

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26 served their purpose, or have been impliedly repealed or
27 superseded; replacing incorrect cross-references and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

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29 errors; removing inconsistencies, redundancies, and
30 unnecessary repetition in the statutes; improving the
31 clarity of the statutes and facilitating their correct
32 interpretation; confirming the restoration of provisions
33 unintentionally omitted from republication in the acts of
34 the Legislature during the amendatory process; and
35 conforming to the directive of the Legislature in s. 1,
36 ch. 93-199, Laws of Florida, to remove gender-specific
37 references applicable to human beings from the Florida
38 Statutes without substantive change in legal effect;
39 providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (5) of section 17.076, Florida
44 Statutes, is amended to read:

45 17.076 Direct deposit of funds.--

46 (5) All direct deposit records made prior to October 1,
47 1986, are exempt from the provisions of s. 119.07(1). With
48 respect to direct deposit records made on or after October 1,
49 1986, the names of the authorized financial institutions and the
50 account numbers of the beneficiaries are confidential and exempt
51 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
52 State Constitution. Notwithstanding this exemption and the
53 provisions of s. 119.071(5)(b) ~~119.07(3)(dd)~~, the department may
54 provide a state university, upon request, with that university's
55 employee or vendor direct deposit authorization information on
56 file with the department in order to accommodate the transition

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57 | to the university accounting system. The state university shall
 58 | maintain the confidentiality of all such information provided by
 59 | the department.

60 |
 61 | Reviser's note.--Amended to conform to the
 62 | redesignation of s. 119.07(3)(dd) as s. 119.07(6)(dd)
 63 | by s. 7, ch. 2004-335, Laws of Florida, and the
 64 | further redesignation of s. 119.07(6)(dd) as s.
 65 | 119.071(5)(b) by s. 25, ch. 2005-251, Laws of Florida.

66 |
 67 | Section 2. Paragraph (b) of subsection (9) of section
 68 | 20.165, Florida Statutes, is amended to read:

69 | 20.165 Department of Business and Professional
 70 | Regulation.--There is created a Department of Business and
 71 | Professional Regulation.

72 | (9)

73 | (b) All employees certified under chapter 943 as law
 74 | enforcement officers shall have felony arrest powers under s.
 75 | 901.15(12) ~~901.15(10)~~ and shall have all the powers of deputy
 76 | sheriffs to:

77 | 1. Investigate, enforce, and prosecute, throughout the
 78 | state, violations and violators of:

79 | a. Parts I and II of chapter 210; part VII of chapter 559;
 80 | and chapters 561-569; and the rules promulgated thereunder, as
 81 | well as other state laws which the division, all state law
 82 | enforcement officers, or beverage enforcement agents are
 83 | specifically authorized to enforce.

84 | b. All other state laws, provided that the employee

85 | exercises the powers of a deputy sheriff, only after
 86 | consultation and in coordination with the appropriate local
 87 | sheriff's office, and only if the violation could result in an
 88 | administrative proceeding against a license or permit issued by
 89 | the division.

90 | 2. Enforce all criminal laws of the state within specified
 91 | jurisdictions when the division is a party to a written mutual
 92 | aid agreement with a state agency, sheriff, or municipal police
 93 | department, or when the division participates in the Florida
 94 | Mutual Aid Plan during a declared state emergency.

95 |
 96 | Reviser's note.--Amended to conform to the current
 97 | location of referenced material in s. 901.15, relating
 98 | to felony arrest powers. The reference as added by s.
 99 | 1, ch. 95-346, Laws of Florida, was originally to s.
 100 | 901.15(11). That material has been redesignated
 101 | several times since and is currently in s. 901.15(12).

102 |
 103 | Section 3. Subsection (1) of section 23.21, Florida
 104 | Statutes, is amended to read:

105 | 23.21 Definitions.--For purposes of this part:

106 | (1) "Department" means a principal administrative unit
 107 | within the executive branch of state government, as defined in
 108 | chapter 20, and includes the State Board of Administration, the
 109 | Executive Office of the Governor, the Fish and Wildlife
 110 | Conservation Commission, the Parole Commission, the Agency for
 111 | Health Care Administration, the Board of Regents, the State
 112 | Board of Community Colleges, the Justice Administrative

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113 Commission, the capital collateral regional counsel
 114 ~~Representative~~, and separate budget entities placed for
 115 administrative purposes within a department.

116
 117 Reviser's note.--Amended to conform to the replacement
 118 of the capital collateral representative with capital
 119 collateral regional counsel in s. 27.701 by s. 1, ch.
 120 97-313, Laws of Florida.

121
 122 Section 4. Paragraph (a) of subsection (5) of section
 123 27.51, Florida Statutes, is amended to read:

124 27.51 Duties of public defender.--

125 (5) (a) When direct appellate proceedings prosecuted by a
 126 public defender on behalf of an accused and challenging a
 127 judgment of conviction and sentence of death terminate in an
 128 affirmance of such conviction and sentence, whether by the
 129 Florida Supreme Court or by the United States Supreme Court or
 130 by expiration of any deadline for filing such appeal in a state
 131 or federal court, the public defender shall notify the accused
 132 of his or her rights pursuant to Rule 3.850, Florida Rules of
 133 Criminal Procedure, including any time limits pertinent thereto,
 134 and shall advise such person that representation in any
 135 collateral proceedings is the responsibility of the capital
 136 collateral regional counsel ~~representative~~. The public defender
 137 shall then forward all original files on the matter to the
 138 capital collateral regional counsel ~~representative~~, retaining
 139 such copies for his or her files as may be desired. However, the
 140 trial court shall retain the power to appoint the public

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141 defender or other attorney not employed by the capital
 142 collateral regional counsel ~~representative~~ to represent such
 143 person in proceedings for relief by executive clemency pursuant
 144 to ss. 27.40 and 27.5303.

145
 146 Reviser's note.--Amended to conform to the replacement
 147 of the capital collateral representative with capital
 148 collateral regional counsel in s. 27.701 by s. 1, ch.
 149 97-313, Laws of Florida.

150
 151 Section 5. Section 28.2222, Florida Statutes, is amended
 152 to read:

153 28.2222 Public records capital improvement plan.--On ~~or~~
 154 ~~before December 1, 1995, and on~~ or before December 1 of each
 155 year immediately preceding each year in which the Public Records
 156 Modernization Trust Fund is scheduled for review under s.
 157 19(f)(2), Art. III of the State Constitution, each clerk of the
 158 circuit court shall file a 4-year capital improvement plan with
 159 the President of the Senate and the Speaker of the House of
 160 Representatives. The plan must specify the clerk's goals for
 161 modernizing and improving the storage of, and public access to,
 162 public records and must state the manner in which moneys from
 163 the trust fund will be expended to obtain the stated objectives.
 164 The plan must specify the methodology used to determine the
 165 projected cost to implement the plan and to determine the
 166 projected revenue to meet the cost. ~~The plan due December 1,~~
 167 ~~1995, must report on the period from November 4, 1996, through~~
 168 ~~September 30, 1999.~~ Each ~~subsequent~~ capital improvement plan

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169 must state the progress made in fulfilling the objectives listed
 170 in the previously filed capital improvement plan and must state
 171 the manner in which moneys from the trust fund were expended to
 172 reach those objectives.

173

174 Reviser's note.--Amended to delete obsolete language
 175 relating to an initial public records capital
 176 improvement plan that was due December 1, 1995.

177

178 Section 6. Subsection (3) of section 39.3035, Florida
 179 Statutes, is amended to read:

180 39.3035 Child advocacy centers; standards; state
 181 funding.--

182 (3) A child advocacy center within this state may not
 183 receive the funds generated pursuant to s. 938.10 ~~983.10~~, state
 184 or federal funds administered by a state agency, or any other
 185 funds appropriated by the Legislature unless all of the
 186 standards of subsection (1) are met and the screening
 187 requirement of subsection (2) is met. The Florida Network of
 188 Children's Advocacy Centers, Inc., shall be responsible for
 189 tracking and documenting compliance with subsections (1) and (2)
 190 for any of the funds it administers to member child advocacy
 191 centers.

192

193 Reviser's note.--Amended to correct a reference to
 194 nonexistent s. 983.10; s. 938.10 relates to added
 195 court costs imposed in certain cases involving crimes
 196 against minors.

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197
 198 Section 7. Paragraph (a) of subsection (5) of section
 199 43.16, Florida Statutes, is amended to read:

200 43.16 Justice Administrative Commission; membership,
 201 powers and duties.--

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

204 (a) The maintenance of a central state office for
 205 administrative services and assistance when possible to and on
 206 behalf of the state attorneys and public defenders of Florida,
 207 the ~~office of~~ capital collateral regional counsel ~~representative~~
 208 of Florida, and the Guardian Ad Litem Program.

209
 210 Reviser's note.--Amended to conform to the replacement
 211 of the Office of Capital Collateral Representative
 212 with capital collateral regional counsel in s. 27.701
 213 by s. 1, ch. 97-313, Laws of Florida.

214
 215 Section 8. Subsection (3) of section 98.077, Florida
 216 Statutes, is amended to read:

217 98.077 Update of voter signature.--

218 (3) At least once during each general election year, the
 219 supervisor shall publish in a newspaper of general circulation
 220 or other newspaper in the county deemed appropriate by the
 221 supervisor a notice specifying when, where, or how a voter can
 222 update his or her signature that is on file and how a voter can
 223 obtain a voter registration application from a voter
 224 registration official ~~to do so~~.

225
 226 Reviser's note.--Amended to confirm the deletion by
 227 the editors of the words "to do so" following the word
 228 "official" to improve clarity.

229
 230 Section 9. Subsection (4) of section 101.051, Florida
 231 Statutes, is amended to read:

232 101.051 Electors seeking assistance in casting ballots;
 233 oath to be executed; forms to be furnished.--

234 (4) If an elector needs assistance in voting pursuant to
 235 the provisions of this section, the clerk or one of the
 236 inspectors shall require the elector requesting assistance in
 237 voting to take the following oath:

238 DECLARATION TO SECURE ASSISTANCE

239 State of Florida County of ____ Date ____ Precinct ____

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

243 (Signature of voter ~~assistor~~)

244 Sworn and subscribed to before me this ____ day of _____,
 245 (year) .

246 (Signature of Official Administering Oath)

247
 248
 249 Reviser's note.--Amended to confirm the substitution
 250 by the editors of the word "voter" for the word
 251 "assistor" to conform to context and correct a coding
 252 error.

253
 254 Section 10. Subsection (4) of section 101.111, Florida
 255 Statutes, is amended to read:

256 101.111 Person desiring to vote may be challenged;
 257 challenger to execute oath; oath of person challenged;
 258 determination of challenge.--

259 (4) Any elector or poll watcher filing a frivolous
 260 challenge of any person's right to vote commits a misdemeanor of
 261 the first degree, punishable as provided in s. 775.082, or s.
 262 775.083, ~~or s. 775.084~~; however, electors or poll watchers shall
 263 not be subject to liability for any action taken in good faith
 264 and in furtherance of any activity or duty permitted of such
 265 electors or poll watchers by law. Each instance where any
 266 elector or poll watcher files a frivolous challenge of any
 267 person's right to vote constitutes a separate offense.

268
 269 Reviser's note.--Amended to delete an erroneous
 270 reference. Section 775.084 does not relate to
 271 misdemeanors; it relates to violent career criminals,
 272 habitual felony offenders, and habitual violent felony
 273 offenders.

274
 275 Section 11. Paragraph (f) of subsection (13) of section
 276 112.0455, Florida Statutes, is amended to read:

277 112.0455 Drug-Free Workplace Act.--

278 (13) RULES.--

279 (f) The Justice Administrative Commission may adopt rules
 280 on behalf of the state attorneys and public defenders of

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281 Florida, the ~~Office of~~ capital collateral regional counsel
 282 Representative of Florida, and the Judicial Qualifications
 283 Commission.

284
 285 This section shall not be construed to eliminate the bargainable
 286 rights as provided in the collective bargaining process where
 287 applicable.

288
 289 Reviser's note.--Amended to conform to the replacement
 290 of the Office of Capital Collateral Representative
 291 with capital collateral regional counsel in s. 27.701
 292 by s. 1, ch. 97-313, Laws of Florida.

293
 294 Section 12. Paragraph (d) of subsection (7) of section
 295 112.061, Florida Statutes, is amended to read:

296 112.061 Per diem and travel expenses of public officers,
 297 employees, and authorized persons.--

298 (7) TRANSPORTATION.--

299 (d)1. The use of privately owned vehicles for official
 300 travel in lieu of publicly owned vehicles or common carriers may
 301 be authorized by the agency head or his or her designee.
 302 Whenever travel is by privately owned vehicle, the traveler
 303 shall be entitled to a mileage allowance at a fixed rate of ~~25~~
 304 ~~cents per mile for state fiscal year 1994-1995 and 29 cents per~~
 305 ~~mile thereafter~~ or the common carrier fare for such travel, as
 306 determined by the agency head. Reimbursement for expenditures
 307 related to the operation, maintenance, and ownership of a
 308 vehicle shall not be allowed when privately owned vehicles are

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309 used on public business and reimbursement is made pursuant to
310 this paragraph, except as provided in subsection (8).

311 2. All mileage shall be shown from point of origin to
312 point of destination and, when possible, shall be computed on
313 the basis of the current map of the Department of
314 Transportation. Vicinity mileage necessary for the conduct of
315 official business is allowable but must be shown as a separate
316 item on the expense voucher.

317

318 Reviser's note.--Amended to delete obsolete language
319 relating to a mileage rate for the 1994-1995 fiscal
320 year.

321

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

324 112.31901 Investigatory records.--

325 (1) If certified pursuant to subsection (2), an
326 investigatory record of the Chief Inspector General within the
327 Executive Office of the Governor or of the employee designated
328 by an agency head as the agency inspector general under s.
329 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the
330 State Constitution until the investigation ~~registration~~ ceases
331 to be active, or a report detailing the investigation is
332 provided to the Governor or the agency head, or 60 days from the
333 inception of the investigation for which the record was made or
334 received, whichever first occurs. Investigatory records are
335 those records that are related to the investigation of an
336 alleged, specific act or omission or other wrongdoing, with

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337 | respect to an identifiable person or group of persons, based on
338 | information compiled by the Chief Inspector General or by an
339 | agency inspector general, as named under the provisions of s.
340 | 112.3189, in the course of an investigation. An investigation is
341 | active if it is continuing with a reasonable, good faith
342 | anticipation of resolution and with reasonable dispatch.

343

344 | Reviser's note.--Amended to correct an apparent
345 | drafting error and to conform to context.

346

347 | Section 14. Paragraph (d) of subsection (4) and paragraph
348 | (a) of subsection (5) of section 119.071, Florida Statutes, are
349 | amended to read:

350 | 119.071 General exemptions from inspection or copying of
351 | public records.--

352 | (4) AGENCY PERSONNEL INFORMATION.--

353 | (d)1. The home addresses, telephone numbers, social
354 | security numbers, and photographs of active or former law
355 | enforcement personnel, including correctional and correctional
356 | probation officers, personnel of the Department of Children and
357 | Family Services whose duties include the investigation of abuse,
358 | neglect, exploitation, fraud, theft, or other criminal
359 | activities, personnel of the Department of Health whose duties
360 | are to support the investigation of child abuse or neglect, and
361 | personnel of the Department of Revenue or local governments
362 | whose responsibilities include revenue collection and
363 | enforcement or child support enforcement; the home addresses,
364 | telephone numbers, social security numbers, photographs, and

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365 places of employment of the spouses and children of such
366 personnel; and the names and locations of schools and day care
367 facilities attended by the children of such personnel are exempt
368 from s. 119.07(1). The home addresses, telephone numbers, and
369 photographs of firefighters certified in compliance with s.
370 633.35; the home addresses, telephone numbers, photographs, and
371 places of employment of the spouses and children of such
372 firefighters; and the names and locations of schools and day
373 care facilities attended by the children of such firefighters
374 are exempt from s. 119.07(1). The home addresses and telephone
375 numbers of justices of the Supreme Court, district court of
376 appeal judges, circuit court judges, and county court judges;
377 the home addresses, telephone numbers, and places of employment
378 of the spouses and children of justices and judges; and the
379 names and locations of schools and day care facilities attended
380 by the children of justices and judges are exempt from s.
381 119.07(1). The home addresses, telephone numbers, social
382 security numbers, and photographs of current or former state
383 attorneys, assistant state attorneys, statewide prosecutors, or
384 assistant statewide prosecutors; the home addresses, telephone
385 numbers, social security numbers, photographs, and places of
386 employment of the spouses and children of current or former
387 state attorneys, assistant state attorneys, statewide
388 prosecutors, or assistant statewide prosecutors; and the names
389 and locations of schools and day care facilities attended by the
390 children of current or former state attorneys, assistant state
391 attorneys, statewide prosecutors, or assistant statewide
392 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of

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393 | the State Constitution.

394 | 2. The home addresses, telephone numbers, social security
395 | numbers, and photographs of current or former human resource,
396 | labor relations, or employee relations directors, assistant
397 | directors, managers, or assistant managers of any local
398 | government agency or water management district whose duties
399 | include hiring and firing employees, labor contract negotiation,
400 | administration, or other personnel-related duties; the names,
401 | home addresses, telephone numbers, social security numbers,
402 | photographs, and places of employment of the spouses and
403 | children of such personnel; and the names and locations of
404 | schools and day care facilities attended by the children of such
405 | personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
406 | the State Constitution. This subparagraph is subject to the Open
407 | Government Sunset Review Act in accordance with s. 119.15 and
408 | shall stand repealed on October 2, 2006, unless reviewed and
409 | saved from repeal through reenactment by the Legislature.

410 | 3. The home addresses, telephone numbers, social security
411 | numbers, and photographs of current or former United States
412 | attorneys and assistant United States attorneys; the home
413 | addresses, telephone numbers, social security numbers,
414 | photographs, and places of employment of the spouses and
415 | children of current or former United States attorneys and
416 | assistant United States attorneys; and the names and locations
417 | of schools and day care facilities attended by the children of
418 | current or former United States attorneys and assistant United
419 | States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.
420 | I of the State Constitution. This subparagraph is subject to the

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421 Open Government Sunset Review Act in accordance with s. 119.15
422 and shall stand repealed on October 2, 2009, unless reviewed and
423 saved from repeal through reenactment by the Legislature.

424 4. The home addresses, telephone numbers, social security
425 numbers, and photographs of current or former judges of United
426 States Courts of Appeal, United States district judges, and
427 United States magistrate judges; the home addresses, telephone
428 numbers, social security numbers, photographs, and places of
429 employment of the spouses and children of current or former
430 judges of United States Courts of Appeal, United States district
431 judges, and United States magistrate judges; and the names and
432 locations of schools and day care facilities attended by the
433 children of current or former judges of United States Courts of
434 Appeal, United States district judges, and United States
435 magistrate judges are exempt from s. 119.07(1) and s. 24(a),
436 Art. I of the State Constitution. This subparagraph is subject
437 to the Open Government Sunset Review Act in accordance with s.
438 119.15 and shall stand repealed on October 2, 2009, unless
439 reviewed and saved from repeal through reenactment by the
440 Legislature.

441 5. The home addresses, telephone numbers, social security
442 numbers, and photographs of current or former code enforcement
443 officers; the names, home addresses, telephone numbers, social
444 security numbers, photographs, and places of employment of the
445 spouses and children of such persons; and the names and
446 locations of schools and day care facilities attended by the
447 children of such persons are exempt from s. 119.07(1) and s.
448 24(a), Art. I of the State Constitution. This subparagraph is

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449 subject to the Open Government Sunset Review Act in accordance
450 with s. 119.15 and shall stand repealed on October 2, 2006,
451 unless reviewed and saved from repeal through reenactment by the
452 Legislature.

453 6. The home addresses, telephone numbers, places of
454 employment, and photographs of current or former guardians ad
455 litem, as defined in s. 39.820, and the names, home addresses,
456 telephone numbers, and places of employment of the spouses and
457 children of such persons, are exempt from s. 119.07(1)
458 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution,
459 if the guardian ad litem provides a written statement that the
460 guardian ad litem has made reasonable efforts to protect such
461 information from being accessible through other means available
462 to the public. This subparagraph is subject to the Open
463 Government Sunset Review Act ~~of 1995~~ in accordance with s.
464 119.15 and shall stand repealed on October 2, 2010, unless
465 reviewed and saved from repeal through reenactment by the
466 Legislature.

467 7. An agency that is the custodian of the personal
468 information specified in subparagraph 1., subparagraph 2.,
469 subparagraph 3., subparagraph 4., subparagraph 5., or
470 subparagraph 6. and that is not the employer of the officer,
471 employee, justice, judge, or other person specified in
472 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
473 4., subparagraph 5., or subparagraph 6. shall maintain the
474 exempt status of the personal information only if the officer,
475 employee, justice, judge, other person, or employing agency of
476 the designated employee submits a written request for

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477 maintenance of the exemption to the custodial agency.

478 (5) OTHER PERSONAL INFORMATION.--

479 (a)1. The Legislature acknowledges that the social
480 security number was never intended to be used for business
481 purposes but was intended to be used solely for the
482 administration of the federal Social Security System. The
483 Legislature is further aware that over time this unique numeric
484 identifier has been used extensively for identity verification
485 purposes and other legitimate consensual purposes. The
486 Legislature is also cognizant of the fact that the social
487 security number can be used as a tool to perpetuate fraud
488 against a person and to acquire sensitive personal, financial,
489 medical, and familial information, the release of which could
490 cause great financial or personal harm to an individual. The
491 Legislature intends to monitor the commercial use of social
492 security numbers held by state agencies in order to maintain a
493 balanced public policy.

494 2. An agency shall not collect an individual's social
495 security number unless authorized by law to do so or unless the
496 collection of the social security number is otherwise imperative
497 for the performance of that agency's duties and responsibilities
498 as prescribed by law. Social security numbers collected by an
499 agency must be relevant to the purpose for which collected and
500 shall not be collected until and unless the need for social
501 security numbers has been clearly documented. An agency that
502 collects social security numbers shall also segregate that
503 number on a separate page from the rest of the record, or as
504 otherwise appropriate, in order that the social security number

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505 be more easily redacted, if required, pursuant to a public
506 records request. An agency collecting a person's social security
507 number shall, upon that person's request, at the time of or
508 prior to the actual collection of the social security number by
509 that agency, provide that person with a statement of the purpose
510 or purposes for which the social security number is being
511 collected and used. Social security numbers collected by an
512 agency shall not be used by that agency for any purpose other
513 than the purpose stated. Social security numbers collected by an
514 agency prior to May 13, 2002, shall be reviewed for compliance
515 with this subparagraph. If the collection of a social security
516 number prior to May 13, 2002, is found to be unwarranted, the
517 agency shall immediately discontinue the collection of social
518 security numbers for that purpose.

519 3. Effective October 1, 2002, all social security numbers
520 held by an agency are confidential and exempt from s. 119.07(1)
521 and s. 24(a), Art. I of the State Constitution. This exemption
522 applies to all social security numbers held by an agency before,
523 on, or after the effective date of this exemption.

524 4. Social security numbers may be disclosed to another
525 governmental entity or its agents, employees, or contractors if
526 disclosure is necessary for the receiving entity to perform its
527 duties and responsibilities. The receiving governmental entity
528 and its agents, employees, and contractors shall maintain the
529 confidential and exempt status of such numbers.

530 5. An agency shall not deny a commercial entity engaged in
531 the performance of a commercial activity as defined in s. 14.203
532 or its agents, employees, or contractors access to social

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533 security numbers, provided the social security numbers will be
534 used only in the normal course of business for legitimate
535 business purposes, and provided the commercial entity makes a
536 written request for social security numbers, verified as
537 provided in s. 92.525, legibly signed by an authorized officer,
538 employee, or agent of the commercial entity. The verified
539 written request must contain the commercial entity's name,
540 business mailing and location addresses, business telephone
541 number, and a statement of the specific purposes for which it
542 needs the social security numbers and how the social security
543 numbers will be used in the normal course of business for
544 legitimate business purposes. The aggregate of these requests
545 shall serve as the basis for the agency report required in
546 subparagraph 8. An agency may request any other information
547 reasonably necessary to verify the identity of the entity
548 requesting the social security numbers and the specific purposes
549 for which such numbers will be used; however, an agency has no
550 duty to inquire beyond the information contained in the verified
551 written request. A legitimate business purpose includes
552 verification of the accuracy of personal information received by
553 a commercial entity in the normal course of its business; use in
554 a civil, criminal, or administrative proceeding; use for
555 insurance purposes; use in law enforcement and investigation of
556 crimes; use in identifying and preventing fraud; use in
557 matching, verifying, or retrieving information; and use in
558 research activities. A legitimate business purpose does not
559 include the display or bulk sale of social security numbers to
560 the general public or the distribution of such numbers to any

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561 customer that is not identifiable by the distributor.

