1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 24.113, 25.077, 98.093, 106.011, 106.07,
4 106.0703, 106.08, 106.143, 120.745, 121.021, 121.0515,
5 121.4501, 163.06, 163.3184, 163.3213, 163.3245,
6 163.3248, 189.421, 196.012, 212.096, 213.24, 215.198,
7 215.425, 218.39, 255.21, 260.0142, 287.042, 287.0947,
8 288.106, 288.1226, 288.706, 288.7102, 290.0401,
9 290.0411, 290.042, 290.044, 290.048, 311.09, 311.105,
10 316.302, 373.414, 376.3072, 376.86, 379.2255, 381.026,
11 409.9122, 409.966, 409.972, 409.973, 409.974, 409.975,
12 409.983, 409.984, 409.985, 420.602, 427.012, 440.45,
13 443.036, 443.1216, 468.841, 474.203, 474.2125,
14 493.6402, 499.012, 514.0315, 514.072, 526.207, 538.09,
15 538.25, 553.79, 590.33, 604.50, 627.0628, 627.351,
16 627.3511, 658.48, 667.003, 681.108, 753.03, 766.1065,
17 794.056, 847.0141, 893.055, 893.138, 943.25, 984.03,
18 985.0301, 985.14, 985.441, 1002.33, 1003.498, 1004.41,
19 1007.28, 1010.82, 1011.71, 1011.81, 1013.33, 1013.36,
20 and 1013.51, F.S.; reenacting and amending s.
21 288.1089, F.S.; and reenacting s. 288.980, F.S.,
22 deleting provisions that have expired, have become
23 obsolete, have had their effect, have served their
24 purpose, or have been impliedly repealed or
25 superseded; replacing incorrect cross-references and
26 citations; correcting grammatical, typographical, and
27 like errors; removing inconsistencies, redundancies,
28 and unnecessary repetition in the statutes; improving

29 the clarity of the statutes and facilitating their
30 correct interpretation; and confirming the restoration
31 of provisions unintentionally omitted from
32 republication in the acts of the Legislature during
33 the amendatory process; providing an effective date.
34
35 Be It Enacted by the Legislature of the State of Florida:
36
37 Section 1. Paragraph (i) of subsection (7) of section
38 11.45, Florida Statutes, is amended to read:
39 11.45 Definitions; duties; authorities; reports; rules.—
40 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—
41 (i) Beginning in 2012, the Auditor General shall annually
42 transmit by July 15, to the President of the Senate, the Speaker
43 of the House of Representatives, and the Department of Financial
44 Services, a list of all school districts, charter schools,
45 charter technical career centers, Florida College System
46 institutions, state universities, and water management districts
47 that have failed to comply with the transparency requirements as
48 identified in the audit reports reviewed pursuant to paragraph
49 (b) and those conducted pursuant to subsection (2).
50 Reviser's note.—Amended to confirm editorial insertion
51 of the word "subsection."
52 Section 2. Subsection (1) of section 24.113, Florida
53 Statutes, is amended to read:
54 24.113 Minority participation.—
55 (1) It is the intent of the Legislature that the
56 department encourage participation by minority business

57 enterprises as defined in s. 288.703. Accordingly, 15 percent of
58 the retailers shall be minority business enterprises as defined
59 in s. 288.703(3) ~~288.703(2)~~; however, no more than 35 percent of
60 such retailers shall be owned by the same type of minority
61 person, as defined in s. 288.703(4) ~~288.703(3)~~. The department
62 is encouraged to meet the minority business enterprise
63 procurement goals set forth in s. 287.09451 in the procurement
64 of commodities, contractual services, construction, and
65 architectural and engineering services. This section shall not
66 preclude or prohibit a minority person from competing for any
67 other retailing or vending agreement awarded by the department.
68 Reviser's note.—Amended to conform to the
69 redesignation of subsections within s. 288.703 by s.
70 172, ch. 2011-142, Laws of Florida.
71 Section 3. Section 25.077, Florida Statutes, is amended to
72 read:
73 25.077 Negligence case settlements and jury verdicts; case
74 reporting.—Through the state's uniform case reporting system,
75 the clerk of court shall report to the Office of the State
76 Courts Administrator, beginning in 2003, information from each
77 settlement or jury verdict and final judgment in negligence
78 cases as defined in s. 768.81(1)(c) ~~768.81(4)~~, as the President
79 of the Senate and the Speaker of the House of Representatives
80 deem necessary from time to time. The information shall include,
81 but need not be limited to: the name of each plaintiff and
82 defendant; the verdict; the percentage of fault of each; the
83 amount of economic damages and noneconomic damages awarded to
84 each plaintiff, identifying those damages that are to be paid

85 jointly and severally and by which defendants; and the amount of
86 any punitive damages to be paid by each defendant.
87 Reviser's note.—Amended to conform to the amendment of
88 s. 768.81 by s. 1, ch. 2011-215, Laws of Florida.
89 Former paragraph (4)(a) defining "negligence cases"
90 was stricken by that law section, and a new paragraph
91 (1)(c) defining "negligence action" was added.
92 Section 4. Paragraph (f) of subsection (2) of section
93 98.093, Florida Statutes, is amended to read:
94 98.093 Duty of officials to furnish information relating
95 to deceased persons, persons adjudicated mentally incapacitated,
96 and persons convicted of a felony.—
97 (2) To the maximum extent feasible, state and local
98 government agencies shall facilitate provision of information
99 and access to data to the department, including, but not limited
100 to, databases that contain reliable criminal records and records
101 of deceased persons. State and local government agencies that
102 provide such data shall do so without charge if the direct cost
103 incurred by those agencies is not significant.
104 (f) The Department of Corrections shall identify those
105 persons who have been convicted of a felony and committed to its
106 custody or placed on community supervision. The information must
107 be provided to the department at a time and in a manner that
108 enables the department to identify registered voters who are
109 convicted felons and to meet its obligations under state and
110 federal law.
111 Reviser's note.—Amended to confirm editorial insertion
112 of the word "a."

113 Section 5. Subsection (3) of section 106.011, Florida
114 Statutes, is amended to read:
115 106.011 Definitions.—As used in this chapter, the
116 following terms have the following meanings unless the context
117 clearly indicates otherwise:
118 (3) "Contribution" means:
119 (a) A gift, subscription, conveyance, deposit, loan,
120 payment, or distribution of money or anything of value,
121 including contributions in kind having an attributable monetary
122 value in any form, made for the purpose of influencing the
123 results of an election or making an electioneering
124 communication.
125 (b) A transfer of funds between political committees,
126 between committees of continuous existence, between
127 electioneering communications organizations, or between any
128 combination of these groups.
129 (c) The payment, by any person other than a candidate or
130 political committee, of compensation for the personal services
131 of another person which are rendered to a candidate or political
132 committee without charge to the candidate or committee for such
133 services.
134 (d) The transfer of funds by a campaign treasurer or
135 deputy campaign treasurer between a primary depository and a
136 separate interest-bearing account or certificate of deposit, and
137 the term includes any interest earned on such account or
138 certificate.
139
140 Notwithstanding the foregoing meanings of "contribution," the

141 term may not be construed to include services, including, but
142 not limited to, legal and accounting services, provided without
143 compensation by individuals volunteering a portion or all of
144 their time on behalf of a candidate or political committee or
145 editorial endorsements.
146 Reviser's note.—Amended to confirm editorial insertion
147 of the word "or" to improve clarity.
148 Section 6. Paragraph (c) of subsection (8) of section
149 106.07, Florida Statutes, is amended to read:
150 106.07 Reports; certification and filing.—
151 (8)
152 (c) Any candidate or chair of a political committee may
153 appeal or dispute the fine, based upon, but not limited to,
154 unusual circumstances surrounding the failure to file on the
155 designated due date, and may request and shall be entitled to a
156 hearing before the Florida Elections Commission, which shall
157 have the authority to waive the fine in whole or in part. The
158 Florida Elections Commission must consider the mitigating and
159 aggravating circumstances contained in s. 106.265(2) ~~106.265(1)~~
160 when determining the amount of a fine, if any, to be waived. Any
161 such request shall be made within 20 days after receipt of the
162 notice of payment due. In such case, the candidate or chair of
163 the political committee shall, within the 20-day period, notify
164 the filing officer in writing of his or her intention to bring
165 the matter before the commission.
166 Reviser's note.—Amended to conform to the amendment of
167 s. 106.265 by s. 72, ch. 2011-40, Laws of Florida,
168 which split former subsection (1) into two

169 subsections; new subsection (2) references mitigating
170 and aggravating circumstances.
171 Section 7. Paragraph (c) of subsection (7) of section
172 106.0703, Florida Statutes, is amended to read:
173 106.0703 Electioneering communications organizations;
174 reporting requirements; certification and filing; penalties.—
175 (7)
176 (c) The treasurer of an electioneering communications
177 organization may appeal or dispute the fine, based upon, but not
178 limited to, unusual circumstances surrounding the failure to
179 file on the designated due date, and may request and shall be
180 entitled to a hearing before the Florida Elections Commission,
181 which shall have the authority to waive the fine in whole or in
182 part. The Florida Elections Commission must consider the
183 mitigating and aggravating circumstances contained in s.
184 <u>106.265(2)</u> ~~106.265(1)~~ when determining the amount of a fine, if
185 any, to be waived. Any such request shall be made within 20 days
186 after receipt of the notice of payment due. In such case, the
187 treasurer of the electioneering communications organization
188 shall, within the 20-day period, notify the filing officer in
189 writing of his or her intention to bring the matter before the
190 commission.
191 Reviser's note.—Amended to conform to the amendment of
192 s. 106.265 by s. 72, ch. 2011-40, Laws of Florida,
193 which split former subsection (1) into two
194 subsections; new subsection (2) references mitigating
195 and aggravating circumstances.
196 Section 8. Paragraph (b) of subsection (3) of section

197 106.08, Florida Statutes, is amended to read:
198 106.08 Contributions; limitations on.—
199 (3)
200 (b) ~~Except as otherwise provided in paragraph (c),~~ Any
201 contribution received by a candidate or by the campaign
202 treasurer or a deputy campaign treasurer of a candidate after
203 the date at which the candidate withdraws his or her candidacy,
204 or after the date the candidate is defeated, becomes unopposed,
205 or is elected to office must be returned to the person or
206 committee contributing it and may not be used or expended by or
207 on behalf of the candidate.
208 Reviser's note.—Amended to conform to the repeal of
209 paragraph (c) by s. 62, ch. 2011-40, Laws of Florida.
210 Section 9. Subsection (2) of section 106.143, Florida
211 Statutes, is amended to read:
212 106.143 Political advertisements circulated prior to
213 election; requirements.—
214 (2) Political advertisements made as in-kind contributions
215 from a political party must prominently state: "Paid political
216 advertisement paid for ~~by~~ in-kind by... (name of political
217 party).... Approved by ...(name of person, party affiliation,
218 and office sought in the political advertisement)...."
219 Reviser's note.—Amended to confirm editorial deletion
220 of the word "by."
221 Section 10. Paragraph (g) of subsection (2) and paragraph
222 (i) of subsection (3) of section 120.745, Florida Statutes, are
223 amended to read:
224 120.745 Legislative review of agency rules in effect on or

225 before November 16, 2010.—
226 (2) ENHANCED BIENNIAL REVIEW.—By December 1, 2011, each
227 agency shall complete an enhanced biennial review of the
228 agency's existing rules, which shall include, but is not limited
229 to:
230 (g) Identification of each rule for which the agency will
231 be required to prepare a compliance economic review, to include
232 each entire rule that:
233 1. The agency does not plan to repeal on or before
234 December 31, 2012;
235 2. Was effective on or before November 16, 2010; and
236 3. Probably will have any of the economic impacts
237 described in s. 120.541(2)(a), for 5 years beginning on July 1,
238 2011, excluding in such estimation any part or subpart
239 identified for amendment under paragraph (f) ~~(e)~~.
240 (3) PUBLICATION OF REPORT.—No later than December 1, 2011,
241 each agency shall publish, in the manner provided in subsection
242 (7), a report of the entire enhanced biennial review pursuant to
243 subsection (2), including the results of the review; a complete
244 list of all rules the agency has placed in Group 1 or Group 2;
245 the name, physical address, fax number, and e-mail address for
246 the person the agency has designated to receive all inquiries,
247 public comments, and objections pertaining to the report; and
248 the certification of the agency head pursuant to paragraph
249 (2)(i). The report of results shall summarize certain
250 information required in subsection (2) in a table consisting of
251 the following columns:
252 (i) Column 9: Section 120.541(2)(a) impacts. Entries

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253 should be "NA" if Column 8 is "N" or, if Column 6 is "Y," "NP"
254 for not probable, based on the response required in subparagraph
255 (2)(g)3. ~~(2)(f)3.~~, or "1" or "2," reflecting the group number
256 assigned by the division required in paragraph (2)(h).
257 Reviser's note.—Paragraph (2)(g) is amended to conform
258 to the location of material relating to identification
259 of rules or subparts of rules in paragraph (2)(f) for
260 purposes of amendment; paragraph (2)(e) relates to
261 identification of rules for repeal. Paragraph (3)(i)
262 is amended to conform to the fact that paragraph
263 (2)(f) is not divided into subparagraphs; related
264 material is located at subparagraph (2)(g)3.
265 Section 11. Subsection (12) of section 121.021, Florida
266 Statutes, is amended to read:
267 121.021 Definitions.—The following words and phrases as
268 used in this chapter have the respective meanings set forth
269 unless a different meaning is plainly required by the context:
270 (12) "Member" means any officer or employee who is covered
271 or who becomes covered under this system in accordance with this
272 chapter. On and after December 1, 1970, all new members and
273 those members transferring from existing systems shall be
274 divided into the following classes: "Special Risk Class," as
275 provided in s. 121.0515 ~~121.0515(2)~~; "Special Risk
276 Administrative Support Class," as provided in s. 121.0515(8)
277 ~~121.0515(7)~~; "Elected Officers' Class," as provided in s.
278 121.052; "Senior Management Service Class," as provided in s.
279 121.055; and "Regular Class," which consists of all members who
280 are not in the Special Risk Class, Special Risk Administrative

281 Support Class, Elected Officers' Class, or Senior Management
282 Service Class.
283 Reviser's note.—Amended to conform to the addition of
284 a new s. 121.0515(2) by s. 8, ch. 2011-68, Laws of
285 Florida, and the renumbering of existing subsections
286 to conform.
287 Section 12. Paragraph (k) of subsection (3) of section
288 121.0515, Florida Statutes, is amended to read:
289 121.0515 Special Risk Class.—
290 (3) CRITERIA.—A member, to be designated as a special risk
291 member, must meet the following criteria:
292 (k) The member must have already qualified for and be
293 actively participating in special risk membership under
294 paragraph (a), paragraph (b), or paragraph (c), must have
295 suffered a qualifying injury as defined in this paragraph, must
296 not be receiving disability retirement benefits as provided in
297 s. 121.091(4), and must satisfy the requirements of this
298 paragraph.
299 1. The ability to qualify for the class of membership
300 defined in paragraph (2)(i) ~~(2)(f)~~ occurs when two licensed
301 medical physicians, one of whom is a primary treating physician
302 of the member, certify the existence of the physical injury and
303 medical condition that constitute a qualifying injury as defined
304 in this paragraph and that the member has reached maximum
305 medical improvement after August 1, 2008. The certifications
306 from the licensed medical physicians must include, at a minimum,
307 that the injury to the special risk member has resulted in a
308 physical loss, or loss of use, of at least two of the following:

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309 left arm, right arm, left leg, or right leg; and:
310 a. That this physical loss or loss of use is total and
311 permanent, except in the event that the loss of use is due to a
312 physical injury to the member's brain, in which event the loss
313 of use is permanent with at least 75 percent loss of motor
314 function with respect to each arm or leg affected.
315 b. That this physical loss or loss of use renders the
316 member physically unable to perform the essential job functions
317 of his or her special risk position.
318 c. That, notwithstanding this physical loss or loss of
319 use, the individual is able to perform the essential job
320 functions required by the member's new position, as provided in
321 subparagraph 3.
322 d. That use of artificial limbs is either not possible or
323 does not alter the member's ability to perform the essential job
324 functions of the member's position.
325 e. That the physical loss or loss of use is a direct
326 result of a physical injury and not a result of any mental,
327 psychological, or emotional injury.
328 2. For the purposes of this paragraph, "qualifying injury"
329 means an injury sustained in the line of duty, as certified by
330 the member's employing agency, by a special risk member that
331 does not result in total and permanent disability as defined in
332 s. 121.091(4)(b). An injury is a qualifying injury if the injury
333 is a physical injury to the member's physical body resulting in
334 a physical loss, or loss of use, of at least two of the
335 following: left arm, right arm, left leg, or right leg.
336 Notwithstanding any other provision of this section, an injury

337 that would otherwise qualify as a qualifying injury is not
338 considered a qualifying injury if and when the member ceases
339 employment with the employer for whom he or she was providing
340 special risk services on the date the injury occurred.
341 3. The new position, as described in sub-subparagraph
342 1.c., that is required for qualification as a special risk
343 member under this paragraph is not required to be a position
344 with essential job functions that entitle an individual to
345 special risk membership. Whether a new position as described in
346 sub-subparagraph 1.c. exists and is available to the special
347 risk member is a decision to be made solely by the employer in
348 accordance with its hiring practices and applicable law.
349 4. This paragraph does not grant or create additional
350 rights for any individual to continued employment or to be hired
351 or rehired by his or her employer that are not already provided
352 within the Florida Statutes, the State Constitution, the
353 Americans with Disabilities Act, if applicable, or any other
354 applicable state or federal law.
355 Reviser's note.—Amended to conform to ss. 6 and 8, ch.
356 2011-68, Laws of Florida, which moved the referenced
357 text from s. 121.021(15)(f) to s. 121.0515(2)(i), not
358 s. 121.0515(2)(f).
359 Section 13. Paragraph (c) of subsection (15) of section
360 121.4501, Florida Statutes, is amended to read:
361 121.4501 Florida Retirement System Investment Plan.—
362 (15) STATEMENT OF FIDUCIARY STANDARDS AND
363 RESPONSIBILITIES.—
364 (c) Subparagraph (8)(b)2. and paragraph (b) incorporate

365 the federal law concept of participant control, established by
366 regulations of the United States Department of Labor under s.
367 404(c) of the Employee Retirement Income Security Act of 1974
368 (ERISA). The purpose of this paragraph is to assist employers
369 and the state board in maintaining compliance with s. 404(c),
370 while avoiding unnecessary costs and eroding member benefits
371 under the investment plan. Pursuant to 29 C.F.R. s. 2550.404c-
372 1(b)(2)(i)(B)(1)(viii), the state board or its designated agents
373 shall deliver to members of the investment plan a copy of the
374 prospectus most recently provided to the plan, and, pursuant to
375 29 C.F.R. s. 2550.404c-1(b)(2)(i)(B)(2)(ii), shall provide such
376 members an opportunity to obtain this information, except that:
377 1. The requirement to deliver a prospectus shall be
378 satisfied by delivery of a fund profile or summary profile that
379 contains the information that would be included in a summary
380 prospectus as described by Rule 498 under the Securities Act of
381 1933, 17 C.F.R. s. 230.498. If the transaction fees, expense
382 information or other information provided by a mutual fund in
383 the prospectus does not reflect terms negotiated by the state
384 board or its designated agents, the requirement is satisfied by
385 delivery of a separate document described by Rule 498
386 substituting accurate information; and
387 2. Delivery shall be effected if delivery is through
388 electronic means and the following standards are satisfied:
389 a. Electronically-delivered documents are prepared and
390 provided consistent with style, format, and content requirements
391 applicable to printed documents;
392 b. Each member is provided timely and adequate notice of

393 the documents that are to be delivered, and their significance
394 ~~thereof~~, and of the member's right to obtain a paper copy of
395 such documents free of charge;
396 c. Members have adequate access to the electronic
397 documents, at locations such as their worksites or public
398 facilities, and have the ability to convert the documents to
399 paper free of charge by the state board, and the board or its
400 designated agents take appropriate and reasonable measures to
401 ensure that the system for furnishing electronic documents
402 results in actual receipt. Members have provided consent to
403 receive information in electronic format, which consent may be
404 revoked; and
405 d. The state board, or its designated agent, actually
406 provides paper copies of the documents free of charge, upon
407 request.
408 Reviser's note.—Amended to improve clarity.
409 Section 14. Paragraph (i) of subsection (3) of section
410 163.06, Florida Statutes, is amended to read:
411 163.06 Miami River Commission.—
412 (3) The policy committee shall have the following powers
413 and duties:
414 (i) Establish the Miami River working group, appoint
415 members to the group, and organize subcommittees, delegate
416 tasks, and seek counsel ~~council~~ from members of the working
417 group as necessary to carry out the powers and duties listed in
418 this subsection.
419 Reviser's note.—Amended to confirm editorial
420 substitution of the word "counsel" for the word

421 "council."
422 Section 15. Paragraph (b) of subsection (8) of section
423 163.3184, Florida Statutes, is amended to read:
424 163.3184 Process for adoption of comprehensive plan or
425 plan amendment.—
426 (8) ADMINISTRATION COMMISSION.—
427 (b) The commission may specify the sanctions provided in
428 subparagraphs 1. and 2. to which the local government will be
429 subject if it elects to make the amendment effective
430 notwithstanding the determination of noncompliance.
431 1. The commission may direct state agencies not to provide
432 funds to increase the capacity of roads, bridges, or water and
433 sewer systems within the boundaries of those local governmental
434 entities which have comprehensive plans or plan elements that
435 are determined not to be in compliance. The commission order may
436 also specify that the local government is not eligible for
437 grants administered under the following programs:
438 a. The Florida Small Cities Community Development Block
439 Grant Program, as authorized by ss. 290.0401-290.048 ~~290.0401-~~
440 ~~290.049~~.
441 b. The Florida Recreation Development Assistance Program,
442 as authorized by chapter 375.
443 c. Revenue sharing pursuant to ss. 206.60, 210.20, and
444 218.61 and chapter 212, to the extent not pledged to pay back
445 bonds.
446 2. If the local government is one which is required to
447 include a coastal management element in its comprehensive plan
448 pursuant to s. 163.3177(6)(g), the commission order may also

449 specify that the local government is not eligible for funding
450 pursuant to s. 161.091. The commission order may also specify
451 that the fact that the coastal management element has been
452 determined to be not in compliance shall be a consideration when
453 the department considers permits under s. 161.053 and when the
454 Board of Trustees of the Internal Improvement Trust Fund
455 considers whether to sell, convey any interest in, or lease any
456 sovereignty lands or submerged lands until the element is
457 brought into compliance.
458 3. The sanctions provided by subparagraphs 1. and 2. do
459 not apply to a local government regarding any plan amendment,
460 except for plan amendments that amend plans that have not been
461 finally determined to be in compliance with this part, and
462 except as provided in this paragraph.
463 Reviser's note.—Amended to conform to the repeal of s.
464 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
465 25, ch. 2001-201, Laws of Florida. Section 290.048 is
466 now the last section in the range.
467 Section 16. Subsection (6) of section 163.3213, Florida
468 Statutes, is amended to read:
469 163.3213 Administrative review of land development
470 regulations.—
471 (6) If the administrative law judge in his or her order
472 finds the land development regulation to be inconsistent with
473 the local comprehensive plan, the order will be submitted to the
474 Administration Commission. An appeal pursuant to s. 120.68 may
475 not be taken until the Administration Commission acts pursuant
476 to this subsection. The Administration Commission shall hold a

477 hearing no earlier than 30 days or later than 60 days after the
478 administrative law judge renders his or her final order. The
479 sole issue before the Administration Commission shall be the
480 extent to which any of the sanctions described in s.
481 163.3184(8)(a) or (b)1. or 2. ~~163.3184(11)(a) or (b)~~ shall be
482 applicable to the local government whose land development
483 regulation has been found to be inconsistent with its
484 comprehensive plan. If a land development regulation is not
485 challenged within 12 months, it shall be deemed to be consistent
486 with the adopted local plan.
487 Reviser's note.—Amended to conform to the
488 redesignation of material in s. 163.3184(11)(a) and
489 (b) as s. 163.3184(8)(a) and (b)1. and 2. by s. 17,
490 ch. 2011-139, Laws of Florida.
491 Section 17. Subsection (9) of section 163.3245, Florida
492 Statutes, is amended to read:
493 163.3245 Sector plans.—
494 (9) Any owner of property within the planning area of a
495 proposed long-term master plan may withdraw his or her consent
496 to the master plan at any time prior to local government
497 adoption, and the local government shall exclude such parcels
498 from the adopted master plan. Thereafter, the long-term master
499 plan, any detailed specific area plan, and the exemption from
500 development-of-regional-impact review under this section do not
501 apply to the subject parcels. After adoption of a long-term
502 master plan, an owner may withdraw his or her property from the
503 master plan only with the approval of the local government by
504 plan amendment adopted and reviewed pursuant to s. 163.3184.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

505 Reviser's note.—Amended pursuant to the directive of
506 the Legislature in s. 1, ch. 93-199, Laws of Florida,
507 to remove gender-specific references applicable to
508 human beings from the Florida Statutes without
509 substantive change in legal effect.
510 Section 18. Subsection (6) of section 163.3248, Florida
511 Statutes, is amended to read:
512 163.3248 Rural land stewardship areas.—
513 (6) A receiving area may be designated only pursuant to
514 procedures established in the local government's land
515 development regulations. If receiving area designation requires
516 the approval of the ~~county~~ board of county commissioners, such
517 approval shall be by resolution with a simple majority vote.
518 Before the commencement of development within a stewardship
519 receiving area, a listed species survey must be performed for
520 the area proposed for development. If listed species occur on
521 the receiving area development site, the applicant must
522 coordinate with each appropriate local, state, or federal agency
523 to determine if adequate provisions have been made to protect
524 those species in accordance with applicable regulations. In
525 determining the adequacy of provisions for the protection of
526 listed species and their habitats, the rural land stewardship
527 area shall be considered as a whole, and the potential impacts
528 and protective measures taken within areas to be developed as
529 receiving areas shall be considered in conjunction with and
530 compensated by lands set aside and protective measures taken
531 within the designated sending areas.
532 Reviser's note.—Amended to confirm editorial deletion

533 of the word "county" to eliminate unnecessary
534 repetition.
535 Section 19. Paragraph (b) of subsection (1) of section
536 189.421, Florida Statutes, is amended to read:
537 189.421 Failure of district to disclose financial
538 reports.—
539 (1)
540 (b) A special district that is unable to meet the 60-day
541 reporting deadline must provide written notice to the department
542 before the expiration of the deadline stating the reason the
543 special district is unable to comply with the deadline, the
544 steps the special district is taking to prevent the
545 noncompliance from reoccurring, and the estimated date that the
546 special district will file the report with the appropriate
547 agency. The district's written response does not constitute an
548 extension by the department; however, the department shall
549 forward the written response to:
550 1. If the written response refers to the reports required
551 under s. 218.32 or s. 218.39, the Legislative Auditing Committee
552 for its consideration in determining whether the special
553 district should be subject to further state action in accordance
554 with s. 11.40(2)(b) ~~11.40(5)(b)~~.
555 2. If the written response refers to the reports or
556 information requirements listed in s. 189.419(1), the local
557 general-purpose government or governments for their
558 consideration in determining whether the oversight review
559 process set forth in s. 189.428 should be undertaken.
560 3. If the written response refers to the reports or

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561 information required under s. 112.63, the Department of
562 Management Services for its consideration in determining whether
563 the special district should be subject to further state action
564 in accordance with s. 112.63(4)(d)2.
565 Reviser's note.—Amended to conform to the
566 redesignation of s. 11.40(5)(b) as s. 11.40(2)(b) by
567 s. 12, ch. 2011-34, Laws of Florida.
568 Section 20. Paragraph (a) of subsection (15) of section
569 196.012, Florida Statutes, is amended to read:
570 196.012 Definitions.—For the purpose of this chapter, the
571 following terms are defined as follows, except where the context
572 clearly indicates otherwise:
573 (15) "New business" means:
574 (a)1. A business or organization establishing 10 or more
575 new jobs to employ 10 or more full-time employees in this state,
576 paying an average wage for such new jobs that is above the
577 average wage in the area, which principally engages in any one
578 or more of the following operations:
579 a. Manufactures, processes, compounds, fabricates, or
580 produces for sale items of tangible personal property at a fixed
581 location and which comprises an industrial or manufacturing
582 plant; or
583 b. Is a target industry business as defined in s.
584 288.106(2)(q) ~~288.106(2)(t)~~;
585 2. A business or organization establishing 25 or more new
586 jobs to employ 25 or more full-time employees in this state, the
587 sales factor of which, as defined by s. 220.15(5), for the
588 facility with respect to which it requests an economic

589 development ad valorem tax exemption is less than 0.50 for each
590 year the exemption is claimed; or
591 3. An office space in this state owned and used by a
592 business or organization newly domiciled in this state; provided
593 such office space houses 50 or more full-time employees of such
594 business or organization; provided that such business or
595 organization office first begins operation on a site clearly
596 separate from any other commercial or industrial operation owned
597 by the same business or organization.
598 Reviser's note.—Amended to conform to the
599 redesignation of s. 288.106(2)(t) as s. 288.106(2)(q)
600 by s. 150, ch. 2011-142, Laws of Florida.
601 Section 21. Paragraph (g) of subsection (3) of section
602 212.096, Florida Statutes, is amended to read:
603 212.096 Sales, rental, storage, use tax; enterprise zone
604 jobs credit against sales tax.—
605 (3) In order to claim this credit, an eligible business
606 must file under oath with the governing body or enterprise zone
607 development agency having jurisdiction over the enterprise zone
608 where the business is located, as applicable, a statement which
609 includes:
610 (g) Whether the business is a small business as defined by
611 s. 288.703(6) ~~288.703(1)~~.
612 Reviser's note.—Amended to conform to the
613 redesignation of s. 288.703(1) as s. 288.703(6) by s.
614 172, ch. 2011-142, Laws of Florida.
615 Section 22. Paragraph (d) of subsection (3) of section
616 213.24, Florida Statutes, is amended to read:

