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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

03/08/2012 04:04 PM

Senator Ring moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (13) of section 110.123, Florida
Statutes, is amended to read:

110.123 State group insurance program.—

~~(13) FLORIDA STATE EMPLOYEE WELLNESS COUNCIL.—~~

~~(a) There is created within the department the Florida
State Employee Wellness Council.~~

~~(b) The council shall be an advisory body to the department
to provide health education information to employees and to
assist the department in developing minimum benefits for all~~



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14 ~~health care providers when providing age-based and gender-based~~
15 ~~wellness benefits.~~

16 ~~(c) The council shall be composed of nine members appointed~~
17 ~~by the Governor. When making appointments to the council, the~~
18 ~~Governor shall appoint persons who are residents of the state~~
19 ~~and who are highly knowledgeable concerning, active in, and~~
20 ~~recognized leaders in the health and medical field, at least one~~
21 ~~of whom must be an employee of the state. Council members shall~~
22 ~~equitably represent the broadest spectrum of the health industry~~
23 ~~and the geographic areas of the state. Not more than one member~~
24 ~~of the council may be from any one company, organization, or~~
25 ~~association.~~

26 ~~(d)1. Council members shall be appointed to 4-year terms,~~
27 ~~except that the initial terms shall be staggered. The Governor~~
28 ~~shall appoint three members to 2-year terms, three members to 3-~~
29 ~~year terms, and three members to 4-year terms.~~

30 ~~2. A member's absence from three consecutive meetings shall~~
31 ~~result in his or her automatic removal from the council. A~~
32 ~~vacancy on the council shall be filled for the remainder of the~~
33 ~~unexpired term.~~

34 ~~(e) The council shall annually elect from its membership~~
35 ~~one member to serve as chair of the council and one member to~~
36 ~~serve as vice chair.~~

37 ~~(f) The first meeting of the council shall be called by the~~
38 ~~chair not more than 60 days after the council members are~~
39 ~~appointed by the Governor. The council shall thereafter meet at~~
40 ~~least once quarterly and may meet more often as necessary. The~~
41 ~~department shall provide staff assistance to the council which~~
42 ~~shall include, but not be limited to, keeping records of the~~



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43 ~~proceedings of the council and serving as custodian of all~~
44 ~~books, documents, and papers filed with the council.~~

45 ~~(g) A majority of the members of the council constitutes a~~
46 ~~quorum.~~

47 ~~(h) Members of the council shall serve without~~
48 ~~compensation, but are entitled to reimbursement for per diem and~~
49 ~~travel expenses as provided in s. 112.061 while performing their~~
50 ~~duties.~~

51 ~~(i) The council shall:~~

52 ~~1. Work to encourage participation in wellness programs by~~
53 ~~state employees. The council may prepare informational programs~~
54 ~~and brochures for state agencies and employees.~~

55 ~~2. In consultation with the department, develop standards~~
56 ~~and criteria for age-based and gender-based wellness programs.~~

57 Section 2. Paragraph (b) of subsection (3) of section
58 120.54, Florida Statutes, is amended to read:

59 120.54 Rulemaking.—

60 (3) ADOPTION PROCEDURES.—

61 (b) *Special matters to be considered in rule adoption.*—

62 1. Statement of estimated regulatory costs.—Before the
63 adoption, amendment, or repeal of any rule other than an
64 emergency rule, an agency is encouraged to prepare a statement
65 of estimated regulatory costs of the proposed rule, as provided
66 by s. 120.541. However, an agency must prepare a statement of
67 estimated regulatory costs of the proposed rule, as provided by
68 s. 120.541, if:

69 a. The proposed rule will have an adverse impact on small
70 business; or

71 b. The proposed rule is likely to directly or indirectly



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72 increase regulatory costs in excess of \$200,000 in the aggregate
73 in this state within 1 year after the implementation of the
74 rule.

