) of subsection (1) of  
2 section 895.09, Florida Statutes, is amended to read:

3           895.09 Disposition of funds obtained through  
4 forfeiture proceedings.--

5           (1) A court entering a judgment of forfeiture in a  
6 proceeding brought pursuant to s. 895.05 shall retain  
7 jurisdiction to direct the distribution of any cash or of any  
8 cash proceeds realized from the forfeiture and disposition of  
9 the property. The court shall direct the distribution of the  
10 funds in the following order of priority:

11           (c) Any claim by the Board of Trustees of the Internal  
12 Improvement Trust Fund on behalf of the Internal Improvement  
13 Trust Fund or the Land Acquisition Trust Fund pursuant to s.  
14 253.03(12) ~~253.03(13)~~, not including administrative costs of  
15 the Department of Environmental Protection previously paid  
16 directly from the Internal Improvement Trust Fund in  
17 accordance with legislative appropriation.

18  
19           Reviser's note.--Amended to conform to the  
20 redesignation of s. 253.03(13) as s. 253.03(12)  
21 by s. 22, ch. 2004-234, Laws of Florida.

22  
23           Section 113. Paragraph (c) of subsection (1) of  
24 section 938.29, Florida Statutes, is amended to read:

25           938.29 Legal assistance; lien for payment of  
26 attorney's fees or costs.--

27           (1)

28           (c) The defendant shall pay the application fee under  
29 s. 27.52(1)(b) ~~27.52(2)(a)~~ and attorney's fees and costs in  
30 full or in installments, at the time or times specified. The  
31 court may order payment of the assessed application fee and

1 attorney's fees and costs as a condition of probation, of  
2 suspension of sentence, or of withholding the imposition of  
3 sentence. Attorney's fees and costs collected under this  
4 section shall be deposited into the General Revenue Fund.

5  
6 Reviser's note.--Amended to conform to the  
7 substantial rewording of s. 27.52 by s. 3, ch.  
8 2005-236, Laws of Florida; the application fee  
9 requirement is now in s. 27.52(1)(b).

10  
11 Section 114. Section 943.04353, Florida Statutes, is  
12 amended to read:

13 943.04353 Triennial study of sexual predator and  
14 sexual offender registration and notification procedures.--The  
15 Office of Program Policy Analysis and Government  
16 Accountability shall, every 3 years, perform a study of the  
17 effectiveness of Florida's sexual predator and sexual offender  
18 registration process and community and public notification  
19 provisions. As part of determining the effectiveness of the  
20 registration process, OPPAGA shall examine the current  
21 practices of: the Department of Corrections, county probation  
22 offices, clerk of courts, court administrators, county jails  
23 and booking facilities, Department of Children and Family  
24 Services, judges, state attorneys' offices, Department of  
25 Highway Safety and Motor Vehicles, Department of Law  
26 Enforcement, and local law enforcement agencies as they relate  
27 to: sharing of offender information regarding registered  
28 sexual predators and sexual offenders for purposes of  
29 fulfilling the requirements set forth ~~fourth~~ in the  
30 registration laws; ensuring the most accurate, current, and  
31 comprehensive information is provided in a timely manner to

1 | the registry; ensuring the effective supervision and  
2 | subsequent monitoring of sexual predators and offenders; and  
3 | ensuring informed decisions are made at each point of the  
4 | criminal justice and registration process. In addition to  
5 | determining the effectiveness of the registration process, the  
6 | report shall focus on the question of whether the notification  
7 | provisions in statute are sufficient to apprise communities of  
8 | the presence of sexual predators and sexual offenders. The  
9 | report shall examine how local law enforcement agencies  
10 | collect and disseminate information in an effort to notify the  
11 | public and communities of the presence of sexual predators and  
12 | offenders. If the report finds deficiencies in the  
13 | registration process, the notification provisions, or both,  
14 | the report shall provide options for correcting those  
15 | deficiencies and shall include the projected cost of  
16 | implementing those options. In conducting the study, the  
17 | Office of Program Policy Analysis and Government  
18 | Accountability shall consult with the Florida Council Against  
19 | Sexual Violence and the Florida Association for the Treatment  
20 | of Sexual Abusers in addition to other interested entities  
21 | that may offer experiences and perspectives unique to this  
22 | area of research. The report shall be submitted to the  
23 | President of the Senate and the Speaker of the House of  
24 | Representatives by January 1, 2006.

25 |  
26 |           Reviser's note.--Amended to confirm the  
27 |           substitution by the editors of the word "forth"  
28 |           for the word "fourth" to conform to context.