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617 213.24 Accrual of penalties and interest on deficiencies;
618 deficiency billing costs.—
619 (3) An administrative collection processing fee shall be
620 imposed to offset payment processing and administrative costs
621 incurred by the state due to late payment of a collection event.
622 (d) Fees collected pursuant to this subsection shall be
623 distributed each fiscal year as follows:
624 1. The first $6.2 million collected shall be deposited
625 into the department's Operating ~~Operations~~ Trust Fund.
626 2. Any amount collected above $6.2 million shall be
627 deposited into the General Revenue Fund.
628 Reviser's note.—Amended to confirm editorial
629 substitution of the word "Operating" for the word
630 "Operations" to conform to the renaming of the trust
631 fund by s. 1, ch. 2011-28, Laws of Florida.
632 Section 23. Section 215.198, Florida Statutes, is amended
633 to read:
634 215.198 Operating ~~Operations~~ Trust Fund.—
635 (1) The Operating ~~Operations~~ Trust Fund is created within
636 the Department of Revenue.
637 (2) The fund is established for use as a depository for
638 funds to be used for program operations funded by program
639 revenues. Funds shall be expended only pursuant to legislative
640 appropriation or an approved amendment to the department's
641 operating budget pursuant to the provisions of chapter 216.
642 Reviser's note.—Amended to confirm editorial
643 substitution of the word "Operating" for the word
644 "Operations" to conform to the renaming of the trust

645 fund by s. 1, ch. 2011-28, Laws of Florida.
646 Section 24. Paragraph (a) of subsection (4) of section
647 215.425, Florida Statutes, is amended to read:
648 215.425 Extra compensation claims prohibited; bonuses;
649 severance pay.—
650 (4)(a) On or after July 1, 2011, a unit of government that
651 enters into a contract or employment agreement, or renewal or
652 renegotiation of an existing contract or employment agreement,
653 that contains a provision for severance pay with an officer,
654 agent, employee, or contractor must include the following
655 provisions in the contract:
656 1. A requirement that severance pay provided may not
657 exceed an amount greater than 20 weeks of compensation.
658 2. A prohibition of provision of severance pay when the
659 officer, agent, employee, or contractor has been fired for
660 misconduct, as defined in s. 443.036(30) ~~443.036(29)~~, by the
661 unit of government.
662 Reviser's note.—Amended to conform to the addition of
663 a new subsection (26) and the redesignation of
664 following subsections within s. 443.036 by s. 3, ch.
665 2011-235, Laws of Florida.
666 Section 25. Paragraph (c) of subsection (8) of section
667 218.39, Florida Statutes, is amended to read:
668 218.39 Annual financial audit reports.—
669 (8) The Auditor General shall notify the Legislative
670 Auditing Committee of any audit report prepared pursuant to this
671 section which indicates that an audited entity has failed to
672 take full corrective action in response to a recommendation that

673 was included in the two preceding financial audit reports.
674 (c) If the committee determines that an audited entity has
675 failed to take full corrective action for which there is no
676 justifiable reason for not taking such action, or has failed to
677 comply with committee requests made pursuant to this section,
678 the committee may proceed in accordance with s. 11.40(2)
679 ~~11.40(5)~~.
680 Reviser's note.—Amended to conform to the
681 redesignation of s. 11.40(5) as s. 11.40(2) by s. 12,
682 ch. 2011-34, Laws of Florida.
683 Section 26. Section 255.21, Florida Statutes, is amended
684 to read:
685 255.21 Special facilities for physically disabled.—Any
686 building or facility intended for use by the general public
687 which, in whole or in part, is constructed or altered or
688 operated as a lessee, by or on behalf of the state or any
689 political subdivision, municipality, or special district thereof
690 or any public administrative board or authority of the state
691 shall, with respect to the altered or newly constructed or
692 leased portion of such building or facility, comply with
693 standards and specifications established by part II ~~V~~ of chapter
694 553.
695 Reviser's note.—Amended to conform to the location of
696 material relating to accessibility by handicapped
697 persons in part II of chapter 553; part V of chapter
698 553 relates to thermal efficiency standards.
699 Section 27. Subsection (1) of section 260.0142, Florida
700 Statutes, is amended to read:

701 260.0142 Florida Greenways and Trails Council;
702 composition; powers and duties.—
703 (1) There is created within the department the Florida
704 Greenways and Trails Council which shall advise the department
705 in the execution of the department's powers and duties under
706 this chapter. The council shall be composed of 20 members,
707 consisting of:
708 (a)1. Five members appointed by the Governor, with two
709 members representing the trail user community, two members
710 representing the greenway user community, and one member
711 representing private landowners.
712 2.(b) Three members appointed by the President of the
713 Senate, with one member representing the trail user community
714 and two members representing the greenway user community.
715 3.(c) Three members appointed by the Speaker of the House
716 of Representatives, with two members representing the trail user
717 community and one member representing the greenway user
718 community.
719
720 Those eligible to represent the trail user community shall be
721 chosen from, but not be limited to, paved trail users, hikers,
722 off-road bicyclists, users of off-highway vehicles, paddlers,
723 equestrians, disabled outdoor recreational users, and commercial
724 recreational interests. Those eligible to represent the greenway
725 user community shall be chosen from, but not be limited to,
726 conservation organizations, nature study organizations, and
727 scientists and university experts.
728 (b)(d) The 9 remaining members shall include:

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729 1. The Secretary of Environmental Protection or a
730 designee.
731 2. The executive director of the Fish and Wildlife
732 Conservation Commission or a designee.
733 3. The Secretary of Transportation or a designee.
734 4. The Director of the Division of Forestry of the
735 Department of Agriculture and Consumer Services or a designee.
736 5. The director of the Division of Historical Resources of
737 the Department of State or a designee.
738 6. A representative of the water management districts.
739 Membership on the council shall rotate among the five districts.
740 The districts shall determine the order of rotation.
741 7. A representative of a federal land management agency.
742 The Secretary of Environmental Protection shall identify the
743 appropriate federal agency and request designation of a
744 representative from the agency to serve on the council.
745 8. A representative of the regional planning councils to
746 be appointed by the Secretary of Environmental Protection.
747 Membership on the council shall rotate among the seven regional
748 planning councils. The regional planning councils shall
749 determine the order of rotation.
750 9. A representative of local governments to be appointed
751 by the Secretary of Environmental Protection. Membership shall
752 alternate between a county representative and a municipal
753 representative.
754 Reviser's note.—Amended to redesignate subunits to
755 conform to Florida Statutes style. The flush left
756 language between what was designated as paragraphs (c)

757 and (d) only goes to material in the first three
758 paragraphs.
759 Section 28. Paragraph (h) of subsection (3) and paragraph
760 (b) of subsection (4) of section 287.042, Florida Statutes, are
761 amended to read:
762 287.042 Powers, duties, and functions.—The department
763 shall have the following powers, duties, and functions:
764 (3) To establish a system of coordinated, uniform
765 procurement policies, procedures, and practices to be used by
766 agencies in acquiring commodities and contractual services,
767 which shall include, but not be limited to:
768 (h) Development of procedures to be used by state agencies
769 when procuring information technology commodities and
770 contractual services that ensure compliance with public records
771 requirements and records retention and archiving requirements.
772 (4)
773 (b) To prescribe procedures for procuring information
774 technology and information technology consultant services that
775 provide for public announcement and qualification, competitive
776 solicitations, contract award, and prohibition against
777 contingent fees. Such procedures are limited to information
778 technology consultant contracts for which the total project
779 costs, or planning or study activities, are estimated to exceed
780 the threshold amount provided in s. 287.017, for CATEGORY TWO.
781 Reviser's note.—Amended to confirm editorial insertion
782 of the word "that" to provide clarity.
783 Section 29. Subsection (1) of section 287.0947, Florida
784 Statutes, is amended to read:

785 287.0947 Florida Advisory Council on Small and Minority
786 Business Development; creation; membership; duties.—
787 (1) The Secretary of Management Services may create the
788 Florida Advisory Council on Small and Minority Business
789 Development with the purpose of advising and assisting the
790 secretary in carrying out the secretary's duties with respect to
791 minority businesses and economic and business development. It is
792 the intent of the Legislature that the membership of such
793 council include practitioners, laypersons, financiers, and
794 others with business development experience who can provide
795 invaluable insight and expertise for this state in the
796 diversification of its markets and networking of business
797 opportunities. The council shall initially consist of 19
798 persons, each of whom is or has been actively engaged in small
799 and minority business development, either in private industry,
800 in governmental service, or as a scholar of recognized
801 achievement in the study of such matters. Initially, the council
802 shall consist of members representing all regions of the state
803 and shall include at least one member from each group identified
804 within the definition of "minority person" in s. 288.703(4)
805 ~~288.703(3)~~, considering also gender and nationality subgroups,
806 and shall consist of the following:
807 (a) Four members consisting of representatives of local
808 and federal small and minority business assistance programs or
809 community development programs.
810 (b) Eight members composed of representatives of the
811 minority private business sector, including certified minority
812 business enterprises and minority supplier development councils,

813 among whom at least two shall be women and at least four shall
814 be minority persons.
815 (c) Two representatives of local government, one of whom
816 shall be a representative of a large local government, and one
817 of whom shall be a representative of a small local government.
818 (d) Two representatives from the banking and insurance
819 industry.
820 (e) Two members from the private business sector,
821 representing the construction and commodities industries.
822 (f) A member from the board of directors of Enterprise
823 Florida, Inc.
824
825 A candidate for appointment may be considered if eligible to be
826 certified as an owner of a minority business enterprise, or if
827 otherwise qualified under the criteria above. Vacancies may be
828 filled by appointment of the secretary, in the manner of the
829 original appointment.
830 Reviser's note.—Amended to conform to the
831 redesignation of s. 288.703(3) as s. 288.703(4) by s.
832 172, ch. 2011-142, Laws of Florida.
833 Section 30. Paragraph (f) of subsection (4) of section
834 288.106, Florida Statutes, is amended to read:
835 288.106 Tax refund program for qualified target industry
836 businesses.—
837 (4) APPLICATION AND APPROVAL PROCESS.—
838 (f) Effective July 1, 2011, notwithstanding paragraph
839 (2)(j) ~~(2)(k)~~, the office may reduce the local financial support
840 requirements of this section by one-half for a qualified target

841 industry business located in Bay County, Escambia County,
842 Franklin County, Gadsden County, Gulf County, Jefferson County,
843 Leon County, Okaloosa County, Santa Rosa County, Wakulla County,
844 or Walton County, if the office determines that such reduction
845 of the local financial support requirements is in the best
846 interest of the state and facilitates economic development,
847 growth, or new employment opportunities in such county. This
848 paragraph expires June 30, 2014.
849 Reviser's note.—Amended to conform to the
850 redesignation of paragraph (2)(k) as paragraph (2)(j)
851 by s. 150, ch. 2011-142, Laws of Florida.
852 Section 31. Paragraph (e) of subsection (2) of section
853 288.1089, Florida Statutes, is reenacted and amended to read:
854 288.1089 Innovation Incentive Program.—
855 (2) As used in this section, the term:
856 (d) ~~(e)~~ "Cumulative investment" means cumulative capital
857 investment and all eligible capital costs, as defined in s.
858 220.191.
859 Reviser's note.—Section 155, ch. 2011-142, purported
860 to amend paragraphs (2)(b), (d), (e), (f), and (o),
861 but did not publish paragraph (e). To conform to the
862 deletion of former paragraph (2)(d) by s. 155, ch.
863 2011-142, Laws of Florida, paragraph (2)(e) was
864 redesignated as paragraph (2)(d) by the editors.
865 Absent affirmative evidence of legislative intent to
866 repeal it, the paragraph is reenacted and amended as
867 paragraph (2)(d), to confirm the omission was not
868 intended.

869 Section 32. Subsection (6) of section 288.1226, Florida
870 Statutes, is amended to read:
871 288.1226 Florida Tourism Industry Marketing Corporation;
872 use of property; board of directors; duties; audit.—
873 (6) ANNUAL AUDIT.—The corporation shall provide for an
874 annual financial audit in accordance with s. 215.981. The annual
875 audit report shall be submitted to the Auditor General; the
876 Office of Program Policy Analysis and Government Accountability;
877 Enterprise Florida, Inc.; and the department for review. The
878 Office of Program Policy Analysis and Government Accountability;
879 Enterprise Florida, Inc.; the department; and the Auditor
880 General have the authority to require and receive from the
881 corporation or from its independent auditor any detail or
882 supplemental data relative to the operation of the corporation.
883 The department shall annually certify whether the corporation is
884 operating in a manner and achieving the objectives that are
885 consistent with the policies and goals of Enterprise Florida,
886 Inc., and its long-range marketing plan. The identity of a donor
887 or prospective donor to the corporation who desires to remain
888 anonymous and all information identifying such donor or
889 prospective donor are confidential and exempt from the
890 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
891 Constitution. Such anonymity shall be maintained in the
892 auditor's report.
893 Reviser's note.—Amended to confirm editorial insertion
894 of the word "Program" to conform to the complete name
895 of the office.
896 Section 33. Subsection (2) of section 288.706, Florida

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897 Statutes, is amended to read:
898 288.706 Florida Minority Business Loan Mobilization
899 Program.—
900 (2) The Florida Minority Business Loan Mobilization
901 Program is created to promote the development of minority
902 business enterprises, as defined in s. <u>288.703(3)</u> ~~288.703(2)~~,
903 increase the ability of minority business enterprises to compete
904 for state contracts, and sustain the economic growth of minority
905 business enterprises in this state. The goal of the program is
906 to assist minority business enterprises by facilitating working
907 capital loans to minority business enterprises that are vendors
908 on state agency contracts. The Department of Management Services
909 shall administer the program.
910 Reviser's note.—Amended to conform to the
911 redesignation of s. 288.703(2) as s. 288.703(3) by s.
912 172, ch. 2011-142, Laws of Florida.
913 Section 34. Paragraph (b) of subsection (4) of section
914 288.7102, Florida Statutes, is amended to read:
915 288.7102 Black Business Loan Program.—
916 (4) To be eligible to receive funds and provide loans,
917 loan guarantees, or investments under this section, a recipient
918 must:
919 (b) For an existing recipient, annually submit to the
920 department a financial audit performed by an independent
921 certified public <u>accountant</u> ~~account~~ for the most recently
922 completed fiscal year, which audit does not reveal any material
923 weaknesses or instances of material noncompliance.
924 Reviser's note.—Amended to confirm editorial

925 substitution of the word "accountant" for the word
926 "account" to conform to context.
927 Section 35. Subsection (3) of section 288.980, Florida
928 Statutes, is reenacted to read:
929 288.980 Military base retention; legislative intent;
930 grants program.—
931 (3) The Florida Economic Reinvestment Initiative is
932 established to respond to the need for this state and defense-
933 dependent communities in this state to develop alternative
934 economic diversification strategies to lessen reliance on
935 national defense dollars in the wake of base closures and
936 reduced federal defense expenditures and the need to formulate
937 specific base reuse plans and identify any specific
938 infrastructure needed to facilitate reuse. The initiative shall
939 consist of the following two distinct grant programs to be
940 administered by the department:
941 (a) The Florida Defense Planning Grant Program, through
942 which funds shall be used to analyze the extent to which the
943 state is dependent on defense dollars and defense infrastructure
944 and prepare alternative economic development strategies. The
945 state shall work in conjunction with defense-dependent
946 communities in developing strategies and approaches that will
947 help communities make the transition from a defense economy to a
948 nondefense economy. Grant awards may not exceed $250,000 per
949 applicant and shall be available on a competitive basis.
950 (b) The Florida Defense Implementation Grant Program,
951 through which funds shall be made available to defense-dependent
952 communities to implement the diversification strategies

953 developed pursuant to paragraph (a). Eligible applicants include
954 defense-dependent counties and cities, and local economic
955 development councils located within such communities. Grant
956 awards may not exceed $100,000 per applicant and shall be
957 available on a competitive basis. Awards shall be matched on a
958 one-to-one basis.
959 (c) The Florida Military Installation Reuse Planning and
960 Marketing Grant Program, through which funds shall be used to
961 help counties, cities, and local economic development councils
962 develop and implement plans for the reuse of closed or realigned
963 military installations, including any necessary infrastructure
964 improvements needed to facilitate reuse and related marketing
965 activities.
966
967 Applications for grants under this subsection must include a
968 coordinated program of work or plan of action delineating how
969 the eligible project will be administered and accomplished,
970 which must include a plan for ensuring close cooperation between
971 civilian and military authorities in the conduct of the funded
972 activities and a plan for public involvement.
973 Reviser's note.—Section 194, ch. 2011-142, Laws of
974 Florida, amended subsection (3) without publishing
975 paragraph (c). Absent affirmative evidence of
976 legislative intent to repeal paragraph (c), subsection
977 (3) is reenacted to confirm the omission was not
978 intended.
979 Section 36. Section 290.0401, Florida Statutes, is amended
980 to read:

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981 290.0401 Florida Small Cities Community Development Block
982 Grant Program Act; short title.—Sections 290.0401-290.048
983 290.0401-290.049 may be cited as the "Florida Small Cities
984 Community Development Block Grant Program Act."
985 Reviser's note.—Amended to conform to the repeal of s.
986 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
987 25, ch. 2001-201, Laws of Florida. Section 290.048 is
988 now the last section in the range.
989 Section 37. Section 290.0411, Florida Statutes, is amended
990 to read:
991 290.0411 Legislative intent and purpose of ss. 290.0401-
992 290.048 290.0401-290.049.—It is the intent of the Legislature to
993 provide the necessary means to develop, preserve, redevelop, and
994 revitalize Florida communities exhibiting signs of decline or
995 distress by enabling local governments to undertake the
996 necessary community development programs. The overall objective
997 is to create viable communities by eliminating slum and blight,
998 fortifying communities in urgent need, providing decent housing
999 and suitable living environments, and expanding economic
1000 opportunities, principally for persons of low or moderate
1001 income. The purpose of ss. 290.0401-290.048 290.0401-290.049 is
1002 to assist local governments in carrying out effective community
1003 development and project planning and design activities to arrest
1004 and reverse community decline and restore community vitality.
1005 Community development and project planning activities to
1006 maintain viable communities, revitalize existing communities,
1007 expand economic development and employment opportunities, and
1008 improve housing conditions and expand housing opportunities,

1009 providing direct benefit to persons of low or moderate income,
1010 are the primary purposes of ss. 290.0401-290.048 ~~290.0401-~~
1011 ~~290.049~~. The Legislature, therefore, declares that the
1012 development, redevelopment, preservation, and revitalization of
1013 communities in this state and all the purposes of ss. 290.0401-
1014 290.048 ~~290.0401-290.049~~ are public purposes for which public
1015 money may be borrowed, expended, loaned, pledged to guarantee
1016 loans, and granted.
1017 Reviser's note.—Amended to conform to the repeal of s.
1018 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
1019 25, ch. 2001-201, Laws of Florida. Section 290.048 is
1020 now the last section in the range.
1021 Section 38. Section 290.042, Florida Statutes, is amended
1022 to read:
1023 290.042 Definitions relating to Florida Small Cities
1024 Community Development Block Grant Program Act.—As used in ss.
1025 290.0401-290.048 ~~290.0401-290.049~~, the term:
1026 (1) "Administrative closeout" means the notification of a
1027 grantee by the department that all applicable administrative
1028 actions and all required work of the grant have been completed
1029 with the exception of the final audit.
1030 (2) "Administrative costs" means the payment of all
1031 reasonable costs of management, coordination, monitoring, and
1032 evaluation, and similar costs and carrying charges, related to
1033 the planning and execution of community development activities
1034 which are funded in whole or in part under the Florida Small
1035 Cities Community Development Block Grant Program. Administrative
1036 costs shall include all costs of administration, including

1037 general administration, planning and urban design, and project
1038 administration costs.
1039 (3) "Department" means the Department of Economic
1040 Opportunity.
1041 (4) "Eligible activities" means those community
1042 development activities authorized in s. 105(a) of Title I of the
1043 Housing and Community Development Act of 1974, as amended, and
1044 applicable federal regulations.
1045 (5) "Eligible local government" means any local government
1046 which qualifies as eligible to participate in the Florida Small
1047 Cities Community Development Block Grant Program in accordance
1048 with s. 102(a)(7) of Title I of the Housing and Community
1049 Development Act of 1974, as amended, and applicable federal
1050 regulations, and any eligibility requirements which may be
1051 imposed by this act or by department rule.
1052 (6) "Person of low or moderate income" means any person
1053 who meets the definition established by the department in
1054 accordance with the guidelines established in Title I of the
1055 Housing and Community Development Act of 1974, as amended.
1056 (7) "Service area" means the total geographic area to be
1057 directly or indirectly served by a community development block
1058 grant project where at least 51 percent of the residents are
1059 low-income and moderate-income persons.
1060 Reviser's note.—Amended to conform to the repeal of s.
1061 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
1062 25, ch. 2001-201, Laws of Florida. Section 290.048 is
1063 now the last section in the range.
1064 Section 39. Subsection (1) of section 290.044, Florida

1065 Statutes, is amended to read:
1066 290.044 Florida Small Cities Community Development Block
1067 Grant Program Fund; administration; distribution.—
1068 (1) The Florida Small Cities Community Development Block
1069 Grant Program Fund is created. All revenue designated for
1070 deposit in such fund shall be deposited by the appropriate
1071 agency. The department shall administer this fund as a grant and
1072 loan guarantee program for carrying out the purposes of ss.
1073 290.0401-290.048 ~~290.0401-290.049~~.
1074 Reviser's note.—Amended to conform to the repeal of s.
1075 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
1076 25, ch. 2001-201, Laws of Florida. Section 290.048 is
1077 now the last section in the range.
1078 Section 40. Subsections (1), (3), and (4) of section
1079 290.048, Florida Statutes, are amended to read:
1080 290.048 General powers of department under ss. 290.0401-
1081 290.048 ~~290.0401-290.049~~.—The department has all the powers
1082 necessary or appropriate to carry out the purposes and
1083 provisions of the program, including the power to:
1084 (1) Make contracts and agreements with the Federal
1085 Government; other agencies of the state; any other public
1086 agency; or any other public person, association, corporation,
1087 local government, or entity in exercising its powers and
1088 performing its duties under ss. 290.0401-290.048 ~~290.0401-~~
1089 ~~290.049~~.
1090 (3) Adopt and enforce rules not inconsistent with ss.
1091 290.0401-290.048 ~~290.0401-290.049~~ for the administration of the
1092 fund.

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1093 (4) Assist in training employees of local governing
1094 authorities to help achieve and increase their capacity to
1095 administer programs pursuant to ss. 290.0401-290.048 ~~290.0401-~~
1096 ~~290.049~~ and provide technical assistance and advice to local
1097 governing authorities involved with these programs.
1098 Reviser's note.—Amended to conform to the repeal of s.
1099 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
1100 25, ch. 2001-201, Laws of Florida. Section 290.048 is
1101 now the last section in the range.
1102 Section 41. Subsection (1) of section 311.09, Florida
1103 Statutes, is amended to read:
1104 311.09 Florida Seaport Transportation and Economic
1105 Development Council.—
1106 (1) The Florida Seaport Transportation and Economic
1107 Development Council is created within the Department of
1108 Transportation. The council consists of the following 17 ~~18~~
1109 members: the port director, or the port director's designee, of
1110 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
1111 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
1112 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
1113 West, and Fernandina; the secretary of the Department of
1114 Transportation or his or her designee; and the director of the
1115 Department of Economic Opportunity or his or her designee.
1116 Reviser's note.—Amended to conform to the deletion of
1117 the secretary of the Department of Community Affairs
1118 from the list of members by s. 227, ch. 2011-142, Laws
1119 of Florida, which changed the number of members on the
1120 council.

1121 Section 42. Paragraph (b) of subsection (1) of section
1122 311.105, Florida Statutes, is amended to read:
1123 311.105 Florida Seaport Environmental Management
1124 Committee; permitting; mitigation.—
1125 (1)
1126 (b) The committee shall consist of the following members:
1127 the Secretary of Environmental Protection, or his or her
1128 designee, as an ex officio, nonvoting member; a designee from
1129 the United States Army Corps of Engineers, as an ex officio,
1130 nonvoting member; a designee from the Florida Inland Navigation
1131 District, as an ex officio, nonvoting member; the executive
1132 director of the Department of Economic Opportunity, or his or
1133 her designee, as an ex officio, nonvoting member; and five or
1134 more port directors, as voting members, appointed to the
1135 committee by the council chair, who shall also designate one
1136 such member as committee chair.
1137 Reviser's note.—Amended to confirm editorial insertion
1138 of the words "the Department of" to conform to the
1139 complete name of the department.
1140 Section 43. Paragraph (c) of subsection (2) of section
1141 316.302, Florida Statutes, is amended to read:
1142 316.302 Commercial motor vehicles; safety regulations;
1143 transporters and shippers of hazardous materials; enforcement.—
1144 (2)
1145 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
1146 operates a commercial motor vehicle solely in intrastate
1147 commerce not transporting any hazardous material in amounts that
1148 require placarding pursuant to 49 C.F.R. part 172 may not drive

1149 after having been on duty more than 70 hours in any period of 7
1150 consecutive days or more than 80 hours in any period of 8
1151 consecutive days if the motor carrier operates every day of the
1152 week. Thirty-four consecutive hours off duty shall constitute
1153 the end of any such period of 7 or 8 consecutive days. This
1154 weekly limit does not apply to a person who operates a
1155 commercial motor vehicle solely within this state while
1156 transporting, during harvest periods, any unprocessed
1157 agricultural products or unprocessed food or fiber that is
1158 subject to seasonal harvesting from place of harvest to the
1159 first place of processing or storage or from place of harvest
1160 directly to market or while transporting livestock, livestock
1161 feed, or farm supplies directly related to growing or harvesting
1162 agricultural products. Upon request of the Department of Highway
1163 Safety and Motor Vehicles ~~Transportation~~, motor carriers shall
1164 furnish time records or other written verification to that
1165 department so that the Department of Highway Safety and Motor
1166 Vehicles ~~Transportation~~ can determine compliance with this
1167 subsection. These time records must be furnished to the
1168 Department of Highway Safety and Motor Vehicles ~~Transportation~~
1169 within 2 days after receipt of that department's request.
1170 Falsification of such information is subject to a civil penalty
1171 not to exceed $100. The provisions of this paragraph do not
1172 apply to drivers of utility service vehicles as defined in 49
1173 C.F.R. s. 395.2.
1174 Reviser's note.—Amended to conform to the transfer of
1175 motor carrier compliance safety regulation from the
1176 Department of Transportation to the Department of

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1177 Highway Safety and Motor Vehicles by ch. 2011-66, Laws
1178 of Florida.
1179 Section 44. Subsection (13) of section 373.414, Florida
1180 Statutes, is amended to read:
1181 373.414 Additional criteria for activities in surface
1182 waters and wetlands.—
1183 (13) Any declaratory statement issued by the department
1184 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
1185 as amended, or pursuant to rules adopted thereunder, or by a
1186 water management district under s. 373.421, in response to a
1187 petition filed on or before June 1, 1994, shall continue to be
1188 valid for the duration of such declaratory statement. Any such
1189 petition pending on June 1, 1994, shall be exempt from the
1190 methodology ratified in s. 373.4211, but the rules of the
1191 department or the relevant water management district, as
1192 applicable, in effect prior to the effective date of s.
1193 373.4211, shall apply. Until May 1, 1998, activities within the
1194 boundaries of an area subject to a petition pending on June 1,
1195 1994, and prior to final agency action on such petition, shall
1196 be reviewed under the rules adopted pursuant to ss. 403.91-
1197 403.929, 1984 Supplement to the Florida Statutes 1983, as
1198 amended, and this part, in existence prior to the effective date
1199 of the rules adopted under subsection (9), unless the applicant
1200 elects to have such activities reviewed under the rules adopted
1201 under this part, as amended in accordance with subsection (9).
1202 In the event that a jurisdictional declaratory statement
1203 pursuant to the vegetative index in effect prior to the
1204 effective date of chapter 84-79, Laws of Florida, has been

1205 obtained and is valid prior to the effective date of the rules
1206 adopted under subsection (9) or July 1, 1994, whichever is
1207 later, and the affected lands are part of a project for which a
1208 master development order has been issued pursuant to s.
1209 380.06(21), the declaratory statement shall remain valid for the
1210 duration of the buildout period of the project. Any
1211 jurisdictional determination validated by the department
1212 pursuant to rule 17-301.400(8), Florida Administrative Code, as
1213 it existed in rule 17-4.022, Florida Administrative Code, on
1214 April 1, 1985, shall remain in effect for a period of 5 years
1215 following the effective date of this act if proof of such
1216 validation is submitted to the department prior to January 1,
1217 1995. In the event that a jurisdictional determination has been
1218 revalidated by the department pursuant to this subsection and
1219 the affected lands are part of a project for which a development
1220 order has been issued pursuant to s. 380.06(15), a final
1221 development order to which s. 163.3167(5) ~~163.3167(8)~~ applies
1222 has been issued, or a vested rights determination has been
1223 issued pursuant to s. 380.06(20), the jurisdictional
1224 determination shall remain valid until the completion of the
1225 project, provided proof of such validation and documentation
1226 establishing that the project meets the requirements of this
1227 sentence are submitted to the department prior to January 1,
1228 1995. Activities proposed within the boundaries of a valid
1229 declaratory statement issued pursuant to a petition submitted to
1230 either the department or the relevant water management district
1231 on or before June 1, 1994, or a revalidated jurisdictional
1232 determination, prior to its expiration shall continue thereafter

1233 to be exempt from the methodology ratified in s. 373.4211 and to
1234 be reviewed under the rules adopted pursuant to ss. 403.91-
1235 403.929, 1984 Supplement to the Florida Statutes 1983, as
1236 amended, and this part, in existence prior to the effective date
1237 of the rules adopted under subsection (9), unless the applicant
1238 elects to have such activities reviewed under the rules adopted
1239 under this part, as amended in accordance with subsection (9).
1240 Reviser's note.—Amended to conform to the renumbering
1241 of subunits within s. 163.3167 by s. 7, ch. 2011-139,
1242 Laws of Florida.
1243 Section 45. Paragraph (a) of subsection (2) of section
1244 376.3072, Florida Statutes, is amended to read:
1245 376.3072 Florida Petroleum Liability and Restoration
1246 Insurance Program.—
1247 (2)(a) Any owner or operator of a petroleum storage system
1248 may become an insured in the restoration insurance program at a
1249 facility provided:
1250 1. A site at which an incident has occurred shall be
1251 eligible for restoration if the insured is a participant in the
1252 third-party liability insurance program or otherwise meets
1253 applicable financial responsibility requirements. After July 1,
1254 1993, the insured must also provide the required excess
1255 insurance coverage or self-insurance for restoration to achieve
1256 the financial responsibility requirements of 40 C.F.R. s.
1257 280.97, subpart H, not covered by paragraph (d).
1258 2. A site which had a discharge reported prior to January
1259 1, 1989, for which notice was given pursuant to s. 376.3071(9)
1260 or (12), and which is ineligible for the third-party liability

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1261 insurance program solely due to that discharge shall be eligible
1262 for participation in the restoration program for any incident
1263 occurring on or after January 1, 1989, in accordance with
1264 subsection (3). Restoration funding for an eligible contaminated
1265 site will be provided without participation in the third-party
1266 liability insurance program until the site is restored as
1267 required by the department or until the department determines
1268 that the site does not require restoration.
1269 3. Notwithstanding paragraph (b), a site where an
1270 application is filed with the department prior to January 1,
1271 1995, where the owner is a small business under s. 288.703(6)
1272 ~~288.703(1)~~, a state community college with less than 2,500 FTE,
1273 a religious institution as defined by s. 212.08(7)(m), a
1274 charitable institution as defined by s. 212.08(7)(p), or a
1275 county or municipality with a population of less than 50,000,
1276 shall be eligible for up to $400,000 of eligible restoration
1277 costs, less a deductible of $10,000 for small businesses,
1278 eligible community colleges, and religious or charitable
1279 institutions, and $30,000 for eligible counties and
1280 municipalities, provided that:
1281 a. Except as provided in sub-subparagraph e., the facility
1282 was in compliance with department rules at the time of the
1283 discharge.
1284 b. The owner or operator has, upon discovery of a
1285 discharge, promptly reported the discharge to the department,
1286 and drained and removed the system from service, if necessary.
1287 c. The owner or operator has not intentionally caused or
1288 concealed a discharge or disabled leak detection equipment.