75 2. Small businesses, small counties, and small cities.—

76 a. Each agency, before the adoption, amendment, or repeal
77 of a rule, shall consider the impact of the rule on small
78 businesses as defined by s. 288.703 and the impact of the rule
79 on small counties or small cities as defined by s. 120.52.
80 Whenever practicable, an agency shall tier its rules to reduce
81 disproportionate impacts on small businesses, small counties, or
82 small cities to avoid regulating small businesses, small
83 counties, or small cities that do not contribute significantly
84 to the problem the rule is designed to address. An agency may
85 define "small business" to include businesses employing more
86 than 200 persons, may define "small county" to include those
87 with populations of more than 75,000, and may define "small
88 city" to include those with populations of more than 10,000, if
89 it finds that such a definition is necessary to adapt a rule to
90 the needs and problems of small businesses, small counties, or
91 small cities. The agency shall consider each of the following
92 methods for reducing the impact of the proposed rule on small
93 businesses, small counties, and small cities, or any combination
94 of these entities:

95 (I) Establishing less stringent compliance or reporting
96 requirements in the rule.

97 (II) Establishing less stringent schedules or deadlines in
98 the rule for compliance or reporting requirements.

99 (III) Consolidating or simplifying the rule's compliance or
100 reporting requirements.



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101 (IV) Establishing performance standards or best management
102 practices to replace design or operational standards in the
103 rule.

104 (V) Exempting small businesses, small counties, or small
105 cities from any or all requirements of the rule.

106 b.(I) If the agency determines that the proposed action
107 will affect small businesses as defined by the agency as
108 provided in sub-subparagraph a., the agency shall send written
109 notice of the rule to the rules ombudsman in the Executive
110 Office of the Governor ~~Small Business Regulatory Advisory~~
111 ~~Council and the Department of Economic Opportunity~~ at least 28
112 days before the intended action.

113 (II) Each agency shall adopt those regulatory alternatives
114 offered by the rules ombudsman in the Executive Office of the
115 Governor ~~Small Business Regulatory Advisory Council~~ and provided
116 to the agency no later than 21 days after the council's receipt
117 of the written notice of the rule which it finds are feasible
118 and consistent with the stated objectives of the proposed rule
119 and which would reduce the impact on small businesses. When
120 regulatory alternatives are offered by the rules ombudsman in
121 the Executive Office of the Governor ~~Small Business Regulatory~~
122 ~~Advisory Council~~, the 90-day period for filing the rule in
123 subparagraph (e)2. is extended for a period of 21 days.

124 (III) If an agency does not adopt all alternatives offered
125 pursuant to this sub-subparagraph, it shall, before rule
126 adoption or amendment and pursuant to subparagraph (d)1., file a
127 detailed written statement with the committee explaining the
128 reasons for failure to adopt such alternatives. Within 3 working
129 days after the filing of such notice, the agency shall send a



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130 copy of such notice to the rules ombudsman in the Executive
131 Office of the Governor ~~Small Business Regulatory Advisory~~
132 ~~Council. The Small Business Regulatory Advisory Council may make~~
133 ~~a request of the President of the Senate and the Speaker of the~~
134 ~~House of Representatives that the presiding officers direct the~~
135 ~~Office of Program Policy Analysis and Government Accountability~~
136 ~~to determine whether the rejected alternatives reduce the impact~~
137 ~~on small business while meeting the stated objectives of the~~
138 ~~proposed rule. Within 60 days after the date of the directive~~
139 ~~from the presiding officers, the Office of Program Policy~~
140 ~~Analysis and Government Accountability shall report to the~~
141 ~~Administrative Procedures Committee its findings as to whether~~
142 ~~an alternative reduces the impact on small business while~~
143 ~~meeting the stated objectives of the proposed rule. The Office~~
144 ~~of Program Policy Analysis and Government Accountability shall~~
145 ~~consider the proposed rule, the economic impact statement, the~~
146 ~~written statement of the agency, the proposed alternatives, and~~
147 ~~any comment submitted during the comment period on the proposed~~
148 ~~rule. The Office of Program Policy Analysis and Government~~
149 ~~Accountability shall submit a report of its findings and~~
150 ~~recommendations to the Governor, the President of the Senate,~~
151 ~~and the Speaker of the House of Representatives. The~~
152 ~~Administrative Procedures Committee shall report such findings~~
153 ~~to the agency, and the agency shall respond in writing to the~~
154 ~~Administrative Procedures Committee if the Office of Program~~
155 ~~Policy Analysis and Government Accountability found that the~~
156 ~~alternative reduced the impact on small business while meeting~~
157 ~~the stated objectives of the proposed rule. If the agency will~~
158 ~~not adopt the alternative, it must also provide a detailed~~