562 6. Any person who makes a false representation in order to
563 obtain a social security number pursuant to this paragraph, or
564 any person who willfully and knowingly violates this paragraph,
565 commits a felony of the third degree, punishable as provided in
566 s. 775.082 or s. 775.083. Any public officer who violates this
567 paragraph is guilty of a noncriminal infraction, punishable by a
568 fine not exceeding \$500. A commercial entity that provides
569 access to public records containing social security numbers in
570 accordance with this paragraph is not subject to the penalty
571 provisions of this subparagraph.

572 7.a. On or after October 1, 2002, a person preparing or
573 filing a document to be recorded in the official records by the
574 county recorder as provided for in chapter 28 may not include
575 any person's social security number in that document, unless
576 otherwise expressly required by law. If a social security number
577 is or has been included in a document presented to the county
578 recorder for recording in the official records of the county
579 before, on, or after October 1, 2002, it may be made available
580 as part of the official record available for public inspection
581 and copying.

582 b. Any person, or his or her attorney or legal guardian,
583 has the right to request that a county recorder remove, from an
584 image or copy of an official record placed on a county
585 recorder's publicly available Internet website or a publicly
586 available Internet website used by a county recorder to display
587 public records or otherwise made electronically available to the
588 general public by such recorder, his or her social security

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589 number contained in that official record. Such request must be
590 made in writing, legibly signed by the requester and delivered
591 by mail, facsimile, or electronic transmission, or delivered in
592 person, to the county recorder. The request must specify the
593 identification page number that contains the social security
594 number to be redacted. The county recorder has no duty to
595 inquire beyond the written request to verify the identity of a
596 person requesting redaction. A fee shall not be charged for the
597 redaction of a social security number pursuant to such request.

598 c. A county recorder shall immediately and conspicuously
599 post signs throughout his or her offices for public viewing and
600 shall immediately and conspicuously post ~~a notice~~, on any
601 Internet website or remote electronic site made available by the
602 county recorder and used for the ordering or display of official
603 records or images or copies of official records, a notice
604 stating, in substantially similar form, the following:

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

609 (II) Any person has a right to request a county recorder
610 to remove, from an image or copy of an official record placed on
611 a county recorder's publicly available Internet website or on a
612 publicly available Internet website used by a county recorder to
613 display public records or otherwise made electronically
614 available to the general public, any social security number
615 contained in an official record. Such request must be made in
616 writing and delivered by mail, facsimile, or electronic

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617 transmission, or delivered in person, to the county recorder.
618 The request must specify the identification page number that
619 contains the social security number to be redacted. No fee will
620 be charged for the redaction of a social security number
621 pursuant to such a request.

622 d. Until January 1, 2007, if a social security number,
623 made confidential and exempt pursuant to this paragraph, or a
624 complete bank account, debit, charge, or credit card number made
625 exempt pursuant to paragraph (b) is or has been included in a
626 court file, such number may be included as part of the court
627 record available for public inspection and copying unless
628 redaction is requested by the holder of such number, or by the
629 holder's attorney or legal guardian, in a signed, legibly
630 written request specifying the case name, case number, document
631 heading, and page number. The request must be delivered by mail,
632 facsimile, electronic transmission, or in person to the clerk of
633 the circuit court. The clerk of the circuit court does not have
634 a duty to inquire beyond the written request to verify the
635 identity of a person requesting redaction. A fee may not be
636 charged for the redaction of a social security number or a bank
637 account, debit, charge, or credit card number pursuant to such
638 request.

639 e. Any person who prepares or files a document to be
640 recorded in the official records by the county recorder as
641 provided in chapter 28 may not include a person's social
642 security number or complete bank account, debit, charge, or
643 credit card number in that document unless otherwise expressly
644 required by law. Until January 1, 2007, if a social security

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645 number or a complete bank account, debit, charge, or credit card
646 number is or has been included in a document presented to the
647 county recorder for recording in the official records of the
648 county, such number may be made available as part of the
649 official record available for public inspection and copying. Any
650 person, or his or her attorney or legal guardian, may request
651 that a county recorder remove from an image or copy of an
652 official record placed on a county recorder's publicly available
653 Internet website, or a publicly available Internet website used
654 by a county recorder to display public records outside the
655 office or otherwise made electronically available outside the
656 county recorder's office to the general public, his or her
657 social security number or complete account, debit, charge, or
658 credit card number contained in that official record. Such
659 request must be legibly written, signed by the requester, and
660 delivered by mail, facsimile, electronic transmission, or in
661 person to the county recorder. The request must specify the
662 identification page number of the document that contains the
663 number to be redacted. The county recorder does not have a duty
664 to inquire beyond the written request to verify the identity of
665 a person requesting redaction. A fee may not be charged for
666 redacting such numbers.

667 f. Subparagraphs 5. 2- and 6. 3- do not apply to the
668 clerks of the court or the county recorder with respect to
669 circuit court records and official records.

670 g. On January 1, 2007, and thereafter, the clerk of the
671 circuit court and the county recorder must keep complete bank
672 account, debit, charge, and credit card numbers exempt as

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673 provided for in paragraph (b), and must keep social security
674 numbers confidential and exempt as provided for in subparagraph
675 3., without any person having to request redaction.

676 8. Beginning January 31, 2004, and each January 31
677 thereafter, every agency must file a report with the Secretary
678 of State, the President of the Senate, and the Speaker of the
679 House of Representatives listing the identity of all commercial
680 entities that have requested social security numbers during the
681 preceding calendar year and the specific purpose or purposes
682 stated by each commercial entity regarding its need for social
683 security numbers. If no disclosure requests were made, the
684 agency shall so indicate.

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

687 10. This paragraph does not supersede any other applicable
688 public records exemptions existing prior to May 13, 2002, or
689 created thereafter.

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

694
695 Reviser's note.--Paragraph (4)(d) is amended to
696 confirm the substitution by the editors of the cite to
697 s. 119.07(1) for a cite to "subsection (1)" [of s.
698 119.07] to conform to the transfer of s. 119.07(6)(i)
699 to s. 119.071(4)(d) by s. 23, ch. 2005-251, Laws of
700 Florida. The paragraph is also amended to confirm a

701 substitution by the editors of a cite to the Open
 702 Government Sunset Review Act for a reference to the
 703 Open Government Sunset Review Act of 1995; the short
 704 title was revised by s. 37, ch. 2005-251. Paragraph
 705 (5) (a) was amended to confirm the deletion by the
 706 editors of the words "a notice" following the word
 707 "post" to eliminate redundancy. Paragraph (5) (a) was
 708 also amended to correct a cross-reference; material
 709 referenced, formerly at s. 119.0721(3) and (4), was
 710 relocated to s. 119.071(5) (a)5. and 6., not s.
 711 119.071(5) (a)2. and 3.

712
 713 Section 15. Paragraph (a) of subsection (4) of section
 714 119.15, Florida Statutes, is amended to read:

715 119.15 Legislative review of exemptions from public
 716 meeting and public records requirements.--

717 (4) (a) A law that enacts a new exemption or substantially
 718 amends an existing exemption must state that the record or
 719 meeting is:

- 720 1. Exempt from s. 24 ~~24(a)~~, Art. I of the State
- 721 Constitution;
- 722 2. Exempt from s. 119.07(1) or s. 286.011; and
- 723 3. Repealed at the end of 5 years and that the exemption
- 724 must be reviewed by the Legislature before the scheduled repeal
- 725 date.

726
 727 Reviser's note.--Amended to correct an apparent error
 728 and conform to the reference to s. 24, Art. I of the

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729 State Constitution in subsection (2). Paragraph (4)(a)
 730 references exemptions from records or meetings;
 731 records are covered in s. 24(a), Art. I; meetings are
 732 covered in s. 24(b), Art. I.

733
 734 Section 16. Subsection (2) of section 161.72, Florida
 735 Statutes, is amended to read:

736 161.72 Findings and intent.--

737 (2) It is the intent of the Legislature to create the
 738 Oceans and Coastal ~~Resources~~ Council to assist the state in
 739 identifying new management strategies to achieve the goal of
 740 maximizing the protection and conservation of ocean and coastal
 741 resources while recognizing their economic benefits.

742
 743 Reviser's note.--Amended to confirm the deletion by
 744 the editors of the word "Resources" from a reference
 745 to the Oceans and Coastal Resources Council to conform
 746 to the name of the Oceans and Coastal Council as
 747 referenced in s. 161.71(2), which defines the council,
 748 and in s. 161.73, which provides for creation of the
 749 council.

750
 751 Section 17. Paragraph (n) of subsection (2) of section
 752 161.74, Florida Statutes, is amended to read:

753 161.74 Responsibilities.--

754 (2) RESEARCH PLAN.--The council must complete a Florida
 755 Oceans and Coastal Scientific Research Plan which shall be used
 756 by the Legislature in making funding decisions. The plan must

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757 recommend priorities for scientific research projects. The plan
758 must be submitted to the President of the Senate and the Speaker
759 of the House of Representatives by January 15, 2006. Thereafter,
760 annual updates to the plan must be submitted to the President of
761 the Senate and the Speaker of the House of Representatives by
762 February 1 of each year. The research projects contained in the
763 plan must meet at least one of the following objectives:

764 (n) Developing a statewide analysis of the economic value
765 associated with ocean and coastal resources, developing economic
766 baseline data, methodologies, and consistent measures of oceans
767 and coastal resource economic activity and value, and developing
768 reports that educate Floridians, the United States Commission on
769 ~~National~~ Ocean Policy ~~Commission~~, local, state, and federal
770 agencies and others on the importance of ocean and coastal
771 resources.

772

773 Reviser's note.--Amended to confirm the substitution
774 by the editors of a reference to the United States
775 Commission on Ocean Policy for a reference to the
776 National Ocean Policy Commission to conform to the
777 official name of the commission.

778

779 Section 18. Paragraph (b) of subsection (16) of section
780 163.3180, Florida Statutes, is amended to read:

781 163.3180 Concurrency.--

782 (16) It is the intent of the Legislature to provide a
783 method by which the impacts of development on transportation
784 facilities can be mitigated by the cooperative efforts of the

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785 public and private sectors. The methodology used to calculate
786 proportionate fair-share mitigation under this section shall be
787 as provided for in subsection (12).

788 (b)1. In its transportation concurrency management system,
789 a local government shall, by December 1, 2006, include
790 methodologies that will be applied to calculate proportionate
791 fair-share mitigation. A developer may choose to satisfy all
792 transportation concurrency requirements by contributing or
793 paying proportionate fair-share mitigation if transportation
794 facilities or facility segments identified as mitigation for
795 traffic impacts are specifically identified for funding in the
796 5-year schedule of capital improvements in the capital
797 improvements element of the local plan or the long-term
798 concurrency management system or if such contributions or
799 payments to such facilities or segments are reflected in the 5-
800 year schedule of capital improvements in the next regularly
801 scheduled update of the capital improvements element. Updates to
802 the 5-year capital improvements element which reflect
803 proportionate fair-share contributions may not be found not in
804 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and 163.3177(3)
805 if additional contributions, payments or funding sources are
806 reasonably anticipated during a period not to exceed 10 years to
807 fully mitigate impacts on the transportation facilities.

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

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Reviser's note.--Amended to correct a reference to nonexistent s. 163.164(32); s. 163.3164(32), relating to financial feasibility, conforms to context.

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

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

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

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

(4) INTERGOVERNMENTAL REVIEW.--The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12) ~~163.31776~~, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of

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841 Education for review and comment. The appropriate regional
842 planning council shall also provide its written comments to the
843 state land planning agency within 30 days after receipt by the
844 state land planning agency of the complete proposed plan
845 amendment and shall specify any objections, recommendations for
846 modifications, and comments of any other regional agencies to
847 which the regional planning council may have referred the
848 proposed plan amendment. Written comments submitted by the
849 public within 30 days after notice of transmittal by the local
850 government of the proposed plan amendment will be considered as
851 if submitted by governmental agencies. All written agency and
852 public comments must be made part of the file maintained under
853 subsection (2).

854 (17) A local government that has adopted a community
855 vision and urban service boundary under s. 163.3177(13) and (14)
856 ~~163.31773(13) and (14)~~ may adopt a plan amendment related to map
857 amendments solely to property within an urban service boundary
858 in the manner described in subsections (1), (2), (7), (14),
859 (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3.,
860 such that state and regional agency review is eliminated. The
861 department may not issue an objections, recommendations, and
862 comments report on proposed plan amendments or a notice of
863 intent on adopted plan amendments; however, affected persons, as
864 defined by paragraph (1)(a), may file a petition for
865 administrative review pursuant to the requirements of s.
866 163.3187(3)(a) to challenge the compliance of an adopted plan
867 amendment. This subsection does not apply to any amendment
868 within an area of critical state concern, to any amendment that

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869 increases residential densities allowable in high-hazard coastal
 870 areas as defined in s. 163.3178(2)(h), or to a text change to
 871 the goals, policies, or objectives of the local government's
 872 comprehensive plan. Amendments submitted under this subsection
 873 are exempt from the limitation on the frequency of plan
 874 amendments in s. 163.3187.

875
 876 Reviser's note.--Paragraph (1)(b) and subsection (4)
 877 are amended to conform to the repeal of s. 163.31776
 878 by s. 3, ch. 2005-290, Laws of Florida, and the
 879 placement of material relating to a public school
 880 facilities element in s. 163.3177(12). Subsection (17)
 881 is amended to correct a reference to nonexistent s.
 882 163.31773(13) and (14); s. 163.3177(13) and (14)
 883 relate to community vision and urban service
 884 boundaries, respectively.

885
 886 Section 20. Paragraph (1) of subsection (1) of section
 887 163.3187, Florida Statutes, is amended to read:

888 163.3187 Amendment of adopted comprehensive plan.--

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

892 (1) A comprehensive plan amendment to adopt a public
 893 educational facilities element pursuant to s. 163.3177(12)
 894 ~~163.31776~~ and future land-use-map amendments for school siting
 895 may be approved notwithstanding statutory limits on the
 896 frequency of adopting plan amendments.

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

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

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

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

925 Reviser's note.--Amended to delete obsolete language
 926 relating to recommendations and a review to be
 927 completed in 2005.

928
 929 Section 22. Effective July 1, 2007, subsections (10) and
 930 (13) of section 201.15, Florida Statutes, as amended by section
 931 1 of chapter 2005-92, Laws of Florida, are amended to read:

932 201.15 Distribution of taxes collected.--All taxes
 933 collected under this chapter shall be distributed as follows and
 934 shall be subject to the service charge imposed in s. 215.20(1),
 935 except that such service charge shall not be levied against any
 936 portion of taxes pledged to debt service on bonds to the extent
 937 that the amount of the service charge is required to pay any
 938 amounts relating to the bonds:

939 (10) The lesser ~~lesser~~ of eight and sixty-six hundredths
 940 percent of the remaining taxes collected under this chapter or
 941 \$136 million in each fiscal year shall be paid into the State
 942 Treasury to the credit of the State Housing Trust Fund and shall
 943 be used as follows:

944 (a) Twelve and one-half percent of that amount shall be
 945 deposited into the State Housing Trust Fund and be expended by
 946 the Department of Community Affairs and by the Florida Housing
 947 Finance Corporation for the purposes for which the State Housing
 948 Trust Fund was created and exists by law.

949 (b) Eighty-seven and one-half percent of that amount shall
 950 be distributed to the Local Government Housing Trust Fund and
 951 shall be used for the purposes for which the Local Government
 952 Housing Trust Fund was created and exists by law. Funds from

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953 | this category may also be used to provide for state and local
 954 | services to assist the homeless.

955 | (13) The distribution of proceeds deposited into the Water
 956 | Management Lands Trust Fund and the Conservation and Recreation
 957 | Lands Trust Fund, pursuant to subsections (4) and (5), shall not
 958 | be used for land acquisition, but may be used for preacquisition
 959 | costs associated with land purchases. The Legislature intends
 960 | that the Florida Forever program supplant the acquisition
 961 | programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~
 962 | ~~to the 2005 Regular Session of the Legislature, the Acquisition~~
 963 | ~~and Restoration Council shall review and make recommendations to~~
 964 | ~~the Legislature concerning the need to repeal this provision.~~
 965 | ~~Based on these recommendations, the Legislature shall review the~~
 966 | ~~need to repeal this provision during the 2005 Regular Session.~~

967 |
 968 | Reviser's note.--Subsection (10) is amended to confirm
 969 | the substitution by the editors of the word "lesser"
 970 | for the word "lessor" to conform to context.

971 | Subsection (13) is amended to delete obsolete language
 972 | relating to recommendations and a review to be
 973 | completed in 2005.

974 |
 975 | Section 23. Paragraph (j) of subsection (3) of section
 976 | 202.26, Florida Statutes, is amended to read:

977 | 202.26 Department powers.--

978 | (3) To administer the tax imposed by this chapter, the
 979 | department may adopt rules relating to:

980 | (j) The types of books and records kept in the regular

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981 course of business which must be available during an audit of a
 982 dealer's books and records when the dealer has made an
 983 allocation or attribution pursuant to the definition of sales
 984 prices in s. 202.11(13)(b)8. ~~202.11(14)(b)8.~~ and examples of
 985 methods for determining the reasonableness thereof. Books and
 986 records kept in the regular course of business include, but are
 987 not limited to, general ledgers, price lists, cost records,
 988 customer billings, billing system reports, tariffs, and other
 989 regulatory filings and rules of regulatory authorities. Such
 990 records may be required to be made available to the department
 991 in an electronic format when so kept by the dealer. The dealer
 992 may support the allocation of charges with books and records
 993 kept in the regular course of business covering the dealer's
 994 entire service area, including territories outside this state.
 995 During an audit, the department may reasonably require
 996 production of any additional books and records found necessary
 997 to assist in its determination.

998
 999 Reviser's note.--Amended to correct a reference and
 1000 conform to context. Section 202.11(14) was
 1001 redesignated as s. 202.11(13) by s. 1, ch. 2005-187,
 1002 Laws of Florida.

1003
 1004 Section 24. Section 215.965, Florida Statutes, is amended
 1005 to read:

1006 215.965 Disbursement of state moneys.--Except as provided
 1007 in s. 17.076, s. 253.025(14), s. 259.041(18), s. 717.124(4)(b)
 1008 and (c) ~~717.124(5)~~, s. 732.107(5), or s. 733.816(5), all moneys

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1009 | in the State Treasury shall be disbursed by state warrant, drawn
 1010 | by the Chief Financial Officer upon the State Treasury and
 1011 | payable to the ultimate beneficiary. This authorization shall
 1012 | include electronic disbursement.

1013 |
 1014 | Reviser's note.--Amended to conform to the
 1015 | redesignation of s. 717.124(5) as s. 717.124(4)(b) and
 1016 | (c) by s. 121, ch. 2004-390, Laws of Florida.

1017 |
 1018 | Section 25. Paragraph (a) of subsection (5) of section
 1019 | 216.136, Florida Statutes, is amended to read:

1020 | 216.136 Consensus estimating conferences; duties and
 1021 | principals.--

1022 | (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

1023 | (a) Duties.--The Criminal Justice Estimating Conference
 1024 | shall:

1025 | 1. Develop such official information relating to the
 1026 | criminal justice system, including forecasts of prison
 1027 | admissions and population and of supervised felony offender
 1028 | admissions and population, as the conference determines is
 1029 | needed for the state planning and budgeting system.

1030 | 2. Develop such official information relating to the
 1031 | number of eligible discharges and the projected number of civil
 1032 | commitments for determining space needs pursuant to the civil
 1033 | proceedings provided under part V of chapter 394.

1034 | 3. Develop official information relating to the number of
 1035 | sexual offenders and sexual predators who are required by law to
 1036 | be placed on community control, probation, or conditional

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1037 release who are subject to electronic monitoring. In addition,
 1038 the Office of Economic and Demographic Research shall study the
 1039 factors relating to the sentencing of sex offenders from the
 1040 point of arrest through the imposition of sanctions by the
 1041 sentencing court, including original charges, plea negotiations,
 1042 trial dispositions, and sanctions. The Department of
 1043 Corrections, the Office of the State Courts Administrator, the
 1044 Florida Department of Law Enforcement, and the state attorneys
 1045 shall provide information deemed necessary for the study. The
 1046 final report shall be provided to the President of the Senate
 1047 and the Speaker of the House of Representatives by March 1,
 1048 2006.

1049
 1050 Reviser's note.--Amended to confirm the insertion by
 1051 the editors of the words "of Representatives"
 1052 following the word "House" to conform to the complete
 1053 name of the legislative body.

1054
 1055 Section 26. Paragraph (c) of subsection (1) of section
 1056 253.01, Florida Statutes, is amended to read:

1057 253.01 Internal Improvement Trust Fund established.--

1058 (1)

1059 (c) Notwithstanding any provisions of law to the contrary,
 1060 if title to any state-owned lands is vested in the Board of
 1061 Trustees of the Internal Improvement Trust Fund and the lands
 1062 are located within the Everglades Agricultural Area, then all
 1063 proceeds from the sale of any such lands shall be deposited into
 1064 the Internal Improvement Trust Fund. The provisions of this

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1065 paragraph shall not apply to those lands acquired pursuant to s.
 1066 ~~ss.~~ 607.0505, and former s. 620.192, or chapter 895.

1067
 1068 Reviser's note.--Amended to clarify the status of
 1069 referenced s. 620.192, which was repealed by s. 25,
 1070 ch. 2005-267, Laws of Florida.

1071
 1072 Section 27. Subsection (12) of section 253.03, Florida
 1073 Statutes, is amended to read:

1074 253.03 Board of trustees to administer state lands; lands
 1075 enumerated.--

1076 (12) The Board of Trustees of the Internal Improvement
 1077 Trust Fund is hereby authorized to administer, manage, control,
 1078 conserve, protect, and sell all real property forfeited to the
 1079 state pursuant to ss. 895.01-895.09 or acquired by the state
 1080 pursuant to s. 607.0505 or former s. 620.192. The board is
 1081 directed to immediately determine the value of all such property
 1082 and shall ascertain whether the property is in any way
 1083 encumbered. If the board determines that it is in the best
 1084 interest of the state to do so, funds from the Internal
 1085 Improvement Trust Fund may be used to satisfy any such
 1086 encumbrances. If forfeited property receipts are not sufficient
 1087 to satisfy encumbrances on the property and expenses permitted
 1088 under this section, funds from the Land Acquisition Trust Fund
 1089 may be used to satisfy any such encumbrances and expenses. All
 1090 property acquired by the board pursuant to s. 607.0505, former
 1091 s. 620.192, or ss. 895.01-895.09 shall be sold as soon as
 1092 commercially feasible unless the Attorney General recommends and

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1093 | the board determines that retention of the property in public
 1094 | ownership would effectuate one or more of the following policies
 1095 | of statewide significance: protection or enhancement of
 1096 | floodplains, marshes, estuaries, lakes, rivers, wilderness
 1097 | areas, wildlife areas, wildlife habitat, or other
 1098 | environmentally sensitive natural areas or ecosystems; or
 1099 | preservation of significant archaeological or historical sites
 1100 | identified by the Secretary of State. In such event the property
 1101 | shall remain in the ownership of the board, to be controlled,
 1102 | managed, and disposed of in accordance with this chapter, and
 1103 | the Internal Improvement Trust Fund shall be reimbursed from the
 1104 | Land Acquisition Trust Fund, or other appropriate fund
 1105 | designated by the board, for any funds expended from the
 1106 | Internal Improvement Trust Fund pursuant to this subsection in
 1107 | regard to such property. Upon the recommendation of the Attorney
 1108 | General, the board may reimburse the investigative agency for
 1109 | its investigative expenses, costs, and attorneys' fees, and may
 1110 | reimburse law enforcement agencies for actual expenses incurred
 1111 | in conducting investigations leading to the forfeiture of such
 1112 | property from funds deposited in the Internal Improvement Trust
 1113 | Fund of the Department of Environmental Protection. The proceeds
 1114 | of the sale of property acquired under s. 607.0505, former s.
 1115 | 620.192, or ss. 895.01-895.09 shall be distributed as follows:
 1116 | (a) After satisfaction of any valid claims arising under
 1117 | the provisions of s. 895.09(1)(a) or (b), any moneys used to
 1118 | satisfy encumbrances and expended as costs of administration,
 1119 | appraisal, management, conservation, protection, sale, and real
 1120 | estate sales services and any interest earnings lost to the Land

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1121 Acquisition Trust Fund as of a date certified by the Department
 1122 of Environmental Protection shall be replaced first in the Land
 1123 Acquisition Trust Fund, if those funds were used, and then in
 1124 the Internal Improvement Trust Fund; and

1125 (b) The remainder shall be distributed as set forth in s.
 1126 895.09.