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1289 d. The owner or operator proceeds to complete initial
1290 remedial action as defined by department rules.
1291 e. The owner or operator, if required and if it has not
1292 already done so, applies for third-party liability coverage for
1293 the facility within 30 days of receipt of an eligibility order
1294 issued by the department pursuant to this provision.
1295
1296 However, the department may consider in-kind services from
1297 eligible counties and municipalities in lieu of the $30,000
1298 deductible. The cost of conducting initial remedial action as
1299 defined by department rules shall be an eligible restoration
1300 cost pursuant to this provision.
1301 4.a. By January 1, 1997, facilities at sites with existing
1302 contamination shall be required to have methods of release
1303 detection to be eligible for restoration insurance coverage for
1304 new discharges subject to department rules for secondary
1305 containment. Annual storage system testing, in conjunction with
1306 inventory control, shall be considered to be a method of release
1307 detection until the later of December 22, 1998, or 10 years
1308 after the date of installation or the last upgrade. Other
1309 methods of release detection for storage tanks which meet such
1310 requirement are:
1311 (I) Interstitial monitoring of tank and integral piping
1312 secondary containment systems;
1313 (II) Automatic tank gauging systems; or
1314 (III) A statistical inventory reconciliation system with a
1315 tank test every 3 years.
1316 b. For pressurized integral piping systems, the owner or

1317 operator must use:
1318 (I) An automatic in-line leak detector with flow
1319 restriction meeting the requirements of department rules used in
1320 conjunction with an annual tightness or pressure test; or
1321 (II) An automatic in-line leak detector with electronic
1322 flow shut-off meeting the requirements of department rules.
1323 c. For suction integral piping systems, the owner or
1324 operator must use:
1325 (I) A single check valve installed directly below the
1326 suction pump, provided there are no other valves between the
1327 dispenser and the tank; or
1328 (II) An annual tightness test or other approved test.
1329 d. Owners of facilities with existing contamination that
1330 install internal release detection systems in accordance with
1331 sub-subparagraph a. shall permanently close their external
1332 groundwater and vapor monitoring wells in accordance with
1333 department rules by December 31, 1998. Upon installation of the
1334 internal release detection system, these wells shall be secured
1335 and taken out of service until permanent closure.
1336 e. Facilities with vapor levels of contamination meeting
1337 the requirements of or below the concentrations specified in the
1338 performance standards for release detection methods specified in
1339 department rules may continue to use vapor monitoring wells for
1340 release detection.
1341 f. The department may approve other methods of release
1342 detection for storage tanks and integral piping which have at
1343 least the same capability to detect a new release as the methods
1344 specified in this subparagraph.

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1345 Reviser's note.—Amended to conform to the renumbering
1346 of subunits within s. 288.703 by s. 172, ch. 2011-142,
1347 Laws of Florida.
1348 Section 46. Subsection (2) of section 376.86, Florida
1349 Statutes, is amended to read:
1350 376.86 Brownfield Areas Loan Guarantee Program.—
1351 (2) The council shall consist of the secretary of the
1352 Department of Environmental Protection or the secretary's
1353 designee, the State Surgeon General or the State Surgeon
1354 General's designee, the executive director of the State Board of
1355 Administration or the executive director's designee, the
1356 executive director of the Florida Housing Finance Corporation or
1357 the executive director's designee, and the executive director of
1358 the Department of Economic Opportunity or the director's
1359 designee. The executive director of the Department of Economic
1360 Opportunity or the director's designee shall serve as chair of
1361 the council. Staff services for activities of the council shall
1362 be provided as needed by the member agencies.
1363 Reviser's note.—Amended to confirm editorial insertion
1364 of the words "the Department of" to conform to the
1365 complete name of the department.
1366 Section 47. Section 379.2255, Florida Statutes, is amended
1367 to read:
1368 379.2255 Wildlife Violator Compact Act.—The Wildlife
1369 Violator Compact is created and entered into with all other
1370 jurisdictions legally joining therein in the form substantially
1371 as follows:
1372

1373 ARTICLE I
1374 Findings and Purpose
1375
1376 (1) The participating states find that:
1377 (a) Wildlife resources are managed in trust by the
1378 respective states for the benefit of all residents and visitors.
1379 (b) The protection of the wildlife resources of a state is
1380 materially affected by the degree of compliance with state
1381 statutes, laws, regulations, ordinances, and administrative
1382 rules relating to the management of such resources.
1383 (c) The preservation, protection, management, and
1384 restoration of wildlife contributes immeasurably to the
1385 aesthetic, recreational, and economic aspects of such natural
1386 resources.
1387 (d) Wildlife resources are valuable without regard to
1388 political boundaries; therefore, every person should be required
1389 to comply with wildlife preservation, protection, management,
1390 and restoration laws, ordinances, and administrative rules and
1391 regulations of the participating states as a condition precedent
1392 to the continuance or issuance of any license to hunt, fish,
1393 trap, or possess wildlife.
1394 (e) Violation of wildlife laws interferes with the
1395 management of wildlife resources and may endanger the safety of
1396 persons and property.
1397 (f) The mobility of many wildlife law violators
1398 necessitates the maintenance of channels of communication among
1399 the various states.
1400 (g) In most instances, a person who is cited for a

1401 wildlife violation in a state other than his or her home state
1402 is:
1403 1. Required to post collateral or a bond to secure
1404 appearance for a trial at a later date;
1405 2. Taken into custody until the collateral or bond is
1406 posted; or
1407 3. Taken directly to court for an immediate appearance.
1408 (h) The purpose of the enforcement practices set forth in
1409 paragraph (g) is to ensure compliance with the terms of a
1410 wildlife citation by the cited person who, if permitted to
1411 continue on his or her way after receiving the citation, could
1412 return to his or her home state and disregard his or her duty
1413 under the terms of the citation.
1414 (i) In most instances, a person receiving a wildlife
1415 citation in his or her home state is permitted to accept the
1416 citation from the officer at the scene of the violation and
1417 immediately continue on his or her way after agreeing or being
1418 instructed to comply with the terms of the citation.
1419 (j) The practices described in paragraph (g) cause
1420 unnecessary inconvenience and, at times, a hardship for the
1421 person who is unable at the time to post collateral, furnish a
1422 bond, stand trial, or pay a fine, and thus is compelled to
1423 remain in custody until some alternative arrangement is made.
1424 (k) The enforcement practices described in paragraph (g)
1425 consume an undue amount of time of law enforcement agencies.
1426 (2) It is the policy of the participating states to:
1427 (a) Promote compliance with the statutes, laws,
1428 ordinances, regulations, and administrative rules relating to

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1429 the management of wildlife resources in their respective states.
1430 (b) Recognize a suspension of the wildlife license
1431 privileges of any person whose license privileges have been
1432 suspended by a participating state and treat such suspension as
1433 if it had occurred in each respective state.
1434 (c) Allow a violator, except as provided in subsection (2)
1435 of Article III, to accept a wildlife citation and, without
1436 delay, proceed on his or her way, whether or not the violator is
1437 a resident of the state in which the citation was issued, if the
1438 violator's home state is party to this compact.
1439 (d) Report to the appropriate participating state, as
1440 provided in the compact manual, any conviction recorded against
1441 any person whose home state was not the issuing state.
1442 (e) Allow the home state to recognize and treat
1443 convictions recorded against its residents, which convictions
1444 occurred in a participating state, as though they had occurred
1445 in the home state.
1446 (f) Extend cooperation to its fullest extent among the
1447 participating states for enforcing compliance with the terms of
1448 a wildlife citation issued in one participating state to a
1449 resident of another participating state.
1450 (g) Maximize the effective use of law enforcement
1451 personnel and information.
1452 (h) Assist court systems in the efficient disposition of
1453 wildlife violations.
1454 (3) The purpose of this compact is to:
1455 (a) Provide a means through which participating states may
1456 join in a reciprocal program to effectuate the policies

1457 enumerated in subsection (2) in a uniform and orderly manner.
1458 (b) Provide for the fair and impartial treatment of
1459 wildlife violators operating within participating states in
1460 recognition of the violator's right to due process and the
1461 sovereign status of a participating state.
1462
1463 ARTICLE II
1464 Definitions
1465
1466 As used in this compact, the term:
1467 (1) "Citation" means any summons, complaint, summons and
1468 complaint, ticket, penalty assessment, or other official
1469 document issued to a person by a wildlife officer or other peace
1470 officer for a wildlife violation which contains an order
1471 requiring the person to respond.
1472 (2) "Collateral" means any cash or other security
1473 deposited to secure an appearance for trial in connection with
1474 the issuance by a wildlife officer or other peace officer of a
1475 citation for a wildlife violation.
1476 (3) "Compliance" with respect to a citation means the act
1477 of answering a citation through an appearance in a court or
1478 tribunal, or through the payment of fines, costs, and
1479 surcharges, if any.
1480 (4) "Conviction" means a conviction that results in
1481 suspension or revocation of a license, including any court
1482 conviction, for any offense related to the preservation,
1483 protection, management, or restoration of wildlife which is
1484 prohibited by state statute, law, regulation, ordinance, or

1485 administrative rule. The term also includes the forfeiture of
1486 any bail, bond, or other security deposited to secure appearance
1487 by a person charged with having committed any such offense, the
1488 payment of a penalty assessment, a plea of nolo contendere, or
1489 the imposition of a deferred or suspended sentence by the court.
1490 (5) "Court" means a court of law, including magistrate's
1491 court and the justice of the peace court.
1492 (6) "Home state" means the state of primary residence of a
1493 person.
1494 (7) "Issuing state" means the participating state that
1495 issues a wildlife citation to the violator.
1496 (8) "License" means any license, permit, or other public
1497 document that conveys to the person to whom it was issued the
1498 privilege of pursuing, possessing, or taking any wildlife
1499 regulated by statute, law, regulation, ordinance, or
1500 administrative rule of a participating state; any privilege to
1501 obtain such license, permit, or other public document; or any
1502 statutory exemption from the requirement to obtain such license,
1503 permit, or other public document. However, when applied to a
1504 license, permit, or privilege issued or granted by the State of
1505 Florida, only a license or permit issued under s. 379.354, or a
1506 privilege granted under s. 379.353, shall be considered a
1507 license.
1508 (9) "Licensing authority" means the department or division
1509 within each participating state which is authorized by law to
1510 issue or approve licenses or permits to hunt, fish, trap, or
1511 possess wildlife.
1512 (10) "Participating state" means any state that enacts

1513 legislation to become a member of this wildlife compact.
1514 (11) "Personal recognizance" means an agreement by a
1515 person made at the time of issuance of the wildlife citation
1516 that such person will comply with the terms of the citation.
1517 (12) "State" means any state, territory, or possession of
1518 the United States, the District of Columbia, the Commonwealth of
1519 Puerto Rico, the Provinces of Canada, and other countries.
1520 (13) "Suspension" means any revocation, denial, or
1521 withdrawal of any or all license privileges, including the
1522 privilege to apply for, purchase, or exercise the benefits
1523 conferred by any license.
1524 (14) "Terms of the citation" means those conditions and
1525 options expressly stated upon the citation.
1526 (15) "Wildlife" means all species of animals, including,
1527 but not limited to, mammals, birds, fish, reptiles, amphibians,
1528 mollusks, and crustaceans, which are defined as "wildlife" and
1529 are protected or otherwise regulated by statute, law,
1530 regulation, ordinance, or administrative rule in a participating
1531 state. Species included in the definition of "wildlife" vary
1532 from state to state and the determination of whether a species
1533 is "wildlife" for the purposes of this compact shall be based on
1534 local law.
1535 (16) "Wildlife law" means any statute, law, regulation,
1536 ordinance, or administrative rule developed and enacted for the
1537 management of wildlife resources and the uses thereof.
1538 (17) "Wildlife officer" means any individual authorized by
1539 a participating state to issue a citation for a wildlife
1540 violation.

1541 (18) "Wildlife violation" means any cited violation of a
1542 statute, law, regulation, ordinance, or administrative rule
1543 developed and enacted for the management of wildlife resources
1544 and the uses thereof.
1545
1546 ARTICLE III
1547 Procedures for Issuing State
1548
1549 (1) When issuing a citation for a wildlife violation, a
1550 wildlife officer shall issue a citation to any person whose
1551 primary residence is in a participating state in the same manner
1552 as though the person were a resident of the issuing state and
1553 shall not require such person to post collateral to secure
1554 appearance, subject to the exceptions noted in subsection (2),
1555 if the officer receives the recognizance of such person that he
1556 will comply with the terms of the citation.
1557 (2) Personal recognizance is acceptable if not prohibited
1558 by local law; by policy, procedure, or regulation of the issuing
1559 agency; or by the compact manual and if the violator provides
1560 adequate proof of identification to the wildlife officer.
1561 (3) Upon conviction or failure of a person to comply with
1562 the terms of a wildlife citation, the appropriate official shall
1563 report the conviction or failure to comply to the licensing
1564 authority of the participating state in which the wildlife
1565 citation was issued. The report shall be made in accordance with
1566 procedures specified by the issuing state and must contain
1567 information as specified in the compact manual as minimum
1568 requirements for effective processing by the home state.

1569 (4) Upon receipt of the report of conviction or
1570 noncompliance pursuant to subsection (3), the licensing
1571 authority of the issuing state shall transmit to the licensing
1572 authority of the home state of the violator the information in
1573 the form and content prescribed in the compact manual.
1574
1575 ARTICLE IV
1576 Procedure for Home State
1577
1578 (1) Upon receipt of a report from the licensing authority
1579 of the issuing state reporting the failure of a violator to
1580 comply with the terms of a citation, the licensing authority of
1581 the home state shall notify the violator and shall initiate a
1582 suspension action in accordance with the home state's suspension
1583 procedures and shall suspend the violator's license privileges
1584 until satisfactory evidence of compliance with the terms of the
1585 wildlife citation has been furnished by the issuing state to the
1586 home state licensing authority. Due-process safeguards shall be
1587 accorded.
1588 (2) Upon receipt of a report of conviction from the
1589 licensing authority of the issuing state, the licensing
1590 authority of the home state shall enter such conviction in its
1591 records and shall treat such conviction as though it occurred in
1592 the home state for purposes of the suspension of license
1593 privileges.
1594 (3) The licensing authority of the home state shall
1595 maintain a record of actions taken and shall make reports to
1596 issuing states as provided in the compact manual.

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1598 ARTICLE V

1599 Reciprocal Recognition of Suspension

1600

1601 (1) Each participating state may recognize the suspension
1602 of license privileges of any person by any other participating
1603 state as though the violation resulting in the suspension had
1604 occurred in that state and would have been the basis for
1605 suspension of license privileges in that state.

1606 (2) Each participating state shall communicate suspension
1607 information to other participating states in the form and
1608 content contained in the compact manual.

1609

1610 ARTICLE VI

1611 Applicability of Other Laws

1612

1613 Except as expressly required by provisions of this compact, this
1614 compact does not affect the right of any participating state to
1615 apply any of its laws relating to license privileges to any
1616 person or circumstance or to invalidate or prevent any agreement
1617 or other cooperative arrangement between a participating state
1618 and a nonparticipating state concerning the enforcement of
1619 wildlife laws.

1620

1621 ARTICLE VII

1622 Compact Administrator Procedures

1623

1624 (1) For the purpose of administering the provisions of

1625 this compact and to serve as a governing body for the resolution
1626 of all matters relating to the operation of this compact, a
1627 board of compact administrators is established. The board shall
1628 be composed of one representative from each of the participating
1629 states to be known as the compact administrator. The compact
1630 administrator shall be appointed by the head of the licensing
1631 authority of each participating state and shall serve and be
1632 subject to removal in accordance with the laws of the state he
1633 or she represents. A compact administrator may provide for the
1634 discharge of his or her duties and the performance of his or her
1635 functions as a board member by an alternate. An alternate is not
1636 entitled to serve unless written notification of his or her
1637 identity has been given to the board.
1638 (2) Each member of the board of compact administrators
1639 shall be entitled to one vote. No action of the board shall be
1640 binding unless taken at a meeting at which a majority of the
1641 total number of the board's votes are cast in favor thereof.
1642 Action by the board shall be only at a meeting at which a
1643 majority of the participating states are represented.
1644 (3) The board shall elect annually from its membership a
1645 chairperson ~~chairman~~ and vice chairperson ~~chairman~~.
1646 (4) The board shall adopt bylaws not inconsistent with the
1647 provisions of this compact or the laws of a participating state
1648 for the conduct of its business and shall have the power to
1649 amend and rescind its bylaws.
1650 (5) The board may accept for any of its purposes and
1651 functions under this compact any and all donations and grants of
1652 moneys, equipment, supplies, materials, and services,

1653 conditional or otherwise, from any state, the United States, or
1654 any governmental agency, and may receive, use, and dispose of
1655 the same.
1656 (6) The board may contract with, or accept services or
1657 personnel from, any governmental or intergovernmental agency,
1658 individual, firm, corporation, or private nonprofit organization
1659 or institution.
1660 (7) The board shall formulate all necessary procedures and
1661 develop uniform forms and documents for administering the
1662 provisions of this compact. All procedures and forms adopted
1663 pursuant to board action shall be contained in a compact manual.
1664
1665 ARTICLE VIII
1666 Entry into Compact and Withdrawal
1667
1668 (1) This compact shall become effective at such time as it
1669 is adopted in substantially similar form by two or more states.
1670 (2)
1671 (a) Entry into the compact shall be made by resolution of
1672 ratification executed by the authorized officials of the
1673 applying state and submitted to the chairperson ~~chairman~~ of the
1674 board.
1675 (b) The resolution shall substantially be in the form and
1676 content as provided in the compact manual and must include the
1677 following:
1678 1. A citation of the authority from which the state is
1679 empowered to become a party to this compact;
1680 2. An agreement of compliance with the terms and

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1681 provisions of this compact; and
1682 3. An agreement that compact entry is with all states
1683 participating in the compact and with all additional states
1684 legally becoming a party to the compact.
1685 (c) The effective date of entry shall be specified by the
1686 applying state, but may not be less than 60 days after notice
1687 has been given by the chairperson ~~chairman~~ of the board of the
1688 compact administrators or by the secretariat of the board to
1689 each participating state that the resolution from the applying
1690 state has been received.
1691 (3) A participating state may withdraw from participation
1692 in this compact by official written notice to each participating
1693 state, but withdrawal shall not become effective until 90 days
1694 after the notice of withdrawal is given. The notice must be
1695 directed to the compact administrator of each member state. The
1696 withdrawal of any state does not affect the validity of this
1697 compact as to the remaining participating states.
1698
1699 ARTICLE IX
1700 Amendments to the Compact
1701
1702 (1) This compact may be amended from time to time.
1703 Amendments shall be presented in resolution form to the
1704 chairperson ~~chairman~~ of the board of compact administrators and
1705 shall be initiated by one or more participating states.
1706 (2) Adoption of an amendment shall require endorsement by
1707 all participating states and shall become effective 30 days
1708 after the date of the last endorsement.

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1709
1710 ARTICLE X
1711 Construction and Severability
1712
1713 This compact shall be liberally construed so as to effectuate
1714 the purposes stated herein. The provisions of this compact are
1715 severable and if any phrase, clause, sentence, or provision of
1716 this compact is declared to be contrary to the constitution of
1717 any participating state or of the United States, or if the
1718 applicability thereof to any government, agency, individual, or
1719 circumstance is held invalid, the validity of the remainder of
1720 this compact shall not be affected thereby. If this compact is
1721 held contrary to the constitution of any participating state,
1722 the compact shall remain in full force and effect as to the
1723 remaining states and in full force and effect as to the
1724 participating state affected as to all severable matters.
1725
1726 ARTICLE XI
1727 Title
1728
1729 This compact shall be known as the "Wildlife Violator
1730 Compact."
1731 Reviser's note.—Amended pursuant to the directive of
1732 the Legislature in s. 1, ch. 93-199, Laws of Florida,
1733 to remove gender-specific references applicable to
1734 human beings from the Florida Statutes without
1735 substantive change in legal effect.
1736 Section 48. Paragraphs (b) and (c) of subsection (4) of

1737 section 381.026, Florida Statutes, are amended to read:
1738 381.026 Florida Patient's Bill of Rights and
1739 Responsibilities.—
1740 (4) RIGHTS OF PATIENTS.—Each health care facility or
1741 provider shall observe the following standards:
1742 (b) Information.—
1743 1. A patient has the right to know the name, function, and
1744 qualifications of each health care provider who is providing
1745 medical services to the patient. A patient may request such
1746 information from his or her responsible provider or the health
1747 care facility in which he or she is receiving medical services.
1748 2. A patient in a health care facility has the right to
1749 know what patient support services are available in the
1750 facility.
1751 3. A patient has the right to be given by his or her
1752 health care provider information concerning diagnosis, planned
1753 course of treatment, alternatives, risks, and prognosis, unless
1754 it is medically inadvisable or impossible to give this
1755 information to the patient, in which case the information must
1756 be given to the patient's guardian or a person designated as the
1757 patient's representative. A patient has the right to refuse this
1758 information.
1759 4. A patient has the right to refuse any treatment based
1760 on information required by this paragraph, except as otherwise
1761 provided by law. The responsible provider shall document any
1762 such refusal.
1763 5. A patient in a health care facility has the right to
1764 know what facility rules and regulations apply to patient

1765 conduct.
1766 6. A patient has the right to express grievances to a
1767 health care provider, a health care facility, or the appropriate
1768 state licensing agency regarding alleged violations of patients'
1769 rights. A patient has the right to know the health care
1770 provider's or health care facility's procedures for expressing a
1771 grievance.
1772 7. A patient in a health care facility who does not speak
1773 English has the right to be provided an interpreter when
1774 receiving medical services if the facility has a person readily
1775 available who can interpret on behalf of the patient.
1776 8. A health care provider or health care facility shall
1777 respect a patient's right to privacy and should refrain from
1778 making a written inquiry or asking questions concerning the
1779 ownership of a firearm or ammunition by the patient or by a
1780 family member of the patient, or the presence of a firearm in a
1781 private home or other domicile of the patient or a family member
1782 of the patient. Notwithstanding this provision, a health care
1783 provider or health care facility that in good faith believes
1784 that this information is relevant to the patient's medical care
1785 or safety, or safety <u>of</u> ~~or~~ others, may make such a verbal or
1786 written inquiry.
1787 9. A patient may decline to answer or provide any
1788 information regarding ownership of a firearm by the patient or a
1789 family member of the patient, or the presence of a firearm in
1790 the domicile of the patient or a family member of the patient. A
1791 patient's decision not to answer a question relating to the
1792 presence or ownership of a firearm does not alter existing law

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1793 regarding a physician's authorization to choose his or her
1794 patients.
1795 10. A health care provider or health care facility may not
1796 discriminate against a patient based solely upon the patient's
1797 exercise of the constitutional right to own and possess firearms
1798 or ammunition.
1799 11. A health care provider or health care facility shall
1800 respect a patient's legal right to own or possess a firearm and
1801 should refrain from unnecessarily harassing a patient about
1802 firearm ownership during an examination.
1803 (c) Financial information and disclosure.—
1804 1. A patient has the right to be given, upon request, by
1805 the responsible provider, his or her designee, or a
1806 representative of the health care facility full information and
1807 necessary counseling on the availability of known financial
1808 resources for the patient's health care.
1809 2. A health care provider or a health care facility shall,
1810 upon request, disclose to each patient who is eligible for
1811 Medicare, before treatment, whether the health care provider or
1812 the health care facility in which the patient is receiving
1813 medical services accepts assignment under Medicare reimbursement
1814 as payment in full for medical services and treatment rendered
1815 in the health care provider's office or health care facility.
1816 3. A primary care provider may publish a schedule of
1817 charges for the medical services that the provider offers to
1818 patients. The schedule must include the prices charged to an
1819 uninsured person paying for such services by cash, check, credit
1820 card, or debit card. The schedule must be posted in a

1821 conspicuous place in the reception area of the provider's office
1822 and must include, but is not limited to, the 50 services most
1823 frequently provided by the primary care provider. The schedule
1824 may group services by three price levels, listing services in
1825 each price level. The posting must be at least 15 square feet in
1826 size. A primary care provider who publishes and maintains a
1827 schedule of charges for medical services is exempt from the
1828 license fee requirements for a single period of renewal of a
1829 professional license under chapter 456 for that licensure term
1830 and is exempt from the continuing education requirements of
1831 chapter 456 and the rules implementing those requirements for a
1832 single 2-year period.
1833 4. If a primary care provider publishes a schedule of
1834 charges pursuant to subparagraph 3., he or she must continually
1835 post it at all times for the duration of active licensure in
1836 this state when primary care services are provided to patients.
1837 If a primary care provider fails to post the schedule of charges
1838 in accordance with this subparagraph, the provider shall be
1839 required to pay any license fee and comply with any continuing
1840 education requirements for which an exemption was received.
1841 5. A health care provider or a health care facility shall,
1842 upon request, furnish a person, before the provision of medical
1843 services, a reasonable estimate of charges for such services.
1844 The health care provider or the health care facility shall
1845 provide an uninsured person, before the provision of a planned
1846 nonemergency medical service, a reasonable estimate of charges
1847 for such service and information regarding the provider's or
1848 facility's discount or charity policies for which the uninsured

1849 person may be eligible. Such estimates by a primary care
1850 provider must be consistent with the schedule posted under
1851 subparagraph 3. Estimates shall, to the extent possible, be
1852 written in ~~a~~ language comprehensible to an ordinary layperson.
1853 Such reasonable estimate does not preclude the health care
1854 provider or health care facility from exceeding the estimate or
1855 making additional charges based on changes in the patient's
1856 condition or treatment needs.
1857 6. Each licensed facility not operated by the state shall
1858 make available to the public on its Internet website or by other
1859 electronic means a description of and a link to the performance
1860 outcome and financial data that is published by the agency
1861 pursuant to s. 408.05(3)(k). The facility shall place a notice
1862 in the reception area that such information is available
1863 electronically and the website address. The licensed facility
1864 may indicate that the pricing information is based on a
1865 compilation of charges for the average patient and that each
1866 patient's bill may vary from the average depending upon the
1867 severity of illness and individual resources consumed. The
1868 licensed facility may also indicate that the price of service is
1869 negotiable for eligible patients based upon the patient's
1870 ability to pay.
1871 7. A patient has the right to receive a copy of an
1872 itemized bill upon request. A patient has a right to be given an
1873 explanation of charges upon request.
1874 Reviser's note.—Paragraph (4)(b) is amended to confirm
1875 editorial substitution of the word "of" for the word
1876 "or." Paragraph (4)(c) is amended to delete the word