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159 ~~written statement to the committee as to why it will not adopt~~
160 ~~the alternative.~~

161 Section 3. Paragraphs (a) and (c) of subsection (5) of
162 section 120.745, Florida Statutes, are amended to read:

163 120.745 Legislative review of agency rules in effect on or
164 before November 16, 2010.—

165 (5) COMPLIANCE ECONOMIC REVIEW OF RULES AND REQUIRED
166 REPORT.—Each agency shall perform a compliance economic review
167 and report for all rules, including separate reviews of
168 subparts, listed under Group 1 “Group 1 rules” or Group 2 “Group
169 2 rules” pursuant to subparagraph (2)(g)3. Group 1 rules shall
170 be reviewed and reported on in 2012, and Group 2 rules shall be
171 reviewed and reported on in 2013.

172 (a) No later than May 1, each agency shall:

173 1. Complete a compliance economic review for each entire
174 rule or subpart in the appropriate group.

175 2. File the written certification of the agency head with
176 the committee verifying the completion of each compliance
177 economic review required for the respective year. The
178 certification shall be dated and published as an addendum to the
179 report required in subsection (3). The duty to certify
180 completion of the required compliance economic reviews is the
181 responsibility solely of the agency head as defined in s.
182 120.52(3) and may not be delegated to any other person. If the
183 defined agency head is a collegial body, the written
184 certification must be prepared by the chair or equivalent
185 presiding officer of that body.

186 3. Publish a copy of the compliance economic review,
187 directions on how and when interested parties may submit lower



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188 cost regulatory alternatives to the agency, and the date the
189 notice is published in the manner provided in subsection (7).

190 4. Publish notice of the publications required in
191 subparagraphs 2. and 3. in the manner provided in subsection
192 (7).

193 5. Submit each compliance economic review to the rules
194 ombudsman in the Executive Office of the Governor ~~Small Business~~
195 ~~Regulatory Advisory Council~~ for its review.

196 (c) No later than August 1, the rules ombudsman in the
197 Executive Office of the Governor ~~Small Business Regulatory~~
198 ~~Advisory Council~~ may submit lower cost regulatory alternatives
199 to any rule to the agency that adopted the rule. No later than
200 June 15, other interested parties may submit lower cost
201 regulatory alternatives to any rule.

202 Section 4. Section 258.155, Florida Statutes, is repealed.

203 Section 5. Section 288.7001, Florida Statutes, is repealed.

204 Section 6. Section 288.7002, Florida Statutes, is repealed.

205 Section 7. Subsections (8) through (20) of section
206 316.2065, Florida Statutes, are renumbered as subsections (7)
207 through (19), respectively, and present subsections (7), (17),
208 (18), and (20) of that section are amended to read:

209 316.2065 Bicycle regulations.—

210 ~~(7) Any person operating a bicycle shall keep at least one~~
211 ~~hand upon the handlebars.~~

212 ~~(16)~~ ~~(17)~~ The court may waive, reduce, or suspend payment of
213 any fine imposed under subsection (3) or subsection (15) ~~(16)~~
214 and may impose any other conditions on the waiver, reduction, or
215 suspension. If the court finds that a person does not have
216 sufficient funds to pay the fine, the court may require the



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217 performance of a specified number of hours of community service
218 or attendance at a safety seminar.

219 (17)~~(18)~~ Notwithstanding s. 318.21, all proceeds collected
220 pursuant to s. 318.18 for violations under paragraphs (3)(e) and
221 (15)(b) ~~(16)(b)~~ shall be deposited into the State Transportation
222 Trust Fund.