1127
 1128 Reviser's note.--Amended to clarify the status of
 1129 referenced s. 620.192, which was repealed by s. 25,
 1130 ch. 2005-267, Laws of Florida.

1131
 1132 Section 28. Subsection (1) of section 253.74, Florida
 1133 Statutes, is amended to read:

1134 253.74 Penalties.--

1135 (1) Any person who conducts aquaculture activities in
 1136 excess of those authorized by the board or who conducts such
 1137 activities on state-owned submerged lands without having
 1138 previously obtained an authorization from the board commits a
 1139 misdemeanor and shall be subject to imprisonment for not more
 1140 than 6 months or fine of not more than \$1,000, or both. In
 1141 addition to such fine and imprisonment, all works, improvements,
 1142 and animal and plant life involved in the project, may be
 1143 forfeited to the state.

1144
 1145 Reviser's note.--Amended to improve clarity.

1146
 1147 Section 29. Section 267.0619, Florida Statutes, is
 1148 reenacted to read:

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1149 | 267.0619 Historical Museum Grants.--The division may
1150 | conduct a program to provide:

1151 | (1) (a) Grants from the Historical Resources Operating
1152 | Trust Fund, including matching grants, to a department or agency
1153 | of the state; a unit of county, municipal, or other local
1154 | government; or a public or private profit or nonprofit
1155 | corporation, partnership, or other organization to assist in the
1156 | development of public educational exhibits relating to the
1157 | historical resources of Florida; and

1158 | (b) Grants from the Historical Resources Operating Trust
1159 | Fund to Florida history museums that are not state-operated to
1160 | assist such museums in paying for operating costs.

1161 | (2) In order to be eligible to receive a grant from the
1162 | trust fund to assist in paying operating costs, a Florida
1163 | history museum must fulfill the following criteria:

1164 | (a) The mission of the museum must relate directly and
1165 | primarily to the history of Florida. If the museum has more
1166 | than one mission, the museum is eligible to receive a grant for
1167 | that portion of the operating costs which is reasonably
1168 | attributable to its mission relating to the history of Florida;

1169 | (b) The museum must have been operating and open to the
1170 | public for at least 180 days each year during the 2-year period
1171 | immediately preceding the date upon which the museum applies for
1172 | the grant;

1173 | (c) The museum must be open and providing museum services
1174 | to the public for at least 180 days each year; and

1175 | (d) The museum must currently employ, and must have
1176 | employed during the 2-year period immediately preceding the date

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1177 upon which the museum applies for the grant, at least one full-
1178 time staff member or the equivalent thereof whose primary
1179 responsibility is to acquire, maintain, and exhibit to the
1180 public objects that are owned by, or are on loan to, the museum.

1181 (3) An application for a grant must be made to the
1182 division on a form provided by the division. The division shall
1183 adopt rules prescribing categories of grants, application
1184 requirements, criteria and procedures for the review and
1185 evaluation of applications, and other procedures necessary for
1186 the administration of the program, subject to the requirements
1187 of this section. Grant review panels appointed by the Secretary
1188 of State and chaired by a member of the Florida Historical
1189 Commission or a designee appointed by the commission's presiding
1190 officer shall review each application for a museum grant-in-aid.
1191 The review panel shall submit to the Secretary of State for
1192 approval lists of all applications that are recommended by the
1193 panel for the award of grants, arranged in order of priority.
1194 The division may award a grant to a Florida history museum only
1195 if the award has been approved by the Secretary of State.

1196 (4) Money received as an appropriation or contribution to
1197 the grants program must be deposited into the Historical
1198 Resources Operating Trust Fund. Money appropriated from general
1199 revenue to the trust fund for the program may not be granted to
1200 a private for-profit museum. Money appropriated from any source
1201 to the trust fund for the program may not be granted to pay the
1202 cost of locating, identifying, evaluating, acquiring,
1203 preserving, protecting, restoring, rehabilitating, stabilizing,
1204 or excavating an archaeological or historic site or a historic

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1205 building or the planning of any of those activities.

1206 (5) The division may grant moneys quarterly from the
 1207 Historical Resources Operating Trust Fund to history museums in
 1208 advance of an exhibit or program for which the moneys are
 1209 granted.

1210
 1211 Reviser's note.--Section 16, ch. 2005-207, Laws of
 1212 Florida, amended subsection (3) without publishing the
 1213 introductory paragraph to the section. Absent
 1214 affirmative evidence of legislative intent to repeal
 1215 the introductory language, it is reenacted here to
 1216 confirm that the omission was not intended.

1217
 1218 Section 30. Subsection (1) of section 316.272, Florida
 1219 Statutes, is amended to read:

1220 316.272 Exhaust systems, prevention of noise.--

1221 (1) Every motor vehicle shall at all times be equipped
 1222 with an exhaust system in good working order and in constant
 1223 operation, including muffler, manifold pipe, and tailpiping to
 1224 prevent excessive or unusual noise. In no event shall an exhaust
 1225 system allow noise at a level which exceeds a maximum decibel
 1226 level to be established by regulation of the Department of
 1227 Environmental Protection as provided in s. 403.061(11)
 1228 ~~403.061(13)~~ in cooperation with the Department of Highway Safety
 1229 and Motor Vehicles. No person shall use a muffler cutout, bypass
 1230 or similar device upon a vehicle on a highway.

1231
 1232 Reviser's note.--Amended to conform to the current

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1233 location within s. 403.061 of material relating to
 1234 noise pollution; s. 14, ch. 78-95, Laws of Florida,
 1235 deleted then-existing subsections (8) and (9), and
 1236 subsection (13) became subsection (11).

1237
 1238 Section 31. Subsection (1) of section 320.0843, Florida
 1239 Statutes, is amended to read:

1240 320.0843 License plates for persons with disabilities
 1241 eligible for permanent disabled parking permits.--

1242 (1) Any owner or lessee of a motor vehicle who resides in
 1243 this state and qualifies for a disabled parking permit under s.
 1244 320.0848(2), upon application to the department and payment of
 1245 the license tax for a motor vehicle registered under s.
 1246 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 1247 (9)(c) or (d), shall be issued a license plate as provided by s.
 1248 320.06 which, in lieu of the serial number prescribed by s.
 1249 320.06, shall be stamped with the international wheelchair user
 1250 symbol after the serial number of the license plate. The license
 1251 plate entitles the person to all privileges afforded by a
 1252 parking permit issued under s. 320.0848. When more than ~~that~~ one
 1253 registrant is listed on the registration issued under this
 1254 section, the eligible applicant shall be noted on the
 1255 registration certificate.

1256
 1257 Reviser's note.--Amended to confirm the substitution
 1258 by the editors of the word "than" for the word "that"
 1259 to conform to context.

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1261 Section 32. Paragraph (b) of subsection (9) of section
 1262 320.27, Florida Statutes, is amended to read:

1263 320.27 Motor vehicle dealers.--

1264 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1265 (b) The department may deny, suspend, or revoke any
 1266 license issued hereunder or under the provisions of s. 320.77 or
 1267 s. 320.771 upon proof that a licensee has committed, with
 1268 sufficient frequency so as to establish a pattern of wrongdoing
 1269 on the part of a licensee, violations of one or more of the
 1270 following activities:

1271 1. Representation that a demonstrator is a new motor
 1272 vehicle, or the attempt to sell or the sale of a demonstrator as
 1273 a new motor vehicle without written notice to the purchaser that
 1274 the vehicle is a demonstrator. For the purposes of this section,
 1275 a "demonstrator," a "new motor vehicle," and a "used motor
 1276 vehicle" shall be defined as under s. 320.60.

1277 2. Unjustifiable refusal to comply with a licensee's
 1278 responsibility under the terms of the new motor vehicle warranty
 1279 issued by its respective manufacturer, distributor, or importer.
 1280 However, if such refusal is at the direction of the
 1281 manufacturer, distributor, or importer, such refusal shall not
 1282 be a ground under this section.

1283 3. Misrepresentation or false, deceptive, or misleading
 1284 statements with regard to the sale or financing of motor
 1285 vehicles which any motor vehicle dealer has, or causes to have,
 1286 advertised, printed, displayed, published, distributed,
 1287 broadcast, televised, or made in any manner with regard to the
 1288 sale or financing of motor vehicles.

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1289 4. Failure by any motor vehicle dealer to provide a
 1290 customer or purchaser with an odometer disclosure statement and
 1291 a copy of any bona fide written, executed sales contract or
 1292 agreement of purchase connected with the purchase of the motor
 1293 vehicle purchased by the customer or purchaser.

1294 5. Failure of any motor vehicle dealer to comply with the
 1295 terms of any bona fide written, executed agreement, pursuant to
 1296 the sale of a motor vehicle.

1297 6. Failure to apply for transfer of a title as prescribed
 1298 in s. 319.23(6).

1299 7. Use of the dealer license identification number by any
 1300 person other than the licensed dealer or his or her designee.

1301 8. Failure to continually meet the requirements of the
 1302 licensure law.

1303 9. Representation to a customer or any advertisement to
 1304 the public representing or suggesting that a motor vehicle is a
 1305 new motor vehicle if such vehicle lawfully cannot be titled in
 1306 the name of the customer or other member of the public by the
 1307 seller using a manufacturer's statement of origin as permitted
 1308 in s. 319.23(1).

1309 10. Requirement by any motor vehicle dealer that a
 1310 customer or purchaser accept equipment on his or her motor
 1311 vehicle which was not ordered by the customer or purchaser.

1312 11. Requirement by any motor vehicle dealer that any
 1313 customer or purchaser finance a motor vehicle with a specific
 1314 financial institution or company.

1315 12. Requirement by any motor vehicle dealer that the
 1316 purchaser of a motor vehicle contract with the dealer for

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1317 physical damage insurance.

1318 13. Perpetration of a fraud upon any person as a result of
 1319 dealing in motor vehicles, including, without limitation, the
 1320 misrepresentation to any person by the licensee of the
 1321 licensee's relationship to any manufacturer, importer, or
 1322 distributor.

1323 14. Violation of any of the provisions of s. 319.35 by any
 1324 motor vehicle dealer.

1325 15. Sale by a motor vehicle dealer of a vehicle offered in
 1326 trade by a customer prior to consummation of the sale, exchange,
 1327 or transfer of a newly acquired vehicle to the customer, unless
 1328 the customer provides written authorization for the sale of the
 1329 trade-in vehicle prior to delivery of the newly acquired
 1330 vehicle.

1331 16. Willful failure to comply with any administrative rule
 1332 adopted by the department or the provisions of s. 320.131(8).

1333 17. Violation of chapter 319, this chapter, or ss.
 1334 559.901-559.9221, which has to do with dealing in or repairing
 1335 motor vehicles or mobile homes. Additionally, in the case of
 1336 used motor vehicles, the willful violation of the federal law
 1337 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1338 the consumer sales window form.

1339 18. Failure to maintain evidence of notification to the
 1340 owner or coowner of a vehicle regarding registration or titling
 1341 fees owed ~~owned~~ as required in s. 320.02(17) ~~320.02(19)~~.

1342
 1343 Reviser's note.--Amended to conform to the
 1344 redesignation of s. 320.02(19) as created by s. 14,

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1345 ch. 2005-164, Laws of Florida, as s. 320.02(17) by the
 1346 reviser as a result of the redesignation of existing
 1347 s. 320.02(17) and (18) as a portion of s. 320.02(16)
 1348 by s. 1, ch. 2005-254, Laws of Florida. The word
 1349 "owed" was substituted for the word "owned" to conform
 1350 to context.

1351
 1352 Section 33. Subsection (8) of section 322.121, Florida
 1353 Statutes, is amended to read:

1354 322.121 Periodic reexamination of all drivers.--

1355 (8) In addition to any other examination authorized by
 1356 this section, an applicant for a renewal of an endorsement
 1357 issued under s. 322.57(1)(a), (b), ~~(c)~~, (d), ~~or~~ (e), or (f) may
 1358 be required to complete successfully an examination of his or
 1359 her knowledge regarding state and federal rules, regulations,
 1360 and laws, governing the type of vehicle which he or she is
 1361 seeking an endorsement to operate.

1362
 1363 Reviser's note.--Amended to conform to the
 1364 redesignation of s. 322.57(1)(c), (d), and (e) as s.
 1365 322.57(1)(d), (e), and (f) by s. 90, ch. 2005-164,
 1366 Laws of Florida.

1367
 1368 Section 34. Subsection (3) of section 337.195, Florida
 1369 Statutes, is amended to read:

1370 337.195 Limits on liability.--

1371 (3) In all cases involving personal injury, property
 1372 damage, or death, a person or entity who contracts to prepare or

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1373 provide engineering plans for the construction or repair of a
1374 highway, road, street, bridge, or other transportation facility
1375 for the Department of Transportation shall be presumed to have
1376 prepared such engineering plans using the degree of care and
1377 skill ordinarily exercised by other engineers in the field under
1378 similar conditions and in similar localities and with due regard
1379 for acceptable engineering standards and principles if the
1380 engineering plans conformed to the Department of
1381 Transportation's design standards material to the condition or
1382 defect that was the proximate cause of the personal ~~person~~
1383 injury, property damage, or death. This presumption can be
1384 overcome only upon a showing of the person's or entity's gross
1385 negligence in the preparation of the engineering plans and shall
1386 not be interpreted or construed to alter or affect any claim of
1387 the Department of Transportation against such person or entity.
1388 The limitation on liability contained in this subsection shall
1389 not apply to any hidden or undiscoverable condition created by
1390 the engineer. This subsection does not affect any claim of any
1391 entity against such engineer or engineering firm, which claim is
1392 associated with such entity's facilities on or in Department of
1393 Transportation roads or other transportation facilities.

1394

1395 Reviser's note.--Amended to confirm the substitution
1396 by the editors of the word "personal" for the word
1397 "person" to conform to context.

1398

1399 Section 35. Paragraph (a) of subsection (4) of section
1400 339.2819, Florida Statutes, is amended to read:

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1401 339.2819 Transportation Regional Incentive Program.--

1402 (4) (a) Projects to be funded with Transportation Regional
 1403 Incentive Program funds shall, at a minimum:

1404 1. Support those transportation facilities that serve
 1405 national, statewide, or regional functions and function as an
 1406 integrated regional transportation system.

1407 2. Be identified in the capital improvements element of a
 1408 comprehensive plan that has been determined to be in compliance
 1409 with part II of chapter 163, after July 1, 2005, or to implement
 1410 a long-term concurrency management system adopted by a local
 1411 government in accordance with s. 163.3180(9) ~~163.3177(9)~~.

1412 Further, the project shall be in compliance with local
 1413 government comprehensive plan policies relative to corridor
 1414 management.

1415 3. Be consistent with the Strategic Intermodal System Plan
 1416 developed under s. 339.64.

1417 4. Have a commitment for local, regional, or private
 1418 financial matching funds as a percentage of the overall project
 1419 cost.

1420
 1421 Reviser's note.--Amended to substitute a reference to
 1422 s. 163.3180(9), relating to long-term transportation
 1423 and school community management systems, for a
 1424 reference to s. 163.3177(9), relating to rule adoption
 1425 of minimum criteria for review and determination of
 1426 compliance of local government plan elements to
 1427 conform to context.

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1429 Section 36. Subsection (2) of section 339.64, Florida
 1430 Statutes, is reenacted to read:

1431 339.64 Strategic Intermodal System Plan.--

1432 (2) In association with the continued development of the
 1433 Strategic Intermodal System Plan, the Florida Transportation
 1434 Commission, as part of its work program review process, shall
 1435 conduct an annual assessment of the progress that the department
 1436 and its transportation partners have made in realizing the goals
 1437 of economic development, improved mobility, and increased
 1438 intermodal connectivity of the Strategic Intermodal System. The
 1439 Florida Transportation Commission shall coordinate with the
 1440 department, the Statewide Intermodal Transportation Advisory
 1441 Council, and other appropriate entities when developing this
 1442 assessment. The Florida Transportation Commission shall deliver
 1443 a report to the Governor and Legislature no later than 14 days
 1444 after the regular session begins, with recommendations as
 1445 necessary to fully implement the Strategic Intermodal System.

1446
 1447 Reviser's note.--Reenacted to confirm the continued
 1448 existence of subsection (2), which was repealed by s.
 1449 37, ch. 2005-2, Laws of Florida, a reviser's bill,
 1450 because it related to obsolete reporting requirements.
 1451 Those requirements were revised and updated by s. 7,
 1452 ch. 2005-281, Laws of Florida.

1453
 1454 Section 37. Paragraph (a) of subsection (2) of section
 1455 348.9932, Florida Statutes, is amended to read:

1456 348.9932 Southwest Florida Expressway Authority.--

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1457 (2) The governing body of the authority shall consist of
 1458 seven voting members and one nonvoting member, as set forth in
 1459 this subsection.

1460 (a)1.

1461 a. One member who is a permanent resident of Collier
 1462 County and one member who is a permanent resident of Lee County
 1463 shall be appointed by the Governor to serve a term of 4 years
 1464 each. The Governor shall select his or her appointees from a
 1465 list submitted by the board of county commissioners of each
 1466 county, with each list recommending five candidates from their
 1467 respective county.

1468 b. One member who is a permanent resident of Collier
 1469 County shall be appointed by the Board of County Commissioners
 1470 of Collier County and one member who is a permanent resident of
 1471 Lee County shall be appointed by the Board of County
 1472 Commissioners of Lee County to serve a term of 4 years each.

1473 2. Each member appointed under this paragraph shall be a
 1474 person of outstanding reputation for integrity, responsibility,
 1475 and business ability and shall have an interest in ground
 1476 transportation. No elected official and no person who is an
 1477 employee, in any capacity, of Collier County or Lee County or of
 1478 any city within Collier County or Lee County shall be an
 1479 appointed member of the authority except as set forth in this
 1480 section.

1481 3. Each appointed member shall be a resident of his or her
 1482 respective county during his or her entire term.

1483 4. Each appointed member shall be a voting member and
 1484 shall hold office until his or her successor has been appointed

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1485 and has qualified. A vacancy occurring during a term shall be
 1486 filled only for the remainder of the unexpired term.

1487
 1488 Reviser's note.--Amended pursuant to the directive of
 1489 the Legislature in s. 1, ch. 93-199, Laws of Florida,
 1490 to remove gender-specific references applicable to
 1491 human beings from the Florida Statutes without
 1492 substantive change in legal effect.

1493
 1494 Section 38. Paragraph (d) of subsection (1) and paragraph
 1495 (b) of subsection (7) of section 373.036, Florida Statutes, are
 1496 amended to read:

1497 373.036 Florida water plan; district water management
 1498 plans.--

1499 (1) FLORIDA WATER PLAN.--In cooperation with the water
 1500 management districts, regional water supply authorities, and
 1501 others, the department shall develop the Florida water plan. The
 1502 Florida water plan shall include, but not be limited to:

1503 (d) Goals, objectives, and guidance for the development
 1504 and review of programs, rules, and plans relating to water
 1505 resources, based on statutory policies and directives. The state
 1506 water policy rule, renamed the water resource implementation
 1507 rule pursuant to s. 373.019(23) ~~373.019(20)~~, shall serve as this
 1508 part of the plan. Amendments or additions to this part of the
 1509 Florida water plan shall be adopted by the department as part of
 1510 the water resource implementation rule. In accordance with s.
 1511 373.114, the department shall review rules of the water
 1512 management districts for consistency with this rule. Amendments

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1513 to the water resource implementation rule must be adopted by the
 1514 secretary of the department and be submitted to the President of
 1515 the Senate and the Speaker of the House of Representatives
 1516 within 7 days after publication in the Florida Administrative
 1517 Weekly. Amendments shall not become effective until the
 1518 conclusion of the next regular session of the Legislature
 1519 following their adoption.

1520 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
 1521 REPORT.--

1522 (b) The consolidated annual report shall contain the
 1523 following elements, as appropriate to that water management
 1524 district:

1525 1. A district water management plan annual report or the
 1526 annual work plan report allowed in subparagraph (2)(e)4.

1527 2. The department-approved minimum flows and levels annual
 1528 priority list and schedule required by s. 373.042(2).

1529 3. The annual 5-year capital improvements plan required by
 1530 s. 373.536(6)(a)3.

1531 4. The alternative water supplies annual report required
 1532 by s. 373.1961(3)(n) ~~373.1961(2)(k)~~.

1533 5. The final annual 5-year water resource development work
 1534 program required by s. 373.536(6)(a)4.

1535 6. The Florida Forever Water Management District Work Plan
 1536 annual report required by s. 373.199(7).

1537 7. The mitigation donation annual report required by s.
 1538 373.414(1)(b)2.

1539

1540 Reviser's note.--Paragraph (1)(d) is amended to

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1541 conform to the redesignation of subunits of s. 373.019
 1542 by s. 1, ch. 2005-291, Laws of Florida. Paragraph
 1543 (7) (b) is amended to conform to the redesignation of
 1544 subunits of s. 373.1961 by s. 3, ch. 2005-291.

1545
 1546 Section 39. Subsection (3) of section 373.0361, Florida
 1547 Statutes, is amended to read:

1548 373.0361 Regional water supply planning.--

1549 (3) The water supply development component of a regional
 1550 water supply plan which deals with or affects public utilities
 1551 and public water supply for those areas served by a regional
 1552 water supply authority and its member governments within the
 1553 boundary of the Southwest Florida Water Management District
 1554 shall be developed jointly by the authority and the district. In
 1555 areas not served by regional water supply authorities, or other
 1556 multijurisdictional water supply entities, and where
 1557 opportunities exist to meet water supply needs more efficiently
 1558 through multijurisdictional projects identified pursuant to
 1559 paragraph (2) (a) ~~s. 372.0361(2) (a)~~, water management districts
 1560 are directed to assist in developing multijurisdictional
 1561 approaches to water supply project development jointly with
 1562 affected water utilities, special districts, and local
 1563 governments.

1564
 1565 Reviser's note.--Amended to confirm the substitution
 1566 by the editors of a reference to paragraph (2) (a) for
 1567 a reference to nonexistent s. 372.0361(2) (a); s.
 1568 373.0361(2) (a) references multijurisdictional

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1569 projects.

1570

1571 Section 40. Paragraph (e) of subsection (3) of section
1572 373.1961, Florida Statutes, is amended to read:

1573 373.1961 Water production; general powers and duties;
1574 identification of needs; funding criteria; economic incentives;
1575 reuse funding.--

1576 (3) FUNDING.--

1577 (e) Applicants for projects that may receive funding
1578 assistance pursuant to the Water Protection and Sustainability
1579 Program shall, at a minimum, be required to pay 60 percent of
1580 the project's construction costs. The water management districts
1581 may, at their discretion, totally or partially waive this
1582 requirement for projects sponsored by financially disadvantaged
1583 small local governments as defined in s. 403.885(5) ~~403.885(4)~~.
1584 The water management districts or basin boards may, at their
1585 discretion, use ad valorem or federal revenues to assist a
1586 project applicant in meeting the requirements of this paragraph.

1587

1588 Reviser's note.--Amended to conform to the
1589 redesignation of subunits within s. 403.885 by s. 16,
1590 ch. 2005-291, Laws of Florida.

1591

1592 Section 41. Subsection (1) of section 373.421, Florida
1593 Statutes, is amended to read:

1594 373.421 Delineation methods; formal determinations.--

1595 (1) The Environmental Regulation Commission shall adopt a
1596 unified statewide methodology for the delineation of the extent

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1597 of wetlands as defined in s. 373.019(25) ~~373.019(22)~~. This
1598 methodology shall consider regional differences in the types of
1599 soils and vegetation that may serve as indicators of the extent
1600 of wetlands. This methodology shall also include provisions for
1601 determining the extent of surface waters other than wetlands for
1602 the purposes of regulation under s. 373.414. This methodology
1603 shall not become effective until ratified by the Legislature.
1604 Subsequent to legislative ratification, the wetland definition
1605 in s. 373.019(25) ~~373.019(22)~~ and the adopted wetland
1606 methodology shall be binding on the department, the water
1607 management districts, local governments, and any other
1608 governmental entities. Upon ratification of such wetland
1609 methodology, the Legislature preempts the authority of any water
1610 management district, state or regional agency, or local
1611 government to define wetlands or develop a delineation
1612 methodology to implement the definition and determines that the
1613 exclusive definition and delineation methodology for wetlands
1614 shall be that established pursuant to s. 373.019(25) ~~373.019(22)~~
1615 and this section. Upon such legislative ratification, any
1616 existing wetlands definition or wetland delineation methodology
1617 shall be superseded by the wetland definition and delineation
1618 methodology established pursuant to this chapter. Subsequent to
1619 legislative ratification, a delineation of the extent of a
1620 surface water or wetland by the department or a water management
1621 district, pursuant to a formal determination under subsection
1622 (2), or pursuant to a permit issued under this part in which the
1623 delineation was field-verified by the permitting agency and
1624 specifically approved in the permit, shall be binding on all

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1625 other governmental entities for the duration of the formal
 1626 determination or permit. All existing rules and methodologies of
 1627 the department, the water management districts, and local
 1628 governments, regarding surface water or wetland definition and
 1629 delineation shall remain in full force and effect until the
 1630 common methodology rule becomes effective. However, this shall
 1631 not be construed to limit any power of the department, the water
 1632 management districts, and local governments to amend or adopt a
 1633 surface water or wetland definition or delineation methodology
 1634 until the common methodology rule becomes effective.