1877 "a" to improve clarity.
1878 Section 49. Subsection (17) of section 409.9122, Florida
1879 Statutes, is amended to read:
1880 409.9122 Mandatory Medicaid managed care enrollment;
1881 programs and procedures.—
1882 (17) The agency shall establish and maintain an
1883 information system to make encounter data, financial data, and
1884 other measures of plan performance available to the public and
1885 any interested party.
1886 (a) Information submitted by the managed care plans shall
1887 be available online as well as in other formats.
1888 (b) Periodic agency reports shall be published that
1889 include ~~provide~~ summary as well as plan specific measures of
1890 financial performance and service utilization.
1891 (c) Any release of the financial and encounter data
1892 submitted by managed care plans shall ensure the confidentiality
1893 of personal health information.
1894 Reviser's note.—Amended to confirm editorial insertion
1895 of the word "available" and deletion of the word
1896 "provide."
1897 Section 50. Paragraphs (c) and (e) of subsection (3) of
1898 section 409.966, Florida Statutes, are amended to read:
1899 409.966 Eligible plans; selection.—
1900 (3) QUALITY SELECTION CRITERIA.—
1901 (c) After negotiations are conducted, the agency shall
1902 select the eligible plans that are determined to be responsive
1903 and provide the best value to the state. Preference shall be
1904 given to plans that:

1905 1. Have signed contracts with primary and specialty
1906 physicians in sufficient numbers to meet the specific standards
1907 established pursuant to s. 409.967(2)(c) ~~409.967(2)(b)~~.
1908 2. Have well-defined programs for recognizing patient-
1909 centered medical homes and providing for increased compensation
1910 for recognized medical homes, as defined by the plan.
1911 3. Are organizations that are based in and perform
1912 operational functions in this state, in-house or through
1913 contractual arrangements, by staff located in this state. Using
1914 a tiered approach, the highest number of points shall be awarded
1915 to a plan that has all or substantially all of its operational
1916 functions performed in the state. The second highest number of
1917 points shall be awarded to a plan that has a majority of its
1918 operational functions performed in the state. The agency may
1919 establish a third tier; however, preference points may not be
1920 awarded to plans that perform only community outreach, medical
1921 director functions, and state administrative functions in the
1922 state. For purposes of this subparagraph, operational functions
1923 include claims processing, member services, provider relations,
1924 utilization and prior authorization, case management, disease
1925 and quality functions, and finance and administration. For
1926 purposes of this subparagraph, the term "based in this state"
1927 means that the entity's principal office is in this state and
1928 the plan is not a subsidiary, directly or indirectly through one
1929 or more subsidiaries of, or a joint venture with, any other
1930 entity whose principal office is not located in the state.
1931 4. Have contracts or other arrangements for cancer disease
1932 management programs that have a proven record of clinical

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1933 efficiencies and cost savings.
1934 5. Have contracts or other arrangements for diabetes
1935 disease management programs that have a proven record of
1936 clinical efficiencies and cost savings.
1937 6. Have a claims payment process that ensures that claims
1938 that are not contested or denied will be promptly paid pursuant
1939 to s. 641.3155.
1940 (e) To ensure managed care plan participation in Regions 1
1941 and 2, the agency shall award an additional contract to each
1942 plan with a contract award in Region 1 or Region 2. Such
1943 contract shall be in any other region in which the plan
1944 submitted a responsive bid and negotiates a rate acceptable to
1945 the agency. If a plan that is awarded an additional contract
1946 pursuant to this paragraph is subject to penalties pursuant to
1947 s. 409.967(2)(h) ~~s. 409.967(2)(g)~~ for activities in Region 1 or
1948 Region 2, the additional contract is automatically terminated
1949 180 days after the imposition of the penalties. The plan must
1950 reimburse the agency for the cost of enrollment changes and
1951 other transition activities.
1952 Reviser's note.—Paragraph (3)(c) is amended to
1953 substitute a reference to s. 409.967(2)(c) for a
1954 reference to s. 409.967(2)(b). Section 409.967(2)(c)
1955 establishes standards for access to care. Section
1956 409.967(2)(b) references emergency services. Paragraph
1957 (3)(e) is amended to substitute a reference to s.
1958 409.967(2)(h) for a reference to s. 409.967(2)(g).
1959 Section 409.967(2)(h) relates to penalties. Section
1960 409.967(2)(g) relates to grievance resolution.

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1961 Section 51. Subsection (1) of section 409.972, Florida
1962 Statutes, is amended to read:
1963 409.972 Mandatory and voluntary enrollment.—
1964 (1) Persons eligible for the program known as "medically
1965 needy" pursuant to s. 409.904(2) ~~409.904(2)(a)~~ shall enroll in
1966 managed care plans. Medically needy recipients shall meet the
1967 share of the cost by paying the plan premium, up to the share of
1968 the cost amount, contingent upon federal approval.
1969 Reviser's note.—Amended to conform to the repeal of s.
1970 409.904(2)(b) by s. 3, ch. 2011-61, Laws of Florida,
1971 which resulted in subsection (2) having no subunits.
1972 Section 52. Paragraph (e) of subsection (4) of section
1973 409.973, Florida Statutes, is amended to read:
1974 409.973 Benefits.—
1975 (4) PRIMARY CARE INITIATIVE.—Each plan operating in the
1976 managed medical assistance program shall establish a program to
1977 encourage enrollees to establish a relationship with their
1978 primary care provider. Each plan shall:
1979 (e) Report to the agency the number of emergency room
1980 visits by enrollees who have not had at ~~a~~ least one appointment
1981 with their primary care provider.
1982 Reviser's note.—Amended to confirm editorial
1983 substitution of the word "at" for the word "a."
1984 Section 53. Subsection (2) of section 409.974, Florida
1985 Statutes, is amended to read:
1986 409.974 Eligible plans.—
1987 (2) QUALITY SELECTION CRITERIA.—In addition to the
1988 criteria established in s. 409.966, the agency shall consider

1989 evidence that an eligible plan has written agreements or signed
1990 contracts or has made substantial progress in establishing
1991 relationships with providers before the plan submitting a
1992 response. The agency shall evaluate and give special weight to
1993 evidence of signed contracts with essential providers as defined
1994 by the agency pursuant to s. 409.975(1) ~~409.975(2)~~. The agency
1995 shall exercise a preference for plans with a provider network in
1996 which over 10 percent of the providers use electronic health
1997 records, as defined in s. 408.051. When all other factors are
1998 equal, the agency shall consider whether the organization has a
1999 contract to provide managed long-term care services in the same
2000 region and shall exercise a preference for such plans.
2001 Reviser's note.—Amended to substitute a reference to
2002 s. 409.975(1) for a reference to s. 409.975(2).
2003 Material concerning essential providers is in s.
2004 409.975(1). Section 409.975(2) relates to the Florida
2005 Medical Schools Quality Network.
2006 Section 54. Subsection (1) of section 409.975, Florida
2007 Statutes, is amended to read:
2008 409.975 Managed care plan accountability.—In addition to
2009 the requirements of s. 409.967, plans and providers
2010 participating in the managed medical assistance program shall
2011 comply with the requirements of this section.
2012 (1) PROVIDER NETWORKS.—Managed care plans must develop and
2013 maintain provider networks that meet the medical needs of their
2014 enrollees in accordance with standards established pursuant to
2015 s. 409.967(2)(c) ~~409.967(2)(b)~~. Except as provided in this
2016 section, managed care plans may limit the providers in their

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2017 networks based on credentials, quality indicators, and price.
2018 (a) Plans must include all providers in the region that
2019 are classified by the agency as essential Medicaid providers,
2020 unless the agency approves, in writing, an alternative
2021 arrangement for securing the types of services offered by the
2022 essential providers. Providers are essential for serving
2023 Medicaid enrollees if they offer services that are not available
2024 from any other provider within a reasonable access standard, or
2025 if they provided a substantial share of the total units of a
2026 particular service used by Medicaid patients within the region
2027 during the last 3 years and the combined capacity of other
2028 service providers in the region is insufficient to meet the
2029 total needs of the Medicaid patients. The agency may not
2030 classify physicians and other practitioners as essential
2031 providers. The agency, at a minimum, shall determine which
2032 providers in the following categories are essential Medicaid
2033 providers:
2034 1. Federally qualified health centers.
2035 2. Statutory teaching hospitals as defined in s.
2036 408.07(45).
2037 3. Hospitals that are trauma centers as defined in s.
2038 395.4001(14).
2039 4. Hospitals located at least 25 miles from any other
2040 hospital with similar services.
2041
2042 Managed care plans that have not contracted with all essential
2043 providers in the region as of the first date of recipient
2044 enrollment, or with whom an essential provider has terminated

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2045 its contract, must negotiate in good faith with such essential
2046 providers for 1 year or until an agreement is reached, whichever
2047 is first. Payments for services rendered by a nonparticipating
2048 essential provider shall be made at the applicable Medicaid rate
2049 as of the first day of the contract between the agency and the
2050 plan. A rate schedule for all essential providers shall be
2051 attached to the contract between the agency and the plan. After
2052 1 year, managed care plans that are unable to contract with
2053 essential providers shall notify the agency and propose an
2054 alternative arrangement for securing the essential services for
2055 Medicaid enrollees. The arrangement must rely on contracts with
2056 other participating providers, regardless of whether those
2057 providers are located within the same region as the
2058 nonparticipating essential service provider. If the alternative
2059 arrangement is approved by the agency, payments to
2060 nonparticipating essential providers after the date of the
2061 agency's approval shall equal 90 percent of the applicable
2062 Medicaid rate. If the alternative arrangement is not approved by
2063 the agency, payment to nonparticipating essential providers
2064 shall equal 110 percent of the applicable Medicaid rate.
2065 (b) Certain providers are statewide resources and
2066 essential providers for all managed care plans in all regions.
2067 All managed care plans must include these essential providers in
2068 their networks. Statewide essential providers include:
2069 1. Faculty plans of Florida medical schools.
2070 2. Regional perinatal intensive care centers as defined in
2071 s. 383.16(2).
2072 3. Hospitals licensed as specialty children's hospitals as

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2073 defined in s. 395.002(28).
2074 4. Accredited and integrated systems serving medically
2075 complex children that are comprised of separately licensed, but
2076 commonly owned, health care providers delivering at least the
2077 following services: medical group home, in-home and outpatient
2078 nursing care and therapies, pharmacy services, durable medical
2079 equipment, and Prescribed Pediatric Extended Care.
2080
2081 Managed care plans that have not contracted with all statewide
2082 essential providers in all regions as of the first date of
2083 recipient enrollment must continue to negotiate in good faith.
2084 Payments to physicians on the faculty of nonparticipating
2085 Florida medical schools shall be made at the applicable Medicaid
2086 rate. Payments for services rendered by regional perinatal
2087 intensive care centers shall be made at the applicable Medicaid
2088 rate as of the first day of the contract between the agency and
2089 the plan. Payments to nonparticipating specialty children's
2090 hospitals shall equal the highest rate established by contract
2091 between that provider and any other Medicaid managed care plan.
2092 (c) After 12 months of active participation in a plan's
2093 network, the plan may exclude any essential provider from the
2094 network for failure to meet quality or performance criteria. If
2095 the plan excludes an essential provider from the plan, the plan
2096 must provide written notice to all recipients who have chosen
2097 that provider for care. The notice shall be provided at least 30
2098 days before the effective date of the exclusion.
2099 (d) Each managed care plan must offer a network contract
2100 to each home medical equipment and supplies provider in the

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2101 region which meets quality and fraud prevention and detection
2102 standards established by the plan and which agrees to accept the
2103 lowest price previously negotiated between the plan and another
2104 such provider.
2105 Reviser's note.—Amended to substitute a reference to
2106 s. 409.967(2)(c) for a reference to s. 409.967(2)(b).
2107 Section 409.967(2)(c) establishes standards for access
2108 to care. Section 409.067(2)(b) references emergency
2109 services.
2110 Section 55. Paragraph (b) of subsection (4) of section
2111 409.983, Florida Statutes, is amended to read:
2112 409.983 Long-term care managed care plan payment.—In
2113 addition to the payment provisions of s. 409.968, the agency
2114 shall provide payment to plans in the long-term care managed
2115 care program pursuant to this section.
2116 (4) The initial assessment of an enrollee's level of care
2117 shall be made by the Comprehensive Assessment and Review for
2118 Long-Term-Care Services (CARES) program, which shall assign the
2119 recipient into one of the following levels of care:
2120 (b) Level of care 2 consists of recipients at imminent
2121 risk of nursing home placement, as evidenced by the need for the
2122 constant availability of routine medical and nursing treatment
2123 and care, and who require extensive health-related care and
2124 services because of mental or physical incapacitation.
2125
2126 The agency shall periodically adjust payment rates to account
2127 for changes in the level of care profile for each managed care
2128 plan based on encounter data.

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2129 Reviser's note.—Amended to confirm editorial insertion
2130 of the word "who."
2131 Section 56. Subsection (3) of section 409.984, Florida
2132 Statutes, is amended to read:
2133 409.984 Enrollment in a long-term care managed care plan.—
2134 (3) Notwithstanding s. 409.969(2) ~~409.969(3)(c)~~, if a
2135 recipient is referred for hospice services, the recipient has 30
2136 days during which the recipient may select to enroll in another
2137 managed care plan to access the hospice provider of the
2138 recipient's choice.
2139 Reviser's note.—Amended to substitute a reference to
2140 s. 409.969(2) for a reference to s. 409.969(3)(c).
2141 Section 409.969(2) references a 90-day period during
2142 which a Medicaid recipient may disenroll and select
2143 another plan. Section 409.969(3)(c) does not exist.
2144 Section 57. Paragraph (b) of subsection (3) of section
2145 409.985, Florida Statutes, is amended to read:
2146 409.985 Comprehensive Assessment and Review for Long-Term
2147 Care Services (CARES) Program.—
2148 (3) The CARES program shall determine if an individual
2149 requires nursing facility care and, if the individual requires
2150 such care, assign the individual to a level of care as described
2151 in s. 409.983(4). When determining the need for nursing facility
2152 care, consideration shall be given to the nature of the services
2153 prescribed and which level of nursing or other health care
2154 personnel meets the qualifications necessary to provide such
2155 services and the availability to and access by the individual of
2156 community or alternative resources. For the purposes of the

2157 long-term care managed care program, the term "nursing facility
2158 care" means the individual:
2159 (b) Requires or is at imminent risk of nursing home
2160 placement as evidenced by the need for observation throughout a
2161 24-hour period and care and the constant availability of medical
2162 and nursing treatment and requires services on a daily or
2163 intermittent basis that are to be performed under the
2164 supervision of licensed nursing or other health professionals
2165 because the individual ~~who~~ is incapacitated mentally or
2166 physically; or
2167 Reviser's note.—Amended to confirm editorial deletion
2168 of the word "who."
2169 Section 58. Subsection (1) of section 420.602, Florida
2170 Statutes, is amended to read:
2171 420.602 Definitions.—As used in this part, the following
2172 terms shall have the following meanings, unless the context
2173 otherwise requires:
2174 (1) "Adjusted for family size" means adjusted in a manner
2175 which results in an income eligibility level which is lower for
2176 households with fewer than four people, or higher for households
2177 with more than four people, than the base income eligibility
2178 level determined as provided in subsection (9) ~~(8)~~, subsection
2179 (10) ~~(9)~~, or subsection (12), based upon a formula as
2180 established by rule of the corporation.
2181 Reviser's note.—Amended to conform to the
2182 redesignation of subsections (8) and (9) as
2183 subsections (9) and (10) by s. 333, ch. 2011-142, Laws
2184 of Florida.

2185 Section 59. Paragraph (g) of subsection (1) of section
2186 427.012, Florida Statutes, is amended to read:
2187 427.012 The Commission for the Transportation
2188 Disadvantaged.—There is created the Commission for the
2189 Transportation Disadvantaged in the Department of
2190 Transportation.
2191 (1) The commission shall consist of seven members, all of
2192 whom shall be appointed by the Governor, in accordance with the
2193 requirements of s. 20.052.
2194 (g) The Secretary of Transportation, the Secretary of
2195 Children and Family Services, the executive director of the
2196 Department of Economic Opportunity, the executive director of
2197 the Department of Veterans' Affairs, the Secretary of Elderly
2198 Affairs, the Secretary of Health Care Administration, the
2199 director of the Agency for Persons with Disabilities, and a
2200 county manager or administrator who is appointed by the
2201 Governor, or a senior management level representative of each,
2202 shall serve as ex officio, nonvoting advisors to the commission.
2203 Reviser's note.—Amended to confirm editorial insertion
2204 of the words "the Department of" to conform to the
2205 complete name of the department.
2206 Section 60. Paragraph (b) of subsection (2) of section
2207 440.45, Florida Statutes, is amended to read:
2208 440.45 Office of the Judges of Compensation Claims.—
2209 (2)
2210 (b) Except as provided in paragraph (c), the Governor
2211 shall appoint a judge of compensation claims from a list of
2212 three persons nominated by a statewide nominating commission.

2213 The statewide nominating commission shall be composed of the
2214 following:
2215 1. Five members, at least one of whom must be a member of
2216 a minority group as defined in s. 288.703, one of each who
2217 resides in each of the territorial jurisdictions of the district
2218 courts of appeal, appointed by the Board of Governors of The
2219 Florida Bar from among The Florida Bar members who are engaged
2220 in the practice of law. ~~On July 1, 1999, the term of office of~~
2221 ~~each person appointed by the Board of Governors of The Florida~~
2222 ~~Bar to the commission expires.~~ The Board of Governors shall
2223 appoint members who reside in the odd-numbered district court of
2224 appeal jurisdictions to 4-year terms each, beginning July 1,
2225 1999, and members who reside in the even-numbered district court
2226 of appeal jurisdictions to 2-year terms each, beginning July 1,
2227 1999. Thereafter, each member shall be appointed for a 4-year
2228 term;
2229 2. Five electors, at least one of whom must be a member of
2230 a minority group as defined in s. 288.703, one of each who
2231 resides in each of the territorial jurisdictions of the district
2232 courts of appeal, appointed by the Governor. ~~On July 1, 1999,~~
2233 ~~the term of office of each person appointed by the Governor to~~
2234 ~~the commission expires.~~ The Governor shall appoint members who
2235 reside in the odd-numbered district court of appeal
2236 jurisdictions to 2-year terms each, beginning July 1, 1999, and
2237 members who reside in the even-numbered district court of appeal
2238 jurisdictions to 4-year terms each, beginning July 1, 1999.
2239 Thereafter, each member shall be appointed for a 4-year term;
2240 and

2241 3. Five electors, at least one of whom must be a member of
2242 a minority group as defined in s. 288.703, one of each who
2243 resides in the territorial jurisdictions of the district courts
2244 of appeal, selected and appointed by a majority vote of the
2245 other 10 members of the commission. ~~On October 1, 1999, the term~~
2246 ~~of office of each person appointed to the commission by its~~
2247 ~~other members expires.~~ A majority of the other members of the
2248 commission shall appoint members who reside in the odd-numbered
2249 district court of appeal jurisdictions to 2-year terms each~~,~~
2250 beginning October 1, 1999, and members who reside in the even-
2251 numbered district court of appeal jurisdictions to 4-year terms
2252 each, beginning October 1, 1999. Thereafter, each member shall
2253 be appointed for a 4-year term.
2254
2255 A vacancy occurring on the commission shall be filled by the
2256 original appointing authority for the unexpired balance of the
2257 term. No attorney who appears before any judge of compensation
2258 claims more than four times a year is eligible to serve on the
2259 statewide nominating commission. The meetings and determinations
2260 of the nominating commission as to the judges of compensation
2261 claims shall be open to the public.
2262 Reviser's note.—Amended to delete obsolete provisions.
2263 Section 61. Subsection (26) of section 443.036, Florida
2264 Statutes, is amended to read:
2265 443.036 Definitions.—As used in this chapter, the term:
2266 (26) "Initial skills review" means an online education or
2267 training program, such as that established under s. <u>445.06</u>
2268 ~~1004.99~~, that is approved by the Agency for Workforce Innovation

2269 and designed to measure an individual's mastery level of
2270 workplace skills.
2271 Reviser's note.—Amended to conform to the transfer of
2272 s. 1004.99 to s. 445.06 by s. 476, ch. 2011-142, Laws
2273 of Florida.
2274 Section 62. Paragraph (f) of subsection (13) of section
2275 443.1216, Florida Statutes, is amended to read:
2276 443.1216 Employment.—Employment, as defined in s. 443.036,
2277 is subject to this chapter under the following conditions:
2278 (13) The following are exempt from coverage under this
2279 chapter:
2280 (f) Service performed in the employ of a public employer
2281 as defined in s. 443.036, except as provided in subsection (2),
2282 and service performed in the employ of an instrumentality of a
2283 public employer as described in s. 443.036(36)(b) or (c)
2284 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
2285 immune under the United States Constitution from the tax imposed
2286 by s. 3301 of the Internal Revenue Code for that service.
2287 Reviser's note.—Amended to conform to the
2288 redesignation of subunits within s. 443.036 by s. 3,
2289 ch. 2011-235, Laws of Florida.
2290 Section 63. Paragraph (d) of subsection (1) of section
2291 468.841, Florida Statutes, is amended to read:
2292 468.841 Exemptions.—
2293 (1) The following persons are not required to comply with
2294 any provisions of this part relating to mold assessment:
2295 (d) Persons or business organizations acting within the
2296 scope of the respective licenses required under part XV of this

2297 chapter, chapter 471, part I of chapter 481, chapter 482, or
2298 chapter 489 ~~or part XV of this chapter~~ are acting on behalf of
2299 an insurer under part VI of chapter 626, or are persons in the
2300 manufactured housing industry who are licensed under chapter
2301 320, except when any such persons or business organizations hold
2302 themselves out for hire to the public as a "certified mold
2303 assessor," "registered mold assessor," "licensed mold assessor,"
2304 "mold assessor," "professional mold assessor," or any
2305 combination thereof stating or implying licensure under this
2306 part.
2307 Reviser's note.—Amended to confirm editorial deletion
2308 of the words "or part XV of this chapter" to eliminate
2309 redundancy.
2310 Section 64. Paragraph (a) of subsection (5) of section
2311 474.203, Florida Statutes, is amended to read:
2312 474.203 Exemptions.—This chapter does not apply to:
2313 (5)(a) Any person, or the person's regular employee,
2314 administering to the ills or injuries of her or his own animals,
2315 including, but not limited to, castration, spaying, and
2316 dehorning of herd animals, unless title is transferred or
2317 employment provided for the purpose of circumventing this law.
2318 This exemption does not apply to any person licensed as a
2319 veterinarian in another state or foreign jurisdiction and ~~is~~
2320 practicing temporarily in this state. However, only a
2321 veterinarian may immunize or treat an animal for diseases that
2322 are communicable to humans and that are of public health
2323 significance.
2324

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2325 For the purposes of chapters 465 and 893, persons exempt
2326 pursuant to subsection (1), subsection (2), or subsection (4)
2327 are deemed to be duly licensed practitioners authorized by the
2328 laws of this state to prescribe drugs or medicinal supplies.
2329 Reviser's note.—Amended to confirm editorial deletion
2330 of the word "is."
2331 Section 65. Subsection (1) of section 474.2125, Florida
2332 Statutes, is amended to read:
2333 474.2125 Temporary license.—
2334 (1) The board shall adopt rules providing for the issuance
2335 of a temporary license to a licensed veterinarian of another
2336 state for the purpose of enabling her or him to provide
2337 veterinary medical services in this state for the animals of a
2338 specific owner or, as may be needed in an emergency as defined
2339 in s. 252.34(3) ~~252.34(2)~~, for the animals of multiple owners,
2340 provided the applicant would qualify for licensure by
2341 endorsement under s. 474.217. No temporary license shall be
2342 valid for more than 30 days after its issuance, and no license
2343 shall cover more than the treatment of the animals of one owner
2344 except in an emergency as defined in s. 252.34(3) ~~252.34(2)~~.
2345 After the expiration of 30 days, a new license is required.
2346 Reviser's note.—Amended to conform to the correct
2347 location of the definition of the word "emergency."
2348 Section 66. Subsection (3) of section 493.6402, Florida
2349 Statutes, is amended to read:
2350 493.6402 Fees.—
2351 (3) The fees set forth in this section must be paid by
2352 check or money order, or, at the discretion of the department,

2353 by ~~or~~ electronic funds transfer at the time the application is
2354 approved, except that the applicant for a Class "E," Class "EE,"
2355 or Class "MR" license must pay the license fee at the time the
2356 application is made. If a license is revoked or denied, or if an
2357 application is withdrawn, the license fee is nonrefundable.
2358 Reviser's note.—Amended to confirm editorial deletion
2359 of the word "or."
2360 Section 67. Paragraph (o) of subsection (8) of section
2361 499.012, Florida Statutes, is amended to read:
2362 499.012 Permit application requirements.—
2363 (8) An application for a permit or to renew a permit for a
2364 prescription drug wholesale distributor or an out-of-state
2365 prescription drug wholesale distributor submitted to the
2366 department must include:
2367 (o) Documentation of the credentialing policies and
2368 procedures required by s. <u>499.0121(15)</u> ~~499.0121(14)~~.
2369 Reviser's note.—Amended to correct an apparent error.
2370 Section 499.0121(15) references credentialing. Section
2371 499.0121(14) references distribution reporting.
2372 Section 68. Subsection (2) of section 514.0315, Florida
2373 Statutes, is amended to read:
2374 514.0315 Required safety features for public swimming
2375 pools and spas.—
2376 (2) A public swimming pool or spa built before January 1,
2377 1993, with a single main drain other than an unblockable drain
2378 must be equipped with at least one of the following features
2379 that complies with any American Society of Mechanical Engineers,
2380 American National Standards Institute, American <u>Society</u> ~~Standard~~

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2381 for Testing and Materials, or other applicable consumer product
2382 safety standard for such system or device and protects against
2383 evisceration and body-and-limb suction entrapment:
2384 (a) A safety vacuum release system that ceases operation
2385 of the pump, reverses the circulation flow, or otherwise
2386 provides a vacuum release at a suction outlet when a blockage is
2387 detected and that has been tested by an independent third party
2388 and found to conform to American Society of Mechanical
2389 Engineers/American National Standards Institute standard
2390 A112.19.17, American Society ~~Standard~~ for Testing and Materials
2391 standard ~~26~~ F2387, or any successor standard.
2392 (b) A suction-limiting vent system with a tamper-resistant
2393 atmospheric opening.
2394 (c) A gravity drainage system that uses a collector tank.
2395 (d) An automatic pump shut-off system.
2396 (e) A device or system that disables the drain.
2397 Reviser's note.—The introductory paragraph of
2398 subsection (2) and paragraph (2)(a) are amended to
2399 confirm editorial substitution of the word "Society"
2400 for the word "Standard" to conform to the correct name
2401 of the society. Paragraph (2)(a) is also amended to
2402 confirm editorial deletion of the number "26" to
2403 conform to the fact that there is no standard 26
2404 F2387, only a standard F2387.
2405 Section 69. Section 514.072, Florida Statutes, is amended
2406 to read:
2407 514.072 Certification of swimming instructors for people
2408 who have developmental disabilities required.—Any person working

2409 at a swimming pool who holds himself or herself out as a
2410 swimming instructor specializing in training people who have
2411 developmental disabilities, as defined in s. 393.063(9)
2412 ~~393.063(10)~~, may be certified by the Dan Marino Foundation,
2413 Inc., in addition to being certified under s. 514.071. The Dan
2414 Marino Foundation, Inc., must develop certification requirements
2415 and a training curriculum for swimming instructors for people
2416 who have developmental disabilities and must submit the
2417 certification requirements to the Department of Health for
2418 review by January 1, 2007. A person certified under s. 514.071
2419 before July 1, 2007, must meet the additional certification
2420 requirements of this section before January 1, 2008. A person
2421 certified under s. 514.071 on or after July 1, 2007, must meet
2422 the additional certification requirements of this section within
2423 6 months after receiving certification under s. 514.071.
2424 Reviser's note.—Amended to correct an apparent error
2425 and facilitate correct interpretation. "Developmental
2426 disabilities center" is defined in s. 393.063(10);
2427 "developmental disability" is defined in s.
2428 393.063(9).
2429 Section 70. Section 526.207, Florida Statutes, is amended
2430 to read:
2431 526.207 Studies and reports.—
2432 ~~(1)~~ The Department of Agriculture and Consumer Services
2433 shall conduct a study to evaluate and recommend the life-cycle
2434 greenhouse gas emissions associated with all renewable fuels,
2435 including, but not limited to, biodiesel, renewable diesel,
2436 biobutanol, and ethanol derived from any source. In addition,

2437 the department shall evaluate and recommend a requirement that
2438 all renewable fuels introduced into commerce in the state, as a
2439 result of the renewable fuel standard, shall reduce the life-
2440 cycle greenhouse gas emissions by an average percentage. The
2441 department may also evaluate and recommend any benefits
2442 associated with the creation, banking, transfer, and sale of
2443 credits among fuel refiners, blenders, and importers.
2444 ~~(2) The Department of Agriculture and Consumer Services~~
2445 ~~shall submit a report containing specific recommendations to the~~
2446 ~~President of the Senate and the Speaker of the House of~~
2447 ~~Representatives no later than December 31, 2010.~~
2448 Reviser's note.—Amended to delete a provision that has
2449 served its purpose.
2450 Section 71. Subsection (1) of section 538.09, Florida
2451 Statutes, is amended to read:
2452 538.09 Registration.—
2453 (1) A secondhand dealer shall not engage in the business
2454 of purchasing, consigning, or trading secondhand goods from any
2455 location without registering with the Department of Revenue. A
2456 fee equal to the federal and state costs for processing required
2457 fingerprints must be submitted to the department with each
2458 application for registration. One application is required for
2459 each dealer. If a secondhand dealer is the owner of more than
2460 one secondhand store location, the application must list each
2461 location, and the department shall issue a duplicate
2462 registration for each location. For purposes of subsections (4)
2463 and (5) of this section, these duplicate registrations shall be
2464 deemed individual registrations. A dealer shall pay a fee of $6

2465 per location at the time of registration and an annual renewal
2466 fee of $6 per location on October 1 of each year. All fees
2467 collected, less costs of administration, shall be transferred
2468 into the Operating ~~Operations~~ Trust Fund. The Department of
2469 Revenue shall forward the full set of fingerprints to the
2470 Department of Law Enforcement for state and federal processing,
2471 provided the federal service is available, to be processed for
2472 any criminal justice information as defined in s. 943.045. The
2473 cost of processing such fingerprints shall be payable to the
2474 Department of Law Enforcement by the Department of Revenue. The
2475 department may issue a temporary registration to each location
2476 pending completion of the background check by state and federal
2477 law enforcement agencies, but shall revoke such temporary
2478 registration if the completed background check reveals a
2479 prohibited criminal background. An applicant for a secondhand
2480 dealer registration must be a natural person who has reached the
2481 age of 18 years.
2482 (a) If the applicant is a partnership, all the partners
2483 must apply.
2484 (b) If the applicant is a joint venture, association, or
2485 other noncorporate entity, all members of such joint venture,
2486 association, or other noncorporate entity must make application
2487 for registration as natural persons.
2488 (c) If the applicant is a corporation, the registration
2489 must include the name and address of such corporation's
2490 registered agent for service of process in the state and a
2491 certified copy of statement from the Secretary of State that the
2492 corporation is duly organized in the state or, if the

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2493 corporation is organized in a state other than Florida, a
2494 certified copy of statement from the Secretary of State that the
2495 corporation is duly qualified to do business in this state. If
2496 the dealer has more than one location, the application must list
2497 each location owned by the same legal entity and the department
2498 shall issue a duplicate registration for each location.
2499 Reviser's note.—Amended to confirm editorial
2500 substitution of the word "Operating" for the word
2501 "Operations" to conform to the renaming of the trust
2502 fund by s. 1, ch. 2011-28, Laws of Florida.
2503 Section 72. Paragraph (a) of subsection (1) of section
2504 538.25, Florida Statutes, is amended to read:
2505 538.25 Registration.—
2506 (1) No person shall engage in business as a secondary
2507 metals recycler at any location without registering with the
2508 department.
2509 (a) A fee equal to the federal and state costs for
2510 processing required fingerprints must be submitted to the
2511 department with each application for registration. One
2512 application is required for each secondary metals recycler. If a
2513 secondary metals recycler is the owner of more than one
2514 secondary metals recycling location, the application must list
2515 each location, and the department shall issue a duplicate
2516 registration for each location. For purposes of subsections (3),
2517 (4), and (5), these duplicate registrations shall be deemed
2518 individual registrations. A secondary metals recycler shall pay
2519 a fee of $6 per location at the time of registration and an
2520 annual renewal fee of $6 per location on October 1 of each year.