223 (19)~~(20)~~ Except as otherwise provided in this section, a
224 violation of this section is a noncriminal traffic infraction,
225 punishable as a pedestrian violation as provided in chapter 318.
226 A law enforcement officer may issue traffic citations for a
227 violation of subsection (3) or subsection (15) ~~(16)~~ only if the
228 violation occurs on a bicycle path or road, as defined in s.
229 334.03. However, a law enforcement officer may not issue
230 citations to persons on private property, except any part
231 thereof which is open to the use of the public for purposes of
232 vehicular traffic.

233 Section 8. Subsections (1), (2), and (5) of section 339.64,
234 Florida Statutes, are amended to read:

235 339.64 Strategic Intermodal System Plan.—

236 (1) The department shall develop, in cooperation with
237 metropolitan planning organizations, regional planning councils,
238 local governments, ~~the Statewide Intermodal Transportation~~
239 ~~Advisory Council~~ and other transportation providers, a Strategic
240 Intermodal System Plan. The plan shall be consistent with the
241 Florida Transportation Plan developed pursuant to s. 339.155 and
242 shall be updated at least once every 5 years, subsequent to
243 updates of the Florida Transportation Plan.

244 (2) In association with the continued development of the
245 Strategic Intermodal System Plan, the Florida Transportation



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246 Commission, as part of its work program review process, shall
247 conduct an annual assessment of the progress that the department
248 and its transportation partners have made in realizing the goals
249 of economic development, improved mobility, and increased
250 intermodal connectivity of the Strategic Intermodal System. The
251 Florida Transportation Commission shall coordinate with the
252 department, ~~the Statewide Intermodal Transportation Advisory~~
253 ~~Council,~~ and other appropriate entities when developing this
254 assessment. The Florida Transportation Commission shall deliver
255 a report to the Governor and Legislature no later than 14 days
256 after the regular session begins, with recommendations as
257 necessary to fully implement the Strategic Intermodal System.

258 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

259 ~~(a) The Statewide Intermodal Transportation Advisory~~
260 ~~Council is created to advise and make recommendations to the~~
261 ~~Legislature and the department on policies, planning, and~~
262 ~~funding of intermodal transportation projects. The council's~~
263 ~~responsibilities shall include:~~

264 ~~1. Advising the department on the policies, planning, and~~
265 ~~implementation of strategies related to intermodal~~
266 ~~transportation.~~

267 ~~2. Providing advice and recommendations to the Legislature~~
268 ~~on funding for projects to move goods and people in the most~~
269 ~~efficient and effective manner for the State of Florida.~~

270 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
271 ~~Transportation Advisory Council shall consist of the following:~~

272 ~~1. Six intermodal industry representatives selected by the~~
273 ~~Governor as follows:~~

274 ~~a. One representative from an airport involved in the~~



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275 ~~movement of freight and people from their airport facility to~~
276 ~~another transportation mode.~~

277 ~~b. One individual representing a fixed route, local~~
278 ~~government transit system.~~

279 ~~e. One representative from an intercity bus company~~
280 ~~providing regularly scheduled bus travel as determined by~~
281 ~~federal regulations.~~

282 ~~d. One representative from a spaceport.~~

283 ~~e. One representative from intermodal trucking companies.~~

284 ~~f. One representative having command responsibilities of a~~
285 ~~major military installation.~~

286 ~~2. Three intermodal industry representatives selected by~~
287 ~~the President of the Senate as follows:~~

288 ~~a. One representative from major-line railroads.~~

289 ~~b. One representative from seaports listed in s. 311.09(1)~~
290 ~~from the Atlantic Coast.~~

291 ~~e. One representative from an airport involved in the~~
292 ~~movement of freight and people from their airport facility to~~
293 ~~another transportation mode.~~

294 ~~3. Three intermodal industry representatives selected by~~
295 ~~the Speaker of the House of Representatives as follows:~~