1635
 1636 Reviser's note.--Amended to conform to the
 1637 redesignation of subunits within s. 373.019 by s. 1,
 1638 ch. 2005-291, Laws of Florida.

1639
 1640 Section 42. Subsection (1) of section 375.075, Florida
 1641 Statutes, is amended to read:

1642 375.075 Outdoor recreation; financial assistance to local
 1643 governments.--

1644 (1) The Department of Environmental Protection is
 1645 authorized to establish the Florida Recreation Development
 1646 Assistance Program to provide grants to qualified local
 1647 governmental entities to acquire or develop land for public
 1648 outdoor recreation purposes. To the extent not needed for debt
 1649 service on bonds issued pursuant to s. 375.051, each year the
 1650 department shall develop and plan a program which shall be based
 1651 upon funding of not less than 5 percent of the money credited to
 1652 the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3)

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1653 in that year. ~~Beginning fiscal year 2001-2002,~~ The department
 1654 shall develop and plan a program which shall be based upon the
 1655 cumulative total funding provided from this section and from the
 1656 Florida Forever Trust Fund pursuant to s. 259.105(3)(d)
 1657 ~~259.105(3)(c)~~.

1658
 1659 Reviser's note.--Amended to correct a reference and
 1660 conform to context and to delete an obsolete date
 1661 reference. Section 259.105(3)(c) was amended by s. 11,
 1662 ch. 2000-170, Laws of Florida, and language relating
 1663 to transfer of funds to the Land Acquisition Trust
 1664 Fund for grants pursuant to s. 375.075 was stricken;
 1665 material relating to transfer of funds pursuant to s.
 1666 375.075 was added by s. 11, ch. 2000-170, at a new s.
 1667 259.105(3)(d).

1668
 1669 Section 43. Paragraph (a) of subsection (3) of section
 1670 390.01114, Florida Statutes, is amended to read:

1671 390.01114 Parental Notice of Abortion Act.--

1672 (3) NOTIFICATION REQUIRED.--

1673 (a) Actual notice shall be provided by the physician
 1674 performing or inducing the termination of pregnancy before the
 1675 performance or inducement of the termination of the pregnancy of
 1676 a minor. The notice may be given by a referring physician. The
 1677 physician who performs or induces the termination of pregnancy
 1678 must receive the written statement of the referring physician
 1679 certifying that the referring physician has given notice. If
 1680 actual notice is not possible after a reasonable effort has been

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1681 made, the physician performing or inducing the termination of
1682 pregnancy or the referring physician must give constructive
1683 notice. Notice given under this subsection by the physician
1684 performing or inducing the termination of pregnancy must include
1685 the name and address of the facility providing the termination
1686 of pregnancy, and the name of the physician providing notice.
1687 Notice given under this subsection by a referring physician must
1688 include the name and address of the facility where he or she is
1689 referring the minor and the name of the physician providing
1690 notice. If actual notice is provided by telephone, the physician
1691 must actually speak with the parent or guardian, and must record
1692 in the minor's medical file the name of the parent or guardian
1693 provided notice, the phone number dialed, and the date and time
1694 of the call. If constructive notice is given, the physician must
1695 document that notice by placing copies of any document related
1696 to the constructive notice, including, but not limited to, a
1697 copy of the letter and the return receipt, in the minor's
1698 medical file.

1699
1700 Reviser's note.--Amended to improve clarity.

1701
1702 Section 44. Section 397.405, Florida Statutes, is
1703 reenacted to read:

1704 397.405 Exemptions from licensure.--The following are
1705 exempt from the licensing provisions of this chapter:

1706 (1) A hospital or hospital-based component licensed under
1707 chapter 395.

1708 (2) A nursing home facility as defined in s. 400.021.

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- 1709 (3) A substance abuse education program established
 1710 pursuant to s. 1003.42.
- 1711 (4) A facility or institution operated by the Federal
 1712 Government.
- 1713 (5) A physician licensed under chapter 458 or chapter 459.
- 1714 (6) A psychologist licensed under chapter 490.
- 1715 (7) A social worker, marriage and family therapist, or
 1716 mental health counselor licensed under chapter 491.
- 1717 (8) An established and legally cognizable church or
 1718 nonprofit religious organization or denomination providing
 1719 substance abuse services, including prevention services, which
 1720 are exclusively religious, spiritual, or ecclesiastical in
 1721 nature. A church or nonprofit religious organization or
 1722 denomination providing any of the licensable service components
 1723 itemized under s. 397.311(18) is not exempt for purposes of its
 1724 provision of such licensable service components but retains its
 1725 exemption with respect to all services which are exclusively
 1726 religious, spiritual, or ecclesiastical in nature.
- 1727 (9) Facilities licensed under s. 393.063 that, in addition
 1728 to providing services to persons who are developmentally
 1729 disabled as defined therein, also provide services to persons
 1730 developmentally at risk as a consequence of exposure to alcohol
 1731 or other legal or illegal drugs while in utero.
- 1732 (10) DUI education and screening services provided
 1733 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
 1734 Persons or entities providing treatment services must be
 1735 licensed under this chapter unless exempted from licensing as
 1736 provided in this section.

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1737
1738 The exemptions from licensure in this section do not apply to
1739 any service provider that receives an appropriation, grant, or
1740 contract from the state to operate as a service provider as
1741 defined in this chapter or to any substance abuse program
1742 regulated pursuant to s. 397.406. Furthermore, this chapter may
1743 not be construed to limit the practice of a physician licensed
1744 under chapter 458 or chapter 459, a psychologist licensed under
1745 chapter 490, or a psychotherapist licensed under chapter 491 who
1746 provides substance abuse treatment, so long as the physician,
1747 psychologist, or psychotherapist does not represent to the
1748 public that he or she is a licensed service provider and does
1749 not provide services to clients pursuant to part V of this
1750 chapter. Failure to comply with any requirement necessary to
1751 maintain an exempt status under this section is a misdemeanor of
1752 the first degree, punishable as provided in s. 775.082 or s.
1753 775.083.

1754
1755 Reviser's note.--Section 4, ch. 2005-55, Laws of
1756 Florida, reenacted subsection (8) without publishing
1757 the flush left language at the end of the section.
1758 Absent affirmative evidence of legislative intent to
1759 repeal the flush left language, it is reenacted here
1760 to confirm that the omission was not intended.

1761
1762 Section 45. Subsections (3) and (4) of section 402.7305,
1763 Florida Statutes, are amended to read:
1764 402.7305 Department of Children and Family Services;

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1765 procurement of contractual services; contract management.--

1766 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.--The
1767 Department of Children and Family Services shall review the time
1768 period for which the department executes contracts and shall
1769 execute multiyear contracts to make the most efficient use of
1770 the resources devoted to contract processing and execution.
1771 Whenever the department chooses not to use a multiyear contract,
1772 a justification for that decision must be contained in the
1773 contract. Notwithstanding s. 287.057(15), the department is
1774 responsible for establishing a contract management process that
1775 requires a member of the department's Senior Management or
1776 Selected ~~Seleet~~ Exempt Service to assign in writing the
1777 responsibility of a contract to a contract manager. The
1778 department shall maintain a set of procedures describing its
1779 contract management process which must minimally include the
1780 following requirements:

1781 (a) The contract manager shall maintain the official
1782 contract file throughout the duration of the contract and for a
1783 period not less than 6 years after the termination of the
1784 contract.

1785 (b) The contract manager shall review all invoices for
1786 compliance with the criteria and payment schedule provided for
1787 in the contract and shall approve payment of all invoices before
1788 their transmission to the Department of Financial Services for
1789 payment.

1790 (c) The contract manager shall maintain a schedule of
1791 payments and total amounts disbursed and shall periodically
1792 reconcile the records with the state's official accounting

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1793 records.

1794 (d) For contracts involving the provision of direct client
1795 services, the contract manager shall periodically visit the
1796 physical location where the services are delivered and speak
1797 directly to clients receiving the services and the staff
1798 responsible for delivering the services.

1799 (e) The contract manager shall meet at least once a month
1800 directly with the contractor's representative and maintain
1801 records of such meetings.

1802 (f) The contract manager shall periodically document any
1803 differences between the required performance measures and the
1804 actual performance measures. If a contractor fails to meet and
1805 comply with the performance measures established in the
1806 contract, the department may allow a reasonable period for the
1807 contractor to correct performance deficiencies. If performance
1808 deficiencies are not resolved to the satisfaction of the
1809 department within the prescribed time, and if no extenuating
1810 circumstances can be documented by the contractor to the
1811 department's satisfaction, the department must terminate the
1812 contract. The department may not enter into a new contract with
1813 that same contractor for the services for which the contract was
1814 previously terminated for a period of at least 24 months after
1815 the date of termination. The contract manager shall obtain and
1816 enforce corrective action plans, if appropriate, and maintain
1817 records regarding the completion or failure to complete
1818 corrective action items.

1819 (g) The contract manager shall document any contract
1820 modifications, which shall include recording any contract

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1821 amendments as provided for in this section.

1822 (h) The contract manager shall be properly trained before
1823 being assigned responsibility for any contract.

1824 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.--The
1825 department shall establish contract monitoring units staffed by
1826 career service employees who report to a member of the Selected
1827 ~~Select~~ Exempt Service or Senior Management Service and who have
1828 been properly trained to perform contract monitoring, with at
1829 least one member of the contract monitoring unit possessing
1830 specific knowledge and experience in the contract's program
1831 area. The department shall establish a contract monitoring
1832 process that must include, but need not be limited to, the
1833 following requirements:

1834 (a) Performing a risk assessment at the start of each
1835 fiscal year and preparing an annual contract monitoring schedule
1836 that includes consideration for the level of risk assigned. The
1837 department may monitor any contract at any time regardless of
1838 whether such monitoring was originally included in the annual
1839 contract monitoring schedule.

1840 (b) Preparing a contract monitoring plan, including
1841 sampling procedures, before performing onsite monitoring at
1842 external locations of a service provider. The plan must include
1843 a description of the programmatic, fiscal, and administrative
1844 components that will be monitored on site. If appropriate,
1845 clinical and therapeutic components may be included.

1846 (c) Conducting analyses of the performance and compliance
1847 of an external service provider by means of desk reviews if the
1848 external service provider will not be monitored on site during a

1849 | fiscal year.

1850 | (d) Unless the department sets forth in writing the need
 1851 | for an extension, providing a written report presenting the
 1852 | results of the monitoring within 30 days after the completion of
 1853 | the onsite monitoring or desk review.

1854 | (e) Developing and maintaining a set of procedures
 1855 | describing the contract monitoring process.

1856 |

1857 | Reviser's note.--Amended to conform to the
 1858 | substitution by the editors of the word "Selected" for
 1859 | the word "Select" to conform to the title of the
 1860 | Selected Exempt Service as referenced in part V of
 1861 | chapter 110, which created it.

1862 |

1863 | Section 46. Paragraphs (r) and (u) of subsection (2) of
 1864 | section 403.813, Florida Statutes, are amended to read:

1865 | 403.813 Permits issued at district centers; exceptions.--

1866 | (2) A permit is not required under this chapter, chapter
 1867 | 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 1868 | chapter 25270, 1949, Laws of Florida, for activities associated
 1869 | with the following types of projects; however, except as
 1870 | otherwise provided in this subsection, nothing in this
 1871 | subsection relieves an applicant from any requirement to obtain
 1872 | permission to use or occupy lands owned by the Board of Trustees
 1873 | of the Internal Improvement Trust Fund or any water management
 1874 | district in its governmental or proprietary capacity or from
 1875 | complying with applicable local pollution control programs
 1876 | authorized under this chapter or other requirements of county

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1877 and municipal governments:

1878 (r) The removal of aquatic plants, the removal of
 1879 tussocks, the associated replanting of indigenous aquatic
 1880 plants, and the associated removal from lakes of organic
 1881 detrital material when such planting or removal is performed and
 1882 authorized by permit or exemption granted under s. 369.20 or s.
 1883 369.25, provided that:

1884 1. Organic detrital material that exists on the surface of
 1885 natural mineral substrate shall be allowed to be removed to a
 1886 depth of 3 feet or to the natural mineral substrate, whichever
 1887 is less;

1888 2. All material removed pursuant to this paragraph shall
 1889 be deposited in an upland site in a manner that will prevent the
 1890 reintroduction of the material into waters in the state except
 1891 when spoil material is permitted to be used to create wildlife
 1892 islands in freshwater bodies of the state when a governmental
 1893 entity is permitted pursuant to s. 369.20 to create such islands
 1894 as a part of a restoration or enhancement project;

1895 3. All activities are performed in a manner consistent
 1896 with state water quality standards; and

1897 4. No activities under this exemption are conducted in
 1898 wetland areas, as defined by s. 373.019(25) ~~373.019(22)~~, which
 1899 are supported by a natural soil as shown in applicable United
 1900 States Department of Agriculture county soil surveys, except
 1901 when a governmental entity is permitted pursuant to s. 369.20 to
 1902 conduct such activities as a part of a restoration or
 1903 enhancement project.

1904

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1905 | The department may not adopt implementing rules for this
 1906 | paragraph, notwithstanding any other provision of law.

1907 | (u) Notwithstanding any provision to the contrary in this
 1908 | subsection, a permit or other authorization under chapter 253,
 1909 | chapter 369, chapter 373, or this chapter is not required for an
 1910 | individual residential property owner for the removal of organic
 1911 | detrital material from freshwater rivers or lakes that have a
 1912 | natural sand or rocky substrate and that are not Aquatic
 1913 | Preserves or for the associated removal and replanting of
 1914 | aquatic vegetation for the purpose of environmental enhancement,
 1915 | providing that:

1916 | 1. No activities under this exemption are conducted in
 1917 | wetland areas, as defined by s. 373.019(25) ~~373.019(22)~~, which
 1918 | are supported by a natural soil as shown in applicable United
 1919 | States Department of Agriculture county soil surveys.

1920 | 2. No filling or peat mining is allowed.

1921 | 3. No removal of native wetland trees, including, but not
 1922 | limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1923 | 4. When removing organic detrital material, no portion of
 1924 | the underlying natural mineral substrate or rocky substrate is
 1925 | removed.

1926 | 5. Organic detrital material and plant material removed is
 1927 | deposited in an upland site in a manner that will not cause
 1928 | water quality violations.

1929 | 6. All activities are conducted in such a manner, and with
 1930 | appropriate turbidity controls, so as to prevent any water
 1931 | quality violations outside the immediate work area.

1932 | 7. Replanting with a variety of aquatic plants native to

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1933 the state shall occur in a minimum of 25 percent of the
1934 preexisting vegetated areas where organic detrital material is
1935 removed, except for areas where the material is removed to bare
1936 rocky substrate; however, an area may be maintained clear of
1937 vegetation as an access corridor. The access corridor width may
1938 not exceed 50 percent of the property owner's frontage or 50
1939 feet, whichever is less, and may be a sufficient length
1940 waterward to create a corridor to allow access for a boat or
1941 swimmer to reach open water. Replanting must be at a minimum
1942 density of 2 feet on center and be completed within 90 days
1943 after removal of existing aquatic vegetation, except that under
1944 dewatered conditions replanting must be completed within 90 days
1945 after reflooding. The area to be replanted must extend waterward
1946 from the ordinary high water line to a point where normal water
1947 depth would be 3 feet or the preexisting vegetation line,
1948 whichever is less. Individuals are required to make a reasonable
1949 effort to maintain planting density for a period of 6 months
1950 after replanting is complete, and the plants, including
1951 naturally recruited native aquatic plants, must be allowed to
1952 expand and fill in the revegetation area. Native aquatic plants
1953 to be used for revegetation must be salvaged from the
1954 enhancement project site or obtained from an aquatic plant
1955 nursery regulated by the Department of Agriculture and Consumer
1956 Services. Plants that are not native to the state may not be
1957 used for replanting.

1958 8. No activity occurs any farther than 100 feet waterward
1959 of the ordinary high water line, and all activities must be
1960 designed and conducted in a manner that will not unreasonably

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1961 restrict or infringe upon the riparian rights of adjacent upland
 1962 riparian owners.

1963 9. The person seeking this exemption notifies the
 1964 applicable department district office in writing at least 30
 1965 days before commencing work and allows the department to conduct
 1966 a preconstruction site inspection. Notice must include an
 1967 organic-detrital-material removal and disposal plan and, if
 1968 applicable, a vegetation-removal and revegetation plan.

1969 10. The department is provided written certification of
 1970 compliance with the terms and conditions of this paragraph
 1971 within 30 days after completion of any activity occurring under
 1972 this exemption.

1973
 1974 Reviser's note.--Amended to conform to the
 1975 redesignation of subunits within s. 373.019 by s. 1,
 1976 ch. 2005-291, Laws of Florida.

1977
 1978 Section 47. Subsection (5) of section 404.056, Florida
 1979 Statutes, is amended to read:

1980 404.056 Environmental radiation standards and projects;
 1981 certification of persons performing measurement or mitigation
 1982 services; mandatory testing; notification on real estate
 1983 documents; rules.--

1984 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.--Notification
 1985 shall be provided on at least one document, form, or application
 1986 executed at the time of, or prior to, contract for sale and
 1987 purchase of any building or execution of a rental agreement for
 1988 any building. Such notification shall contain the following

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1989 language:

1990

1991 "RADON GAS: Radon is a naturally occurring radioactive gas
 1992 that, when it has accumulated in a building in sufficient
 1993 quantities, may present health risks to persons who are exposed
 1994 to it over time. Levels of radon that exceed federal and state
 1995 guidelines have been found in buildings in Florida. Additional
 1996 information regarding radon and radon testing may be obtained
 1997 from your county health department."

1998

1999 The requirements of this subsection do not apply to any
 2000 residential transient occupancy, as described in s. 509.013(12)
 2001 ~~509.013(11)~~, provided that such occupancy is 45 days or less in
 2002 duration.

2003

2004 Reviser's note.--Amended to conform to the
 2005 redesignation of s. 509.013(11) as s. 509.013(12) by
 2006 s. 7, ch. 2004-292, Laws of Florida.

2007

2008 Section 48. Paragraph (b) of subsection (2) of section
 2009 406.11, Florida Statutes, is amended to read:

2010 406.11 Examinations, investigations, and autopsies.--

2011 (2)

2012 (b) The Medical Examiners Commission shall adopt rules,
 2013 pursuant to chapter 120, providing for the notification of the
 2014 next of kin that an investigation by the medical examiner's
 2015 office is being conducted. A medical examiner may not retain or
 2016 furnish any body part of the deceased for research or any other

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2017 | purpose which is not in conjunction with a determination of the
 2018 | identification of or cause or manner of death of the deceased or
 2019 | the presence of disease or which is not otherwise authorized by
 2020 | this chapter, part V ~~X~~ of chapter 765 ~~732~~, or chapter 873,
 2021 | without notification of and approval by the next of kin.

2022 |
 2023 | Reviser's note.--Amended to conform to the transfer of
 2024 | material in former part X of chapter 732 to part V of
 2025 | chapter 765 pursuant to ch. 2001-226, Laws of Florida.

2026 |
 2027 | Section 49. Paragraph (f) of subsection (3) of section
 2028 | 409.165, Florida Statutes, is amended to read:

2029 | 409.165 Alternate care for children.--

2030 | (3) With the written consent of parents, custodians, or
 2031 | guardians, or in accordance with those provisions in chapter 39
 2032 | that relate to dependent children, the department, under rules
 2033 | properly adopted, may place a child:

2034 | (f) In a subsidized independent living situation, subject
 2035 | to the provisions of s. 409.1451(4)(c) ~~409.1451(3)(e)~~,

2036 |
 2037 | under such conditions as are determined to be for the best
 2038 | interests or the welfare of the child. Any child placed in an
 2039 | institution or in a family home by the department or its agency
 2040 | may be removed by the department or its agency, and such other
 2041 | disposition may be made as is for the best interest of the
 2042 | child, including transfer of the child to another institution,
 2043 | another home, or the home of the child. Expenditure of funds
 2044 | appropriated for out-of-home care can be used to meet the needs

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2045 of a child in the child's own home or the home of a relative if
 2046 the child can be safely served in the child's own home or that
 2047 of a relative if placement can be avoided by the expenditure of
 2048 such funds, and if the expenditure of such funds in this manner
 2049 is calculated by the department to be a potential cost savings.

2050

2051 Reviser's note.--Amended to conform to the
 2052 redesignation of subunits within s. 409.1451 by s. 1,
 2053 ch. 2004-362, Laws of Florida.

2054

2055 Section 50. Subsection (9) of section 409.814, Florida
 2056 Statutes, is amended to read:

2057 409.814 Eligibility.--A child who has not reached 19 years
 2058 of age whose family income is equal to or below 200 percent of
 2059 the federal poverty level is eligible for the Florida KidCare
 2060 program as provided in this section. For enrollment in the
 2061 Children's Medical Services Network, a complete application
 2062 includes the medical or behavioral health screening. If,
 2063 subsequently, an individual is determined to be ineligible for
 2064 coverage, he or she must immediately be disenrolled from the
 2065 respective Florida KidCare program component.

2066 (9) Subject to paragraph (4)(b) and s. 624.91(4)
 2067 ~~624.91(3)~~, the Florida KidCare program shall withhold benefits
 2068 from an enrollee if the program obtains evidence that the
 2069 enrollee is no longer eligible, submitted incorrect or
 2070 fraudulent information in order to establish eligibility, or
 2071 failed to provide verification of eligibility. The applicant or
 2072 enrollee shall be notified that because of such evidence program

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2073 | benefits will be withheld unless the applicant or enrollee
 2074 | contacts a designated representative of the program by a
 2075 | specified date, which must be within 10 days after the date of
 2076 | notice, to discuss and resolve the matter. The program shall
 2077 | make every effort to resolve the matter within a timeframe that
 2078 | will not cause benefits to be withheld from an eligible
 2079 | enrollee.

2080 |
 2081 | Reviser's note.--Amended to conform to the
 2082 | redesignation of subunits within s. 624.91 by s. 6,
 2083 | ch. 2004-1, Laws of Florida.

2084 |
 2085 | Section 51. Subsections (1) and (2) of section 409.91196,
 2086 | Florida Statutes, are amended to read:

2087 | 409.91196 Supplemental rebate agreements; confidentiality
 2088 | of records and meetings.--

2089 | (1) Trade secrets, rebate amount, percent of rebate,
 2090 | manufacturer's pricing, and supplemental rebates which are
 2091 | contained in records of the Agency for Health Care
 2092 | Administration and its agents with respect to supplemental
 2093 | rebate negotiations and which are prepared pursuant to a
 2094 | supplemental rebate agreement under s. 409.912(39)(a)7.
 2095 | ~~409.912(40)(a)7~~. are confidential and exempt from s. 119.07 and
 2096 | s. 24(a), Art. I of the State Constitution.

2097 | (2) Those portions of meetings of the Medicaid
 2098 | Pharmaceutical and Therapeutics Committee at which trade
 2099 | secrets, rebate amount, percent of rebate, manufacturer's
 2100 | pricing, and supplemental rebates are disclosed for discussion

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2101 or negotiation of a supplemental rebate agreement under s.
 2102 409.912(39)(a)7. ~~409.912(40)(a)7.~~ are exempt from s. 286.011 and
 2103 s. 24(b), Art. I of the State Constitution.

2104
 2105 Reviser's note.--Amended to conform to the repeal of
 2106 former s. 409.912(38) by s. 55, ch. 2004-5, Laws of
 2107 Florida, and the redesignation of subunits by the
 2108 reviser necessitated by that repeal.