2521 All fees collected, less costs of administration, shall be
2522 transferred into the Operating ~~Operations~~ Trust Fund.
2523 Reviser's note.—Amended to confirm editorial
2524 substitution of the word "Operating" for the word
2525 "Operations" to conform to the renaming of the trust
2526 fund by s. 1, ch. 2011-28, Laws of Florida.
2527 Section 73. Paragraph (a) of subsection (5) and subsection
2528 (11) of section 553.79, Florida Statutes, are amended to read:
2529 553.79 Permits; applications; issuance; inspections.—
2530 (5)(a) The enforcing agency shall require a special
2531 inspector to perform structural inspections on a threshold
2532 building pursuant to a structural inspection plan prepared by
2533 the engineer or architect of record. The structural inspection
2534 plan must be submitted to and approved by the enforcing agency
2535 prior to the issuance of a building permit for the construction
2536 of a threshold building. The purpose of the structural
2537 inspection plan is to provide specific inspection procedures and
2538 schedules so that the building can be adequately inspected for
2539 compliance with the permitted documents. The special inspector
2540 may not serve as a surrogate in carrying out the
2541 responsibilities of the building official, the architect, or the
2542 engineer of record. The contractor's contractual or statutory
2543 obligations are not relieved by any action of the special
2544 inspector. The special inspector shall determine that a
2545 professional engineer who specializes in shoring design has
2546 inspected the shoring and reshoring for conformance with the
2547 shoring and reshoring plans submitted to the enforcing agency. A
2548 fee simple title owner of a building, which does not meet the

2549 minimum size, height, occupancy, occupancy classification, or
2550 number-of-stories criteria which would result in classification
2551 as a threshold building under s. 553.71(11) ~~553.71(7)~~, may
2552 designate such building as a threshold building, subject to more
2553 than the minimum number of inspections required by the Florida
2554 Building Code.
2555 (11) Nothing in this section shall be construed to alter
2556 or supplement the provisions of part I ~~IV~~ of this chapter
2557 relating to manufactured buildings.
2558 Reviser's note.—Paragraph (5)(a) is amended to conform
2559 to the redesignation of s. 553.71(7) as s. 553.71(11)
2560 by s. 413, ch. 2011-142, Laws of Florida. Subsection
2561 (11) is amended to conform to context; part I of
2562 chapter 553 relates to manufactured buildings; part IV
2563 relates to the Florida Building Code.
2564 Section 74. Section 590.33, Florida Statutes, is amended
2565 to read:
2566 590.33 State compact administrator; compact advisory
2567 committee.—In pursuance of art. III of the compact, the director
2568 of the division shall act as compact administrator for Florida
2569 of the Southeastern Interstate Forest Fire Protection Compact
2570 during his or her term of office as director, and his or her
2571 successor as compact administrator shall be his or her successor
2572 as director of the division. As compact administrator, he or she
2573 shall be an ex officio member of the advisory committee of the
2574 Southeastern Interstate Forest Fire Protection Compact, and
2575 chair ex officio of the Florida members of the advisory
2576 committee. There shall be four members of the Southeastern

2577 Interstate Forest Fire Protection Compact Advisory Committee
2578 from Florida. Two of the members from Florida shall be members
2579 of the Legislature of Florida, one from the Senate designated by
2580 the President of the Senate and one from the House of
2581 Representatives designated by the Speaker of the House of
2582 Representatives, and the terms of any such members shall
2583 terminate at the time they cease to hold legislative office, and
2584 their successors as members shall be named in like manner. The
2585 Governor shall appoint the other two members from Florida, one
2586 of whom shall be associated with forestry or forest products
2587 industries. The terms of such members shall be 3 years and such
2588 members shall hold office until their respective successors
2589 shall be appointed and qualified. Vacancies occurring in the
2590 office of such members from any reason or cause shall be filled
2591 by appointment by the Governor for the unexpired term. The
2592 director of the division as compact administrator for Florida
2593 may delegate, from time to time, to any deputy or other
2594 subordinate in his or her department or office, the power to be
2595 present and participate, including voting as his or her
2596 representative or substitute at any meeting of or hearing by or
2597 other proceeding of the compact administrators or of the
2598 advisory committee. The terms of each of the initial four
2599 memberships, whether appointed at said time or not, shall begin
2600 upon the date upon which the compact shall become effective in
2601 accordance with art. II of said compact. Any member of the
2602 advisory committee may be removed from office by the Governor
2603 upon charges and after a hearing.
2604 Reviser's note.—Amended to confirm editorial insertion

2605 of the words "of Representatives."
2606 Section 75. Paragraph (a) of subsection (2) of section
2607 604.50, Florida Statutes, is amended to read:
2608 604.50 Nonresidential farm buildings and farm fences.—
2609 (2) As used in this section, the term:
2610 (a) "Nonresidential farm building" means any temporary or
2611 permanent building or support structure that is classified as a
2612 nonresidential farm building on a farm under s. 553.73(10)(c)
2613 ~~553.73(9)(c)~~ or that is used primarily for agricultural
2614 purposes, is located on land that is an integral part of a farm
2615 operation or is classified as agricultural land under s.
2616 193.461, and is not intended to be used as a residential
2617 dwelling. The term may include, but is not limited to, a barn,
2618 greenhouse, shade house, farm office, storage building, or
2619 poultry house.
2620 Reviser's note.—Amended to conform to the
2621 redesignation of s. 553.73(9)(c) as s. 553.73(10)(c)
2622 by s. 32, ch. 2010-176, Laws of Florida.
2623 Section 76. Subsection (4) of section 627.0628, Florida
2624 Statutes, is amended to read:
2625 627.0628 Florida Commission on Hurricane Loss Projection
2626 Methodology; public records exemption; public meetings
2627 exemption.—
2628 ~~(4) REVIEW OF DISCOUNTS, CREDITS, OTHER RATE~~
2629 ~~DIFFERENTIALS, AND REDUCTIONS IN DEDUCTIBLES RELATING TO~~
2630 ~~WINDSTORM MITIGATION.—The commission shall hold public meetings~~
2631 ~~for the purpose of receiving testimony and data regarding the~~
2632 ~~implementation of windstorm mitigation discounts, credits, other~~

2633 ~~rate differentials, and appropriate reductions in deductibles~~
2634 ~~pursuant to s. 627.0629. After reviewing the testimony and data~~
2635 ~~as well as any other information the commission deems~~
2636 ~~appropriate, the commission shall present a report by February~~
2637 ~~1, 2010, to the Governor, the Cabinet, the President of the~~
2638 ~~Senate, and the Speaker of the House of Representatives,~~
2639 ~~including recommendations on improving the process of assessing,~~
2640 ~~determining, and applying windstorm mitigation discounts,~~
2641 ~~credits, other rate differentials, and appropriate reductions in~~
2642 ~~deductibles pursuant to s. 627.0629.~~
2643 Reviser's note.—Amended to delete a provision that has
2644 served its purpose.
2645 Section 77. Paragraph (b) of subsection (2) and paragraphs
2646 (b), (c), (q), and (v) of subsection (6) of section 627.351,
2647 Florida Statutes, are amended to read:
2648 627.351 Insurance risk apportionment plans.—
2649 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.—
2650 (b) The department shall require all insurers holding a
2651 certificate of authority to transact property insurance on a
2652 direct basis in this state, other than joint underwriting
2653 associations and other entities formed pursuant to this section,
2654 to provide windstorm coverage to applicants from areas
2655 determined to be eligible pursuant to paragraph (c) who in good
2656 faith are entitled to, but are unable to procure, such coverage
2657 through ordinary means; or it shall adopt a reasonable plan or
2658 plans for the equitable apportionment or sharing among such
2659 insurers of windstorm coverage, which may include formation of
2660 an association for this purpose. As used in this subsection, the

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2661 term "property insurance" means insurance on real or personal
2662 property, as defined in s. 624.604, including insurance for
2663 fire, industrial fire, allied lines, farmowners multiperil,
2664 homeowners' multiperil, commercial multiperil, and mobile homes,
2665 and including liability coverages on all such insurance, but
2666 excluding inland marine as defined in s. 624.607(3) and
2667 excluding vehicle insurance as defined in s. 624.605(1)(a) other
2668 than insurance on mobile homes used as permanent dwellings. The
2669 department shall adopt rules that provide a formula for the
2670 recovery and repayment of any deferred assessments.
2671 1. For the purpose of this section, properties eligible
2672 for such windstorm coverage are defined as dwellings, buildings,
2673 and other structures, including mobile homes which are used as
2674 dwellings and which are tied down in compliance with mobile home
2675 tie-down requirements prescribed by the Department of Highway
2676 Safety and Motor Vehicles pursuant to s. 320.8325, and the
2677 contents of all such properties. An applicant or policyholder is
2678 eligible for coverage only if an offer of coverage cannot be
2679 obtained by or for the applicant or policyholder from an
2680 admitted insurer at approved rates.
2681 2.a.(I) All insurers required to be members of such
2682 association shall participate in its writings, expenses, and
2683 losses. Surplus of the association shall be retained for the
2684 payment of claims and shall not be distributed to the member
2685 insurers. Such participation by member insurers shall be in the
2686 proportion that the net direct premiums of each member insurer
2687 written for property insurance in this state during the
2688 preceding calendar year bear to the aggregate net direct

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2689 premiums for property insurance of all member insurers, as
2690 reduced by any credits for voluntary writings, in this state
2691 during the preceding calendar year. For the purposes of this
2692 subsection, the term "net direct premiums" means direct written
2693 premiums for property insurance, reduced by premium for
2694 liability coverage and for the following if included in allied
2695 lines: rain and hail on growing crops; livestock; association
2696 direct premiums booked; National Flood Insurance Program direct
2697 premiums; and similar deductions specifically authorized by the
2698 plan of operation and approved by the department. A member's
2699 participation shall begin on the first day of the calendar year
2700 following the year in which it is issued a certificate of
2701 authority to transact property insurance in the state and shall
2702 terminate 1 year after the end of the calendar year during which
2703 it no longer holds a certificate of authority to transact
2704 property insurance in the state. The commissioner, after review
2705 of annual statements, other reports, and any other statistics
2706 that the commissioner deems necessary, shall certify to the
2707 association the aggregate direct premiums written for property
2708 insurance in this state by all member insurers.
2709 (II) Effective July 1, 2002, the association shall operate
2710 subject to the supervision and approval of a board of governors
2711 who are the same individuals that have been appointed by the
2712 Treasurer to serve on the board of governors of the Citizens
2713 Property Insurance Corporation.
2714 (III) The plan of operation shall provide a formula
2715 whereby a company voluntarily providing windstorm coverage in
2716 affected areas will be relieved wholly or partially from

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2717 apportionment of a regular assessment pursuant to sub-sub-
2718 subparagraph d.(I) or sub-sub-subparagraph d.(II).
2719 (IV) A company which is a member of a group of companies
2720 under common management may elect to have its credits applied on
2721 a group basis, and any company or group may elect to have its
2722 credits applied to any other company or group.
2723 (V) There shall be no credits or relief from apportionment
2724 to a company for emergency assessments collected from its
2725 policyholders under sub-sub-subparagraph d.(III).
2726 (VI) The plan of operation may also provide for the award
2727 of credits, for a period not to exceed 3 years, from a regular
2728 assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-
2729 subparagraph d.(II) as an incentive for taking policies out of
2730 the Residential Property and Casualty Joint Underwriting
2731 Association. In order to qualify for the exemption under this
2732 sub-sub-subparagraph, the take-out plan must provide that at
2733 least 40 percent of the policies removed from the Residential
2734 Property and Casualty Joint Underwriting Association cover risks
2735 located in Miami-Dade, Broward, and Palm Beach Counties or at
2736 least 30 percent of the policies so removed cover risks located
2737 in Miami-Dade, Broward, and Palm Beach Counties and an
2738 additional 50 percent of the policies so removed cover risks
2739 located in other coastal counties, and must also provide that no
2740 more than 15 percent of the policies so removed may exclude
2741 windstorm coverage. With the approval of the department, the
2742 association may waive these geographic criteria for a take-out
2743 plan that removes at least the lesser of 100,000 Residential
2744 Property and Casualty Joint Underwriting Association policies or

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2745 15 percent of the total number of Residential Property and
2746 Casualty Joint Underwriting Association policies, provided the
2747 governing board of the Residential Property and Casualty Joint
2748 Underwriting Association certifies that the take-out plan will
2749 materially reduce the Residential Property and Casualty Joint
2750 Underwriting Association's 100-year probable maximum loss from
2751 hurricanes. With the approval of the department, the board may
2752 extend such credits for an additional year if the insurer
2753 guarantees an additional year of renewability for all policies
2754 removed from the Residential Property and Casualty Joint
2755 Underwriting Association, or for 2 additional years if the
2756 insurer guarantees 2 additional years of renewability for all
2757 policies removed from the Residential Property and Casualty
2758 Joint Underwriting Association.
2759 b. Assessments to pay deficits in the association under
2760 this subparagraph shall be included as an appropriate factor in
2761 the making of rates as provided in s. 627.3512.
2762 c. The Legislature finds that the potential for unlimited
2763 deficit assessments under this subparagraph may induce insurers
2764 to attempt to reduce their writings in the voluntary market, and
2765 that such actions would worsen the availability problems that
2766 the association was created to remedy. It is the intent of the
2767 Legislature that insurers remain fully responsible for paying
2768 regular assessments and collecting emergency assessments for any
2769 deficits of the association; however, it is also the intent of
2770 the Legislature to provide a means by which assessment
2771 liabilities may be amortized over a period of years.
2772 d.(I) When the deficit incurred in a particular calendar

2773 year is 10 percent or less of the aggregate statewide direct
2774 written premium for property insurance for the prior calendar
2775 year for all member insurers, the association shall levy an
2776 assessment on member insurers in an amount equal to the deficit.
2777 (II) When the deficit incurred in a particular calendar
2778 year exceeds 10 percent of the aggregate statewide direct
2779 written premium for property insurance for the prior calendar
2780 year for all member insurers, the association shall levy an
2781 assessment on member insurers in an amount equal to the greater
2782 of 10 percent of the deficit or 10 percent of the aggregate
2783 statewide direct written premium for property insurance for the
2784 prior calendar year for member insurers. Any remaining deficit
2785 shall be recovered through emergency assessments under sub-sub-
2786 subparagraph (III).
2787 (III) Upon a determination by the board of directors that
2788 a deficit exceeds the amount that will be recovered through
2789 regular assessments on member insurers, pursuant to sub-sub-
2790 subparagraph (I) or sub-sub-subparagraph (II), the board shall
2791 levy, after verification by the department, emergency
2792 assessments to be collected by member insurers and by
2793 underwriting associations created pursuant to this section which
2794 write property insurance, upon issuance or renewal of property
2795 insurance policies other than National Flood Insurance policies
2796 in the year or years following levy of the regular assessments.
2797 The amount of the emergency assessment collected in a particular
2798 year shall be a uniform percentage of that year's direct written
2799 premium for property insurance for all member insurers and
2800 underwriting associations, excluding National Flood Insurance

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2801 policy premiums, as annually determined by the board and
2802 verified by the department. The department shall verify the
2803 arithmetic calculations involved in the board's determination
2804 within 30 days after receipt of the information on which the
2805 determination was based. Notwithstanding any other provision of
2806 law, each member insurer and each underwriting association
2807 created pursuant to this section shall collect emergency
2808 assessments from its policyholders without such obligation being
2809 affected by any credit, limitation, exemption, or deferment. The
2810 emergency assessments so collected shall be transferred directly
2811 to the association on a periodic basis as determined by the
2812 association. The aggregate amount of emergency assessments
2813 levied under this sub-sub-subparagraph in any calendar year may
2814 not exceed the greater of 10 percent of the amount needed to
2815 cover the original deficit, plus interest, fees, commissions,
2816 required reserves, and other costs associated with financing of
2817 the original deficit, or 10 percent of the aggregate statewide
2818 direct written premium for property insurance written by member
2819 insurers and underwriting associations for the prior year, plus
2820 interest, fees, commissions, required reserves, and other costs
2821 associated with financing the original deficit. The board may
2822 pledge the proceeds of the emergency assessments under this sub-
2823 sub-subparagraph as the source of revenue for bonds, to retire
2824 any other debt incurred as a result of the deficit or events
2825 giving rise to the deficit, or in any other way that the board
2826 determines will efficiently recover the deficit. The emergency
2827 assessments under this sub-sub-subparagraph shall continue as
2828 long as any bonds issued or other indebtedness incurred with

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2829 respect to a deficit for which the assessment was imposed remain
2830 outstanding, unless adequate provision has been made for the
2831 payment of such bonds or other indebtedness pursuant to the
2832 document governing such bonds or other indebtedness. Emergency
2833 assessments collected under this sub-sub-subparagraph are not
2834 part of an insurer's rates, are not premium, and are not subject
2835 to premium tax, fees, or commissions; however, failure to pay
2836 the emergency assessment shall be treated as failure to pay
2837 premium.
2838 (IV) Each member insurer's share of the total regular
2839 assessments under sub-sub-subparagraph (I) or sub-sub-
2840 subparagraph (II) shall be in the proportion that the insurer's
2841 net direct premium for property insurance in this state, for the
2842 year preceding the assessment bears to the aggregate statewide
2843 net direct premium for property insurance of all member
2844 insurers, as reduced by any credits for voluntary writings for
2845 that year.
2846 (V) If regular deficit assessments are made under sub-sub-
2847 subparagraph (I) or sub-sub-subparagraph (II), or by the
2848 Residential Property and Casualty Joint Underwriting Association
2849 under sub-subparagraph (6)(b)3.a. ~~or sub-subparagraph~~
2850 ~~(6)(b)3.b.~~, the association shall levy upon the association's
2851 policyholders, as part of its next rate filing, or by a separate
2852 rate filing solely for this purpose, a market equalization
2853 surcharge in a percentage equal to the total amount of such
2854 regular assessments divided by the aggregate statewide direct
2855 written premium for property insurance for member insurers for
2856 the prior calendar year. Market equalization surcharges under

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2857 this sub-sub-subparagraph are not considered premium and are not
2858 subject to commissions, fees, or premium taxes; however, failure
2859 to pay a market equalization surcharge shall be treated as
2860 failure to pay premium.
2861 e. The governing body of any unit of local government, any
2862 residents of which are insured under the plan, may issue bonds
2863 as defined in s. 125.013 or s. 166.101 to fund an assistance
2864 program, in conjunction with the association, for the purpose of
2865 defraying deficits of the association. In order to avoid
2866 needless and indiscriminate proliferation, duplication, and
2867 fragmentation of such assistance programs, any unit of local
2868 government, any residents of which are insured by the
2869 association, may provide for the payment of losses, regardless
2870 of whether or not the losses occurred within or outside of the
2871 territorial jurisdiction of the local government. Revenue bonds
2872 may not be issued until validated pursuant to chapter 75, unless
2873 a state of emergency is declared by executive order or
2874 proclamation of the Governor pursuant to s. 252.36 making such
2875 findings as are necessary to determine that it is in the best
2876 interests of, and necessary for, the protection of the public
2877 health, safety, and general welfare of residents of this state
2878 and the protection and preservation of the economic stability of
2879 insurers operating in this state, and declaring it an essential
2880 public purpose to permit certain municipalities or counties to
2881 issue bonds as will provide relief to claimants and
2882 policyholders of the association and insurers responsible for
2883 apportionment of plan losses. Any such unit of local government
2884 may enter into such contracts with the association and with any

2885 other entity created pursuant to this subsection as are
2886 necessary to carry out this paragraph. Any bonds issued under
2887 this sub-subparagraph shall be payable from and secured by
2888 moneys received by the association from assessments under this
2889 subparagraph, and assigned and pledged to or on behalf of the
2890 unit of local government for the benefit of the holders of such
2891 bonds. The funds, credit, property, and taxing power of the
2892 state or of the unit of local government shall not be pledged
2893 for the payment of such bonds. If any of the bonds remain unsold
2894 60 days after issuance, the department shall require all
2895 insurers subject to assessment to purchase the bonds, which
2896 shall be treated as admitted assets; each insurer shall be
2897 required to purchase that percentage of the unsold portion of
2898 the bond issue that equals the insurer's relative share of
2899 assessment liability under this subsection. An insurer shall not
2900 be required to purchase the bonds to the extent that the
2901 department determines that the purchase would endanger or impair
2902 the solvency of the insurer. The authority granted by this sub-
2903 subparagraph is additional to any bonding authority granted by
2904 subparagraph 6.
2905 3. The plan shall also provide that any member with a
2906 surplus as to policyholders of $20 million or less writing 25
2907 percent or more of its total countrywide property insurance
2908 premiums in this state may petition the department, within the
2909 first 90 days of each calendar year, to qualify as a limited
2910 apportionment company. The apportionment of such a member
2911 company in any calendar year for which it is qualified shall not
2912 exceed its gross participation, which shall not be affected by

2913 the formula for voluntary writings. In no event shall a limited
2914 apportionment company be required to participate in any
2915 apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I)
2916 or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds
2917 $50 million after payment of available plan funds in any
2918 calendar year. However, a limited apportionment company shall
2919 collect from its policyholders any emergency assessment imposed
2920 under sub-sub-subparagraph 2.d.(III). The plan shall provide
2921 that, if the department determines that any regular assessment
2922 will result in an impairment of the surplus of a limited
2923 apportionment company, the department may direct that all or
2924 part of such assessment be deferred. However, there shall be no
2925 limitation or deferment of an emergency assessment to be
2926 collected from policyholders under sub-sub-subparagraph
2927 2.d.(III).
2928 4. The plan shall provide for the deferment, in whole or
2929 in part, of a regular assessment of a member insurer under sub-
2930 sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but
2931 not for an emergency assessment collected from policyholders
2932 under sub-sub-subparagraph 2.d.(III), if, in the opinion of the
2933 commissioner, payment of such regular assessment would endanger
2934 or impair the solvency of the member insurer. In the event a
2935 regular assessment against a member insurer is deferred in whole
2936 or in part, the amount by which such assessment is deferred may
2937 be assessed against the other member insurers in a manner
2938 consistent with the basis for assessments set forth in sub-sub-
2939 subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).
2940 5.a. The plan of operation may include deductibles and

2941 rules for classification of risks and rate modifications
2942 consistent with the objective of providing and maintaining funds
2943 sufficient to pay catastrophe losses.
2944 b. It is the intent of the Legislature that the rates for
2945 coverage provided by the association be actuarially sound and
2946 not competitive with approved rates charged in the admitted
2947 voluntary market such that the association functions as a
2948 residual market mechanism to provide insurance only when the
2949 insurance cannot be procured in the voluntary market. The plan
2950 of operation shall provide a mechanism to assure that, beginning
2951 no later than January 1, 1999, the rates charged by the
2952 association for each line of business are reflective of approved
2953 rates in the voluntary market for hurricane coverage for each
2954 line of business in the various areas eligible for association
2955 coverage.
2956 c. The association shall provide for windstorm coverage on
2957 residential properties in limits up to $10 million for
2958 commercial lines residential risks and up to $1 million for
2959 personal lines residential risks. If coverage with the
2960 association is sought for a residential risk valued in excess of
2961 these limits, coverage shall be available to the risk up to the
2962 replacement cost or actual cash value of the property, at the
2963 option of the insured, if coverage for the risk cannot be
2964 located in the authorized market. The association must accept a
2965 commercial lines residential risk with limits above $10 million
2966 or a personal lines residential risk with limits above $1
2967 million if coverage is not available in the authorized market.
2968 The association may write coverage above the limits specified in

2969 this subparagraph with or without facultative or other
2970 reinsurance coverage, as the association determines appropriate.
2971 d. The plan of operation must provide objective criteria
2972 and procedures, approved by the department, to be uniformly
2973 applied for all applicants in determining whether an individual
2974 risk is so hazardous as to be uninsurable. In making this
2975 determination and in establishing the criteria and procedures,
2976 the following shall be considered:
2977 (I) Whether the likelihood of a loss for the individual
2978 risk is substantially higher than for other risks of the same
2979 class; and
2980 (II) Whether the uncertainty associated with the
2981 individual risk is such that an appropriate premium cannot be
2982 determined.
2983
2984 The acceptance or rejection of a risk by the association
2985 pursuant to such criteria and procedures must be construed as
2986 the private placement of insurance, and the provisions of
2987 chapter 120 do not apply.
2988 e. If the risk accepts an offer of coverage through the
2989 market assistance program or through a mechanism established by
2990 the association, either before the policy is issued by the
2991 association or during the first 30 days of coverage by the
2992 association, and the producing agent who submitted the
2993 application to the association is not currently appointed by the
2994 insurer, the insurer shall:
2995 (I) Pay to the producing agent of record of the policy,
2996 for the first year, an amount that is the greater of the

2997 insurer's usual and customary commission for the type of policy
2998 written or a fee equal to the usual and customary commission of
2999 the association; or
3000 (II) Offer to allow the producing agent of record of the
3001 policy to continue servicing the policy for a period of not less
3002 than 1 year and offer to pay the agent the greater of the
3003 insurer's or the association's usual and customary commission
3004 for the type of policy written.
3005
3006 If the producing agent is unwilling or unable to accept
3007 appointment, the new insurer shall pay the agent in accordance
3008 with sub-sub-subparagraph (I). Subject to the provisions of s.
3009 627.3517, the policies issued by the association must provide
3010 that if the association obtains an offer from an authorized
3011 insurer to cover the risk at its approved rates under either a
3012 standard policy including wind coverage or, if consistent with
3013 the insurer's underwriting rules as filed with the department, a
3014 basic policy including wind coverage, the risk is no longer
3015 eligible for coverage through the association. Upon termination
3016 of eligibility, the association shall provide written notice to
3017 the policyholder and agent of record stating that the
3018 association policy must be canceled as of 60 days after the date
3019 of the notice because of the offer of coverage from an
3020 authorized insurer. Other provisions of the insurance code
3021 relating to cancellation and notice of cancellation do not apply
3022 to actions under this sub-subparagraph.
3023 f. When the association enters into a contractual
3024 agreement for a take-out plan, the producing agent of record of