29 |  
30 |           Section 115. Subsection (4) of section 948.012,  
31 | Florida Statutes, is amended to read:

1           948.012 Split sentence of probation or community  
2 control and imprisonment.--

3           (4) Effective for offenses committed on or after  
4 September 1, 2005, the court must impose a split sentence  
5 pursuant to subsection (1) for any person who is convicted of  
6 a life felony for lewd and lascivious molestation pursuant to  
7 s. 800.04(5)(b) if the court imposes a term of years in  
8 accordance with s. 775.082(3)(a)4.b. ~~775.082(3)4.b.~~ rather  
9 than life imprisonment. The probation or community control  
10 portion of the split sentence imposed by the court for a  
11 defendant must extend for the duration of the defendant's  
12 natural life and include a condition that he or she be  
13 electronically monitored.

14  
15           Reviser's note.--Amended to correct a  
16 reference. Section 4, ch. 2005-28, Laws of  
17 Florida, added subparagraph (3)(a)4., relating  
18 to punishment for conviction of a life felony  
19 committed on or after September 1, 2005, which  
20 is a violation of s. 800.04(5)(b); the  
21 subparagraph includes a sub-subparagraph a.,  
22 providing for imprisonment for life, and a  
23 sub-subparagraph b., providing for a split  
24 sentence of a term of years followed by  
25 probation or community control for the  
26 remainder of the offender's life.

27  
28           Section 116. Paragraph (i) of subsection (1) of  
29 section 948.03, Florida Statutes, is amended to read:

30           948.03 Terms and conditions of probation.--  
31

1           (1) The court shall determine the terms and conditions  
2 of probation. Conditions specified in this section do not  
3 require oral pronouncement at the time of sentencing and may  
4 be considered standard conditions of probation. These  
5 conditions may include among them the following, that the  
6 probationer or offender in community control shall:

7           (i) Pay any application fee assessed under s.  
8 27.52(1)(b) ~~27.52(2)(a)~~ and attorney's fees and costs assessed  
9 under s. 938.29, subject to modification based on change of  
10 circumstances.

11  
12           Reviser's note.--Amended to conform to the  
13           substantial rewording of s. 27.52 by s. 3, ch.  
14           2005-236, Laws of Florida; the application fee  
15           requirement is now in s. 27.52(1)(b).

16  
17           Section 117. Subsection (2) of section 948.061,  
18 Florida Statutes, is amended to read:

19           948.061 Identifying, assessing, and monitoring  
20 high-risk sex offenders on community supervision; providing  
21 cumulative criminal and supervision histories on the  
22 Internet.--

23           (2) To facilitate the information available to the  
24 court at first appearance hearings and at all subsequent  
25 hearings for these high-risk sex offenders, the department  
26 shall, no later than March 1, 2006, post on FDLE's Criminal  
27 Justice Intranet a cumulative chronology of the sex offender's  
28 prior terms of state probation and community control,  
29 including all substantive or technical violations of state  
30 probation or community control. The county jail in the county  
31 where the arrested person is booked shall ensure ~~insure~~ that

1 state and national criminal history information and all  
2 criminal justice information available in the Florida Crime  
3 Information Center and the National Crime Information Center,  
4 is provided to the court at the time of the first appearance.  
5 The courts shall assist the department's dissemination of  
6 critical information by creating and maintaining an automated  
7 system to provide the information as specified in this  
8 subsection and by providing the necessary technology in the  
9 courtroom to deliver the information.

10  
11 Reviser's note.--Amended to confirm the  
12 substitution by the editors of the word  
13 "ensure" for the word "insure" to conform to  
14 context.

15  
16 Section 118. Paragraphs (d) and (j) of subsection (1)  
17 of section 948.062, Florida Statutes, are amended to read:

18 948.062 Reviewing and reporting serious offenses  
19 committed by offenders placed on probation or community  
20 control.--

21 (1) The department shall review the circumstances  
22 related to an offender placed on probation or community  
23 control who has been arrested while on supervision for the  
24 following offenses:

25 (d) Any kidnapping, false imprisonment, or luring of a  
26 child as provided in s. 787.01, s. 787.02 ~~782.07~~, or s.  
27 787.025;

28 (j) Any DUI manslaughter as provided in s.  
29 316.193(3)(c), or vehicular or vessel homicide as provided in  
30 s. 782.071 or s. 782.072 ~~787.072~~, committed by any person who  
31



1 is on probation or community control for an offense involving  
2 death or injury resulting from a driving incident.

3  
4 Reviser's note.--Paragraph (1)(d) is amended to  
5 correct a reference and conform to context.