2109
 2110 Section 52. Subsection (11) of section 440.05, Florida
 2111 Statutes, is amended to read:

2112 440.05 Election of exemption; revocation of election;
 2113 notice; certification.--

2114 (11) Any corporate officer permitted by this chapter to
 2115 claim an exemption must be listed on the records of this state's
 2116 Secretary of State, Division of Corporations, as a corporate
 2117 officer. The department shall issue a stop-work order under s.
 2118 440.107(7) ~~440.107(1)~~ to any corporation who employs a person
 2119 who claims to be exempt as a corporate officer but who fails or
 2120 refuses to produce the documents required under this subsection
 2121 to the department within 3 business days after the request is
 2122 made.

2123
 2124 Reviser's note.--Amended to correct a reference and
 2125 conform to context. Section 440.107(1) contains
 2126 legislative findings; s. 440.107(7) relates to stop-
 2127 work orders.

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2129 Section 53. Paragraph (c) of subsection (3) of section
 2130 443.121, Florida Statutes, is amended to read:
 2131 443.121 Employing units affected.--
 2132 (3) ELECTIVE COVERAGE.--
 2133 (c) Certain services for political subdivisions.--
 2134 1. Any political subdivision of this state may elect to
 2135 cover under this chapter, for at least 1 calendar year, service
 2136 performed by employees in all of the hospitals and institutions
 2137 of higher education operated by the political subdivision.
 2138 Election must be made by filing with the tax collection service
 2139 provider a notice of election at least 30 days before the
 2140 effective date of the election. The election may exclude any
 2141 services described in s. 443.1216(4). Any political subdivision
 2142 electing coverage under this paragraph must be a reimbursing
 2143 employer and make reimbursements in lieu of contributions for
 2144 benefits attributable to this employment, provided for nonprofit
 2145 organizations in s. 443.1312(3) and (5).
 2146 2. The provisions of s. 443.091(3) ~~443.091(4)~~ relating to
 2147 benefit rights based on service for nonprofit organizations and
 2148 state hospitals and institutions of higher education also apply
 2149 to service covered by an election under this section.
 2150 3. The amounts required to be reimbursed in lieu of
 2151 contributions by any political subdivision under this paragraph
 2152 shall be billed, and payment made, as provided in s. 443.1312(3)
 2153 for similar reimbursements by nonprofit organizations.
 2154 4. An election under this paragraph may be terminated
 2155 after at least 1 calendar year of coverage by filing with the
 2156 tax collection service provider written notice not later than 30

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2157 | days before the last day of the calendar year in which the
 2158 | termination is to be effective. The termination takes effect on
 2159 | January 1 of the next ensuing calendar year for services
 2160 | performed after that date.

2161 |
 2162 | Reviser's note.--Amended to correct a long-standing
 2163 | cross-reference error. Section 443.091(4) relates to
 2164 | invocation of federal measures regarding unemployment
 2165 | compensation in the event of a national emergency;
 2166 | benefits for services are covered in s. 443.091(3).
 2167 | See ss. 5 and 7, ch. 71-225, Laws of Florida, for the
 2168 | intended reference.

2169 |
 2170 | Section 54. Subsection (9) of section 445.009, Florida
 2171 | Statutes, is amended to read:

2172 | 445.009 One-stop delivery system.--

2173 | (9) (a) Workforce Florida, Inc., working with the Agency
 2174 | for Workforce Innovation, shall coordinate among the agencies a
 2175 | plan for a One-Stop Electronic Network made up of one-stop
 2176 | delivery system centers and other partner agencies that are
 2177 | operated by authorized public or private for-profit or not-for-
 2178 | profit agents. The plan shall identify resources within existing
 2179 | revenues to establish and support this electronic network for
 2180 | service delivery that includes Government Services Direct. If
 2181 | necessary, the plan shall identify additional funding needed to
 2182 | achieve the provisions of this subsection.

2183 | (b) The network shall assure that a uniform method is used
 2184 | to determine eligibility for and management of services provided

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2185 | by agencies that conduct workforce development activities. The
 2186 | Department of Management Services shall develop strategies to
 2187 | allow access to the databases and information management systems
 2188 | of the following systems in order to link information in those
 2189 | databases with the one-stop delivery system:

2190 | 1. The Unemployment Compensation Program of the Agency for
 2191 | Workforce Innovation.

2192 | 2. The public employment service described in s. 443.181.

2193 | 3. The FLORIDA System and the components related to WAGES,
 2194 | food stamps, and Medicaid eligibility.

2195 | 4. The Student Financial Assistance System of the
 2196 | Department of Education.

2197 | 5. Enrollment in the public postsecondary education
 2198 | system.

2199 | 6. Other information systems determined appropriate by
 2200 | Workforce Florida, Inc.

2201 |
 2202 | ~~The systems shall be fully coordinated at both the state and~~
 2203 | ~~local levels by July 1, 2001.~~

2204 |
 2205 | Reviser's note.--Amended to delete a provision
 2206 | requiring that certain information systems relating to
 2207 | one-stop delivery of workforce services be fully
 2208 | coordinated by July 1, 2001.

2209 |
 2210 | Section 55. Paragraph (a) of subsection (2) of section
 2211 | 466.004, Florida Statutes, is amended to read:

2212 | 466.004 Board of Dentistry.--

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2213 (2) To advise the board, it is the intent of the
2214 Legislature that councils be appointed as specified in
2215 paragraphs (a), (b), and (c). The department shall provide
2216 administrative support to the councils and shall provide public
2217 notice of meetings and agenda of the councils. Councils shall
2218 include at least one board member who shall chair the council
2219 and shall include nonboard members. All council members shall be
2220 appointed by the board chair. Council members shall be
2221 appointed for 4-year terms, and all members shall be eligible
2222 for reimbursement of expenses in the manner of board members.

2223 (a) A Council on Dental Hygiene shall be appointed by the
2224 board chair and shall include one dental hygienist member of the
2225 board, who shall chair the council, one dental member of the
2226 board, and three dental hygienists who are actively engaged in
2227 the practice of dental hygiene in this state. In making the
2228 appointments, the chair shall consider recommendations from the
2229 Florida Dental Hygiene Hygienist Association. The council shall
2230 meet at the request of the board chair, a majority of the
2231 members of the board, or the council chair; however, the council
2232 must meet at least three times a year. The council is charged
2233 with the responsibility of and shall meet for the purpose of
2234 developing rules and policies for recommendation to the board,
2235 which the board shall consider, on matters pertaining to that
2236 part of dentistry consisting of educational, preventive, or
2237 therapeutic dental hygiene services; dental hygiene licensure,
2238 discipline, or regulation; and dental hygiene education. Rule
2239 and policy recommendations of the council shall be considered by
2240 the board at its next regularly scheduled meeting in the same

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2241 manner in which it considers rule and policy recommendations
 2242 from designated subcommittees of the board. Any rule or policy
 2243 proposed by the board pertaining to the specified part of
 2244 dentistry defined by this subsection shall be referred to the
 2245 council for a recommendation before final action by the board.
 2246 The board may take final action on rules pertaining to the
 2247 specified part of dentistry defined by this subsection without a
 2248 council recommendation if the council fails to submit a
 2249 recommendation in a timely fashion as prescribed by the board.

2250

2251 Reviser's note.--Amended to confirm the substitution
 2252 by the editors of the word "Hygiene" for the word
 2253 "Hygienists" to conform to the proper name of the
 2254 Florida Dental Hygiene Association.

2255

2256 Section 56. Subsection (3) of section 475.713, Florida
 2257 Statutes, is amended to read:

2258 475.713 Civil action concerning commission; order to show
 2259 cause; hearing; release of proceeds; award of costs and
 2260 attorney's fees.--

2261 (3) The court shall issue an order releasing the broker's
 2262 claim of lien against the owner's net proceeds from such
 2263 disposition, discharging any commission notice that may ~~be~~ have
 2264 been recorded, ordering the release to the owner of the disputed
 2265 reserved proceeds, and awarding costs and reasonable attorney's
 2266 fees to the owner to be paid by the broker if, following a
 2267 hearing, the court determines that the owner is not a party to a
 2268 brokerage agreement that will result in the owner being

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2269 obligated to pay the broker the claimed commission or any
 2270 portion thereof with respect to the disposition of the
 2271 commercial real estate identified in the commission notice. If
 2272 the court determines that the owner is a party to a brokerage
 2273 agreement that will result in the owner being obligated to pay
 2274 the broker the claimed commission or any portion thereof with
 2275 respect to the disposition of the commercial real estate
 2276 identified in the commission notice, the court shall issue an
 2277 order so stating, ordering the release to the broker of the
 2278 disputed reserved proceeds or such portion thereof to which the
 2279 court determines that the broker is entitled, and awarding costs
 2280 and reasonable attorney's fees to the broker to be paid by the
 2281 owner. Such orders are final judgments.

2282
 2283 Reviser's note.--Amended to confirm the deletion by
 2284 the editors of the word "be" following the word "may"
 2285 to improve clarity.

2286
 2287 Section 57. Subsection (8) of section 475.801, Florida
 2288 Statutes, is amended to read:

2289 475.801 Definitions.--As used in this part:

2290 (8) "Lien notice" means the written notice of lien made by
 2291 a broker claiming a commission under s. 475.805 ~~745.805~~.

2292
 2293 Reviser's note.--Amended to correct a reference to
 2294 nonexistent s. 745.805; s. 475.805 relates to the
 2295 contents of lien notices.

2296

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2297 Section 58. Subsection (2) of section 475.805, Florida
 2298 Statutes, is amended to read:

2299 475.805 Contents of lien notice.--

2300 (2) A lien notice in substantially the following form
 2301 shall be sufficient for purposes of subsection (1):

2302 BROKER'S COMMISSION LIEN NOTICE

2303
 2304 UNDER FLORIDA COMMERCIAL REAL ESTATE
 2305 LEASING COMMISSION LIEN ACT

2306
 2307 Notice is hereby given, pursuant to the Florida Commercial Real
 2308 Estate Leasing Commission Lien Act, part IV of chapter 475,
 2309 Florida Statutes (the "act"), that the undersigned real estate
 2310 broker is entitled to receive a leasing commission from the
 2311 owner named below pursuant to the terms of a written brokerage
 2312 commission agreement regarding a lease of the commercial real
 2313 estate described below, and the undersigned broker claims a lien
 2314 under the act against the owner's interest in the commercial
 2315 real estate in the amount set forth below.

2316
 2317 1. Name of the owner who is obligated to pay the commission:

2318 _____

2319
 2320
 2321 2. (Check one:) The owner obligated to pay the commission is:

2322 [] the landlord under the lease.

2323 [] the tenant under the lease.

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2325 3. Name of the person owning ~~owing~~ the fee simple interest in
2326 the commercial real estate, if other than the owner who is
2327 obligated to pay the commission:

2328 _____

2329

2330

2331 4. Legal description of the commercial real estate:

2332 _____

2333

2334

2335 5. Name, mailing address, telephone number, and Florida broker
2336 license number of the undersigned broker:

2337

2338

2339 _____

2340

2341

2342

2343 _____

2344

2345

2346

2347 _____

2348

2349

2350 6. Effective date of the written brokerage commission agreement
2351 between the owner and the broker under which the commission is
2352 or will be payable: _____, _____.

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7. Amount of commission claimed by the undersigned broker:
 \$ _____, or _____ percent of
 rents payable under lease, or

[specify other formula for determination of commission amount]:
 _____.

8. The lease for which the commission is claimed is described
 as follows [provide all information known to the broker]:

Name of landlord: _____

Name of tenant: _____

Date of lease: _____,

Leased premises: _____

9. Automatic renewal commissions (check yes or no): Is the
 undersigned broker claiming a commission that may become payable
 if the lease is later renewed or modified to expand the leased
 premises or to extend the lease term, but the written brokerage
 commission agreement does not expressly require the broker to
 perform any additional services in order to receive this later
 commission?

Yes

No

If yes, specify the amount of such later commission or the
 formula for computing the later commission:

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10. The expiration date of this lien notice is 2 years after the date of recording, unless the answer to paragraph 9 is yes, in which case the expiration date of this lien notice for the commission described in paragraph 9 is 10 years after the date of recording.

11. The undersigned broker, under penalty of perjury, hereby swears or affirms that the undersigned broker has read this lien notice, knows its contents and believes the same to be true and correct, and that the undersigned broker is making this commission claim pursuant to the written brokerage commission agreement described in this lien notice.

Signed: (broker)

Signed and sworn to or affirmed under penalty of perjury before me, a notary public, this _____ day of _____, _____, by _____.

Signed: (notary public)

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.--

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2409 (9) The amounts required to be placed in trust by this
 2410 section for contracts previously entered into shall be as
 2411 follows:

2412 (a) For contracts entered into before October 1, 1993, the
 2413 trust amounts as amended by s. 6, chapter 83-316 ~~83-816~~, Laws of
 2414 Florida, shall apply.

2415
 2416 Reviser's note.--Amended to correct a reference to s.
 2417 6, ch. 83-816, Laws of Florida. Chapter 83-816 does
 2418 not exist; s. 6, ch. 83-316, Laws of Florida, amended
 2419 the material currently in s. 497.458.

2420
 2421 Section 60. Paragraph (b) of subsection (6) of section
 2422 497.459, Florida Statutes, is amended to read:

2423 497.459 Cancellation of, or default on, preneed
 2424 contracts.--

2425 (6) OTHER PROVISIONS.--

2426 (b) The amounts required to be refunded by this section
 2427 for contracts previously entered into shall be as follows:

2428 1. For contracts entered into before October 1, 1993, the
 2429 refund amounts as amended by s. 7, chapter 83-316 ~~83-816~~, Laws
 2430 of Florida, shall apply.

2431 2. For contracts entered into on or after October 1, 1993,
 2432 the refund amounts as amended by s. 99, chapter 93-399, Laws of
 2433 Florida, shall apply.

2434
 2435 Reviser's note.--Amended to correct a reference to s.
 2436 7, ch. 83-816, Laws of Florida. Chapter 83-816 does

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2437 not exist; s. 7, ch. 83-316, Laws of Florida, amended
 2438 the material currently in s. 497.459.

2439
 2440 Section 61. Subsection (3) of section 499.024, Florida
 2441 Statutes, is amended to read:

2442 499.024 Drug product classification.--The secretary shall
 2443 adopt rules to classify drug products intended for use by humans
 2444 which the United States Food and Drug Administration has not
 2445 classified in the federal act or the Code of Federal
 2446 Regulations.

2447 (3) Any product that falls under the drug definition, s.
 2448 499.003(17) ~~499.003(12)~~, may be classified under the authority
 2449 of this section. This section does not subject portable
 2450 emergency oxygen inhalators to classification; however, this
 2451 section does not exempt any person from ss. 499.01 and 499.015.

2452
 2453 Reviser's note.--Amended to conform to the
 2454 redesignation of s. 499.003(12), defining the term
 2455 "drug," as s. 499.003(17) by s. 3, ch. 2003-155, Laws
 2456 of Florida.

2457
 2458 Section 62. Subsection (20) of section 517.12, Florida
 2459 Statutes, is amended to read:

2460 517.12 Registration of dealers, associated persons,
 2461 investment advisers, and branch offices.--

2462 (20) The registration requirements of this section do not
 2463 apply to any general lines insurance agent or life insurance
 2464 agent licensed under chapter 626, for the sale of a security as

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2465 defined in s. 517.021(21)(g) ~~517.021(20)(g)~~, if the individual
 2466 is directly authorized by the issuer to offer or sell the
 2467 security on behalf of the issuer and the issuer is a federally
 2468 chartered savings bank subject to regulation by the Federal
 2469 Deposit Insurance Corporation. Actions under this subsection
 2470 shall constitute activity under the insurance agent's license
 2471 for purposes of ss. 626.611 and 626.621.

2472
 2473 Reviser's note.--Amended to correct a reference and
 2474 conform to context. Section 517.021(20) is not divided
 2475 into paragraphs; s. 517.021(21)(g) lists certificates
 2476 of deposit within the definition of the word
 2477 "security." The reference in s. 517.12, originally to
 2478 s. 517.021(19)(g), was added by s. 12, ch. 2002-404,
 2479 Laws of Florida; the cited material there is now in s.
 2480 517.021(21)(g).

2481
 2482 Section 63. Subsection (1) of section 553.792, Florida
 2483 Statutes, is amended to read:

2484 553.792 Building permit application to local government.--

2485 (1) Within 10 days of an applicant submitting an
 2486 application to the local government, the local government shall
 2487 advise the applicant what information, if any, is needed to deem
 2488 the application properly completed in compliance with the filing
 2489 requirements published by the local government. If the local
 2490 government does not provide written notice that the applicant
 2491 has not submitted the properly completed application, the
 2492 application shall be automatically deemed properly completed and

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2493 | accepted. Within 45 days after receiving a completed
 2494 | application, a local government must notify an applicant if
 2495 | additional information is required for the local government to
 2496 | determine the sufficiency of the application, and shall specify
 2497 | the additional information that is required. The applicant must
 2498 | submit the additional information to the local government or
 2499 | request that the local government act without the additional
 2500 | information. While the applicant responds to the request for
 2501 | additional information, the 120-day period described in this
 2502 | subsection ~~(2)~~ is tolled. Both parties may agree to a
 2503 | reasonable request for an extension of time, particularly in the
 2504 | event of a force major or other extraordinary circumstance. The
 2505 | local government must approve, approve with conditions, or deny
 2506 | the application within 120 days following receipt of a completed
 2507 | application.

2508 |
 2509 | Reviser's note.--Amended to correct a reference and
 2510 | improve clarity. Section 553.792(2) does not reference
 2511 | a 120-day period for action on an application;
 2512 | subsection (1) does require local government action on
 2513 | an application within 120 days following receipt of a
 2514 | completed application.

2515 |
 2516 | Section 64. Paragraph (a) of subsection (7) of section
 2517 | 553.80, Florida Statutes, is amended to read:

2518 | 553.80 Enforcement.--
 2519 | (7) The governing bodies of local governments may provide
 2520 | a schedule of reasonable fees, as authorized by s. 125.56(2) or

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2521 s. 166.222 and this section, for enforcing this part. These
2522 fees, and any fines or investment earnings related to the fees,
2523 shall be used solely for carrying out the local government's
2524 responsibilities in enforcing the Florida Building Code. When
2525 providing a schedule of reasonable fees, the total estimated
2526 annual revenue derived from fees, and the fines and investment
2527 earnings related to the fees, may not exceed the total estimated
2528 annual costs of allowable activities. Any unexpended balances
2529 shall be carried forward to future years for allowable
2530 activities or shall be refunded at the discretion of the local
2531 government. The basis for a fee structure for allowable
2532 activities shall relate to the level of service provided by the
2533 local government. Fees charged shall be consistently applied.

2534 (a) As used in this subsection, the phrase "enforcing the
2535 Florida Building Code" includes the direct costs and reasonable
2536 indirect costs associated with review of building plans,
2537 building inspections, reinspections, and building permit
2538 processing; building code enforcement; and fire inspections
2539 associated with new construction. The phrase may also include
2540 training costs associated with the enforcement of the Florida
2541 Building Code and enforcement action pertaining to unlicensed
2542 contractor activity to the extent not funded by other user fees.

2543

2544 Reviser's note.--Amended to confirm the insertion by
2545 the editors of the word "and" following the word
2546 "reinspections" to improve clarity.

2547

2548 Section 65. Subsections (3) and (4) of section 553.842,

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2549 Florida Statutes, are amended to read:

2550 553.842 Product evaluation and approval.--

2551 (3) Products or methods or systems of construction that
 2552 require approval under s. 553.77, that have standardized testing
 2553 or comparative or rational analysis methods established by the
 2554 code, and that are certified by an approved product evaluation
 2555 entity, testing laboratory, or certification agency as complying
 2556 with the standards specified by the code shall be approved for
 2557 statewide use. Products required to be approved for statewide
 2558 use shall be approved by one of the methods established in
 2559 subsection (5) ~~(6)~~ without further evaluation.

2560 (4) Products or methods or systems of construction
 2561 requiring approval under s. 553.77 must be approved by one of
 2562 the methods established in subsection (5) ~~or subsection (6)~~
 2563 before their use in construction in this state. Products may be
 2564 approved by the commission for statewide use. Notwithstanding a
 2565 local government's authority to amend the Florida Building Code
 2566 as provided in this act, statewide approval shall preclude local
 2567 jurisdictions from requiring further testing, evaluation, or
 2568 submission of other evidence as a condition of using the product
 2569 so long as the product is being used consistent with the
 2570 conditions of its approval.

2571
 2572 Reviser's note.--Amended to conform to the deletion of
 2573 former s. 553.842(5) and the consequent redesignation
 2574 of subsection (6) as subsection (5) by s. 16, ch.
 2575 2005-147, Laws of Florida.

2576

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2577 Section 66. Paragraph (f) of subsection (1) of section
 2578 553.8425, Florida Statutes, is amended to read:

2579 553.8425 Local product approval.--

2580 (1) For local product approval, products or systems of
 2581 construction shall demonstrate compliance with the structural
 2582 windload requirements of the Florida Building Code through one
 2583 of the following methods:

2584 (f) Designation of compliance with a prescriptive,
 2585 material standard adopted by the commission by rule under s.
 2586 553.842(15) ~~553.842(16)~~.

2587
 2588 Reviser's note.--Amended to conform to the location of
 2589 material relating to adoption of a rule listing
 2590 prescriptive material standards in s. 553.842(15); s.
 2591 553.842(16) does not exist.

2592
 2593 Section 67. Subsection (6) of section 556.102, Florida
 2594 Statutes, is amended to read:

2595 556.102 Definitions.--As used in this act:

2596 (6) "Excavate" or "excavation" means any manmade cut,
 2597 cavity, trench, or depression in the earth's surface, formed by
 2598 removal of earth, intended to change the grade or level of land,
 2599 or intended to penetrate or disturb the surface of the earth,
 2600 including land beneath the waters of the state, as defined in s.
 2601 373.019(20) ~~373.019(17)~~, and the term includes pipe bursting and
 2602 directional drilling or boring from one point to another point
 2603 beneath the surface of the earth, or other trenchless
 2604 technologies.

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2605
2606 Reviser's note.--Amended to conform to the
2607 redesignation of s. 373.019(17), defining "water" or
2608 "waters of the state," as s. 373.019(20) by s. 1, ch.
2609 2005-291, Laws of Florida.

2610
2611 Section 68. Paragraph (c) of subsection (2) of section
2612 570.076, Florida Statutes, is amended to read:

2613 570.076 Environmental Stewardship Certification
2614 Program.--The department may, by rule, establish the
2615 Environmental Stewardship Certification Program consistent with
2616 this section. A rule adopted under this section must be
2617 developed in consultation with state universities, agricultural
2618 organizations, and other interested parties.

2619 (2) The department shall provide an agricultural
2620 certification under this program for implementation of one or
2621 more of the following criteria:

2622 (c) Best management practices adopted by rule pursuant to
2623 s. 403.067(7)(c) ~~403.067(7)(d)~~ or s. 570.085(2).

2624
2625 Reviser's note.--Amended to conform a reference to the
2626 location of material relating to best management
2627 practices in s. 403.067(7)(c); s. 403.067(7)(d) was
2628 amended and merged into paragraph (c) by s. 6, ch.
2629 2005-166, Laws of Florida, and s. 13, ch. 2005-291,
2630 Laws of Florida.

2631
2632 Section 69. Paragraph (a) of subsection (1) of section

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2633 608.4355, Florida Statutes, is amended to read:

2634 608.4355 Notice of intent to demand payment.--

2635 (1) If a proposed appraisal event is submitted to a vote
 2636 at a members' meeting, or is submitted to a member pursuant to a
 2637 consent vote, a member who is entitled to and who wishes to
 2638 assert appraisal rights with respect to any class or series of
 2639 membership interests:

2640 (a) Must deliver to a manager or managing member of the
 2641 limited liability company before the vote is taken, or within 20
 2642 days after receiving the notice pursuant to s. 608.4354(3)
 2643 ~~608.4353(3)~~ if action is to be taken without a member meeting,
 2644 written notice of such person's intent to demand payment if the
 2645 proposed appraisal event is effectuated.

2646
 2647 Reviser's note.--Amended to conform to the fact that
 2648 s. 608.4353 does not contain a subsection (3) and s.
 2649 608.4354(3) relates to notice in a situation where an
 2650 appraisal event is to be approved other than by a
 2651 member meeting.