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3025 the association policy is entitled to retain any unearned
3026 commission on the policy, and the insurer shall:
3027 (I) Pay to the producing agent of record of the
3028 association policy, for the first year, an amount that is the
3029 greater of the insurer's usual and customary commission for the
3030 type of policy written or a fee equal to the usual and customary
3031 commission of the association; or
3032 (II) Offer to allow the producing agent of record of the
3033 association policy to continue servicing the policy for a period
3034 of not less than 1 year and offer to pay the agent the greater
3035 of the insurer's or the association's usual and customary
3036 commission for the type of policy written.
3037
3038 If the producing agent is unwilling or unable to accept
3039 appointment, the new insurer shall pay the agent in accordance
3040 with sub-sub-subparagraph (I).
3041 6.a. The plan of operation may authorize the formation of
3042 a private nonprofit corporation, a private nonprofit
3043 unincorporated association, a partnership, a trust, a limited
3044 liability company, or a nonprofit mutual company which may be
3045 empowered, among other things, to borrow money by issuing bonds
3046 or by incurring other indebtedness and to accumulate reserves or
3047 funds to be used for the payment of insured catastrophe losses.
3048 The plan may authorize all actions necessary to facilitate the
3049 issuance of bonds, including the pledging of assessments or
3050 other revenues.
3051 b. Any entity created under this subsection, or any entity
3052 formed for the purposes of this subsection, may sue and be sued,

3053 may borrow money; issue bonds, notes, or debt instruments;
3054 pledge or sell assessments, market equalization surcharges and
3055 other surcharges, rights, premiums, contractual rights,
3056 projected recoveries from the Florida Hurricane Catastrophe
3057 Fund, other reinsurance recoverables, and other assets as
3058 security for such bonds, notes, or debt instruments; enter into
3059 any contracts or agreements necessary or proper to accomplish
3060 such borrowings; and take other actions necessary to carry out
3061 the purposes of this subsection. The association may issue bonds
3062 or incur other indebtedness, or have bonds issued on its behalf
3063 by a unit of local government pursuant to subparagraph (6)(q)2.,
3064 in the absence of a hurricane or other weather-related event,
3065 upon a determination by the association subject to approval by
3066 the department that such action would enable it to efficiently
3067 meet the financial obligations of the association and that such
3068 financings are reasonably necessary to effectuate the
3069 requirements of this subsection. Any such entity may accumulate
3070 reserves and retain surpluses as of the end of any association
3071 year to provide for the payment of losses incurred by the
3072 association during that year or any future year. The association
3073 shall incorporate and continue the plan of operation and
3074 articles of agreement in effect on the effective date of chapter
3075 76-96, Laws of Florida, to the extent that it is not
3076 inconsistent with chapter 76-96, and as subsequently modified
3077 consistent with chapter 76-96. The board of directors and
3078 officers currently serving shall continue to serve until their
3079 successors are duly qualified as provided under the plan. The
3080 assets and obligations of the plan in effect immediately prior

3081 to the effective date of chapter 76-96 shall be construed to be
3082 the assets and obligations of the successor plan created herein.
3083 c. In recognition of s. 10, Art. I of the State
3084 Constitution, prohibiting the impairment of obligations of
3085 contracts, it is the intent of the Legislature that no action be
3086 taken whose purpose is to impair any bond indenture or financing
3087 agreement or any revenue source committed by contract to such
3088 bond or other indebtedness issued or incurred by the association
3089 or any other entity created under this subsection.
3090 7. On such coverage, an agent's remuneration shall be that
3091 amount of money payable to the agent by the terms of his or her
3092 contract with the company with which the business is placed.
3093 However, no commission will be paid on that portion of the
3094 premium which is in excess of the standard premium of that
3095 company.
3096 8. Subject to approval by the department, the association
3097 may establish different eligibility requirements and operational
3098 procedures for any line or type of coverage for any specified
3099 eligible area or portion of an eligible area if the board
3100 determines that such changes to the eligibility requirements and
3101 operational procedures are justified due to the voluntary market
3102 being sufficiently stable and competitive in such area or for
3103 such line or type of coverage and that consumers who, in good
3104 faith, are unable to obtain insurance through the voluntary
3105 market through ordinary methods would continue to have access to
3106 coverage from the association. When coverage is sought in
3107 connection with a real property transfer, such requirements and
3108 procedures shall not provide for an effective date of coverage

3109 later than the date of the closing of the transfer as
3110 established by the transferor, the transferee, and, if
3111 applicable, the lender.
3112 9. Notwithstanding any other provision of law:
3113 a. The pledge or sale of, the lien upon, and the security
3114 interest in any rights, revenues, or other assets of the
3115 association created or purported to be created pursuant to any
3116 financing documents to secure any bonds or other indebtedness of
3117 the association shall be and remain valid and enforceable,
3118 notwithstanding the commencement of and during the continuation
3119 of, and after, any rehabilitation, insolvency, liquidation,
3120 bankruptcy, receivership, conservatorship, reorganization, or
3121 similar proceeding against the association under the laws of
3122 this state or any other applicable laws.
3123 b. No such proceeding shall relieve the association of its
3124 obligation, or otherwise affect its ability to perform its
3125 obligation, to continue to collect, or levy and collect,
3126 assessments, market equalization or other surcharges, projected
3127 recoveries from the Florida Hurricane Catastrophe Fund,
3128 reinsurance recoverables, or any other rights, revenues, or
3129 other assets of the association pledged.
3130 c. Each such pledge or sale of, lien upon, and security
3131 interest in, including the priority of such pledge, lien, or
3132 security interest, any such assessments, emergency assessments,
3133 market equalization or renewal surcharges, projected recoveries
3134 from the Florida Hurricane Catastrophe Fund, reinsurance
3135 recoverables, or other rights, revenues, or other assets which
3136 are collected, or levied and collected, after the commencement

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3137 of and during the pendency of or after any such proceeding shall
3138 continue unaffected by such proceeding.
3139 d. As used in this subsection, the term "financing
3140 documents" means any agreement, instrument, or other document
3141 now existing or hereafter created evidencing any bonds or other
3142 indebtedness of the association or pursuant to which any such
3143 bonds or other indebtedness has been or may be issued and
3144 pursuant to which any rights, revenues, or other assets of the
3145 association are pledged or sold to secure the repayment of such
3146 bonds or indebtedness, together with the payment of interest on
3147 such bonds or such indebtedness, or the payment of any other
3148 obligation of the association related to such bonds or
3149 indebtedness.
3150 e. Any such pledge or sale of assessments, revenues,
3151 contract rights or other rights or assets of the association
3152 shall constitute a lien and security interest, or sale, as the
3153 case may be, that is immediately effective and attaches to such
3154 assessments, revenues, contract, or other rights or assets,
3155 whether or not imposed or collected at the time the pledge or
3156 sale is made. Any such pledge or sale is effective, valid,
3157 binding, and enforceable against the association or other entity
3158 making such pledge or sale, and valid and binding against and
3159 superior to any competing claims or obligations owed to any
3160 other person or entity, including policyholders in this state,
3161 asserting rights in any such assessments, revenues, contract, or
3162 other rights or assets to the extent set forth in and in
3163 accordance with the terms of the pledge or sale contained in the
3164 applicable financing documents, whether or not any such person

3165 or entity has notice of such pledge or sale and without the need
3166 for any physical delivery, recordation, filing, or other action.
3167 f. There shall be no liability on the part of, and no
3168 cause of action of any nature shall arise against, any member
3169 insurer or its agents or employees, agents or employees of the
3170 association, members of the board of directors of the
3171 association, or the department or its representatives, for any
3172 action taken by them in the performance of their duties or
3173 responsibilities under this subsection. Such immunity does not
3174 apply to actions for breach of any contract or agreement
3175 pertaining to insurance, or any willful tort.
3176 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—
3177 (b)1. All insurers authorized to write one or more subject
3178 lines of business in this state are subject to assessment by the
3179 corporation and, for the purposes of this subsection, are
3180 referred to collectively as "assessable insurers." Insurers
3181 writing one or more subject lines of business in this state
3182 pursuant to part VIII of chapter 626 are not assessable
3183 insurers, but insureds who procure one or more subject lines of
3184 business in this state pursuant to part VIII of chapter 626 are
3185 subject to assessment by the corporation and are referred to
3186 collectively as "assessable insureds." An insurer's assessment
3187 liability begins on the first day of the calendar year following
3188 the year in which the insurer was issued a certificate of
3189 authority to transact insurance for subject lines of business in
3190 this state and terminates 1 year after the end of the first
3191 calendar year during which the insurer no longer holds a
3192 certificate of authority to transact insurance for subject lines

3193 of business in this state.
3194 2.a. All revenues, assets, liabilities, losses, and
3195 expenses of the corporation shall be divided into three separate
3196 accounts as follows:
3197 (I) A personal lines account for personal residential
3198 policies issued by the corporation, or issued by the Residential
3199 Property and Casualty Joint Underwriting Association and renewed
3200 by the corporation, which provides comprehensive, multiperil
3201 coverage on risks that are not located in areas eligible for
3202 coverage by the Florida Windstorm Underwriting Association as
3203 those areas were defined on January 1, 2002, and for policies
3204 that do not provide coverage for the peril of wind on risks that
3205 are located in such areas;
3206 (II) A commercial lines account for commercial residential
3207 and commercial nonresidential policies issued by the
3208 corporation, or issued by the Residential Property and Casualty
3209 Joint Underwriting Association and renewed by the corporation,
3210 which provides coverage for basic property perils on risks that
3211 are not located in areas eligible for coverage by the Florida
3212 Windstorm Underwriting Association as those areas were defined
3213 on January 1, 2002, and for policies that do not provide
3214 coverage for the peril of wind on risks that are located in such
3215 areas; and
3216 (III) A coastal account for personal residential policies
3217 and commercial residential and commercial nonresidential
3218 property policies issued by the corporation, or transferred to
3219 the corporation, which provides coverage for the peril of wind
3220 on risks that are located in areas eligible for coverage by the

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3221 Florida Windstorm Underwriting Association as those areas were
3222 defined on January 1, 2002. The corporation may offer policies
3223 that provide multiperil coverage and the corporation shall
3224 continue to offer policies that provide coverage only for the
3225 peril of wind for risks located in areas eligible for coverage
3226 in the coastal account. In issuing multiperil coverage, the
3227 corporation may use its approved policy forms and rates for the
3228 personal lines account. An applicant or insured who is eligible
3229 to purchase a multiperil policy from the corporation may
3230 purchase a multiperil policy from an authorized insurer without
3231 prejudice to the applicant's or insured's eligibility to
3232 prospectively purchase a policy that provides coverage only for
3233 the peril of wind from the corporation. An applicant or insured
3234 who is eligible for a corporation policy that provides coverage
3235 only for the peril of wind may elect to purchase or retain such
3236 policy and also purchase or retain coverage excluding wind from
3237 an authorized insurer without prejudice to the applicant's or
3238 insured's eligibility to prospectively purchase a policy that
3239 provides multiperil coverage from the corporation. It is the
3240 goal of the Legislature that there be an overall average savings
3241 of 10 percent or more for a policyholder who currently has a
3242 wind-only policy with the corporation, and an ex-wind policy
3243 with a voluntary insurer or the corporation, and who obtains a
3244 multiperil policy from the corporation. It is the intent of the
3245 Legislature that the offer of multiperil coverage in the coastal
3246 account be made and implemented in a manner that does not
3247 adversely affect the tax-exempt status of the corporation or
3248 creditworthiness of or security for currently outstanding

3249 financing obligations or credit facilities of the coastal
3250 account, the personal lines account, or the commercial lines
3251 account. The coastal account must also include quota share
3252 primary insurance under subparagraph (c)2. The area eligible for
3253 coverage under the coastal account also includes the area within
3254 Port Canaveral, which is bordered on the south by the City of
3255 Cape Canaveral, bordered on the west by the Banana River, and
3256 bordered on the north by Federal Government property.
3257 b. The three separate accounts must be maintained as long
3258 as financing obligations entered into by the Florida Windstorm
3259 Underwriting Association or Residential Property and Casualty
3260 Joint Underwriting Association are outstanding, in accordance
3261 with the terms of the corresponding financing documents. If the
3262 financing obligations are no longer outstanding, the corporation
3263 may use a single account for all revenues, assets, liabilities,
3264 losses, and expenses of the corporation. Consistent with this
3265 subparagraph and prudent investment policies that minimize the
3266 cost of carrying debt, the board shall exercise its best efforts
3267 to retire existing debt or obtain the approval of necessary
3268 parties to amend the terms of existing debt, so as to structure
3269 the most efficient plan to consolidate the three separate
3270 accounts into a single account.
3271 c. Creditors of the Residential Property and Casualty
3272 Joint Underwriting Association and the accounts specified in
3273 sub-sub-subparagraphs a.(I) and (II) may have a claim against,
3274 and recourse to, those accounts and no claim against, or
3275 recourse to, the account referred to in sub-sub-subparagraph
3276 a.(III). Creditors of the Florida Windstorm Underwriting

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3277 Association have a claim against, and recourse to, the account
3278 referred to in sub-sub-subparagraph a.(III) and no claim
3279 against, or recourse to, the accounts referred to in sub-sub-
3280 subparagraphs a.(I) and (II).
3281 d. Revenues, assets, liabilities, losses, and expenses not
3282 attributable to particular accounts shall be prorated among the
3283 accounts.
3284 e. The Legislature finds that the revenues of the
3285 corporation are revenues that are necessary to meet the
3286 requirements set forth in documents authorizing the issuance of
3287 bonds under this subsection.
3288 f. No part of the income of the corporation may inure to
3289 the benefit of any private person.
3290 3. With respect to a deficit in an account:
3291 a. After accounting for the Citizens policyholder
3292 surcharge imposed under sub-subparagraph h., if the remaining
3293 projected deficit incurred in a particular calendar year:
3294 (I) Is not greater than 6 percent of the aggregate
3295 statewide direct written premium for the subject lines of
3296 business for the prior calendar year, the entire deficit shall
3297 be recovered through regular assessments of assessable insurers
3298 under paragraph (q) and assessable insureds.
3299 (II) Exceeds 6 percent of the aggregate statewide direct
3300 written premium for the subject lines of business for the prior
3301 calendar year, the corporation shall levy regular assessments on
3302 assessable insurers under paragraph (q) and on assessable
3303 insureds in an amount equal to the greater of 6 percent of the
3304 deficit or 6 percent of the aggregate statewide direct written

3305 premium for the subject lines of business for the prior calendar
3306 year. Any remaining deficit shall be recovered through emergency
3307 assessments under sub-subparagraph c.
3308 b. Each assessable insurer's share of the amount being
3309 assessed under sub-subparagraph a. must be in the proportion
3310 that the assessable insurer's direct written premium for the
3311 subject lines of business for the year preceding the assessment
3312 bears to the aggregate statewide direct written premium for the
3313 subject lines of business for that year. The assessment
3314 percentage applicable to each assessable insured is the ratio of
3315 the amount being assessed under sub-subparagraph a. to the
3316 aggregate statewide direct written premium for the subject lines
3317 of business for the prior year. Assessments levied by the
3318 corporation on assessable insurers under sub-subparagraph a.
3319 must be paid as required by the corporation's plan of operation
3320 and paragraph (q). Assessments levied by the corporation on
3321 assessable insureds under sub-subparagraph a. shall be collected
3322 by the surplus lines agent at the time the surplus lines agent
3323 collects the surplus lines tax required by s. 626.932, and paid
3324 to the Florida Surplus Lines Service Office at the time the
3325 surplus lines agent pays the surplus lines tax to that office.
3326 Upon receipt of regular assessments from surplus lines agents,
3327 the Florida Surplus Lines Service Office shall transfer the
3328 assessments directly to the corporation as determined by the
3329 corporation.
3330 c. Upon a determination by the board of governors that a
3331 deficit in an account exceeds the amount that will be recovered
3332 through regular assessments under sub-subparagraph a., plus the

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3333 amount that is expected to be recovered through surcharges under
3334 sub-subparagraph h., the board, after verification by the
3335 office, shall levy emergency assessments for as many years as
3336 necessary to cover the deficits, to be collected by assessable
3337 insurers and the corporation and collected from assessable
3338 insureds upon issuance or renewal of policies for subject lines
3339 of business, excluding National Flood Insurance policies. The
3340 amount collected in a particular year must be a uniform
3341 percentage of that year's direct written premium for subject
3342 lines of business and all accounts of the corporation, excluding
3343 National Flood Insurance Program policy premiums, as annually
3344 determined by the board and verified by the office. The office
3345 shall verify the arithmetic calculations involved in the board's
3346 determination within 30 days after receipt of the information on
3347 which the determination was based. Notwithstanding any other
3348 provision of law, the corporation and each assessable insurer
3349 that writes subject lines of business shall collect emergency
3350 assessments from its policyholders without such obligation being
3351 affected by any credit, limitation, exemption, or deferment.
3352 Emergency assessments levied by the corporation on assessable
3353 insureds shall be collected by the surplus lines agent at the
3354 time the surplus lines agent collects the surplus lines tax
3355 required by s. 626.932 and paid to the Florida Surplus Lines
3356 Service Office at the time the surplus lines agent pays the
3357 surplus lines tax to that office. The emergency assessments
3358 collected shall be transferred directly to the corporation on a
3359 periodic basis as determined by the corporation and held by the
3360 corporation solely in the applicable account. The aggregate

3361 amount of emergency assessments levied for an account under this
3362 sub-subparagraph in any calendar year may be less than but not
3363 exceed the greater of 10 percent of the amount needed to cover
3364 the deficit, plus interest, fees, commissions, required
3365 reserves, and other costs associated with financing the original
3366 deficit, or 10 percent of the aggregate statewide direct written
3367 premium for subject lines of business and all accounts of the
3368 corporation for the prior year, plus interest, fees,
3369 commissions, required reserves, and other costs associated with
3370 financing the deficit.
3371 d. The corporation may pledge the proceeds of assessments,
3372 projected recoveries from the Florida Hurricane Catastrophe
3373 Fund, other insurance and reinsurance recoverables, policyholder
3374 surcharges and other surcharges, and other funds available to
3375 the corporation as the source of revenue for and to secure bonds
3376 issued under paragraph (q), bonds or other indebtedness issued
3377 under subparagraph (c)3., or lines of credit or other financing
3378 mechanisms issued or created under this subsection, or to retire
3379 any other debt incurred as a result of deficits or events giving
3380 rise to deficits, or in any other way that the board determines
3381 will efficiently recover such deficits. The purpose of the lines
3382 of credit or other financing mechanisms is to provide additional
3383 resources to assist the corporation in covering claims and
3384 expenses attributable to a catastrophe. As used in this
3385 subsection, the term "assessments" includes regular assessments
3386 under sub-subparagraph a. or subparagraph (q)1. and emergency
3387 assessments under sub-subparagraph c. ~~d.~~ Emergency assessments
3388 collected under sub-subparagraph c. ~~d.~~ are not part of an

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3389 insurer's rates, are not premium, and are not subject to premium
3390 tax, fees, or commissions; however, failure to pay the emergency
3391 assessment shall be treated as failure to pay premium. The
3392 emergency assessments under sub-subparagraph c. shall continue
3393 as long as any bonds issued or other indebtedness incurred with
3394 respect to a deficit for which the assessment was imposed remain
3395 outstanding, unless adequate provision has been made for the
3396 payment of such bonds or other indebtedness pursuant to the
3397 documents governing such bonds or indebtedness.
3398 e. As used in this subsection for purposes of any deficit
3399 incurred on or after January 25, 2007, the term "subject lines
3400 of business" means insurance written by assessable insurers or
3401 procured by assessable insureds for all property and casualty
3402 lines of business in this state, but not including workers'
3403 compensation or medical malpractice. As used in this sub-
3404 subparagraph, the term "property and casualty lines of business"
3405 includes all lines of business identified on Form 2, Exhibit of
3406 Premiums and Losses, in the annual statement required of
3407 authorized insurers under s. 624.424 and any rule adopted under
3408 this section, except for those lines identified as accident and
3409 health insurance and except for policies written under the
3410 National Flood Insurance Program or the Federal Crop Insurance
3411 Program. For purposes of this sub-subparagraph, the term
3412 "workers' compensation" includes both workers' compensation
3413 insurance and excess workers' compensation insurance.
3414 f. The Florida Surplus Lines Service Office shall
3415 determine annually the aggregate statewide written premium in
3416 subject lines of business procured by assessable insureds and

3417 report that information to the corporation in a form and at a
3418 time the corporation specifies to ensure that the corporation
3419 can meet the requirements of this subsection and the
3420 corporation's financing obligations.
3421 g. The Florida Surplus Lines Service Office shall verify
3422 the proper application by surplus lines agents of assessment
3423 percentages for regular assessments and emergency assessments
3424 levied under this subparagraph on assessable insureds and assist
3425 the corporation in ensuring the accurate, timely collection and
3426 payment of assessments by surplus lines agents as required by
3427 the corporation.
3428 h. If a deficit is incurred in any account in 2008 or
3429 thereafter, the board of governors shall levy a Citizens
3430 policyholder surcharge against all policyholders of the
3431 corporation.
3432 (I) The surcharge shall be levied as a uniform percentage
3433 of the premium for the policy of up to 15 percent of such
3434 premium, which funds shall be used to offset the deficit.
3435 (II) The surcharge is payable upon cancellation or
3436 termination of the policy, upon renewal of the policy, or upon
3437 issuance of a new policy by the corporation within the first 12
3438 months after the date of the levy or the period of time
3439 necessary to fully collect the surcharge amount.
3440 (III) The corporation may not levy any regular assessments
3441 under paragraph (q) pursuant to sub-subparagraph a. or sub-
3442 subparagraph b. with respect to a particular year's deficit
3443 until the corporation has first levied the full amount of the
3444 surcharge authorized by this sub-subparagraph.

3445 (IV) The surcharge is not considered premium and is not
3446 subject to commissions, fees, or premium taxes. However, failure
3447 to pay the surcharge shall be treated as failure to pay premium.
3448 i. If the amount of any assessments or surcharges
3449 collected from corporation policyholders, assessable insurers or
3450 their policyholders, or assessable insureds exceeds the amount
3451 of the deficits, such excess amounts shall be remitted to and
3452 retained by the corporation in a reserve to be used by the
3453 corporation, as determined by the board of governors and
3454 approved by the office, to pay claims or reduce any past,
3455 present, or future plan-year deficits or to reduce outstanding
3456 debt.
3457 (c) The corporation's plan of operation:
3458 1. Must provide for adoption of residential property and
3459 casualty insurance policy forms and commercial residential and
3460 nonresidential property insurance forms, which must be approved
3461 by the office before use. The corporation shall adopt the
3462 following policy forms:
3463 a. Standard personal lines policy forms that are
3464 comprehensive multiperil policies providing full coverage of a
3465 residential property equivalent to the coverage provided in the
3466 private insurance market under an HO-3, HO-4, or HO-6 policy.
3467 b. Basic personal lines policy forms that are policies
3468 similar to an HO-8 policy or a dwelling fire policy that provide
3469 coverage meeting the requirements of the secondary mortgage
3470 market, but which is more limited than the coverage under a
3471 standard policy.
3472 c. Commercial lines residential and nonresidential policy

3473 forms that are generally similar to the basic perils of full
3474 coverage obtainable for commercial residential structures and
3475 commercial nonresidential structures in the admitted voluntary
3476 market.
3477 d. Personal lines and commercial lines residential
3478 property insurance forms that cover the peril of wind only. The
3479 forms are applicable only to residential properties located in
3480 areas eligible for coverage under the coastal account referred
3481 to in sub-subparagraph (b)2.a.
3482 e. Commercial lines nonresidential property insurance
3483 forms that cover the peril of wind only. The forms are
3484 applicable only to nonresidential properties located in areas
3485 eligible for coverage under the coastal account referred to in
3486 sub-subparagraph (b)2.a.
3487 f. The corporation may adopt variations of the policy
3488 forms listed in sub-subparagraphs a.-e. which contain more
3489 restrictive coverage.
3490 2. Must provide that the corporation adopt a program in
3491 which the corporation and authorized insurers enter into quota
3492 share primary insurance agreements for hurricane coverage, as
3493 defined in s. 627.4025(2)(a), for eligible risks, and adopt
3494 property insurance forms for eligible risks which cover the
3495 peril of wind only.
3496 a. As used in this subsection, the term:
3497 (I) "Quota share primary insurance" means an arrangement
3498 in which the primary hurricane coverage of an eligible risk is
3499 provided in specified percentages by the corporation and an
3500 authorized insurer. The corporation and authorized insurer are

3501 each solely responsible for a specified percentage of hurricane
3502 coverage of an eligible risk as set forth in a quota share
3503 primary insurance agreement between the corporation and an
3504 authorized insurer and the insurance contract. The
3505 responsibility of the corporation or authorized insurer to pay
3506 its specified percentage of hurricane losses of an eligible
3507 risk, as set forth in the agreement, may not be altered by the
3508 inability of the other party to pay its specified percentage of
3509 losses. Eligible risks that are provided hurricane coverage
3510 through a quota share primary insurance arrangement must be
3511 provided policy forms that set forth the obligations of the
3512 corporation and authorized insurer under the arrangement,
3513 clearly specify the percentages of quota share primary insurance
3514 provided by the corporation and authorized insurer, and
3515 conspicuously and clearly state that the authorized insurer and
3516 the corporation may not be held responsible beyond their
3517 specified percentage of coverage of hurricane losses.
3518 (II) "Eligible risks" means personal lines residential and
3519 commercial lines residential risks that meet the underwriting
3520 criteria of the corporation and are located in areas that were
3521 eligible for coverage by the Florida Windstorm Underwriting
3522 Association on January 1, 2002.
3523 b. The corporation may enter into quota share primary
3524 insurance agreements with authorized insurers at corporation
3525 coverage levels of 90 percent and 50 percent.
3526 c. If the corporation determines that additional coverage
3527 levels are necessary to maximize participation in quota share
3528 primary insurance agreements by authorized insurers, the

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3529 corporation may establish additional coverage levels. However,
3530 the corporation's quota share primary insurance coverage level
3531 may not exceed 90 percent.
3532 d. Any quota share primary insurance agreement entered
3533 into between an authorized insurer and the corporation must
3534 provide for a uniform specified percentage of coverage of
3535 hurricane losses, by county or territory as set forth by the
3536 corporation board, for all eligible risks of the authorized
3537 insurer covered under the agreement.
3538 e. Any quota share primary insurance agreement entered
3539 into between an authorized insurer and the corporation is
3540 subject to review and approval by the office. However, such
3541 agreement shall be authorized only as to insurance contracts
3542 entered into between an authorized insurer and an insured who is
3543 already insured by the corporation for wind coverage.
3544 f. For all eligible risks covered under quota share
3545 primary insurance agreements, the exposure and coverage levels
3546 for both the corporation and authorized insurers shall be
3547 reported by the corporation to the Florida Hurricane Catastrophe
3548 Fund. For all policies of eligible risks covered under such
3549 agreements, the corporation and the authorized insurer must
3550 maintain complete and accurate records for the purpose of
3551 exposure and loss reimbursement audits as required by fund
3552 rules. The corporation and the authorized insurer shall each
3553 maintain duplicate copies of policy declaration pages and
3554 supporting claims documents.
3555 g. The corporation board shall establish in its plan of
3556 operation standards for quota share agreements which ensure that

3557 there is no discriminatory application among insurers as to the
3558 terms of the agreements, pricing of the agreements, incentive
3559 provisions if any, and consideration paid for servicing policies
3560 or adjusting claims.
3561 h. The quota share primary insurance agreement between the
3562 corporation and an authorized insurer must set forth the
3563 specific terms under which coverage is provided, including, but
3564 not limited to, the sale and servicing of policies issued under
3565 the agreement by the insurance agent of the authorized insurer
3566 producing the business, the reporting of information concerning
3567 eligible risks, the payment of premium to the corporation, and
3568 arrangements for the adjustment and payment of hurricane claims
3569 incurred on eligible risks by the claims adjuster and personnel
3570 of the authorized insurer. Entering into a quota sharing
3571 insurance agreement between the corporation and an authorized
3572 insurer is voluntary and at the discretion of the authorized
3573 insurer.
3574 3.a. May provide that the corporation may employ or
3575 otherwise contract with individuals or other entities to provide
3576 administrative or professional services that may be appropriate
3577 to effectuate the plan. The corporation may borrow funds by
3578 issuing bonds or by incurring other indebtedness, and shall have
3579 other powers reasonably necessary to effectuate the requirements
3580 of this subsection, including, without limitation, the power to
3581 issue bonds and incur other indebtedness in order to refinance
3582 outstanding bonds or other indebtedness. The corporation may
3583 seek judicial validation of its bonds or other indebtedness
3584 under chapter 75. The corporation may issue bonds or incur other