296 ~~a. One representative from short-line railroads.~~

297 ~~b. One representative from seaports listed in s. 311.09(1)~~
298 ~~from the Gulf Coast.~~

299 ~~e. One representative from intermodal trucking companies.~~

300 ~~In no event may this representative be employed by the same~~
301 ~~company that employs the intermodal trucking company~~
302 ~~representative selected by the Governor.~~

303 ~~(c) Initial appointments to the council must be made no~~



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304 ~~later than 30 days after the effective date of this section.~~

305 ~~1. The initial appointments made by the President of the~~
306 ~~Senate and the Speaker of the House of Representatives shall~~
307 ~~serve terms concurrent with those of the respective appointing~~
308 ~~officer. Beginning January 15, 2005, and for all subsequent~~
309 ~~appointments, council members appointed by the President of the~~
310 ~~Senate and the Speaker of the House of Representatives shall~~
311 ~~serve 2-year terms, concurrent with the term of the respective~~
312 ~~appointing officer.~~

313 ~~2. The initial appointees, and all subsequent appointees,~~
314 ~~made by the Governor shall serve 2-year terms.~~

315 ~~3. Vacancies on the council shall be filled in the same~~
316 ~~manner as the initial appointments.~~

317 ~~(d) Each member of the council shall be allowed one vote.~~
318 ~~The council shall select a chair from among its membership.~~
319 ~~Meetings shall be held at the call of the chair, but not less~~
320 ~~frequently than quarterly. The members of the council shall be~~
321 ~~reimbursed for per diem and travel expenses as provided in s.~~
322 ~~112.061.~~

323 ~~(e) The department shall provide administrative staff~~
324 ~~support and shall ensure that council meetings are~~
325 ~~electronically recorded. Such recordings and all documents~~
326 ~~received, prepared for, or used by the council in conducting its~~
327 ~~business shall be preserved pursuant to chapters 119 and 257.~~

328 ~~Section 9. Section 381.90, Florida Statutes, is repealed.~~

329 ~~Section 10. Section 624.916, Florida Statutes, is repealed.~~

330 ~~Section 11. Section 1004.63, Florida Statutes, is repealed.~~

331 ~~Section 12. Paragraph (d) of subsection (3) of section~~
332 ~~322.27, Florida Statutes, is amended to read:~~



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333 322.27 Authority of department to suspend or revoke
334 license.—

335 (3) There is established a point system for evaluation of
336 convictions of violations of motor vehicle laws or ordinances,
337 and violations of applicable provisions of s. 403.413(6) (b) when
338 such violations involve the use of motor vehicles, for the
339 determination of the continuing qualification of any person to
340 operate a motor vehicle. The department is authorized to suspend
341 the license of any person upon showing of its records or other
342 good and sufficient evidence that the licensee has been
343 convicted of violation of motor vehicle laws or ordinances, or
344 applicable provisions of s. 403.413(6) (b), amounting to 12 or
345 more points as determined by the point system. The suspension
346 shall be for a period of not more than 1 year.

347 (d) The point system shall have as its basic element a
348 graduated scale of points assigning relative values to
349 convictions of the following violations:

- 350 1. Reckless driving, willful and wanton—4 points.
351 2. Leaving the scene of a crash resulting in property
352 damage of more than \$50—6 points.
353 3. Unlawful speed resulting in a crash—6 points.
354 4. Passing a stopped school bus—4 points.
355 5. Unlawful speed:
356 a. Not in excess of 15 miles per hour of lawful or posted
357 speed—3 points.
358 b. In excess of 15 miles per hour of lawful or posted
359 speed—4 points.
360 6. A violation of a traffic control signal device as
361 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.



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362 However, no points shall be imposed for a violation of s.
363 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
364 stop at a traffic signal and when enforced by a traffic
365 infraction enforcement officer. In addition, a violation of s.
366 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
367 stop at a traffic signal and when enforced by a traffic
368 infraction enforcement officer may not be used for purposes of
369 setting motor vehicle insurance rates.