2652
 2653 Section 70. Subsection (6) of section 608.4381, Florida
 2654 Statutes, is amended to read:

2655 608.4381 Action on plan of merger.--

2656 (6) A plan of merger may provide for the manner, if any,
 2657 in which the plan of merger may be amended at any time before
 2658 the effective date of the merger, except after the approval of
 2659 the plan of merger by the members of a limited liability company
 2660 that is a party to the merger, the plan of merger may not be

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2661 amended to:

2662 (a) Change the amount or kind of interests, partnership
 2663 interests, shares, obligations, other securities, cash, rights,
 2664 or any other property to be received by the members of such
 2665 limited liability company in exchange for or on conversion of
 2666 their interests;

2667 (b) If the surviving entity is a limited liability
 2668 company, change any term of the articles of organization or the
 2669 operating agreement of the surviving entity, except for changes
 2670 that otherwise could be adopted without the approval of the
 2671 members of the surviving entity;

2672 (c) If the surviving entity is not a limited liability
 2673 company, change any term of the articles of incorporation or
 2674 comparable governing document of the surviving entity, except
 2675 for changes that otherwise could be adopted by the board of
 2676 directors or comparable representatives of the surviving entity;
 2677 or

2678 (d) Change any of the terms and conditions of the plan of
 2679 merger if any such change, alone or in the aggregate, would
 2680 materially and adversely affect the members, or any class or
 2681 group of members, of such limited liability company.

2682
 2683 If an amendment to a plan of merger is made in accordance with
 2684 the plan and articles of merger have been filed with the
 2685 Department of State, an amended certificate of merger executed
 2686 by each limited liability company and other business entity that
 2687 is a party to the merger shall be filed with the Department of
 2688 State prior to the effective date of the merger.

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Reviser's note.--Amended to confirm the insertion by the editors of the word "with" following the word "accordance" to improve clarity.

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

620.1108 Name.--

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

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

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

620.1110 Effect of partnership agreement; nonwaivable provisions.--

(2) A partnership agreement may not:

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

Reviser's note.--Amended to confirm the substitution

2717 by the editors of a reference to s. 620.1106 for a
 2718 reference to s. 620.106, which was repealed by s. 25,
 2719 ch. 2005-267, Laws of Florida. Section 620.1106
 2720 relates to governing law.

2721
 2722 Section 73. Paragraphs (g) and (k) of subsection (1) of
 2723 section 620.1204, Florida Statutes, are amended to read:

2724 620.1204 Signing of records.--

2725 (1) Each record delivered to the Department of State for
 2726 filing pursuant to this act must be signed in the following
 2727 manner:

2728 (g) A certificate of dissolution, a statement of
 2729 termination, and a certificate of revocation of dissolution must
 2730 be signed by all general partners listed in the certificate of
 2731 limited partnership or, if the certificate of limited
 2732 partnership of a dissolved limited partnership lists no general
 2733 partners, by the person appointed pursuant to s. 620.1803(3) or
 2734 (4) ~~620.803(3)~~ ~~or (4)~~ to wind up the dissolved limited
 2735 partnership's activities.

2736 (k) A statement by a person pursuant to s. 620.1605(2)
 2737 ~~620.1605(1)~~ ~~(d)~~ stating that the person has dissociated as a
 2738 general partner must be signed by that person.

2739
 2740 Reviser's note.--Paragraph (1)(g) is amended to
 2741 confirm the substitution by the editors of a reference
 2742 to s. 620.1803(3) or (4) for a reference to s.
 2743 620.803(3) or (4). Section 620.803 does not exist; s.
 2744 620.1803(3) and (4) relate to appointment of a person

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2745 to wind up limited partnership activities. Paragraph
 2746 (1)(k) is amended to correct a reference and conform
 2747 to context; s. 620.1605(1)(d) does not exist; s.
 2748 620.1605(2) relates to a statement of dissociation.

2749
 2750 Section 74. Paragraph (a) of subsection (3) of section
 2751 620.1207, Florida Statutes, is amended to read:

2752 620.1207 Correcting filed record.--

2753 (3) When filed by the Department of State, a statement of
 2754 correction is effective retroactively as of the effective date
 2755 of the record the statement corrects, but the statement is
 2756 effective when filed:

2757 (a) For the purposes of s. 620.1103(3) and (4) ~~620.103(3)~~
 2758 ~~and (4)~~.

2759
 2760 Reviser's note.--Amended to confirm the substitution
 2761 by the editors of a reference to s. 620.1103(3) and
 2762 (4) for a reference to s. 620.103(3) and (4). Section
 2763 620.103 was repealed by s. 25, ch. 2005-267, Laws of
 2764 Florida; s. 620.1103(3) and (4) relate to documents
 2765 serving as notice of limited partnership and partner
 2766 status.

2767
 2768 Section 75. Subsection (9) of section 620.1407, Florida
 2769 Statutes, is amended to read:

2770 620.1407 Right of general partner and former general
 2771 partner to information.--

2772 (9) The rights under this section do not extend to a

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2773 person as transferee, but the rights under subsection (3) of a
 2774 person dissociated as a general partner may be exercised by the
 2775 legal representative of an individual who dissociated as a
 2776 general partner under s. 620.1603(7)(b) or (c) ~~620.603(7)(b) or~~
 2777 ~~(e)~~.

2778
 2779 Reviser's note.--Amended to confirm the substitution
 2780 by the editors of a reference to s. 620.1603(7)(b) or
 2781 (c) for a reference to s. 620.603(7)(b) or (c).
 2782 Section 620.603 does not exist; s. 620.1603(7)(b) and
 2783 (c) relate to dissociation of a general partner by
 2784 virtue of guardianship or incapacity, respectively.

2785
 2786 Section 76. Paragraph (b) of subsection (2) of section
 2787 620.2118, Florida Statutes, is amended to read:

2788 620.2118 Appraisal notice and form.--

2789 (2) The appraisal notice must be sent no earlier than the
 2790 date the appraisal event became effective and no later than 10
 2791 days after such date and must:

2792 (b) State:

2793 1. Where the form described in paragraph (a) must be sent.

2794 2. A date by which the limited partnership must receive
 2795 the form, which date may not be fewer than 40 or more than 60
 2796 days after the date the appraisal notice and form described in
 2797 this subsection are sent, and state that the limited partner
 2798 shall have waived the right to demand appraisal with respect to
 2799 the limited partner interests unless the form is received by the
 2800 limited partnership by such specified date.

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2801 3. In the case of limited partner interest represented by
 2802 a certificate, the location at which certificates for such
 2803 certificated partnership interests must be deposited, if that
 2804 action is required by the limited partnership, and the date by
 2805 which those certificates must be deposited, which date may not
 2806 be earlier than the date for receiving the required form under
 2807 subparagraph 2.

2808 4. The limited partnership's estimate of the fair value of
 2809 the limited partner interests.

2810 5. An offer to each limited partner who is entitled to
 2811 appraisal rights to pay the limited partnership's estimate of
 2812 fair value set forth in subparagraph 4.

2813 6. That, if requested in writing, the limited partnership
 2814 will provide to the limited partner so requesting, within 10
 2815 days after the date specified in subparagraph 2., the number of
 2816 limited partners who return the forms by the specified date and
 2817 the total number of limited partner interests owned by them.

2818 7. The date by which the notice to withdraw under s.
 2819 620.2119 ~~620.1119~~ must be received, which date must be within 20
 2820 days after the date specified in subparagraph 2.

2821
 2822 Reviser's note.--Amended to correct a reference and
 2823 conform to context. Section 620.1119 does not exist;
 2824 s. 620.2119 relates to the right to withdraw.

2825
 2826 Section 77. Subsection (1) of section 620.2120, Florida
 2827 Statutes, is amended to read:

2828 620.2120 Limited partner's acceptance of limited

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2829 partnership's offer.--

2830 (1) If the limited partner states on the form provided in
 2831 s. 620.2118(1) that the limited partner accepts the offer of the
 2832 limited partnership to pay the limited partnership's estimated
 2833 fair value for the limited partner interest, the limited
 2834 partnership shall make such payment to the limited partner
 2835 within 90 days after the limited partnership's receipt of the
 2836 items required by s. 620.2119(1) ~~620.1119(1)~~.

2837
 2838 Reviser's note.--Amended to confirm the substitution
 2839 by the editors of a reference to s. 620.2119(1) for a
 2840 reference to s. 620.1119(1). Section 620.1119 does not
 2841 exist; s. 620.2119(1) relates to deposit of a limited
 2842 partner's certificates and corresponding loss of
 2843 rights as a limited partner.

2844
 2845 Section 78. Paragraphs (d) and (f) of subsection (3) of
 2846 section 620.2204, Florida Statutes, are amended to read:

2847 620.2204 Application to existing relationships.--

2848 (3) With respect to a limited partnership formed before
 2849 January 1, 2006, the following rules apply except as the
 2850 partners otherwise elect in the manner provided in the
 2851 partnership agreement or by law for amending the partnership
 2852 agreement:

2853 (d) The provisions of s. 620.1603(4) ~~620.603(4)~~ do not
 2854 apply.

2855 (f) The provisions of s. 620.1801(1)(c) ~~620.1801(3)~~ do not
 2856 apply and the connection between a person's dissociation as a

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2857 | general partner and the dissolution of the limited partnership
 2858 | is the same as existed immediately before January 1, 2006.

2859 |
 2860 | Reviser's note.--Paragraph (3)(d) is amended to
 2861 | confirm the substitution by the editors of a reference
 2862 | to s. 620.1603(4) for a reference to s. 620.603(4).
 2863 | Section 620.603 does not exist; s. 620.1603(4) relates
 2864 | to expulsion of a general partner. Paragraph (3)(f) is
 2865 | amended to confirm the substitution by the editors of
 2866 | a reference to s. 620.1801(1)(c) for a reference to s.
 2867 | 620.1801(3). Section 620.1801(3) does not exist; s.
 2868 | 620.1801(1)(c) relates to the dissociation of a
 2869 | general partner and consent to continue or dissolve
 2870 | the limited partnership.

2871 |
 2872 | Section 79. Subsection (15) of section 620.8101, Florida
 2873 | Statutes, is amended to read:

2874 | 620.8101 Definitions.--As used in this act, the term:
 2875 | (15) "Statement" means a statement of partnership
 2876 | authority under s. 620.8303, a statement of denial under s.
 2877 | 620.8304, a statement of dissociation under s. 620.8704, a
 2878 | statement of dissolution under s. 620.8805, a statement of
 2879 | merger under s. 620.8918 ~~620.8907~~, a statement of qualification
 2880 | under s. 620.9001, a statement of foreign qualification under s.
 2881 | 620.9102, or an amendment or cancellation of any of the
 2882 | foregoing.

2883 |
 2884 | Reviser's note.--Amended to conform to the repeal of

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2885 s. 620.8907 by s. 25, ch. 2005-267, Laws of Florida.
 2886 Filings required for merger are now covered in s.
 2887 620.8918, including a reference to the statement of
 2888 merger.

2889
 2890 Section 80. Subsection (1) of section 620.8702, Florida
 2891 Statutes, is amended to read:

2892 620.8702 Dissociated partner's power to bind and liability
 2893 to partnership.--

2894 (1) For 1 year after a partner dissociates without
 2895 resulting in a dissolution and winding up of the partnership
 2896 business, the partnership, including a surviving partnership
 2897 under ss. 620.8911-620.8923 ~~620.8901-620.8908~~, is bound by an
 2898 act of the dissociated partner which would have bound the
 2899 partnership under s. 620.8301 before dissociation only if, at
 2900 the time of entering into the transaction, the other party:

2901 (a) Reasonably believed that the dissociated partner was
 2902 then a partner;

2903 (b) Did not have notice of the partner's dissociation; and

2904 (c) Is not deemed to have had knowledge under s.

2905 620.8303(4) or notice under s. 620.8704(4).

2906
 2907 Reviser's note.--Amended to conform to the repeal of
 2908 ss. 620.8901-620.8908 relating to conversion of a
 2909 partnership to a limited partnership; conversion
 2910 procedures are now covered in ss. 620.8911-620.8923.

2911
 2912 Section 81. Subsection (2) of section 620.8703, Florida

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2913 Statutes, is amended to read:

2914 620.8703 Dissociated partner's liability to other
2915 persons.--

2916 (2) A partner who dissociates without resulting in a
2917 dissolution and winding up of the partnership business is liable
2918 as a partner to any other party to a transaction entered into by
2919 the partnership, or a surviving partnership under ss. 620.8911-
2920 620.8923 ~~620.8901-620.8908~~, within 1 year after the partner's
2921 dissociation only if the partner is liable for the obligation
2922 under s. 620.8306 and, at the time of entering into the
2923 transaction, the other party:

2924 (a) Reasonably believed that the dissociated partner was
2925 then a partner;

2926 (b) Did not have notice of the partner's dissociation; and

2927 (c) Is not deemed to have had knowledge under s.
2928 620.8303(4) or notice under s. 620.8704(4).

2929
2930 Reviser's note.--Amended to conform to the repeal of
2931 ss. 620.8901-620.8908 relating to conversion of a
2932 partnership to a limited partnership; conversion
2933 procedures are now covered in ss. 620.8911-620.8923.

2934
2935 Section 82. Paragraph (a) of subsection (7) of section
2936 624.501, Florida Statutes, is amended to read:

2937 624.501 Filing, license, appointment, and miscellaneous
2938 fees.--The department, commission, or office, as appropriate,
2939 shall collect in advance, and persons so served shall pay to it
2940 in advance, fees, licenses, and miscellaneous charges as

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2941 follows:

2942 (7) Life insurance agents.

2943 (a) Agent's original appointment and biennial renewal or
 2944 continuation thereof, each insurer or agent making an
 2945 appointment:

2946 Appointment fee....\$42.00

2947 State tax....12.00

2948 County tax....6.00 Total....\$60.00

2949

2950 Reviser's note.--Amended to confirm the reinsertion by
 2951 the editors of the word "fee" following the word
 2952 "Appointment" to correct a coding error and conform to
 2953 context.

2954

2955 Section 83. Paragraph (b) of subsection (5) of section
 2956 624.509, Florida Statutes, is amended to read:

2957 624.509 Premium tax; rate and computation.--

2958 (5)

2959 (b) For purposes of this subsection:

2960 1. The term "salaries" does not include amounts paid as
 2961 commissions.

2962 2. The term "employees" does not include independent
 2963 contractors or any person whose duties require that the person
 2964 hold a valid license under the Florida Insurance Code, except
 2965 adjusters, managing general agents, and service representatives,
 2966 as defined in s. 626.015.

2967 3. The term "net tax" means the tax imposed by this
 2968 section after applying the calculations and credits set forth in

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2969 subsection (4).

2970 4. An affiliated group of corporations that created a
 2971 service company within its affiliated group on July 30, 2002,
 2972 shall allocate the salary of each service company employee
 2973 covered by contracts with affiliated group members to the
 2974 companies for which the employees perform services. The salary
 2975 allocation is based on the amount of time during the tax year
 2976 that the individual employee spends performing services or
 2977 otherwise working for each company over the total amount of time
 2978 the employee spends performing services or otherwise working for
 2979 all companies. The total amount of salary allocated to an
 2980 insurance company within the affiliated group shall be included
 2981 as that insurer's employee salaries for purposes of this
 2982 section.

2983 a. Except as provided in subparagraph (a)2. ~~subparagraph~~
 2984 ~~2-~~, the term "affiliated group of corporations" means two or
 2985 more corporations that are entirely owned by a single
 2986 corporation and that constitute an affiliated group of
 2987 corporations as defined in s. 1504(a) of the Internal Revenue
 2988 Code.

2989 b. The term "service company" means a separate corporation
 2990 within the affiliated group of corporations whose employees
 2991 provide services to affiliated group members and which are
 2992 treated as service company employees for unemployment
 2993 compensation and common law purposes. The holding company of an
 2994 affiliated group may not qualify as a service company. An
 2995 insurance company may not qualify as a service company.

2996 c. If an insurance company fails to substantiate, whether

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2997 | by means of adequate records or otherwise, its eligibility to
2998 | claim the service company exception under this section, or its
2999 | salary allocation under this section, no credit shall be
3000 | allowed.

3001 | 5. A service company that is a subsidiary of a mutual
3002 | insurance holding company, which mutual insurance holding
3003 | company was in existence on or before January 1, 2000, shall
3004 | allocate the salary of each service company employee covered by
3005 | contracts with members of the mutual insurance holding company
3006 | system to the companies for which the employees perform
3007 | services. The salary allocation is based on the ratio of the
3008 | amount of time during the tax year which the individual employee
3009 | spends performing services or otherwise working for each company
3010 | to the total amount of time the employee spends performing
3011 | services or otherwise working for all companies. The total
3012 | amount of salary allocated to an insurance company within the
3013 | mutual insurance holding company system shall be included as
3014 | that insurer's employee salaries for purposes of this section.
3015 | However, this subparagraph does not apply for any tax year
3016 | unless funds sufficient to offset the anticipated salary credits
3017 | have been appropriated to the General Revenue Fund prior to the
3018 | due date of the final return for that year.

3019 | a. The term "mutual insurance holding company system"
3020 | means two or more corporations that are subsidiaries of a mutual
3021 | insurance holding company and in compliance with part IV of
3022 | chapter 628.

3023 | b. The term "service company" means a separate corporation
3024 | within the mutual insurance holding company system whose

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3025 employees provide services to other members of the mutual
3026 insurance holding company system and are treated as service
3027 company employees for unemployment compensation and common-law
3028 purposes. The mutual insurance holding company may not qualify
3029 as a service company.

3030 c. If an insurance company fails to substantiate, whether
3031 by means of adequate records or otherwise, its eligibility to
3032 claim the service company exception under this section, or its
3033 salary allocation under this section, no credit shall be
3034 allowed.

3035
3036 Reviser's note.--Amended to correct a reference and
3037 conform to context; subparagraph (5)(b)2. does not
3038 reference affiliated groups of corporations; they are
3039 covered in subparagraph (5)(a)2.

3040
3041 Section 84. Paragraph (d) of subsection (3) of section
3042 624.91, Florida Statutes, is repealed.

3043
3044 Reviser's note.--The cited paragraph, which authorizes
3045 certain enrollees in the Healthy Kids program as of
3046 January 31, 2004, to remain eligible until January 1,
3047 2005, has served its purpose.

3048
3049 Section 85. Paragraph (d) of subsection (2) of section
3050 626.8411, Florida Statutes, is repealed.

3051
3052 Reviser's note.--The cited paragraph, which provides

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3053 that s. 626.592 does not apply to title insurance
 3054 agents or agencies, is obsolete; s. 626.592 was
 3055 repealed by s. 32, ch. 2005-257, Laws of Florida.

3056
 3057 Section 86. Paragraph (b) of subsection (4) of section
 3058 626.9911, Florida Statutes, is amended to read:

3059 626.9911 Definitions.--As used in this act, the term:

3060 (4) "Life expectancy provider" means a person who
 3061 determines, or holds himself or herself out as determining, life
 3062 expectancies or mortality ratings used to determine life
 3063 expectancies:

3064 (b) In connection with a viatical settlement investment,
 3065 pursuant to s. 517.021(23) ~~517.021(22)~~; or

3066
 3067 Reviser's note.--Amended to correct a reference and
 3068 conform to context. Section 517.021(22) defines
 3069 "underwriter"; s. 517.021(23) defines "viatical
 3070 settlement investment."

3071
 3072 Section 87. Paragraph (d) of subsection (6) of section
 3073 627.351, Florida Statutes, is amended to read:

3074 627.351 Insurance risk apportionment plans.--

3075 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

3076 (d)1. It is the intent of the Legislature that the rates
 3077 for coverage provided by the corporation be actuarially sound
 3078 and not competitive with approved rates charged in the admitted
 3079 voluntary market, so that the corporation functions as a
 3080 residual market mechanism to provide insurance only when the

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3081 insurance cannot be procured in the voluntary market. Rates
3082 shall include an appropriate catastrophe loading factor that
3083 reflects the actual catastrophic exposure of the corporation.

3084 2. For each county, the average rates of the corporation
3085 for each line of business for personal lines residential
3086 policies excluding rates for wind-only policies shall be no
3087 lower than the average rates charged by the insurer that had the
3088 highest average rate in that county among the 20 insurers with
3089 the greatest total direct written premium in the state for that
3090 line of business in the preceding year, except that with respect
3091 to mobile home coverages, the average rates of the corporation
3092 shall be no lower than the average rates charged by the insurer
3093 that had the highest average rate in that county among the 5
3094 insurers with the greatest total written premium for mobile home
3095 owner's policies in the state in the preceding year.

3096 3. Rates for personal lines residential wind-only policies
3097 must be actuarially sound and not competitive with approved
3098 rates charged by authorized insurers. Corporation rate manuals
3099 shall include a rate surcharge for seasonal occupancy. To ensure
3100 that personal lines residential wind-only rates are not
3101 competitive with approved rates charged by authorized insurers,
3102 the corporation, in conjunction with the office, shall develop a
3103 wind-only ratemaking methodology, which methodology shall be
3104 contained in each rate filing made by the corporation with the
3105 office. If the office determines that the wind-only rates or
3106 rating factors filed by the corporation fail to comply with the
3107 wind-only ratemaking methodology provided for in this
3108 subsection, it shall so notify the corporation and require the

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3109 corporation to amend its rates or rating factors to come into
3110 compliance within 90 days of notice from the office.

3111 4. For the purposes of establishing a pilot program to
3112 evaluate issues relating to the availability and affordability
3113 of insurance in an area where historically there has been little
3114 market competition, the provisions of subparagraph 2. do not
3115 apply to coverage provided by the corporation in Monroe County
3116 if the office determines that a reasonable degree of competition
3117 does not exist for personal lines residential policies. The
3118 provisions of subparagraph 3. do not apply to coverage provided
3119 by the corporation in Monroe County if the office determines
3120 that a reasonable degree of competition does not exist for
3121 personal lines residential policies in the area of that county
3122 which is eligible for wind-only coverage. In this county, the
3123 rates for personal lines residential coverage shall be
3124 actuarially sound and not excessive, inadequate, or unfairly
3125 discriminatory and are subject to the other provisions of the
3126 paragraph and s. 627.062. The commission shall adopt rules
3127 establishing the criteria for determining whether a reasonable
3128 degree of competition exists for personal lines residential
3129 policies in Monroe County. By March 1, 2006, the office shall
3130 submit a report to the Legislature providing an evaluation of
3131 the implementation of the pilot program affecting Monroe County.

3132 5. Rates for commercial lines coverage shall not be
3133 subject to the requirements of subparagraph 2., but shall be
3134 subject to all other requirements of this paragraph and s.
3135 627.062.

3136 6. Nothing in this paragraph shall require or allow the

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3137 corporation to adopt a rate that is inadequate under s. 627.062.

3138 7. The corporation shall certify to the office at least
 3139 twice annually that its personal lines rates comply with the
 3140 requirements of subparagraphs 1. and 2. If any adjustment in the
 3141 rates or rating factors of the corporation is necessary to
 3142 ensure such compliance, the corporation shall make and implement
 3143 such adjustments and file its revised rates and rating factors
 3144 with the office. If the office thereafter determines that the
 3145 revised rates and rating factors fail to comply with the
 3146 provisions of subparagraphs 1. and 2., it shall notify the
 3147 corporation and require the corporation to amend its rates or
 3148 rating factors in conjunction with its next rate filing. The
 3149 office must notify the corporation by electronic means of any
 3150 rate filing it approves for any insurer among the insurers
 3151 referred to in subparagraph 2.

3152 8. In addition to the rates otherwise determined pursuant
 3153 to this paragraph, the corporation shall impose and collect an
 3154 amount equal to the premium tax provided for in s. 624.509 to
 3155 augment the financial resources of the corporation.

3156 9.a. To assist the corporation in developing additional
 3157 ratemaking methods to assure compliance with subparagraphs 1.
 3158 and 5. ~~4.~~, the corporation shall appoint a rate methodology
 3159 panel consisting of one person recommended by the Florida
 3160 Association of Insurance Agents, one person recommended by the
 3161 Professional Insurance Agents of Florida, one person recommended
 3162 by the Florida Association of Insurance and Financial Advisors,
 3163 one person recommended by the insurer with the highest voluntary
 3164 market share of residential property insurance business in the

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3165 state, one person recommended by the insurer with the second-
3166 highest voluntary market share of residential property insurance
3167 business in the state, one person recommended by an insurer
3168 writing commercial residential property insurance in this state,
3169 one person recommended by the Office of Insurance Regulation,
3170 and one board member designated by the board chairman, who shall
3171 serve as chairman of the panel.

3172 b. By January 1, 2004, the rate methodology panel shall
3173 provide a report to the corporation of its findings and
3174 recommendations for the use of additional ratemaking methods and
3175 procedures, including the use of a rate equalization surcharge
3176 in an amount sufficient to assure that the total cost of
3177 coverage for policyholders or applicants to the corporation is
3178 sufficient to comply with subparagraph 1.