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3585 indebtedness, or have bonds issued on its behalf by a unit of
3586 local government pursuant to subparagraph (q)2. in the absence
3587 of a hurricane or other weather-related event, upon a
3588 determination by the corporation, subject to approval by the
3589 office, that such action would enable it to efficiently meet the
3590 financial obligations of the corporation and that such
3591 financings are reasonably necessary to effectuate the
3592 requirements of this subsection. The corporation may take all
3593 actions needed to facilitate tax-free status for such bonds or
3594 indebtedness, including formation of trusts or other affiliated
3595 entities. The corporation may pledge assessments, projected
3596 recoveries from the Florida Hurricane Catastrophe Fund, other
3597 reinsurance recoverables, market equalization and other
3598 surcharges, and other funds available to the corporation as
3599 security for bonds or other indebtedness. In recognition of s.
3600 10, Art. I of the State Constitution, prohibiting the impairment
3601 of obligations of contracts, it is the intent of the Legislature
3602 that no action be taken whose purpose is to impair any bond
3603 indenture or financing agreement or any revenue source committed
3604 by contract to such bond or other indebtedness.
3605 b. To ensure that the corporation is operating in an
3606 efficient and economic manner while providing quality service to
3607 policyholders, applicants, and agents, the board shall
3608 commission an independent third-party consultant having
3609 expertise in insurance company management or insurance company
3610 management consulting to prepare a report and make
3611 recommendations on the relative costs and benefits of
3612 outsourcing various policy issuance and service functions to

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3613 private servicing carriers or entities performing similar
3614 functions in the private market for a fee, rather than
3615 performing such functions in-house. In making such
3616 recommendations, the consultant shall consider how other
3617 residual markets, both in this state and around the country,
3618 outsource appropriate functions or use servicing carriers to
3619 better match expenses with revenues that fluctuate based on a
3620 widely varying policy count. The report must be completed by
3621 July 1, 2012. Upon receiving the report, the board shall develop
3622 a plan to implement the report and submit the plan for review,
3623 modification, and approval to the Financial Services Commission.
3624 Upon the commission's approval of the plan, the board shall
3625 begin implementing the plan by January 1, 2013.
3626 4. Must require that the corporation operate subject to
3627 the supervision and approval of a board of governors consisting
3628 of eight individuals who are residents of this state, from
3629 different geographical areas of this state.
3630 a. The Governor, the Chief Financial Officer, the
3631 President of the Senate, and the Speaker of the House of
3632 Representatives shall each appoint two members of the board. At
3633 least one of the two members appointed by each appointing
3634 officer must have demonstrated expertise in insurance and is
3635 deemed to be within the scope of the exemption provided in s.
3636 112.313(7)(b). The Chief Financial Officer shall designate one
3637 of the appointees as chair. All board members serve at the
3638 pleasure of the appointing officer. All members of the board are
3639 subject to removal at will by the officers who appointed them.
3640 All board members, including the chair, must be appointed to

3641 serve for 3-year terms beginning annually on a date designated
3642 by the plan. However, for the first term beginning on or after
3643 July 1, 2009, each appointing officer shall appoint one member
3644 of the board for a 2-year term and one member for a 3-year term.
3645 A board vacancy shall be filled for the unexpired term by the
3646 appointing officer. The Chief Financial Officer shall appoint a
3647 technical advisory group to provide information and advice to
3648 the board in connection with the board's duties under this
3649 subsection. The executive director and senior managers of the
3650 corporation shall be engaged by the board and serve at the
3651 pleasure of the board. Any executive director appointed on or
3652 after July 1, 2006, is subject to confirmation by the Senate.
3653 The executive director is responsible for employing other staff
3654 as the corporation may require, subject to review and
3655 concurrence by the board.
3656 b. The board shall create a Market Accountability Advisory
3657 Committee to assist the corporation in developing awareness of
3658 its rates and its customer and agent service levels in
3659 relationship to the voluntary market insurers writing similar
3660 coverage.
3661 (I) The members of the advisory committee consist of the
3662 following 11 persons, one of whom must be elected chair by the
3663 members of the committee: four representatives, one appointed by
3664 the Florida Association of Insurance Agents, one by the Florida
3665 Association of Insurance and Financial Advisors, one by the
3666 Professional Insurance Agents of Florida, and one by the Latin
3667 American Association of Insurance Agencies; three
3668 representatives appointed by the insurers with the three highest

3669 voluntary market share of residential property insurance
3670 business in the state; one representative from the Office of
3671 Insurance Regulation; one consumer appointed by the board who is
3672 insured by the corporation at the time of appointment to the
3673 committee; one representative appointed by the Florida
3674 Association of Realtors; and one representative appointed by the
3675 Florida Bankers Association. All members shall be appointed to
3676 3-year terms and may serve for consecutive terms.
3677 (II) The committee shall report to the corporation at each
3678 board meeting on insurance market issues which may include rates
3679 and rate competition with the voluntary market; service,
3680 including policy issuance, claims processing, and general
3681 responsiveness to policyholders, applicants, and agents; and
3682 matters relating to depopulation.
3683 5. Must provide a procedure for determining the
3684 eligibility of a risk for coverage, as follows:
3685 a. Subject to s. 627.3517, with respect to personal lines
3686 residential risks, if the risk is offered coverage from an
3687 authorized insurer at the insurer's approved rate under a
3688 standard policy including wind coverage or, if consistent with
3689 the insurer's underwriting rules as filed with the office, a
3690 basic policy including wind coverage, for a new application to
3691 the corporation for coverage, the risk is not eligible for any
3692 policy issued by the corporation unless the premium for coverage
3693 from the authorized insurer is more than 15 percent greater than
3694 the premium for comparable coverage from the corporation. If the
3695 risk is not able to obtain such offer, the risk is eligible for
3696 a standard policy including wind coverage or a basic policy

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3697 including wind coverage issued by the corporation; however, if
3698 the risk could not be insured under a standard policy including
3699 wind coverage regardless of market conditions, the risk is
3700 eligible for a basic policy including wind coverage unless
3701 rejected under subparagraph 8. However, a policyholder of the
3702 corporation or a policyholder removed from the corporation
3703 through an assumption agreement until the end of the assumption
3704 period remains eligible for coverage from the corporation
3705 regardless of any offer of coverage from an authorized insurer
3706 or surplus lines insurer. The corporation shall determine the
3707 type of policy to be provided on the basis of objective
3708 standards specified in the underwriting manual and based on
3709 generally accepted underwriting practices.

3710 (I) If the risk accepts an offer of coverage through the
3711 market assistance plan or through a mechanism established by the
3712 corporation before a policy is issued to the risk by the
3713 corporation or during the first 30 days of coverage by the
3714 corporation, and the producing agent who submitted the
3715 application to the plan or to the corporation is not currently
3716 appointed by the insurer, the insurer shall:

3717 (A) Pay to the producing agent of record of the policy for
3718 the first year, an amount that is the greater of the insurer's
3719 usual and customary commission for the type of policy written or
3720 a fee equal to the usual and customary commission of the
3721 corporation; or

3722 (B) Offer to allow the producing agent of record of the
3723 policy to continue servicing the policy for at least 1 year and
3724 offer to pay the agent the greater of the insurer's or the

3725 corporation's usual and customary commission for the type of
3726 policy written.
3727
3728 If the producing agent is unwilling or unable to accept
3729 appointment, the new insurer shall pay the agent in accordance
3730 with sub-sub-sub-subparagraph (A).
3731 (II) If the corporation enters into a contractual
3732 agreement for a take-out plan, the producing agent of record of
3733 the corporation policy is entitled to retain any unearned
3734 commission on the policy, and the insurer shall:
3735 (A) Pay to the producing agent of record, for the first
3736 year, an amount that is the greater of the insurer's usual and
3737 customary commission for the type of policy written or a fee
3738 equal to the usual and customary commission of the corporation;
3739 or
3740 (B) Offer to allow the producing agent of record to
3741 continue servicing the policy for at least 1 year and offer to
3742 pay the agent the greater of the insurer's or the corporation's
3743 usual and customary commission for the type of policy written.
3744
3745 If the producing agent is unwilling or unable to accept
3746 appointment, the new insurer shall pay the agent in accordance
3747 with sub-sub-sub-subparagraph (A).
3748 b. With respect to commercial lines residential risks, for
3749 a new application to the corporation for coverage, if the risk
3750 is offered coverage under a policy including wind coverage from
3751 an authorized insurer at its approved rate, the risk is not
3752 eligible for a policy issued by the corporation unless the

3753 premium for coverage from the authorized insurer is more than 15
3754 percent greater than the premium for comparable coverage from
3755 the corporation. If the risk is not able to obtain any such
3756 offer, the risk is eligible for a policy including wind coverage
3757 issued by the corporation. However, a policyholder of the
3758 corporation or a policyholder removed from the corporation
3759 through an assumption agreement until the end of the assumption
3760 period remains eligible for coverage from the corporation
3761 regardless of an offer of coverage from an authorized insurer or
3762 surplus lines insurer.
3763 (I) If the risk accepts an offer of coverage through the
3764 market assistance plan or through a mechanism established by the
3765 corporation before a policy is issued to the risk by the
3766 corporation or during the first 30 days of coverage by the
3767 corporation, and the producing agent who submitted the
3768 application to the plan or the corporation is not currently
3769 appointed by the insurer, the insurer shall:
3770 (A) Pay to the producing agent of record of the policy,
3771 for the first year, an amount that is the greater of the
3772 insurer's usual and customary commission for the type of policy
3773 written or a fee equal to the usual and customary commission of
3774 the corporation; or
3775 (B) Offer to allow the producing agent of record of the
3776 policy to continue servicing the policy for at least 1 year and
3777 offer to pay the agent the greater of the insurer's or the
3778 corporation's usual and customary commission for the type of
3779 policy written.
3780

3781 If the producing agent is unwilling or unable to accept
3782 appointment, the new insurer shall pay the agent in accordance
3783 with sub-sub-sub-subparagraph (A).
3784 (II) If the corporation enters into a contractual
3785 agreement for a take-out plan, the producing agent of record of
3786 the corporation policy is entitled to retain any unearned
3787 commission on the policy, and the insurer shall:
3788 (A) Pay to the producing agent of record ~~policy~~, for the
3789 first year, an amount that is the greater of the insurer's usual
3790 and customary commission for the type of policy written or a fee
3791 equal to the usual and customary commission of the corporation;
3792 or
3793 (B) Offer to allow the producing agent of record to
3794 continue servicing the policy for at least 1 year and offer to
3795 pay the agent the greater of the insurer's or the corporation's
3796 usual and customary commission for the type of policy written.
3797
3798 If the producing agent is unwilling or unable to accept
3799 appointment, the new insurer shall pay the agent in accordance
3800 with sub-sub-sub-subparagraph (A).
3801 c. For purposes of determining comparable coverage under
3802 sub-subparagraphs a. and b., the comparison must be based on
3803 those forms and coverages that are reasonably comparable. The
3804 corporation may rely on a determination of comparable coverage
3805 and premium made by the producing agent who submits the
3806 application to the corporation, made in the agent's capacity as
3807 the corporation's agent. A comparison may be made solely of the
3808 premium with respect to the main building or structure only on

3809 the following basis: the same coverage A or other building
3810 limits; the same percentage hurricane deductible that applies on
3811 an annual basis or that applies to each hurricane for commercial
3812 residential property; the same percentage of ordinance and law
3813 coverage, if the same limit is offered by both the corporation
3814 and the authorized insurer; the same mitigation credits, to the
3815 extent the same types of credits are offered both by the
3816 corporation and the authorized insurer; the same method for loss
3817 payment, such as replacement cost or actual cash value, if the
3818 same method is offered both by the corporation and the
3819 authorized insurer in accordance with underwriting rules; and
3820 any other form or coverage that is reasonably comparable as
3821 determined by the board. If an application is submitted to the
3822 corporation for wind-only coverage in the coastal account, the
3823 premium for the corporation's wind-only policy plus the premium
3824 for the ex-wind policy that is offered by an authorized insurer
3825 to the applicant must be compared to the premium for multiperil
3826 coverage offered by an authorized insurer, subject to the
3827 standards for comparison specified in this subparagraph. If the
3828 corporation or the applicant requests from the authorized
3829 insurer a breakdown of the premium of the offer by types of
3830 coverage so that a comparison may be made by the corporation or
3831 its agent and the authorized insurer refuses or is unable to
3832 provide such information, the corporation may treat the offer as
3833 not being an offer of coverage from an authorized insurer at the
3834 insurer's approved rate.
3835 6. Must include rules for classifications of risks and
3836 rates.

3837 7. Must provide that if premium and investment income for
3838 an account attributable to a particular calendar year are in
3839 excess of projected losses and expenses for the account
3840 attributable to that year, such excess shall be held in surplus
3841 in the account. Such surplus must be available to defray
3842 deficits in that account as to future years and used for that
3843 purpose before assessing assessable insurers and assessable
3844 insureds as to any calendar year.
3845 8. Must provide objective criteria and procedures to be
3846 uniformly applied to all applicants in determining whether an
3847 individual risk is so hazardous as to be uninsurable. In making
3848 this determination and in establishing the criteria and
3849 procedures, the following must be considered:
3850 a. Whether the likelihood of a loss for the individual
3851 risk is substantially higher than for other risks of the same
3852 class; and
3853 b. Whether the uncertainty associated with the individual
3854 risk is such that an appropriate premium cannot be determined.
3855
3856 The acceptance or rejection of a risk by the corporation shall
3857 be construed as the private placement of insurance, and the
3858 provisions of chapter 120 do not apply.
3859 9. Must provide that the corporation make its best efforts
3860 to procure catastrophe reinsurance at reasonable rates, to cover
3861 its projected 100-year probable maximum loss as determined by
3862 the board of governors.
3863 10. The policies issued by the corporation must provide
3864 that if the corporation or the market assistance plan obtains an

3865 offer from an authorized insurer to cover the risk at its
3866 approved rates, the risk is no longer eligible for renewal
3867 through the corporation, except as otherwise provided in this
3868 subsection.
3869 11. Corporation policies and applications must include a
3870 notice that the corporation policy could, under this section, be
3871 replaced with a policy issued by an authorized insurer which
3872 does not provide coverage identical to the coverage provided by
3873 the corporation. The notice must also specify that acceptance of
3874 corporation coverage creates a conclusive presumption that the
3875 applicant or policyholder is aware of this potential.
3876 12. May establish, subject to approval by the office,
3877 different eligibility requirements and operational procedures
3878 for any line or type of coverage for any specified county or
3879 area if the board determines that such changes are justified due
3880 to the voluntary market being sufficiently stable and
3881 competitive in such area or for such line or type of coverage
3882 and that consumers who, in good faith, are unable to obtain
3883 insurance through the voluntary market through ordinary methods
3884 continue to have access to coverage from the corporation. If
3885 coverage is sought in connection with a real property transfer,
3886 the requirements and procedures may not provide an effective
3887 date of coverage later than the date of the closing of the
3888 transfer as established by the transferor, the transferee, and,
3889 if applicable, the lender.
3890 13. Must provide that, with respect to the coastal
3891 account, any assessable insurer with a surplus as to
3892 policyholders of $25 million or less writing 25 percent or more

3893 of its total countrywide property insurance premiums in this
3894 state may petition the office, within the first 90 days of each
3895 calendar year, to qualify as a limited apportionment company. A
3896 regular assessment levied by the corporation on a limited
3897 apportionment company for a deficit incurred by the corporation
3898 for the coastal account may be paid to the corporation on a
3899 monthly basis as the assessments are collected by the limited
3900 apportionment company from its insureds pursuant to s. 627.3512,
3901 but the regular assessment must be paid in full within 12 months
3902 after being levied by the corporation. A limited apportionment
3903 company shall collect from its policyholders any emergency
3904 assessment imposed under sub-subparagraph (b)3.c. ~~(b)3.d.~~ The
3905 plan must provide that, if the office determines that any
3906 regular assessment will result in an impairment of the surplus
3907 of a limited apportionment company, the office may direct that
3908 all or part of such assessment be deferred as provided in
3909 subparagraph (q)4. However, an emergency assessment to be
3910 collected from policyholders under sub-subparagraph (b)3.c.
3911 ~~(b)3.d.~~ may not be limited or deferred.
3912 14. Must provide that the corporation appoint as its
3913 licensed agents only those agents who also hold an appointment
3914 as defined in s. 626.015(3) with an insurer who at the time of
3915 the agent's initial appointment by the corporation is authorized
3916 to write and is actually writing personal lines residential
3917 property coverage, commercial residential property coverage, or
3918 commercial nonresidential property coverage within the state.
3919 15. Must provide a premium payment plan option to its
3920 policyholders which, at a minimum, allows for quarterly and

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3921 semiannual payment of premiums. A monthly payment plan may, but
3922 is not required to, be offered.
3923 16. Must limit coverage on mobile homes or manufactured
3924 homes built before 1994 to actual cash value of the dwelling
3925 rather than replacement costs of the dwelling.
3926 17. May provide such limits of coverage as the board
3927 determines, consistent with the requirements of this subsection.
3928 18. May require commercial property to meet specified
3929 hurricane mitigation construction features as a condition of
3930 eligibility for coverage.
3931 19. Must provide that new or renewal policies issued by
3932 the corporation on or after January 1, 2012, which cover
3933 sinkhole loss do not include coverage for any loss to
3934 appurtenant structures, driveways, sidewalks, decks, or patios
3935 that are directly or indirectly caused by sinkhole activity. The
3936 corporation shall exclude such coverage using a notice of
3937 coverage change, which may be included with the policy renewal,
3938 and not by issuance of a notice of nonrenewal of the excluded
3939 coverage upon renewal of the current policy.
3940 20. As of January 1, 2012, must require that the agent
3941 obtain from an applicant for coverage from the corporation an
3942 acknowledgement signed by the applicant, which includes, at a
3943 minimum, the following statement:
3944
3945 ACKNOWLEDGEMENT OF POTENTIAL SURCHARGE
3946 AND ASSESSMENT LIABILITY:
3947
3948 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE

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3949 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A
3950 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,
3951 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND
3952 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE
3953 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT
3954 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA
3955 LEGISLATURE.
3956 2. I ALSO UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY
3957 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER
3958 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE
3959 FLORIDA LEGISLATURE.
3960 3. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE
3961 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE
3962 STATE OF FLORIDA.
3963
3964 a. The corporation shall maintain, in electronic format or
3965 otherwise, a copy of the applicant's signed acknowledgement and
3966 provide a copy of the statement to the policyholder as part of
3967 the first renewal after the effective date of this subparagraph.
3968 b. The signed acknowledgement form creates a conclusive
3969 presumption that the policyholder understood and accepted his or
3970 her potential surcharge and assessment liability as a
3971 policyholder of the corporation.
3972 (q)1. The corporation shall certify to the office its
3973 needs for annual assessments as to a particular calendar year,
3974 and for any interim assessments that it deems to be necessary to
3975 sustain operations as to a particular year pending the receipt
3976 of annual assessments. Upon verification, the office shall

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3977 approve such certification, and the corporation shall levy such
3978 annual or interim assessments. Such assessments shall be
3979 prorated as provided in paragraph (b). The corporation shall
3980 take all reasonable and prudent steps necessary to collect the
3981 amount of assessment due from each assessable insurer,
3982 including, if prudent, filing suit to collect such assessment.
3983 If the corporation is unable to collect an assessment from any
3984 assessable insurer, the uncollected assessments shall be levied
3985 as an additional assessment against the assessable insurers and
3986 any assessable insurer required to pay an additional assessment
3987 as a result of such failure to pay shall have a cause of action
3988 against such nonpaying assessable insurer. Assessments shall be
3989 included as an appropriate factor in the making of rates. The
3990 failure of a surplus lines agent to collect and remit any
3991 regular or emergency assessment levied by the corporation is
3992 considered to be a violation of s. 626.936 and subjects the
3993 surplus lines agent to the penalties provided in that section.
3994 2. The governing body of any unit of local government, any
3995 residents of which are insured by the corporation, may issue
3996 bonds as defined in s. 125.013 or s. 166.101 from time to time
3997 to fund an assistance program, in conjunction with the
3998 corporation, for the purpose of defraying deficits of the
3999 corporation. In order to avoid needless and indiscriminate
4000 proliferation, duplication, and fragmentation of such assistance
4001 programs, any unit of local government, any residents of which
4002 are insured by the corporation, may provide for the payment of
4003 losses, regardless of whether or not the losses occurred within
4004 or outside of the territorial jurisdiction of the local

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4005 government. Revenue bonds under this subparagraph may not be
4006 issued until validated pursuant to chapter 75, unless a state of
4007 emergency is declared by executive order or proclamation of the
4008 Governor pursuant to s. 252.36 making such findings as are
4009 necessary to determine that it is in the best interests of, and
4010 necessary for, the protection of the public health, safety, and
4011 general welfare of residents of this state and declaring it an
4012 essential public purpose to permit certain municipalities or
4013 counties to issue such bonds as will permit relief to claimants
4014 and policyholders of the corporation. Any such unit of local
4015 government may enter into such contracts with the corporation
4016 and with any other entity created pursuant to this subsection as
4017 are necessary to carry out this paragraph. Any bonds issued
4018 under this subparagraph shall be payable from and secured by
4019 moneys received by the corporation from emergency assessments
4020 under sub-subparagraph (b)3.c. ~~(b)3.d.~~, and assigned and pledged
4021 to or on behalf of the unit of local government for the benefit
4022 of the holders of such bonds. The funds, credit, property, and
4023 taxing power of the state or of the unit of local government
4024 shall not be pledged for the payment of such bonds.
4025 3.a. The corporation shall adopt one or more programs
4026 subject to approval by the office for the reduction of both new
4027 and renewal writings in the corporation. Beginning January 1,
4028 2008, any program the corporation adopts for the payment of
4029 bonuses to an insurer for each risk the insurer removes from the
4030 corporation shall comply with s. 627.3511(2) and may not exceed
4031 the amount referenced in s. 627.3511(2) for each risk removed.
4032 The corporation may consider any prudent and not unfairly

4033 discriminatory approach to reducing corporation writings, and
4034 may adopt a credit against assessment liability or other
4035 liability that provides an incentive for insurers to take risks
4036 out of the corporation and to keep risks out of the corporation
4037 by maintaining or increasing voluntary writings in counties or
4038 areas in which corporation risks are highly concentrated and a
4039 program to provide a formula under which an insurer voluntarily
4040 taking risks out of the corporation by maintaining or increasing
4041 voluntary writings will be relieved wholly or partially from
4042 assessments under sub-subparagraph (b)3.a. ~~sub-subparagraphs~~
4043 ~~(b)3.a. and b.~~ However, any "take-out bonus" or payment to an
4044 insurer must be conditioned on the property being insured for at
4045 least 5 years by the insurer, unless canceled or nonrenewed by
4046 the policyholder. If the policy is canceled or nonrenewed by the
4047 policyholder before the end of the 5-year period, the amount of
4048 the take-out bonus must be prorated for the time period the
4049 policy was insured. When the corporation enters into a
4050 contractual agreement for a take-out plan, the producing agent
4051 of record of the corporation policy is entitled to retain any
4052 unearned commission on such policy, and the insurer shall
4053 either:
4054 (I) Pay to the producing agent of record of the policy,
4055 for the first year, an amount which is the greater of the
4056 insurer's usual and customary commission for the type of policy
4057 written or a policy fee equal to the usual and customary
4058 commission of the corporation; or
4059 (II) Offer to allow the producing agent of record of the
4060 policy to continue servicing the policy for a period of not less

4061 than 1 year and offer to pay the agent the insurer's usual and
4062 customary commission for the type of policy written. If the
4063 producing agent is unwilling or unable to accept appointment by
4064 the new insurer, the new insurer shall pay the agent in
4065 accordance with sub-sub-subparagraph (I).
4066 b. Any credit or exemption from regular assessments
4067 adopted under this subparagraph shall last no longer than the 3
4068 years following the cancellation or expiration of the policy by
4069 the corporation. With the approval of the office, the board may
4070 extend such credits for an additional year if the insurer
4071 guarantees an additional year of renewability for all policies
4072 removed from the corporation, or for 2 additional years if the
4073 insurer guarantees 2 additional years of renewability for all
4074 policies so removed.
4075 c. There shall be no credit, limitation, exemption, or
4076 deferment from emergency assessments to be collected from
4077 policyholders pursuant to sub-subparagraph (b)3.c. (b)3.d.
4078 4. The plan shall provide for the deferment, in whole or
4079 in part, of the assessment of an assessable insurer, other than
4080 an emergency assessment collected from policyholders pursuant to
4081 sub-subparagraph (b)3.c. (b)3.d., if the office finds that
4082 payment of the assessment would endanger or impair the solvency
4083 of the insurer. In the event an assessment against an assessable
4084 insurer is deferred in whole or in part, the amount by which
4085 such assessment is deferred may be assessed against the other
4086 assessable insurers in a manner consistent with the basis for
4087 assessments set forth in paragraph (b).
4088 5. Effective July 1, 2007, in order to evaluate the costs

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4089 and benefits of approved take-out plans, if the corporation pays
4090 a bonus or other payment to an insurer for an approved take-out
4091 plan, it shall maintain a record of the address or such other
4092 identifying information on the property or risk removed in order
4093 to track if and when the property or risk is later insured by
4094 the corporation.
4095 6. Any policy taken out, assumed, or removed from the
4096 corporation is, as of the effective date of the take-out,
4097 assumption, or removal, direct insurance issued by the insurer
4098 and not by the corporation, even if the corporation continues to
4099 service the policies. This subparagraph applies to policies of
4100 the corporation and not policies taken out, assumed, or removed
4101 from any other entity.
4102 (v)1. Effective July 1, 2002, policies of the Residential
4103 Property and Casualty Joint Underwriting Association become
4104 policies of the corporation. All obligations, rights, assets and
4105 liabilities of the association, including bonds, note and debt
4106 obligations, and the financing documents pertaining to them
4107 become those of the corporation as of July 1, 2002. The
4108 corporation is not required to issue endorsements or
4109 certificates of assumption to insureds during the remaining term
4110 of in-force transferred policies.
4111 2. Effective July 1, 2002, policies of the Florida
4112 Windstorm Underwriting Association are transferred to the
4113 corporation and become policies of the corporation. All
4114 obligations, rights, assets, and liabilities of the association,
4115 including bonds, note and debt obligations, and the financing
4116 documents pertaining to them are transferred to and assumed by

4117 the corporation on July 1, 2002. The corporation is not required
4118 to issue endorsements or certificates of assumption to insureds
4119 during the remaining term of in-force transferred policies.
4120 3. The Florida Windstorm Underwriting Association and the
4121 Residential Property and Casualty Joint Underwriting Association
4122 shall take all actions necessary to further evidence the
4123 transfers and provide the documents and instruments of further
4124 assurance as may reasonably be requested by the corporation for
4125 that purpose. The corporation shall execute assumptions and
4126 instruments as the trustees or other parties to the financing
4127 documents of the Florida Windstorm Underwriting Association or
4128 the Residential Property and Casualty Joint Underwriting
4129 Association may reasonably request to further evidence the
4130 transfers and assumptions, which transfers and assumptions,
4131 however, are effective on the date provided under this paragraph
4132 whether or not, and regardless of the date on which, the
4133 assumptions or instruments are executed by the corporation.
4134 Subject to the relevant financing documents pertaining to their
4135 outstanding bonds, notes, indebtedness, or other financing
4136 obligations, the moneys, investments, receivables, choses in
4137 action, and other intangibles of the Florida Windstorm
4138 Underwriting Association shall be credited to the coastal
4139 account of the corporation, and those of the personal lines
4140 residential coverage account and the commercial lines
4141 residential coverage account of the Residential Property and
4142 Casualty Joint Underwriting Association shall be credited to the
4143 personal lines account and the commercial lines account,
4144 respectively, of the corporation.