370 7. All other moving violations (including parking on a
371 highway outside the limits of a municipality)—3 points. However,
372 no points shall be imposed for a violation of s. 316.0741 or s.
373 316.2065(11) ~~316.2065(12)~~; and points shall be imposed for a
374 violation of s. 316.1001 only when imposed by the court after a
375 hearing pursuant to s. 318.14(5).

376 8. Any moving violation covered above, excluding unlawful
377 speed, resulting in a crash—4 points.

378 9. Any conviction under s. 403.413(6)(b)—3 points.

379 10. Any conviction under s. 316.0775(2)—4 points.

380 Section 13. Subsection (10) of section 627.6686, Florida
381 Statutes, is amended to read:

382 627.6686 Coverage for individuals with autism spectrum
383 disorder required; exception.—

384 ~~(10) The Office of Insurance Regulation may not enforce~~
385 ~~this section against an insurer that is a signatory no later~~
386 ~~than April 1, 2009, to the developmental disabilities compact~~
387 ~~established under s. 624.916. The Office of Insurance Regulation~~
388 ~~shall enforce this section against an insurer that is a~~
389 ~~signatory to the compact established under s. 624.916 if the~~
390 ~~insurer has not complied with the terms of the compact for all~~



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391 ~~health insurance plans by April 1, 2010.~~

392 Section 14. Subsection (9) of section 641.31098, Florida
393 Statutes, is amended to read:

394 641.31098 Coverage for individuals with developmental
395 disabilities.-

396 ~~(9) The Office of Insurance Regulation may not enforce this~~
397 ~~section against a health maintenance organization that is a~~
398 ~~signatory no later than April 1, 2009, to the developmental~~
399 ~~disabilities compact established under s. 624.916. The Office of~~
400 ~~Insurance Regulation shall enforce this section against a health~~
401 ~~maintenance organization that is a signatory to the compact~~
402 ~~established under s. 624.916 if the health maintenance~~
403 ~~organization has not complied with the terms of the compact for~~
404 ~~all health maintenance contracts by April 1, 2010.~~

405 Section 15. This act shall take effect July 1, 2012.

406
407 ===== T I T L E A M E N D M E N T =====

408 And the title is amended as follows:

409 Delete everything before the enacting clause
410 and insert:

411 A bill to be entitled

412 An act relating to obsolete or outdated programs and
413 requirements; amending s. 110.123, F.S.; repealing
414 provisions relating to the creation and duties of the
415 Florida State Employee Wellness Council; amending ss.
416 120.54 and 120.745, F.S.; revising provisions relating
417 to rule adoption by state agencies; requiring the
418 rules ombudsman in the Executive Office of the
419 Governor to assume certain duties formerly performed



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420 by the Small Business Regulatory Advisory Council;
421 deleting provisions that require the Office of Program
422 Policy Analysis and Government Accountability, upon
423 request, to conduct a study and issue a report to the
424 Governor, the President of the Senate, and the Speaker
425 of the House of Representatives regarding the impact
426 on small business of certain proposed agency rules
427 that have been rejected; repealing s. 258.155, F.S.,
428 relating to the Judah P. Benjamin Memorial at Gamble
429 Plantation Historical Site Advisory Council; repealing
430 s. 288.7001, F.S., relating to the Small Business
431 Regulatory Advisory Council; repealing s. 288.7002,
432 F.S., relating to the small business advocate;
433 amending s. 316.2065, F.S.; removing a requirement to
434 keep one hand on the handlebars while operating a
435 bicycle; amending s. 339.64, F.S.; repealing
436 provisions relating to the creation and duties of the
437 Statewide Intermodal Transportation Advisory Council;
438 repealing s. 381.90, F.S., relating to the creation,
439 appointment, and duties of the Health Information
440 Systems Council; repealing s. 624.916, F.S., relating
441 to the developmental disabilities compact; repealing
442 s. 1004.63, F.S., relating to the Florida Institute
443 for Nuclear Detection and Security; amending ss.
444 322.27, 627.6686, and 641.31098, F.S.; correcting
445 cross-references and conforming provisions to changes
446 made by the act; providing an effective date.