3179 c. Within 30 days after such report, the corporation shall
3180 present to the President of the Senate, the Speaker of the House
3181 of Representatives, the minority party leaders of each house of
3182 the Legislature, and the chairs of the standing committees of
3183 each house of the Legislature having jurisdiction of insurance
3184 issues, a plan for implementing the additional ratemaking
3185 methods and an outline of any legislation needed to facilitate
3186 use of the new methods.

3187 d. The plan must include a provision that producer
3188 commissions paid by the corporation shall not be calculated in
3189 such a manner as to include any rate equalization surcharge.
3190 However, without regard to the plan to be developed or its
3191 implementation, producer commissions paid by the corporation for
3192 each account, other than the quota share primary program, shall

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3193 remain fixed as to percentage, effective rate, calculation, and
 3194 payment method until January 1, 2004.

3195 10. By January 1, 2004, the corporation shall develop a
 3196 notice to policyholders or applicants that the rates of Citizens
 3197 Property Insurance Corporation are intended to be higher than
 3198 the rates of any admitted carrier and providing other
 3199 information the corporation deems necessary to assist consumers
 3200 in finding other voluntary admitted insurers willing to insure
 3201 their property.

3202
 3203 Reviser's note.--Amended to conform to the
 3204 redesignation of subparagraph (6)(d)4. as subparagraph
 3205 (6)(d)5. by s. 7, ch. 2005-111, Laws of Florida.

3206
 3207 Section 88. Paragraph (d) of subsection (6) of section
 3208 627.3511, Florida Statutes, is amended to read:

3209 627.3511 Depopulation of Citizens Property Insurance
 3210 Corporation.--

3211 (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.--

3212 (d) The calculation of an insurer's regular assessment
 3213 liability under s. 627.351(6)(b)3.a. and b. ~~627.351(b)3.a. and~~
 3214 ~~b.~~, but not emergency assessments collected from policyholders
 3215 pursuant to s. 627.351(6)(b)3.d., shall, with respect to
 3216 commercial residential policies removed from the corporation
 3217 under an approved take-out plan, exclude such removed policies
 3218 for the succeeding 3 years, as follows:

3219 1. In the first year following removal of the policies,
 3220 the policies are excluded from the calculation to the extent of

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3221 100 percent.

3222 2. In the second year following removal of the policies,
 3223 the policies are excluded from the calculation to the extent of
 3224 75 percent.

3225 3. In the third year following removal of the policies,
 3226 the policies are excluded from the calculation to the extent of
 3227 50 percent.

3228

3229 Reviser's note.--Amended to correct a reference and
 3230 conform to context. The cite to s. 627.351(b)3.a. and
 3231 b. does not reference the subsection within s. 627.351
 3232 where the referenced material is located; based on
 3233 context, a reference to s. 627.351(6)(b)3.a. and b.,
 3234 relating to levy of assessments on assessable insurers
 3235 with specified deficits, was substituted for the
 3236 incomplete cite.

3237

3238 Section 89. Subsection (1) of section 627.6418, Florida
 3239 Statutes, is amended to read:

3240 627.6418 Coverage for mammograms.--

3241 (1) An accident or health insurance policy issued,
 3242 amended, delivered, or renewed in this state must provide
 3243 coverage for at least the following:

3244 (a) A baseline mammogram for any woman who is 35 years of
 3245 age or older, but younger than 40 years of age.

3246 (b) A mammogram every 2 years for any woman who is 40
 3247 years of age or older, but younger than 50 years of age, or more
 3248 frequently based on the patient's physician's recommendation.

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3249 (c) A mammogram every year for any woman who is 50 years
 3250 of age or older.

3251 (d) One or more mammograms a year, based upon a
 3252 physician's recommendation, for any woman who is at risk for
 3253 breast cancer because of a personal or family history of breast
 3254 cancer, because of having a history of biopsy-proven benign
 3255 breast disease, because of having a mother, sister, or daughter
 3256 who has or has had breast cancer, or because a woman has not
 3257 given birth before the age of 30.

3258
 3259 ~~It is the intent of the Legislature that, when practice~~
 3260 ~~parameters for the delivery of mammography services are~~
 3261 ~~developed pursuant to s. 408.02(7), the Legislature review the~~
 3262 ~~requirements of this section and conform to the practice~~
 3263 ~~parameters.~~

3264
 3265 Reviser's note.--Amended to delete a provision that
 3266 has served its purpose. The practice parameters to be
 3267 reviewed were to be developed pursuant to s.
 3268 408.02(7), which was repealed by s. 42, ch. 2004-297,
 3269 Laws of Florida.

3270
 3271 Section 90. Subsection (1) of section 627.6613, Florida
 3272 Statutes, is amended to read:

3273 627.6613 Coverage for mammograms.--

3274 (1) A group, blanket, or franchise accident or health
 3275 insurance policy issued, amended, delivered, or renewed in this
 3276 state must provide coverage for at least the following:

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3277 (a) A baseline mammogram for any woman who is 35 years of
3278 age or older, but younger than 40 years of age.

3279 (b) A mammogram every 2 years for any woman who is 40
3280 years of age or older, but younger than 50 years of age, or more
3281 frequently based on the patient's physician's recommendation.

3282 (c) A mammogram every year for any woman who is 50 years
3283 of age or older.

3284 (d) One or more mammograms a year, based upon a
3285 physician's recommendation, for any woman who is at risk for
3286 breast cancer because of a personal or family history of breast
3287 cancer, because of having a history of biopsy-proven benign
3288 breast disease, because of having a mother, sister, or daughter
3289 who has or has had breast cancer, or because a woman has not
3290 given birth before the age of 30.

3291
3292 ~~It is the intent of the Legislature that, when practice~~
3293 ~~parameters for the delivery of mammography services are~~
3294 ~~developed pursuant to s. 408.02(7), the Legislature review the~~
3295 ~~requirements of this section and conform to the practice~~
3296 ~~parameters.~~

3297
3298 Reviser's note.--Amended to delete a provision that
3299 has served its purpose. The practice parameters to be
3300 reviewed were to be developed pursuant to s.
3301 408.02(7), which was repealed by s. 42, ch. 2004-297,
3302 Laws of Florida.

3303
3304 Section 91. Section 627.711, Florida Statutes, is amended

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3305 to read:

3306 627.711 Notice of premium discounts for hurricane loss
3307 mitigation.--Using a form prescribed by the Office of Insurance
3308 Regulation, the insurer shall clearly notify the applicant or
3309 policyholder of any personal lines residential property
3310 insurance policy, at the time of the issuance of the policy and
3311 at each renewal, of the availability and the range of each
3312 premium discount, credit, other rate differential, or reduction
3313 in deductibles for properties on which fixtures or construction
3314 techniques demonstrated to reduce the amount of loss in a
3315 windstorm can be or have been installed or implemented. The
3316 prescribed form shall describe generally what actions the
3317 policyholders may be able to take to reduce their windstorm
3318 premium. The prescribed form and a list of such ranges approved
3319 by the office for each insurer licensed in the state and
3320 providing such discounts, credits, other rate differentials, or
3321 reductions in deductibles for properties described in this
3322 subsection shall be available for electronic viewing and
3323 download from the Department of Financial Services' or the
3324 Office of Insurance Regulation's Internet website. The Financial
3325 Services Commission may adopt rules to implement this
3326 subsection.

3327

3328 Reviser's note.--Amended to confirm the insertion by
3329 the editors of the word "be" following the word "can"
3330 to improve clarity.

3331

3332 Section 92. Paragraph (a) of subsection (5) of section

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3333 627.7295, Florida Statutes, is amended to read:

3334 627.7295 Motor vehicle insurance contracts.--

3335 (5) (a) A licensed general lines agent may charge a per-
 3336 policy fee not to exceed \$10 to cover the administrative costs
 3337 of the agent associated with selling the motor vehicle insurance
 3338 policy if the policy covers only personal injury protection
 3339 coverage as provided by s. 627.736 and property damage liability
 3340 coverage as provided by s. 627.7275 and if no other insurance is
 3341 sold or issued in conjunction with or collateral to the policy.
 3342 The fee is not considered part of the premium.

3343
 3344 Reviser's note.--Amended to reinsert language
 3345 inadvertently deleted during the 2005 editorial
 3346 process.

3347
 3348 Section 93. Section 633.026, Florida Statutes, is amended
 3349 to read:

3350 633.026 Informal interpretations of the Florida Fire
 3351 Prevention Code.--The Division of State Fire Marshal shall by
 3352 rule establish an informal process of rendering nonbinding
 3353 interpretations of the Florida Fire Prevention Code. The
 3354 Division of State Fire Marshal may contract with and refer
 3355 interpretive issues to a nonprofit organization that has
 3356 experience in interpreting and enforcing the Florida Fire
 3357 Prevention Code. The Division of State Fire Marshal shall
 3358 immediately implement the process prior to the completion of
 3359 formal rulemaking. It is the intent of the Legislature that the
 3360 Division of State Fire Marshal create a process to refer

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3361 questions to a small group of individuals certified under s.
 3362 633.081(2), to which a party can pose questions regarding the
 3363 interpretation of code provisions. It is the intent of the
 3364 Legislature that the process provide for the expeditious
 3365 resolution of the issues presented and publication of the
 3366 resulting interpretation on the website of the Division of State
 3367 Fire Marshal. It is the intent of the Legislature that this
 3368 program be similar to the program established by the Florida
 3369 Building Commission in s. 553.775(3)(g) ~~553.77(7)~~. Such
 3370 interpretations shall be advisory only and nonbinding on the
 3371 parties or the State Fire Marshal. In order to administer this
 3372 section, the department may adopt by rule and impose a fee for
 3373 nonbinding interpretations, with payment made directly to the
 3374 third party. The fee may not exceed \$150 for each request for a
 3375 review or interpretation.

3376
 3377 Reviser's note.--Amended to conform to the deletion of
 3378 s. 553.77(7) by s. 8, ch. 2005-147, Laws of Florida,
 3379 and the addition of substantially similar language at
 3380 s. 553.775(3)(g) by s. 9, ch. 2005-147.

3381
 3382 Section 94. Subsection (3) of section 633.539, Florida
 3383 Statutes, is amended to read:

3384 633.539 Requirements for installation, inspection, and
 3385 maintenance of fire protection systems.--

3386 (3) For contracts written after June 30, 2005, the
 3387 contractor who installs the underground piping from the point of
 3388 service is responsible for completing the installation to the

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3389 aboveground connection flange, which by definition in this
 3390 chapter is no more than 1 foot above the finished floor, before
 3391 completing the Contractor's Material and Test Certificate for
 3392 Underground Piping document. Aboveground contractors may not
 3393 complete the Contractor's Material and Test Certificate for
 3394 Underground Piping document for underground piping or portions
 3395 thereof which have been installed by others.

3396

3397 Reviser's note.--Amended to confirm the insertion by
 3398 the editors of the word "piping" following the word
 3399 "underground" to improve clarity.

3400

3401 Section 95. Section 634.021, Florida Statutes, is amended
 3402 to read:

3403 634.021 Powers of department, commission, and office;
 3404 rules.--The office shall administer this act and the commission
 3405 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
 3406 implement the provisions of this act related to motor vehicle
 3407 service agreement companies and motor vehicle service
 3408 agreements. The department shall administer this act and may
 3409 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
 3410 provisions of this act related to sales representatives.

3411

3412 Reviser's note.--Amended to improve clarity and
 3413 conform to the designation of companies that provide
 3414 motor vehicle service agreement products throughout
 3415 part I of chapter 634.

3416

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3417 Section 96. Paragraph (a) of subsection (13) of section
 3418 634.401, Florida Statutes, is amended to read:

3419 634.401 Definitions.--As used in this part, the term:

3420 (13) "Service warranty" means any warranty, guaranty,
 3421 extended warranty or extended guaranty, maintenance service
 3422 contract equal to or greater than 1 year in length or which does
 3423 not meet the exemption in paragraph (a), contract agreement, or
 3424 other written promise for a specific duration to perform the
 3425 repair, replacement, or maintenance of a consumer product, or
 3426 for indemnification for repair, replacement, or maintenance, for
 3427 operational or structural failure due to a defect in materials
 3428 or workmanship, normal wear and tear, power surge, or accidental
 3429 damage from handling in return for the payment of a segregated
 3430 charge by the consumer; however:

3431 (a) Maintenance service contracts written for less than 1
 3432 year which do not contain provisions for indemnification and
 3433 which do not provide a discount to the consumer for any
 3434 combination of parts and labor in excess of 20 percent during
 3435 the effective period of such contract, motor vehicle service
 3436 agreements, transactions exempt under s. 624.125, and home
 3437 warranties subject to regulation under part ~~parts I and II~~ of
 3438 this chapter are excluded from this definition;

3439

3440 Reviser's note.--Amended to correct a reference and
 3441 conform to context. Part II of chapter 634 regulates
 3442 home warranty associations; part I of chapter 634
 3443 regulates motor vehicle service agreement companies.

3444

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3445 Section 97. Subsection (2) of section 636.223, Florida
 3446 Statutes, is amended to read:

3447 636.223 Administrative penalty.--In lieu of suspending or
 3448 revoking a certificate of authority whenever any discount
 3449 medical plan organization has been found to have violated any
 3450 provision of this part, the office may:

3451 (2) Impose a monetary penalty of not less than ~~that~~ \$100
 3452 for each violation, but not to exceed an aggregate penalty of
 3453 \$75,000.

3454
 3455 Reviser's note.--Amended to confirm the substitution
 3456 by the editors of the word "than" for the word "that"
 3457 to conform to context and improve clarity.

3458
 3459 Section 98. Paragraph (a) of subsection (40) of section
 3460 641.31, Florida Statutes, is amended to read:

3461 641.31 Health maintenance contracts.--

3462 (40)(a) Any group rate, rating schedule, or rating manual
 3463 for a health maintenance organization policy, which provides
 3464 creditable coverage as defined in s. 627.6561(5), filed with the
 3465 office shall provide for an appropriate rebate of premiums paid
 3466 in the last policy year, contract year, or calendar year when
 3467 the majority of members of a health plan are enrolled in and
 3468 have maintained participation in any health wellness,
 3469 maintenance, or improvement program offered by the group
 3470 contract holder. The group must provide evidence of
 3471 demonstrative maintenance or improvement of his or her health
 3472 status as determined by assessments of agreed-upon health status

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3473 indicators between the group and the health insurer, including,
 3474 but not limited to, reduction in weight, body mass index, and
 3475 smoking cessation. Any rebate provided by the health maintenance
 3476 organization is presumed to be appropriate unless credible data
 3477 demonstrates otherwise, or unless the rebate program requires
 3478 the insured to incur costs to qualify for the rebate which
 3479 equals or exceeds the value of the rebate but the rebate may not
 3480 exceed 10 percent of paid premiums.

3481
 3482 Reviser's note.--Amended to confirm the insertion by
 3483 the editors of the word "have" following the word
 3484 "and" to improve clarity.

3485
 3486 Section 99. Subsection (4) of section 658.12, Florida
 3487 Statutes, is amended to read:

3488 658.12 Definitions.--Subject to other definitions
 3489 contained in the financial institutions codes and unless the
 3490 context otherwise requires:

3491 (4) "Branch" or "branch office" of a bank means any office
 3492 or place of business of a bank, other than its main office and
 3493 the facilities and operations authorized by ss. 658.26(4)
 3494 ~~658.26(5)~~, 658.65, and 660.33, at which deposits are received,
 3495 checks are paid, or money is lent. With respect to a bank which
 3496 has a trust department, the terms "branch" and "branch office"
 3497 have the meanings herein ascribed to a branch or a branch office
 3498 of a trust company. "Branch" or "branch office" of a trust
 3499 company means any office or place of business of a trust
 3500 company, other than its main office and its trust service

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3501 offices established pursuant to s. 660.33, where trust business
 3502 is transacted with its customers.

3503
 3504 Reviser's note.--Amended to conform to the
 3505 redesignation of s. 658.26(5), relating to armored car
 3506 services, to s. 658.26(4) by s. 15, ch. 2004-340, Laws
 3507 of Florida, and s. 98, ch. 2004-390, Laws of Florida.

3508
 3509 Section 100. Section 694.16, Florida Statutes, is amended
 3510 to read:

3511 694.16 Conveyances by merger or conversion of business
 3512 entities.--As to any merger or conversion of business entities
 3513 prior to June 15, 2000, the title to all real estate, or any
 3514 interest therein, owned by a business entity that was a party to
 3515 a merger or a conversion is vested in the surviving entity
 3516 without reversion or impairment, notwithstanding the requirement
 3517 of a deed which was previously required by s. 607.11101, s.
 3518 608.4383, former s. 620.204, former s. 620.8904, or former s.
 3519 620.8906.

3520
 3521 Reviser's note.--Amended to conform to the repeal of
 3522 ss. 620.204, 620.8904, and 620.8906 by s. 25, ch.
 3523 2005-267, Laws of Florida.

3524
 3525 Section 101. Paragraph (b) of subsection (2) of section
 3526 721.13, Florida Statutes, is amended to read:

3527 721.13 Management.--
 3528 (2)

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3529 (b) The managing entity shall invest the operating and
 3530 reserve funds of the timeshare plan in accordance with s.
 3531 518.11(1); however, the managing entity shall give safety of
 3532 capital greater weight than production of income. In no event
 3533 shall the managing entity invest timeshare plan funds with a
 3534 developer or with any entity that is not independent of any
 3535 developer or any managing entity within the meaning of s.
 3536 721.05(22) ~~721.05(20)~~, and in no event shall the managing entity
 3537 invest timeshare plan funds in notes and mortgages related in
 3538 any way to the timeshare plan.

3539
 3540 Reviser's note.--Amended to conform to the
 3541 redesignation of s. 721.05(20), defining the term
 3542 "managing entity," as s. 721.05(22) by s. 3, ch. 2004-
 3543 279, Laws of Florida.

3544
 3545 Section 102. Subsection (6) of section 732.103, Florida
 3546 Statutes, is amended to read:

3547 732.103 Share of other heirs.--The part of the intestate
 3548 estate not passing to the surviving spouse under s. 732.102, or
 3549 the entire intestate estate if there is no surviving spouse,
 3550 descends as follows:

3551 (6) If none of the foregoing, and if any of the
 3552 descendants of the decedent's great-grandparents were Holocaust
 3553 victims as defined in s. 626.9543(3)(a) ~~626.9543(3)(b)~~,
 3554 including such victims in countries cooperating with the
 3555 discriminatory policies of Nazi Germany, then to the lineal
 3556 descendants of the great-grandparents. The court shall allow any

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3557 such descendant to meet a reasonable, not unduly restrictive,
 3558 standard of proof to substantiate his or her lineage. This
 3559 subsection only applies to escheated property and shall cease to
 3560 be effective for proceedings filed after December 31, 2004.

3561

3562 Reviser's note.--Amended to conform to the
 3563 redesignation of s. 626.9543(3)(b) as s.
 3564 626.9543(3)(a) by s. 76, ch. 2004-390, Laws of
 3565 Florida.

3566

3567 Section 103. Subsection (1) of section 739.104, Florida
 3568 Statutes, is amended to read:

3569 739.104 Power to disclaim; general requirements; when
 3570 irrevocable.--

3571 (1) A person may disclaim, in whole or in part,
 3572 conditionally or unconditionally, any interest in or power over
 3573 property, including a power of ~~or~~ appointment. A person may
 3574 disclaim the interest or power even if its creator imposed a
 3575 spendthrift provision or similar restriction on transfer or a
 3576 restriction or limitation on the right to disclaim. A disclaimer
 3577 shall be unconditional unless the disclaimant explicitly
 3578 provides otherwise in the disclaimer.

3579

3580 Reviser's note.--Amended to conform to context.

3581

3582 Section 104. Subsection (1) and paragraph (d) of
 3583 subsection (5) of section 765.101, Florida Statutes, are amended
 3584 to read:

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3585 765.101 Definitions.--As used in this chapter:

3586 (1) "Advance directive" means a witnessed written document
 3587 or oral statement in which instructions are given by a principal
 3588 or in which the principal's desires are expressed concerning any
 3589 aspect of the principal's health care, and includes, but is not
 3590 limited to, the designation of a health care surrogate, a living
 3591 will, or an anatomical gift made pursuant to part V ~~X~~ of chapter
 3592 765 ~~732~~.

3593 (5) "Health care decision" means:

3594 (d) The decision to make an anatomical gift pursuant to
 3595 part V ~~X~~ of chapter 765 ~~732~~.

3596

3597 Reviser's note.--Amended to conform to the transfer of
 3598 material in former part X of chapter 732 to part V of
 3599 chapter 765 pursuant to ch. 2001-226, Laws of Florida.

3600

3601 Section 105. Subsection (23) of section 774.203, Florida
 3602 Statutes, is amended to read:

3603 774.203 Definitions.--As used in this act, the term:

3604 (23) "Qualified physician" means a medical doctor, who:

3605 (a) Is a board-certified pathologist licensed to practice
 3606 and actively practices in this country who performed services
 3607 requested or authorized by a physician who:

3608 1. Has conducted a physical examination of the exposed
 3609 person or, if the person is deceased, has reviewed all available
 3610 records relating to the exposed person's medical condition;

3611 2. Is actually treating or has treated the exposed person,
 3612 and has or had a doctor-patient relationship with the person;

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3613 and

3614 3. Is licensed to practice and actively practices in this
3615 country; or

3616 (b) Is a board-certified oncologist, pulmonary specialist,
3617 or specialist in occupational and environmental medicine who:

3618 1. Has conducted a physical examination of the exposed
3619 person or, if the person is deceased, has reviewed all available
3620 records relating to the exposed person's medical condition;

3621 2. Is actually treating or has treated the exposed person,
3622 and has or had a doctor-patient relationship with the person;
3623 and

3624 3. Is licensed to practice and actively practices in this
3625 country.

3626

3627 Reviser's note.--Amended to confirm the insertion by
3628 the editors of the word "has" following the word "or"
3629 to improve clarity.

3630

3631 Section 106. Paragraph (f) of subsection (2) of section
3632 774.204, Florida Statutes, is amended to read:

3633 774.204 Physical impairment.--

3634 (2) A person may not file or maintain a civil action
3635 alleging a nonmalignant asbestos claim in the absence of a prima
3636 facie showing of physical impairment as a result of a medical
3637 condition to which exposure to asbestos was a substantial
3638 contributing factor. The prima facie showing must include all of
3639 the following requirements:

3640 (f) A determination by a qualified physician that

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3641 asbestosis or diffuse pleural thickening, rather than chronic
3642 obstructive pulmonary disease, is a substantial contributing
3643 factor to the exposed person's physical impairment, based at a
3644 minimum on a determination that the exposed person has:

- 3645 1. Total lung capacity, by plethysmography or timed gas
3646 dilution, below the predicted lower limit of normal;
- 3647 2. Forced vital capacity below the lower limit of normal
3648 and a ratio of FEV1 to FVC that is equal to or greater than the
3649 predicted lower limit of normal; or
- 3650 3. A chest X ray showing small, irregular opacities (s, t,
3651 u) graded by a certified B-reader as at least 2/1 on the ILO
3652 scale.

3653
3654 Reviser's note.--Amended to confirm the insertion by
3655 the editors of the word "as" following the term
3656 "certified B-reader" to improve clarity.

3657
3658 Section 107. Subsection (3) of section 774.205, Florida
3659 Statutes, is amended to read:

3660 774.205 Claimant proceedings.--

3661 (3) All asbestos claims and silica claims filed in this
3662 state on or after the effective date of this act must include,
3663 in addition to the written report described in subsection (2)
3664 ~~subsection (3) of section 5~~ and the information required by s.
3665 774.207(2), a sworn information form containing the following
3666 information:

3667 (a) The claimant's name, address, date of birth, and
3668 marital status;

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3669 (b) If the claimant alleges exposure to asbestos or silica
3670 through the testimony of another person or alleges other than
3671 direct or bystander exposure to a product, the name, address,
3672 date of birth, and marital status for each person by which the
3673 claimant alleges exposure, hereinafter the "index person," and
3674 the claimant's relationship to each such person;

3675 (c) The specific location of each alleged exposure;

3676 (d) The beginning and ending dates of each alleged
3677 exposure as to each asbestos product or silica product for each
3678 location at which exposure allegedly took place for the
3679 plaintiff and each index person;

3680 (e) The occupation and name of the employer of the exposed
3681 person at the time of each alleged exposure;

3682 (f) The specific condition related to asbestos or silica
3683 claimed to exist; and

3684 (g) Any supporting documentation of the condition claimed
3685 to exist.

3686

3687 Reviser's note.--The introductory paragraph of
3688 subsection (3) is amended to confirm the substitution
3689 of a reference to "subsection (2)" for a reference to
3690 "subsection (3) of section 5" of ch. 2005-274, Laws of
3691 Florida. Subsection (2) describes the written report.
3692 Paragraph (3)(b) is amended to confirm the insertion
3693 by the editors of the word "and" following the word
3694 "birth" to improve clarity.