6 Section 782.07 relates to manslaughter; s.  
7 787.02 relates to false imprisonment. Paragraph  
8 (1)(j) is amended to correct a reference and  
9 conform to context. Section 787.072 does not  
10 exist; s. 782.072 relates to vessel homicide.

11  
12 Section 119. Paragraph (b) of subsection (7) of  
13 section 1008.25, Florida Statutes, is amended to read:

14 1008.25 Public school student progression; remedial  
15 instruction; reporting requirements.--

16 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

17 (b) Beginning with the 2004-2005 school year, each  
18 school district shall:

19 1. Conduct a review of student academic improvement  
20 plans for all students who did not score above Level 1 on the  
21 reading portion of the FCAT and did not meet the criteria for  
22 one of the good cause exemptions in paragraph (6)(b). The  
23 review shall address additional supports and services, as  
24 described in this subsection, needed to remediate the  
25 identified areas of reading deficiency. The school district  
26 shall require a student portfolio to be completed for each  
27 such student.

28 2. Provide students who are retained under the  
29 provisions of paragraph (5)(b) with intensive instructional  
30 services and supports to remediate the identified areas of  
31 reading deficiency, including a minimum of 90 minutes of

1 daily, uninterrupted, scientifically research-based reading  
2 instruction and other strategies prescribed by the school  
3 district, which may include, but are not limited to:

- 4 a. Small group instruction.
- 5 b. Reduced teacher-student ratios.
- 6 c. More frequent progress monitoring.
- 7 d. Tutoring or mentoring.
- 8 e. Transition classes containing 3rd and 4th grade  
9 students.
- 10 f. Extended school day, week, or year.
- 11 g. Summer reading camps.

12 3. Provide written notification to the parent of any  
13 student who is retained under the provisions of paragraph  
14 (5)(b) that his or her child has not met the proficiency level  
15 required for promotion and the reasons the child is not  
16 eligible for a good cause exemption as provided in paragraph  
17 (6)(b). The notification must comply with the provisions of s.  
18 1002.20(15) ~~1002.20(14)~~ and must include a description of  
19 proposed interventions and supports that will be provided to  
20 the child to remediate the identified areas of reading  
21 deficiency.

22 4. Implement a policy for the midyear promotion of any  
23 student retained under the provisions of paragraph (5)(b) who  
24 can demonstrate that he or she is a successful and independent  
25 reader, reading at or above grade level, and ready to be  
26 promoted to grade 4. Tools that school districts may use in  
27 reevaluating any student retained may include subsequent  
28 assessments, alternative assessments, and portfolio reviews,  
29 in accordance with rules of the State Board of Education.  
30 Students promoted during the school year after November 1 must  
31 demonstrate proficiency above that required to score at Level

1 2 on the grade 3 FCAT, as determined by the State Board of  
2 Education. The State Board of Education shall adopt standards  
3 that provide a reasonable expectation that the student's  
4 progress is sufficient to master appropriate 4th grade level  
5 reading skills.

6 5. Provide students who are retained under the  
7 provisions of paragraph (5)(b) with a high-performing teacher  
8 as determined by student performance data and  
9 above-satisfactory performance appraisals.

10 6. In addition to required reading enhancement and  
11 acceleration strategies, provide parents of students to be  
12 retained with at least one of the following instructional  
13 options:

14 a. Supplemental tutoring in scientifically  
15 research-based reading services in addition to the regular  
16 reading block, including tutoring before and/or after school.

17 b. A "Read at Home" plan outlined in a parental  
18 contract, including participation in "Families Building Better  
19 Readers Workshops" and regular parent-guided home reading.

20 c. A mentor or tutor with specialized reading  
21 training.

22 7. Establish a Reading Enhancement and Acceleration  
23 Development (READ) Initiative. The focus of the READ  
24 Initiative shall be to prevent the retention of grade 3  
25 students and to offer intensive accelerated reading  
26 instruction to grade 3 students who failed to meet standards  
27 for promotion to grade 4 and to each K-3 student who is  
28 assessed as exhibiting a reading deficiency. The READ  
29 Initiative shall:

30 a. Be provided to all K-3 students at risk of  
31 retention as identified by the statewide assessment system

1 used in Reading First schools. The assessment must measure  
2 phonemic awareness, phonics, fluency, vocabulary, and  
3 comprehension.

4 b. Be provided during regular school hours in addition  
5 to the regular reading instruction.