3695

3696 Section 108. Paragraph (b) of subsection (1) of section

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3697 774.208, Florida Statutes, is amended to read:

3698 774.208 Liability rules applicable to protect sellers,
3699 renters, and lessors.--

3700 (1)

3701 (b) For the purpose of sub-subparagraph (a)1.b. ~~sub-~~
3702 ~~subparagraph 1.b.~~, a product seller may not be considered to
3703 have failed to exercise reasonable care with respect to a
3704 product based upon an alleged failure to inspect the product,
3705 if:

3706 1. The failure occurred because there was no reasonable
3707 opportunity to inspect the product; or

3708 2. The inspection, in the exercise of reasonable care,
3709 would not have revealed the aspect of the product which
3710 allegedly caused the exposed person's impairment.

3711

3712 Reviser's note.--Amended to confirm the substitution
3713 by the editors of a reference to sub-subparagraph

3714 (a)1.b. for a reference to sub-subparagraph 1.b.

3715 Paragraph (b) does not contain a sub-subparagraph

3716 1.b.; sub-subparagraph (a)1.b., relating to failure of
3717 a product seller to use reasonable care with respect
3718 to the product, conforms to context.

3719

3720 Section 109. Paragraph (b) of subsection (4) of section
3721 784.046, Florida Statutes, is amended to read:

3722 784.046 Action by victim of repeat violence, sexual
3723 violence, or dating violence for protective injunction; powers
3724 and duties of court and clerk of court; filing and form of

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3725 petition; notice and hearing; temporary injunction; issuance;
 3726 statewide verification system; enforcement.--

3727 (4)

3728 (b) The sworn petition must be in substantially the
 3729 following form:

3730

3731 PETITION FOR INJUNCTION FOR PROTECTION
 3732 AGAINST REPEAT VIOLENCE, SEXUAL
 3733 VIOLENCE, OR DATING VIOLENCE

3734

3735 Before me, the undersigned authority, personally appeared
 3736 Petitioner (Name) , who has been sworn and says that the
 3737 following statements are true:

3738

3739 1. Petitioner resides at (address) (A petitioner for
 3740 an injunction for protection against sexual violence may furnish
 3741 an address to the court in a separate confidential filing if,
 3742 for safety reasons, the petitioner requires the location of his
 3743 or her current residence to be confidential pursuant to s.
 3744 119.071(2)(j) ~~119.07(6)(s)~~, Florida Statutes.)

3745 2. Respondent resides at (address)

3746 3.a. Petitioner has suffered repeat violence as
 3747 demonstrated by the fact that the respondent has:

3748 (enumerate incidents of violence)

3749

3750

3751

3752

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3753 b. Petitioner has suffered sexual violence as demonstrated
3754 by the fact that the respondent has: (enumerate incident of
3755 violence and include incident report number from law enforcement
3756 agency or attach notice of inmate release.)

3757
3758 _____
3759 _____
3760 _____

3761
3762 c. Petitioner is a victim of dating violence and has
3763 reasonable cause to believe that he or she is in imminent danger
3764 of becoming the victim of another act of dating violence or has
3765 reasonable cause to believe that he or she is in imminent danger
3766 of becoming a victim of dating violence, as demonstrated by the
3767 fact that the respondent has: (list the specific incident or
3768 incidents of violence and describe the length of time of the
3769 relationship, whether it has been in existence during the last 6
3770 months, the nature of the relationship of a romantic or intimate
3771 nature, the frequency and type of interaction, and any other
3772 facts that characterize the relationship.)

3773
3774 _____
3775 _____
3776 _____

3777
3778 4. Petitioner genuinely fears repeat violence by the
3779 respondent.

3780 5. Petitioner seeks: an immediate injunction against the

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3781 respondent, enjoining him or her from committing any further
 3782 acts of violence; an injunction enjoining the respondent from
 3783 committing any further acts of violence; and an injunction
 3784 providing any terms the court deems necessary for the protection
 3785 of the petitioner and the petitioner's immediate family,
 3786 including any injunctions or directives to law enforcement
 3787 agencies.

3788

3789 Reviser's note.--Amended to conform to the
 3790 redesignation of s. 119.07(6)(s) as s. 119.071(2)(j)
 3791 by s. 17, ch. 2005-251, Laws of Florida.

3792

3793 Section 110. Paragraph (p) of subsection (3) of section
 3794 790.25, Florida Statutes, is amended to read:

3795 790.25 Lawful ownership, possession, and use of firearms
 3796 and other weapons.--

3797 (3) LAWFUL USES.--The provisions of ss. 790.053 and 790.06
 3798 do not apply in the following instances, and, despite such
 3799 sections, it is lawful for the following persons to own,
 3800 possess, and lawfully use firearms and other weapons,
 3801 ammunition, and supplies for lawful purposes:

3802 (p) Investigators employed by the capital collateral
 3803 regional counsel ~~representative~~, while actually carrying out
 3804 official duties, provided such investigators:

- 3805 1. Are employed full time;
- 3806 2. Meet the official training standards for firearms as
 3807 established by the Criminal Justice Standards and Training
 3808 Commission as provided in s. 943.12(1) and the requirements of

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3809 ss. 493.6108(1)(a) and 943.13(1)-(4); and

3810 3. Are individually designated by an affidavit of consent
 3811 signed by the capital collateral regional counsel ~~representative~~
 3812 and filed with the clerk of the circuit court in the county in
 3813 which the investigator is headquartered.

3814
 3815 Reviser's note.--Amended to conform to the replacement
 3816 of the capital collateral representative with capital
 3817 collateral regional counsel in s. 27.701 by s. 1, ch.
 3818 97-313, Laws of Florida.

3819
 3820 Section 111. Paragraph (e) of subsection (2) of section
 3821 872.05, Florida Statutes, is amended to read:

3822 872.05 Unmarked human burials.--

3823 (2) DEFINITIONS.--As used in this section:

3824 (e) "State Archaeologist" means the person employed by the
 3825 division pursuant to s. 267.031(7) ~~267.031(6)~~.

3826
 3827 Reviser's note.--Amended to conform to the
 3828 redesignation of s. 267.031(6) as s. 267.031(7) by s.
 3829 1, ch. 2004-91, Laws of Florida.

3830
 3831 Section 112. Paragraph (c) of subsection (1) of section
 3832 895.09, Florida Statutes, is amended to read:

3833 895.09 Disposition of funds obtained through forfeiture
 3834 proceedings.--

3835 (1) A court entering a judgment of forfeiture in a
 3836 proceeding brought pursuant to s. 895.05 shall retain

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3837 jurisdiction to direct the distribution of any cash or of any
 3838 cash proceeds realized from the forfeiture and disposition of
 3839 the property. The court shall direct the distribution of the
 3840 funds in the following order of priority:

3841 (c) Any claim by the Board of Trustees of the Internal
 3842 Improvement Trust Fund on behalf of the Internal Improvement
 3843 Trust Fund or the Land Acquisition Trust Fund pursuant to s.
 3844 253.03(12) ~~253.03(13)~~, not including administrative costs of the
 3845 Department of Environmental Protection previously paid directly
 3846 from the Internal Improvement Trust Fund in accordance with
 3847 legislative appropriation.

3848

3849 Reviser's note.--Amended to conform to the
 3850 redesignation of s. 253.03(13) as s. 253.03(12) by s.
 3851 22, ch. 2004-234, Laws of Florida.

3852

3853 Section 113. Paragraph (c) of subsection (1) of section
 3854 938.29, Florida Statutes, is amended to read:

3855 938.29 Legal assistance; lien for payment of attorney's
 3856 fees or costs.--

3857 (1)

3858 (c) The defendant shall pay the application fee under s.
 3859 27.52(1)(b) ~~27.52(2)(a)~~ and attorney's fees and costs in full or
 3860 in installments, at the time or times specified. The court may
 3861 order payment of the assessed application fee and attorney's
 3862 fees and costs as a condition of probation, of suspension of
 3863 sentence, or of withholding the imposition of sentence.

3864 Attorney's fees and costs collected under this section shall be

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3865 deposited into the General Revenue Fund.

3866

3867 Reviser's note.--Amended to conform to the substantial
 3868 rewording of s. 27.52 by s. 3, ch. 2005-236, Laws of
 3869 Florida; the application fee requirement is now in s.
 3870 27.52(1)(b).

3871

3872 Section 114. Section 943.04353, Florida Statutes, is
 3873 amended to read:

3874 943.04353 Triennial study of sexual predator and sexual
 3875 offender registration and notification procedures.--The Office
 3876 of Program Policy Analysis and Government Accountability shall,
 3877 every 3 years, perform a study of the effectiveness of Florida's
 3878 sexual predator and sexual offender registration process and
 3879 community and public notification provisions. As part of
 3880 determining the effectiveness of the registration process,
 3881 OPPAGA shall examine the current practices of: the Department of
 3882 Corrections, county probation offices, clerk of courts, court
 3883 administrators, county jails and booking facilities, Department
 3884 of Children and Family Services, judges, state attorneys'
 3885 offices, Department of Highway Safety and Motor Vehicles,
 3886 Department of Law Enforcement, and local law enforcement
 3887 agencies as they relate to: sharing of offender information
 3888 regarding registered sexual predators and sexual offenders for
 3889 purposes of fulfilling the requirements set forth ~~fourth~~ in the
 3890 registration laws; ensuring the most accurate, current, and
 3891 comprehensive information is provided in a timely manner to the
 3892 registry; ensuring the effective supervision and subsequent

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3893 monitoring of sexual predators and offenders; and ensuring
 3894 informed decisions are made at each point of the criminal
 3895 justice and registration process. In addition to determining the
 3896 effectiveness of the registration process, the report shall
 3897 focus on the question of whether the notification provisions in
 3898 statute are sufficient to apprise communities of the presence of
 3899 sexual predators and sexual offenders. The report shall examine
 3900 how local law enforcement agencies collect and disseminate
 3901 information in an effort to notify the public and communities of
 3902 the presence of sexual predators and offenders. If the report
 3903 finds deficiencies in the registration process, the notification
 3904 provisions, or both, the report shall provide options for
 3905 correcting those deficiencies and shall include the projected
 3906 cost of implementing those options. In conducting the study, the
 3907 Office of Program Policy Analysis and Government Accountability
 3908 shall consult with the Florida Council Against Sexual Violence
 3909 and the Florida Association for the Treatment of Sexual Abusers
 3910 in addition to other interested entities that may offer
 3911 experiences and perspectives unique to this area of research.
 3912 The report shall be submitted to the President of the Senate and
 3913 the Speaker of the House of Representatives by January 1, 2006.

3914

3915 Reviser's note.--Amended to confirm the substitution
 3916 by the editors of the word "forth" for the word
 3917 "fourth" to conform to context.

3918

3919 Section 115. Subsection (4) of section 948.012, Florida
 3920 Statutes, is amended to read:

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3921 948.012 Split sentence of probation or community control
 3922 and imprisonment.--

3923 (4) Effective for offenses committed on or after September
 3924 1, 2005, the court must impose a split sentence pursuant to
 3925 subsection (1) for any person who is convicted of a life felony
 3926 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)
 3927 if the court imposes a term of years in accordance with s.
 3928 775.082(3)(a)4.b. ~~775.082(3)4.b.~~ rather than life imprisonment.
 3929 The probation or community control portion of the split sentence
 3930 imposed by the court for a defendant must extend for the
 3931 duration of the defendant's natural life and include a condition
 3932 that he or she be electronically monitored.

3933
 3934 Reviser's note.--Amended to correct a reference.
 3935 Section 4, ch. 2005-28, Laws of Florida, added
 3936 subparagraph (3)(a)4., relating to punishment for
 3937 conviction of a life felony committed on or after
 3938 September 1, 2005, which is a violation of s.
 3939 800.04(5)(b); the subparagraph includes a sub-
 3940 subparagraph a., providing for imprisonment for life,
 3941 and a sub-subparagraph b., providing for a split
 3942 sentence of a term of years followed by probation or
 3943 community control for the remainder of the offender's
 3944 life.

3945
 3946 Section 116. Paragraph (i) of subsection (1) of section
 3947 948.03, Florida Statutes, is amended to read:

3948 948.03 Terms and conditions of probation.--

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3949 (1) The court shall determine the terms and conditions of
 3950 probation. Conditions specified in this section do not require
 3951 oral pronouncement at the time of sentencing and may be
 3952 considered standard conditions of probation. These conditions
 3953 may include among them the following, that the probationer or
 3954 offender in community control shall:

3955 (i) Pay any application fee assessed under s. 27.52(1)(b)
 3956 ~~27.52(2)(a)~~ and attorney's fees and costs assessed under s.
 3957 938.29, subject to modification based on change of
 3958 circumstances.

3959
 3960 Reviser's note.--Amended to conform to the substantial
 3961 rewording of s. 27.52 by s. 3, ch. 2005-236, Laws of
 3962 Florida; the application fee requirement is now in s.
 3963 27.52(1)(b).

3964
 3965 Section 117. Subsection (2) of section 948.061, Florida
 3966 Statutes, is amended to read:

3967 948.061 Identifying, assessing, and monitoring high-risk
 3968 sex offenders on community supervision; providing cumulative
 3969 criminal and supervision histories on the Internet.--

3970 (2) To facilitate the information available to the court
 3971 at first appearance hearings and at all subsequent hearings for
 3972 these high-risk sex offenders, the department shall, no later
 3973 than March 1, 2006, post on FDLE's Criminal Justice Intranet a
 3974 cumulative chronology of the sex offender's prior terms of state
 3975 probation and community control, including all substantive or
 3976 technical violations of state probation or community control.

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3977 The county jail in the county where the arrested person is
 3978 booked shall ensure ~~insure~~ that state and national criminal
 3979 history information and all criminal justice information
 3980 available in the Florida Crime Information Center and the
 3981 National Crime Information Center, is provided to the court at
 3982 the time of the first appearance. The courts shall assist the
 3983 department's dissemination of critical information by creating
 3984 and maintaining an automated system to provide the information
 3985 as specified in this subsection and by providing the necessary
 3986 technology in the courtroom to deliver the information.

3987
 3988 Reviser's note.--Amended to confirm the substitution
 3989 by the editors of the word "ensure" for the word
 3990 "insure" to conform to context.

3991
 3992 Section 118. Paragraphs (d) and (j) of subsection (1) of
 3993 section 948.062, Florida Statutes, are amended to read:

3994 948.062 Reviewing and reporting serious offenses committed
 3995 by offenders placed on probation or community control.--

3996 (1) The department shall review the circumstances related
 3997 to an offender placed on probation or community control who has
 3998 been arrested while on supervision for the following offenses:

3999 (d) Any kidnapping, false imprisonment, or luring of a
 4000 child as provided in s. 787.01, s. 787.02 ~~782.07~~, or s. 787.025;

4001 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
 4002 or vehicular or vessel homicide as provided in s. 782.071 or s.
 4003 782.072 ~~787.072~~, committed by any person who is on probation or
 4004 community control for an offense involving death or injury

4005 | resulting from a driving incident.

4006 |

4007 | Reviser's note.--Paragraph (1)(d) is amended to
 4008 | correct a reference and conform to context. Section
 4009 | 782.07 relates to manslaughter; s. 787.02 relates to
 4010 | false imprisonment. Paragraph (1)(j) is amended to
 4011 | correct a reference and conform to context. Section
 4012 | 787.072 does not exist; s. 782.072 relates to vessel
 4013 | homicide.

4014 |

4015 | Section 119. Paragraph (b) of subsection (7) of section
 4016 | 1008.25, Florida Statutes, is amended to read:

4017 | 1008.25 Public school student progression; remedial
 4018 | instruction; reporting requirements.--

4019 | (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

4020 | (b) Beginning with the 2004-2005 school year, each school
 4021 | district shall:

4022 | 1. Conduct a review of student academic improvement plans
 4023 | for all students who did not score above Level 1 on the reading
 4024 | portion of the FCAT and did not meet the criteria for one of the
 4025 | good cause exemptions in paragraph (6)(b). The review shall
 4026 | address additional supports and services, as described in this
 4027 | subsection, needed to remediate the identified areas of reading
 4028 | deficiency. The school district shall require a student
 4029 | portfolio to be completed for each such student.

4030 | 2. Provide students who are retained under the provisions
 4031 | of paragraph (5)(b) with intensive instructional services and
 4032 | supports to remediate the identified areas of reading

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4033 deficiency, including a minimum of 90 minutes of daily,
 4034 uninterrupted, scientifically research-based reading instruction
 4035 and other strategies prescribed by the school district, which
 4036 may include, but are not limited to:

- 4037 a. Small group instruction.
- 4038 b. Reduced teacher-student ratios.
- 4039 c. More frequent progress monitoring.
- 4040 d. Tutoring or mentoring.
- 4041 e. Transition classes containing 3rd and 4th grade
 4042 students.
- 4043 f. Extended school day, week, or year.
- 4044 g. Summer reading camps.

4045 3. Provide written notification to the parent of any
 4046 student who is retained under the provisions of paragraph (5) (b)
 4047 that his or her child has not met the proficiency level required
 4048 for promotion and the reasons the child is not eligible for a
 4049 good cause exemption as provided in paragraph (6) (b). The
 4050 notification must comply with the provisions of s. 1002.20(15)
 4051 ~~1002.20(14)~~ and must include a description of proposed
 4052 interventions and supports that will be provided to the child to
 4053 remediate the identified areas of reading deficiency.

4054 4. Implement a policy for the midyear promotion of any
 4055 student retained under the provisions of paragraph (5) (b) who
 4056 can demonstrate that he or she is a successful and independent
 4057 reader, reading at or above grade level, and ready to be
 4058 promoted to grade 4. Tools that school districts may use in
 4059 reevaluating any student retained may include subsequent
 4060 assessments, alternative assessments, and portfolio reviews, in

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4061 accordance with rules of the State Board of Education. Students
4062 promoted during the school year after November 1 must
4063 demonstrate proficiency above that required to score at Level 2
4064 on the grade 3 FCAT, as determined by the State Board of
4065 Education. The State Board of Education shall adopt standards
4066 that provide a reasonable expectation that the student's
4067 progress is sufficient to master appropriate 4th grade level
4068 reading skills.

4069 5. Provide students who are retained under the provisions
4070 of paragraph (5)(b) with a high-performing teacher as determined
4071 by student performance data and above-satisfactory performance
4072 appraisals.

4073 6. In addition to required reading enhancement and
4074 acceleration strategies, provide parents of students to be
4075 retained with at least one of the following instructional
4076 options:

4077 a. Supplemental tutoring in scientifically research-based
4078 reading services in addition to the regular reading block,
4079 including tutoring before and/or after school.

4080 b. A "Read at Home" plan outlined in a parental contract,
4081 including participation in "Families Building Better Readers
4082 Workshops" and regular parent-guided home reading.

4083 c. A mentor or tutor with specialized reading training.

4084 7. Establish a Reading Enhancement and Acceleration
4085 Development (READ) Initiative. The focus of the READ Initiative
4086 shall be to prevent the retention of grade 3 students and to
4087 offer intensive accelerated reading instruction to grade 3
4088 students who failed to meet standards for promotion to grade 4

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4089 and to each K-3 student who is assessed as exhibiting a reading
 4090 deficiency. The READ Initiative shall:

4091 a. Be provided to all K-3 students at risk of retention as
 4092 identified by the statewide assessment system used in Reading
 4093 First schools. The assessment must measure phonemic awareness,
 4094 phonics, fluency, vocabulary, and comprehension.

4095 b. Be provided during regular school hours in addition to
 4096 the regular reading instruction.

4097 c. Provide a state-identified reading curriculum that has
 4098 been reviewed by the Florida Center for Reading Research at
 4099 Florida State University and meets, at a minimum, the following
 4100 specifications:

4101 (I) Assists students assessed as exhibiting a reading
 4102 deficiency in developing the ability to read at grade level.

4103 (II) Provides skill development in phonemic awareness,
 4104 phonics, fluency, vocabulary, and comprehension.

4105 (III) Provides scientifically based and reliable
 4106 assessment.

4107 (IV) Provides initial and ongoing analysis of each
 4108 student's reading progress.

4109 (V) Is implemented during regular school hours.

4110 (VI) Provides a curriculum in core academic subjects to
 4111 assist the student in maintaining or meeting proficiency levels
 4112 for the appropriate grade in all academic subjects.

4113 8. Establish at each school, where applicable, an
 4114 Intensive Acceleration Class for retained grade 3 students who
 4115 subsequently score at Level 1 on the reading portion of the
 4116 FCAT. The focus of the Intensive Acceleration Class shall be to

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4117 | increase a child's reading level at least two grade levels in 1
4118 | school year. The Intensive Acceleration Class shall:

4119 | a. Be provided to any student in grade 3 who scores at
4120 | Level 1 on the reading portion of the FCAT and who was retained
4121 | in grade 3 the prior year because of scoring at Level 1 on the
4122 | reading portion of the FCAT.

4123 | b. Have a reduced teacher-student ratio.

4124 | c. Provide uninterrupted reading instruction for the
4125 | majority of student contact time each day and incorporate
4126 | opportunities to master the grade 4 Sunshine State Standards in
4127 | other core subject areas.

4128 | d. Use a reading program that is scientifically research-
4129 | based and has proven results in accelerating student reading
4130 | achievement within the same school year.

4131 | e. Provide intensive language and vocabulary instruction
4132 | using a scientifically research-based program, including use of
4133 | a speech-language therapist.

4134 | f. Include weekly progress monitoring measures to ensure
4135 | progress is being made.

4136 | g. Report to the Department of Education, in the manner
4137 | described by the department, the progress of students in the
4138 | class at the end of the first semester.

4139 | 9. Report to the State Board of Education, as requested,
4140 | on the specific intensive reading interventions and supports
4141 | implemented at the school district level. The Commissioner of
4142 | Education shall annually prescribe the required components of
4143 | requested reports.

4144 | 10. Provide a student who has been retained in grade 3 and

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4145 | has received intensive instructional services but is still not
4146 | ready for grade promotion, as determined by the school district,
4147 | the option of being placed in a transitional instructional
4148 | setting. Such setting shall specifically be designed to produce
4149 | learning gains sufficient to meet grade 4 performance standards
4150 | while continuing to remediate the areas of reading deficiency.

4151 |
4152 | Reviser's note.--Amended to conform to the
4153 | redesignation of s. 1002.20(14) as s. 1002.20(15) by
4154 | s. 5, ch. 2004-42, Laws of Florida.

4155 |
4156 | Section 120. Subsection (7) of section 1013.30, Florida
4157 | Statutes, is amended to read:

4158 | 1013.30 University campus master plans and campus
4159 | development agreements.--

4160 | (7) Notice that the campus master plan has been adopted
4161 | must be forwarded within 45 days after its adoption to any
4162 | affected person that submitted comments on the draft campus
4163 | master plan. The notice must state how and where a copy of the
4164 | master plan may be obtained or inspected. Within 30 days after
4165 | receipt of the notice of adoption of the campus master plan, or
4166 | 30 days after the date the adopted plan is available for review,
4167 | whichever is later, an affected person who submitted comments on
4168 | the draft master plan may petition the university board of
4169 | trustees, challenging the campus master plan as not being in
4170 | compliance with this section or any rule adopted under this
4171 | section. The petition must state each objection, identify its
4172 | source, and provide a recommended action. A petition filed by an

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4173 affected local government may raise only those issues directly
 4174 pertaining to the public facilities or services that the
 4175 affected local government provides to or maintains within the
 4176 campus or to the direct impact that campus development would
 4177 have on the affected local government. A petition filed by an
 4178 affected person must include those items required by the uniform
 4179 rules adopted under s. 120.54(5). Any affected person who files
 4180 a petition under this subsection may challenge only those
 4181 provisions in the plan that were raised by that person's oral or
 4182 written comments, recommendations, or objections presented to
 4183 the university board of trustees, as required by paragraph
 4184 (2) (b) ~~s. 1013.30(1)(b)~~. The university may, during the pendency
 4185 of a challenge, negotiate a campus development agreement as
 4186 provided in subsection (11).

4187
 4188 Reviser's note.--Amended to confirm the substitution
 4189 by the editors of a reference to paragraph (2) (b) for
 4190 a reference to "s. 1013.30(1)(b)," which does not
 4191 exist. Paragraph (2) (b) defines the term "affected
 4192 person."

4193
 4194 Section 121. Except as otherwise provided herein, this act
 4195 shall take effect on the 60th day after adjournment sine die of
 4196 the session of the Legislature in which enacted.