6 c. Provide a state-identified reading curriculum that  
7 has been reviewed by the Florida Center for Reading Research  
8 at Florida State University and meets, at a minimum, the  
9 following specifications:

10 (I) Assists students assessed as exhibiting a reading  
11 deficiency in developing the ability to read at grade level.

12 (II) Provides skill development in phonemic awareness,  
13 phonics, fluency, vocabulary, and comprehension.

14 (III) Provides scientifically based and reliable  
15 assessment.

16 (IV) Provides initial and ongoing analysis of each  
17 student's reading progress.

18 (V) Is implemented during regular school hours.

19 (VI) Provides a curriculum in core academic subjects  
20 to assist the student in maintaining or meeting proficiency  
21 levels for the appropriate grade in all academic subjects.

22 8. Establish at each school, where applicable, an  
23 Intensive Acceleration Class for retained grade 3 students who  
24 subsequently score at Level 1 on the reading portion of the  
25 FCAT. The focus of the Intensive Acceleration Class shall be  
26 to increase a child's reading level at least two grade levels  
27 in 1 school year. The Intensive Acceleration Class shall:

28 a. Be provided to any student in grade 3 who scores at  
29 Level 1 on the reading portion of the FCAT and who was  
30 retained in grade 3 the prior year because of scoring at Level  
31 1 on the reading portion of the FCAT.

- 1           b. Have a reduced teacher-student ratio.
- 2           c. Provide uninterrupted reading instruction for the  
3 majority of student contact time each day and incorporate  
4 opportunities to master the grade 4 Sunshine State Standards  
5 in other core subject areas.
- 6           d. Use a reading program that is scientifically  
7 research-based and has proven results in accelerating student  
8 reading achievement within the same school year.
- 9           e. Provide intensive language and vocabulary  
10 instruction using a scientifically research-based program,  
11 including use of a speech-language therapist.
- 12           f. Include weekly progress monitoring measures to  
13 ensure progress is being made.
- 14           g. Report to the Department of Education, in the  
15 manner described by the department, the progress of students  
16 in the class at the end of the first semester.
- 17           9. Report to the State Board of Education, as  
18 requested, on the specific intensive reading interventions and  
19 supports implemented at the school district level. The  
20 Commissioner of Education shall annually prescribe the  
21 required components of requested reports.
- 22           10. Provide a student who has been retained in grade 3  
23 and has received intensive instructional services but is still  
24 not ready for grade promotion, as determined by the school  
25 district, the option of being placed in a transitional  
26 instructional setting. Such setting shall specifically be  
27 designed to produce learning gains sufficient to meet grade 4  
28 performance standards while continuing to remediate the areas  
29 of reading deficiency.  
30  
31

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 1002.20(14) as s.  
3 1002.20(15) by s. 5, ch. 2004-42, Laws of  
4 Florida.

5  
6 Section 120. Subsection (7) of section 1013.30,  
7 Florida Statutes, is amended to read:

8 1013.30 University campus master plans and campus  
9 development agreements.--

10 (7) Notice that the campus master plan has been  
11 adopted must be forwarded within 45 days after its adoption to  
12 any affected person that submitted comments on the draft  
13 campus master plan. The notice must state how and where a copy  
14 of the master plan may be obtained or inspected. Within 30  
15 days after receipt of the notice of adoption of the campus  
16 master plan, or 30 days after the date the adopted plan is  
17 available for review, whichever is later, an affected person  
18 who submitted comments on the draft master plan may petition  
19 the university board of trustees, challenging the campus  
20 master plan as not being in compliance with this section or  
21 any rule adopted under this section. The petition must state  
22 each objection, identify its source, and provide a recommended  
23 action. A petition filed by an affected local government may  
24 raise only those issues directly pertaining to the public  
25 facilities or services that the affected local government  
26 provides to or maintains within the campus or to the direct  
27 impact that campus development would have on the affected  
28 local government. A petition filed by an affected person must  
29 include those items required by the uniform rules adopted  
30 under s. 120.54(5). Any affected person who files a petition  
31 under this subsection may challenge only those provisions in

1 the plan that were raised by that person's oral or written  
2 comments, recommendations, or objections presented to the  
3 university board of trustees, as required by paragraph (2)(b)  
4 ~~s. 1013.30(1)(b)~~. The university may, during the pendency of a  
5 challenge, negotiate a campus development agreement as  
6 provided in subsection (11).

7  
8 Reviser's note.--Amended to confirm the  
9 substitution by the editors of a reference to  
10 paragraph (2)(b) for a reference to "s.  
11 1013.30(1)(b)," which does not exist. Paragraph  
12 (2)(b) defines the term "affected person."  
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