4145 4. Effective July 1, 2002, a new applicant for property
4146 insurance coverage who would otherwise have been eligible for
4147 coverage in the Florida Windstorm Underwriting Association is
4148 eligible for coverage from the corporation as provided in this
4149 subsection.
4150 5. The transfer of all policies, obligations, rights,
4151 assets, and liabilities from the Florida Windstorm Underwriting
4152 Association to the corporation and the renaming of the
4153 Residential Property and Casualty Joint Underwriting Association
4154 as the corporation does not affect the coverage with respect to
4155 covered policies as defined in s. 215.555(2)(c) provided to
4156 these entities by the Florida Hurricane Catastrophe Fund. The
4157 coverage provided by the fund to the Florida Windstorm
4158 Underwriting Association based on its exposures as of June 30,
4159 2002, and each June 30 thereafter shall be redesignated as
4160 coverage for the coastal account of the corporation.
4161 Notwithstanding any other provision of law, the coverage
4162 provided by the fund to the Residential Property and Casualty
4163 Joint Underwriting Association based on its exposures as of June
4164 30, 2002, and each June 30 thereafter shall be transferred to
4165 the personal lines account and the commercial lines account of
4166 the corporation. Notwithstanding any other provision of law, the
4167 coastal account shall be treated, for all Florida Hurricane
4168 Catastrophe Fund purposes, as if it were a separate
4169 participating insurer with its own exposures, reimbursement
4170 premium, and loss reimbursement. Likewise, the personal lines
4171 and commercial lines accounts shall be viewed together, for all
4172 fund purposes, as if the two accounts were one and represent a

4173 single, separate participating insurer with its own exposures,
4174 reimbursement premium, and loss reimbursement. The coverage
4175 provided by the fund to the corporation shall constitute and
4176 operate as a full transfer of coverage from the Florida
4177 Windstorm Underwriting Association and Residential Property and
4178 Casualty Joint Underwriting Association to the corporation.
4179 Reviser's note.—Paragraphs (2)(b) and (6)(q) are
4180 amended to conform to the redesignation of s.
4181 627.351(6)(b)3.b. as a portion of sub-subparagraph
4182 (6)(b)3.a. by s. 15, ch. 2011-39, Laws of Florida.
4183 Paragraphs (6)(b), (c), and (q) are amended to conform
4184 to the redesignation of s. 627.351(6)(b)3.d. as sub-
4185 subparagraph (6)(b)3.c. by s. 15, ch. 2011-39.
4186 Paragraph (6)(c) is amended to confirm editorial
4187 deletion of the word "policy" to improve clarity.
4188 Paragraph (6)(v) is amended to confirm editorial
4189 insertion of the word "Association" to conform to the
4190 complete name of the association.
4191 Section 78. Paragraphs (a), (b), and (c) of subsection (3)
4192 and paragraphs (d), (e), and (f) of subsection (6) of section
4193 627.3511, Florida Statutes, are amended to read:
4194 627.3511 Depopulation of Citizens Property Insurance
4195 Corporation.—
4196 (3) EXEMPTION FROM DEFICIT ASSESSMENTS.—
4197 (a) The calculation of an insurer's assessment liability
4198 under s. 627.351(6)(b)3.a. ~~or b.~~ shall, for an insurer that in
4199 any calendar year removes 50,000 or more risks from the Citizens
4200 Property Insurance Corporation, either by issuance of a policy

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4201 upon expiration or cancellation of the corporation policy or by
4202 assumption of the corporation's obligations with respect to in-
4203 force policies, exclude such removed policies for the succeeding
4204 3 years, as follows:
4205 1. In the first year following removal of the risks, the
4206 risks are excluded from the calculation to the extent of 100
4207 percent.
4208 2. In the second year following removal of the risks, the
4209 risks are excluded from the calculation to the extent of 75
4210 percent.
4211 3. In the third year following removal of the risks, the
4212 risks are excluded from the calculation to the extent of 50
4213 percent.
4214
4215 If the removal of risks is accomplished through assumption of
4216 obligations with respect to in-force policies, the corporation
4217 shall pay to the assuming insurer all unearned premium with
4218 respect to such policies less any policy acquisition costs
4219 agreed to by the corporation and assuming insurer. The term
4220 "policy acquisition costs" is defined as costs of issuance of
4221 the policy by the corporation which includes agent commissions,
4222 servicing company fees, and premium tax. This paragraph does not
4223 apply to an insurer that, at any time within 5 years before
4224 removing the risks, had a market share in excess of 0.1 percent
4225 of the statewide aggregate gross direct written premium for any
4226 line of property insurance, or to an affiliate of such an
4227 insurer. This paragraph does not apply unless either at least 40
4228 percent of the risks removed from the corporation are located in

4229 Miami-Dade, Broward, and Palm Beach Counties, or at least 30
4230 percent of the risks removed from the corporation are located in
4231 such counties and an additional 50 percent of the risks removed
4232 from the corporation are located in other coastal counties.
4233 (b) An insurer that first wrote personal lines residential
4234 property coverage in this state on or after July 1, 1994, is
4235 exempt from regular deficit assessments imposed pursuant to s.
4236 627.351(6)(b)3.a. ~~and b.~~, but not emergency assessments
4237 collected from policyholders pursuant to s. 627.351(6)(b)3.c.
4238 ~~627.351(6)(b)3.d.~~, of the Citizens Property Insurance
4239 Corporation until the earlier of the following:
4240 1. The end of the calendar year in which it first wrote
4241 0.5 percent or more of the statewide aggregate direct written
4242 premium for any line of residential property coverage; or
4243 2. December 31, 1997, or December 31 of the third year in
4244 which it wrote such coverage in this state, whichever is later.
4245 (c) Other than an insurer that is exempt under paragraph
4246 (b), an insurer that in any calendar year increases its total
4247 structure exposure subject to wind coverage by 25 percent or
4248 more over its exposure for the preceding calendar year is, with
4249 respect to that year, exempt from deficit assessments imposed
4250 pursuant to s. 627.351(6)(b)3.a. ~~and b.~~, but not emergency
4251 assessments collected from policyholders pursuant to s.
4252 627.351(6)(b)3.c. ~~627.351(6)(b)3.d.~~, of the Citizens Property
4253 Insurance Corporation attributable to such increase in exposure.
4254 (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—
4255 (d) The calculation of an insurer's regular assessment
4256 liability under s. 627.351(6)(b)3.a. ~~and b.~~, but not emergency

4257 assessments collected from policyholders pursuant to s.
4258 627.351(6)(b)3.c. ~~627.351(6)(b)3.d.~~, shall, with respect to
4259 commercial residential policies removed from the corporation
4260 under an approved take-out plan, exclude such removed policies
4261 for the succeeding 3 years, as follows:
4262 1. In the first year following removal of the policies,
4263 the policies are excluded from the calculation to the extent of
4264 100 percent.
4265 2. In the second year following removal of the policies,
4266 the policies are excluded from the calculation to the extent of
4267 75 percent.
4268 3. In the third year following removal of the policies,
4269 the policies are excluded from the calculation to the extent of
4270 50 percent.
4271 (e) An insurer that first wrote commercial residential
4272 property coverage in this state on or after June 1, 1996, is
4273 exempt from regular assessments under s. 627.351(6)(b)3.a. ~~and~~
4274 ~~b.~~, but not emergency assessments collected from policyholders
4275 pursuant to s. 627.351(6)(b)3.c. ~~627.351(6)(b)3.d.~~, with respect
4276 to commercial residential policies until the earlier of:
4277 1. The end of the calendar year in which such insurer
4278 first wrote 0.5 percent or more of the statewide aggregate
4279 direct written premium for commercial residential property
4280 coverage; or
4281 2. December 31 of the third year in which such insurer
4282 wrote commercial residential property coverage in this state.
4283 (f) An insurer that is not otherwise exempt from regular
4284 assessments under s. 627.351(6)(b)3.a. ~~and b.~~ with respect to

4285 commercial residential policies is, for any calendar year in
4286 which such insurer increased its total commercial residential
4287 hurricane exposure by 25 percent or more over its exposure for
4288 the preceding calendar year, exempt from regular assessments
4289 under s. 627.351(6)(b)3.a. ~~and b.~~, but not emergency assessments
4290 collected from policyholders pursuant to s. 627.351(6)(b)3.c.
4291 ~~627.351(6)(b)3.d.~~, attributable to such increased exposure.
4292 Reviser's note.—Amended to conform to the
4293 redesignation of s. 627.351(6)(b)3.b. as a portion of
4294 sub-subparagraph (6)(b)3.a. by s. 15, ch. 2011-39,
4295 Laws of Florida, and the redesignation of s.
4296 627.351(6)(b)3.d. as sub-subparagraph (6)(b)3.c. by s.
4297 15, ch. 2011-39.
4298 Section 79. Paragraph (c) of subsection (1) of section
4299 658.48, Florida Statutes, is amended to read:
4300 658.48 Loans.—A state bank may make loans and extensions
4301 of credit, with or without security, subject to the following
4302 limitations and provisions:
4303 (1) LOANS; GENERAL LIMITATIONS.—
4304 (c) The loan limitations stated in this section shall not
4305 be enlarged by the provisions of any other section of this
4306 chapter, except as provided in subsection (5) ~~(6)~~.
4307 Reviser's note.—Amended to conform to the
4308 redesignation of subsection (6) as subsection (5) by
4309 s. 28, ch. 2011-194, Laws of Florida.
4310 Section 80. Subsection (12) of section 667.003, Florida
4311 Statutes, is amended to read:
4312 667.003 Applicability of chapter 658.—Any state savings

4313 bank is subject to all the provisions, and entitled to all the
4314 privileges, of the financial institutions codes except where it
4315 appears, from the context or otherwise, that such provisions
4316 clearly apply only to banks or trust companies organized under
4317 the laws of this state or the United States. Without limiting
4318 the foregoing general provisions, it is the intent of the
4319 Legislature that the following provisions apply to a savings
4320 bank to the same extent as if the savings bank were a "bank"
4321 operating under such provisions:
4322 ~~(12) Section 658.295, relating to interstate banking.~~
4323 Reviser's note.—Amended to conform to the repeal of s.
4324 658.295 by s. 23, ch. 2011-194, Laws of Florida.
4325 Section 81. Subsection (1) of section 681.108, Florida
4326 Statutes, is amended to read:
4327 681.108 Dispute-settlement procedures.—
4328 (1) If a manufacturer has established a procedure that the
4329 department has certified as substantially complying with the
4330 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
4331 with the provisions of this chapter and the rules adopted under
4332 this chapter, and has informed the consumer how and where to
4333 file a claim with such procedure pursuant to s. 681.103(3), the
4334 provisions of s. 681.104(2) apply to the consumer only if the
4335 consumer has first resorted to such procedure. The
4336 decisionmakers for a certified procedure shall, in rendering
4337 decisions, take into account all legal and equitable factors
4338 germane to a fair and just decision, including, but not limited
4339 to, the warranty; the rights and remedies conferred under 16
4340 C.F.R. part 703, in effect October 1, 1983; the provisions of

4341 this chapter; and any other equitable considerations appropriate
4342 under the circumstances. Decisionmakers and staff for ~~of~~ a
4343 procedure shall be trained in the provisions of this chapter and
4344 in 16 C.F.R. part 703, in effect October 1, 1983. In an action
4345 brought by a consumer concerning an alleged nonconformity, the
4346 decision that results from a certified procedure is admissible
4347 in evidence.
4348 Reviser's note.—Amended to confirm editorial
4349 substitution of the word "for" for the word "of."
4350 Section 82. Subsection (4) of section 753.03, Florida
4351 Statutes, is amended to read:
4352 753.03 Standards for supervised visitation and supervised
4353 exchange programs.—
4354 ~~(4) The clearinghouse shall submit a preliminary report~~
4355 ~~containing its recommendations for the uniform standards by~~
4356 ~~December 31, 2007, and a final report of all recommendations,~~
4357 ~~including those related to the certification and monitoring~~
4358 ~~developed to date, by December 31, 2008, to the President of the~~
4359 ~~Senate, the Speaker of the House of Representatives, and the~~
4360 ~~Chief Justice of the Supreme Court.~~
4361 Reviser's note.—Amended to delete a provision that has
4362 served its purpose.
4363 Section 83. Subsection (3) of section 766.1065, Florida
4364 Statutes, is amended to read:
4365 766.1065 Authorization for release of protected health
4366 information.—
4367 (3) The authorization required by this section shall be in
4368 the following form and shall be construed in accordance with the

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4369 "Standards for Privacy of Individually Identifiable Health
4370 Information" in 45 C.F.R. parts 160 and 164:
4371
4372 AUTHORIZATION FOR RELEASE OF
4373 PROTECTED HEALTH INFORMATION
4374
4375 A. I, (...Name of patient or authorized
4376 representative...) [hereinafter "Patient"], authorize
4377 that (...Name of health care provider to whom the
4378 presuit notice is directed...) and his/her/its
4379 insurer(s), self-insurer(s), and attorney(s) may
4380 obtain and disclose (within the parameters set out
4381 below) the protected health information described
4382 below for the following specific purposes:
4383 1. Facilitating the investigation and evaluation of
4384 the medical negligence claim described in the
4385 accompanying presuit notice; or
4386 2. Defending against any litigation arising out of
4387 the medical negligence claim made on the basis of the
4388 accompanying presuit notice.
4389 B. The health information obtained, used, or
4390 disclosed extends to, and includes, the verbal as well
4391 as the written and is described as follows:
4392 1. The health information in the custody of the
4393 following health care providers who have examined,
4394 evaluated, or treated the Patient in connection with
4395 injuries complained of after the alleged act of
4396 negligence: (List the name and current address of all

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4397 health care providers). This authorization extends to
4398 any additional health care providers that may in the
4399 future evaluate, examine, or treat the Patient for the
4400 injuries complained of.
4401 2. The health information in the custody of the
4402 following health care providers who have examined,
4403 evaluated, or treated the Patient during a period
4404 commencing 2 years before the incident that is the
4405 basis of the accompanying presuit notice.
4406
4407 (List the name and current address of such health care
4408 providers, if applicable.)
4409
4410 C. This authorization does not apply to the following
4411 list of health care providers possessing health care
4412 information about the Patient because the Patient
4413 certifies that such health care information is not
4414 potentially relevant to the claim of personal injury
4415 or wrongful death that is the basis of the
4416 accompanying presuit notice.
4417
4418 (List the name of each health care provider to whom
4419 this authorization does not apply and the inclusive
4420 dates of examination, evaluation, or treatment to be
4421 withheld from disclosure. If none, specify "none.")
4422
4423 D. The persons or class of persons to whom the
4424 Patient authorizes such health information to be

4425 disclosed or by whom such health information is to be
4426 used:
4427 1. Any health care provider providing care or
4428 treatment for the Patient.
4429 2. Any liability insurer or self-insurer providing
4430 liability insurance coverage, self-insurance, or
4431 defense to any health care provider to whom presuit
4432 notice is given regarding the care and treatment of
4433 the Patient.
4434 3. Any consulting or testifying expert employed by or
4435 on behalf of (name of health care provider to whom
4436 presuit notice was given) and his/her/its insurer(s),
4437 self-insurer(s), or attorney(s) regarding ~~to~~ the
4438 matter of the presuit notice accompanying this
4439 authorization.
4440 4. Any attorney (including secretarial, clerical, or
4441 paralegal staff) employed by or on behalf of (name of
4442 health care provider to whom presuit notice was given)
4443 regarding the matter of the presuit notice
4444 accompanying this authorization.
4445 5. Any trier of the law or facts relating to any suit
4446 filed seeking damages arising out of the medical care
4447 or treatment of the Patient.
4448 E. This authorization expires upon resolution of the
4449 claim or at the conclusion of any litigation
4450 instituted in connection with the matter of the
4451 presuit notice accompanying this authorization,
4452 whichever occurs first.

4453 F. The Patient understands that, without exception,
4454 the Patient has the right to revoke this authorization
4455 in writing. The Patient further understands that the
4456 consequence of any such revocation is that the presuit
4457 notice under s. 766.106(2), Florida Statutes, is
4458 deemed retroactively void from the date of issuance,
4459 and any tolling effect that the presuit notice may
4460 have had on any applicable statute-of-limitations
4461 period is retroactively rendered void.
4462 G. The Patient understands that signing this
4463 authorization is not a condition for continued
4464 treatment, payment, enrollment, or eligibility for
4465 health plan benefits.
4466 H. The Patient understands that information used or
4467 disclosed under this authorization may be subject to
4468 additional disclosure by the recipient and may not be
4469 protected by federal HIPAA privacy regulations.
4470
4471 Signature of Patient/Representative: ....
4472 Date: ....
4473 Name of Patient/Representative: ....
4474 Description of Representative's Authority: ....
4475 Reviser's note.—Amended to confirm editorial deletion
4476 of the word "to" following the word "regarding."
4477 Section 84. Subsection (2) of section 794.056, Florida
4478 Statutes, is amended to read:
4479 794.056 Rape Crisis Program Trust Fund.—
4480 (2) The Department of Health shall establish by rule

4481 criteria consistent with the provisions of s. 794.055(3)(b)
4482 ~~794.055(3)(a)~~ for distributing moneys from the trust fund to
4483 rape crisis centers.
4484 Reviser's note.—Amended to improve clarity and correct
4485 an apparent error. Section 794.055(3)(b) relates to
4486 distribution of moneys in the Rape Crisis Program
4487 Trust Fund. Paragraph (3)(a) of that section states
4488 that the Department of Health is to contract with the
4489 statewide nonprofit association, and that the
4490 association is to receive 95 percent of the moneys
4491 appropriated from the trust fund.
4492 Section 85. Paragraph (b) of subsection (1) of section
4493 847.0141, Florida Statutes, is amended to read:
4494 847.0141 Sexting; prohibited acts; penalties.—
4495 (1) A minor commits the offense of sexting if he or she
4496 knowingly:
4497 (b) Possesses a photograph or video of any person that was
4498 transmitted or distributed by another minor which depicts
4499 nudity, as defined in s. 847.001(9), and is harmful to minors,
4500 as defined in s. 847.001(6). A minor does not violate ~~paragraph~~
4501 this paragraph if all of the following apply:
4502 1. The minor did not solicit the photograph or video.
4503 2. The minor took reasonable steps to report the
4504 photograph or video to the minor's legal guardian or to a school
4505 or law enforcement official.
4506 3. The minor did not transmit or distribute the photograph
4507 or video to a third party.
4508 Reviser's note.—Amended to confirm editorial deletion

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4509 of the word "paragraph" preceding the word "this."
4510 Section 86. Paragraph (d) of subsection (11) of section
4511 893.055, Florida Statutes, is amended to read:
4512 893.055 Prescription drug monitoring program.—
4513 (11) The department may establish a direct-support
4514 organization that has a board consisting of at least five
4515 members to provide assistance, funding, and promotional support
4516 for the activities authorized for the prescription drug
4517 monitoring program.
4518 (d) The direct-support organization shall operate under
4519 written contract with the department. The contract must, at a
4520 minimum, provide for:
4521 1. Approval of the articles of incorporation and bylaws of
4522 the direct-support organization by the department.
4523 2. Submission of an annual budget for the approval of the
4524 department.
4525 3. Certification by the department ~~in consultation with~~
4526 ~~the department~~ that the direct-support organization is complying
4527 with the terms of the contract in a manner consistent with and
4528 in furtherance of the goals and purposes of the prescription
4529 drug monitoring program and in the best interests of the state.
4530 Such certification must be made annually and reported in the
4531 official minutes of a meeting of the direct-support
4532 organization.
4533 4. The reversion, without penalty, to the state of all
4534 moneys and property held in trust by the direct-support
4535 organization for the benefit of the prescription drug monitoring
4536 program if the direct-support organization ceases to exist or if

4537 the contract is terminated.
4538 5. The fiscal year of the direct-support organization,
4539 which must begin July 1 of each year and end June 30 of the
4540 following year.
4541 6. The disclosure of the material provisions of the
4542 contract to donors of gifts, contributions, or bequests,
4543 including such disclosure on all promotional and fundraising
4544 publications, and an explanation to such donors of the
4545 distinction between the department and the direct-support
4546 organization.
4547 7. The direct-support organization's collecting,
4548 expending, and providing of funds to the department for the
4549 development, implementation, and operation of the prescription
4550 drug monitoring program as described in this section and s. 2,
4551 chapter 2009-198, Laws of Florida, as long as the task force is
4552 authorized. The direct-support organization may collect and
4553 expend funds to be used for the functions of the direct-support
4554 organization's board of directors, as necessary and approved by
4555 the department. In addition, the direct-support organization may
4556 collect and provide funding to the department in furtherance of
4557 the prescription drug monitoring program by:
4558 a. Establishing and administering the prescription drug
4559 monitoring program's electronic database, including hardware and
4560 software.
4561 b. Conducting studies on the efficiency and effectiveness
4562 of the program to include feasibility studies as described in
4563 subsection (13).
4564 c. Providing funds for future enhancements of the program

4565 within the intent of this section.
4566 d. Providing user training of the prescription drug
4567 monitoring program, including distribution of materials to
4568 promote public awareness and education and conducting workshops
4569 or other meetings, for health care practitioners, pharmacists,
4570 and others as appropriate.
4571 e. Providing funds for travel expenses.
4572 f. Providing funds for administrative costs, including
4573 personnel, audits, facilities, and equipment.
4574 g. Fulfilling all other requirements necessary to
4575 implement and operate the program as outlined in this section.
4576 Reviser's note.—Amended to remove redundant language
4577 and improve clarity.
4578 Section 87. Subsections (6) and (7) of section 893.138,
4579 Florida Statutes, are amended to read:
4580 893.138 Local administrative action to abate drug-related,
4581 prostitution-related, or stolen-property-related public
4582 nuisances and criminal gang activity.—
4583 (6) An order entered under subsection (5) ~~(4)~~ shall expire
4584 after 1 year or at such earlier time as is stated in the order.
4585 (7) An order entered under subsection (5) ~~(4)~~ may be
4586 enforced pursuant to the procedures contained in s. 120.69. This
4587 subsection does not subject a municipality that creates a board
4588 under this section, or the board so created, to any other
4589 provision of chapter 120.
4590 Reviser's note.—Amended to conform to the
4591 redesignation of subsection (4) as subsection (5) by
4592 s. 27, ch. 2011-141, Laws of Florida.

4593 Section 88. Subsection (3) and paragraph (d) of subsection
4594 (4) of section 943.25, Florida Statutes, are amended to read:
4595 943.25 Criminal justice trust funds; source of funds; use
4596 of funds.—
4597 (3) The commission shall, by rule, establish, implement,
4598 supervise, and evaluate the expenditures of the Criminal Justice
4599 Standards and Training Trust Fund for approved advanced and
4600 specialized training program courses. Criminal justice training
4601 school enhancements may be authorized by the commission subject
4602 to the provisions of subsection (6) ~~(7)~~. The commission may
4603 approve the training of appropriate support personnel when it
4604 can be demonstrated that these personnel directly support the
4605 criminal justice function.
4606 (4) The commission shall authorize the establishment of
4607 regional training councils to advise and assist the commission
4608 in developing and maintaining a plan assessing regional criminal
4609 justice training needs and to act as an extension of the
4610 commission in the planning, programming, and budgeting for
4611 expenditures of the moneys in the Criminal Justice Standards and
4612 Training Trust Fund.
4613 (d) A public criminal justice training school must be
4614 designated by the commission to receive and distribute the
4615 disbursements authorized under subsection (8) ~~(9)~~.
4616 Reviser's note.—Amended to conform to the renumbering
4617 of subunits within the section as a result of the
4618 repeal of subsection (3) by s. 8, ch. 2011-52, Laws of
4619 Florida.
4620 Section 89. Subsection (48) of section 984.03, Florida

4621 Statutes, is amended to read:
4622 984.03 Definitions.—When used in this chapter, the term:
4623 ~~(48) "Serious or habitual juvenile offender program" means~~
4624 ~~the program established in s. 985.47.~~
4625 Reviser's note.—Amended to conform to the repeal of s.
4626 985.47 by s. 4, ch. 2011-70, Laws of Florida.
4627 Section 90. Paragraphs (a), (b), (c), (d), (e), and (g) of
4628 subsection (5) of section 985.0301, Florida Statutes, are
4629 amended to read:
4630 985.0301 Jurisdiction.—
4631 (5)(a) Notwithstanding ss. 743.07, 985.43, 985.433,
4632 985.435, 985.439, and 985.441, and except as provided in ss.
4633 985.461~~,~~ <u>and</u> 985.465~~, and 985.47~~ and paragraph (f), when the
4634 jurisdiction of any child who is alleged to have committed a
4635 delinquent act or violation of law is obtained, the court shall
4636 retain jurisdiction, unless relinquished by its order, until the
4637 child reaches 19 years of age, with the same power over the
4638 child which the court had before the child became an adult. For
4639 the purposes of s. 985.461, the court may retain jurisdiction
4640 for an additional 365 days following the child's 19th birthday
4641 if the child is participating in transition-to-adulthood
4642 services. The additional services do not extend involuntary
4643 court-sanctioned residential commitment and therefore require
4644 voluntary participation by the affected youth.
4645 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
4646 ~~as provided in s. 985.47,~~ the term of any order placing a child
4647 in a probation program must be until the child's 19th birthday
4648 unless he or she is released by the court on the motion of an

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4649 interested party or on his or her own motion.
4650 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
4651 ~~as provided in s. 985.47,~~ the term of the commitment must be
4652 until the child is discharged by the department or until he or
4653 she reaches the age of 21 years. Notwithstanding ss. 743.07,
4654 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
4655 except as provided in this section ~~and s. 985.47~~, a child may
4656 not be held under a commitment from a court under s. 985.439, s.
4657 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
4658 age.
4659 (d) The court may retain jurisdiction over a child
4660 committed to the department for placement in a juvenile prison
4661 or in a high-risk or maximum-risk residential commitment program
4662 to allow the child to participate in a juvenile conditional
4663 release program pursuant to s. 985.46. The jurisdiction of the
4664 court may not be retained after ~~beyond~~ the child's 22nd
4665 birthday. However, if the child is not successful in the
4666 conditional release program, the department may use the transfer
4667 procedure under s. 985.441(4).
4668 (e) The court may retain jurisdiction over a child
4669 committed to the department for placement in an intensive
4670 residential treatment program for 10-year-old to 13-year-old
4671 offenders, in the residential commitment program in a juvenile
4672 prison, in a residential sex offender program, or in a program
4673 for serious or habitual juvenile offenders ~~as provided in s.~~
4674 ~~985.47 or s. 985.483~~ until the child reaches the age of 21. If
4675 the court exercises this jurisdiction retention, it shall do so
4676 solely for the purpose of the child completing the intensive

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4677 residential treatment program for 10-year-old to 13-year-old
4678 offenders, in the residential commitment program in a juvenile
4679 prison, in a residential sex offender program, or the program
4680 for serious or habitual juvenile offenders. Such jurisdiction
4681 retention does not apply for other programs, other purposes, or
4682 new offenses.
4683 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
4684 or habitual juvenile offender shall not be held under commitment
4685 from a court under s. 985.441(1)(c)~~, s. 985.47,~~ or s. 985.565
4686 after becoming 21 years of age. This subparagraph shall apply
4687 only for the purpose of completing the serious or habitual
4688 juvenile offender program under this chapter and shall be used
4689 solely for the purpose of treatment.
4690 2. The court may retain jurisdiction over a child who has
4691 been placed in a program or facility for serious or habitual
4692 juvenile offenders until the child reaches the age of 21,
4693 specifically for the purpose of the child completing the
4694 program.
4695 Reviser's note.—Amended to conform to the repeal of s.
4696 985.47 by s. 4, ch. 2011-70, Laws of Florida, and the
4697 repeal of s. 985.483 by s. 5, ch. 2011-70. Paragraph
4698 (5)(d) is amended to confirm editorial deletion of the
4699 word "beyond" following the word "after."
4700 Section 91. Paragraph (a) of subsection (3) of section
4701 985.14, Florida Statutes, is amended to read:
4702 985.14 Intake and case management system.—
4703 (3) The intake and case management system shall facilitate
4704 consistency in the recommended placement of each child, and in

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4705 the assessment, classification, and placement process, with the
4706 following purposes:
4707 (a) An individualized, multidisciplinary assessment
4708 process that identifies the priority needs of each individual
4709 child for rehabilitation and treatment and identifies any needs
4710 of the child's parents or guardians for services that would
4711 enhance their ability to provide adequate support, guidance, and
4712 supervision for the child. This process shall begin with the
4713 detention risk assessment instrument and decision, shall include
4714 the intake preliminary screening and comprehensive assessment
4715 for substance abuse treatment services, mental health services,
4716 retardation services, literacy services, and other educational
4717 and treatment services as components, additional assessment of
4718 the child's treatment needs, and classification regarding the
4719 child's risks to the community and, for a serious or habitual
4720 delinquent child, shall include the assessment for placement in
4721 a serious or habitual delinquent children program ~~under s.~~
4722 ~~985.47~~. The completed multidisciplinary assessment process shall
4723 result in the predisposition report.
4724 Reviser's note.—Amended to conform to the repeal of s.
4725 985.47 by s. 4, ch. 2011-70, Laws of Florida.
4726 Section 92. Paragraph (c) of subsection (1) of section
4727 985.441, Florida Statutes, is amended to read:
4728 985.441 Commitment.—
4729 (1) The court that has jurisdiction of an adjudicated
4730 delinquent child may, by an order stating the facts upon which a
4731 determination of a sanction and rehabilitative program was made
4732 at the disposition hearing:

4733 (c) Commit the child to the department for placement in a
4734 program or facility for serious or habitual juvenile offenders
4735 ~~in accordance with s. 985.47~~.
4736 1. Following a delinquency adjudicatory hearing under s.
4737 985.35 and a delinquency disposition hearing under s. 985.433
4738 that results in a commitment determination, the court shall, on
4739 its own or upon request by the state or the department,
4740 determine whether the protection of the public requires that the
4741 child be placed in a program for serious or habitual juvenile
4742 offenders and whether the particular needs of the child would be
4743 best served by a program for serious or habitual juvenile
4744 offenders ~~as provided in s. 985.47~~. The determination shall be
4745 made under s. ~~ss. 985.47(1) and~~ 985.433(7).
4746 2. Any commitment of a child to a program or facility for
4747 serious or habitual juvenile offenders must be for an
4748 indeterminate period of time, but the time may not exceed the
4749 maximum term of imprisonment that an adult may serve for the
4750 same offense.
4751 Reviser's note.—Amended to conform to the repeal of s.
4752 985.47 by s. 4, ch. 2011-70, Laws of Florida.
4753 Section 93. Subsection (1) of section 1002.33, Florida
4754 Statutes, is amended to read:
4755 1002.33 Charter schools.—
4756 (1) AUTHORIZATION.—Charter schools shall be part of the
4757 state's program of public education. All charter schools in
4758 Florida are public schools. A charter school may be formed by
4759 creating a new school or converting an existing public school to
4760 charter status. A charter school may operate a virtual charter

4761 school pursuant to s. 1002.45(1)(d) to provide full-time online
4762 instruction to eligible students, pursuant to s. 1002.455, in
4763 kindergarten through grade 12. A charter school must amend its
4764 charter or submit a new application pursuant to subsection (6)
4765 to become a virtual charter school. A virtual charter school is
4766 subject to the requirements of this section; however, a virtual
4767 charter school is exempt from subsections (18) and (19),
4768 subparagraphs (20)(a)2., 4., 5., and 7. ~~(20)(a)2.-5.~~, paragraph
4769 (20)(c), and s. 1003.03. A public school may not use the term
4770 charter in its name unless it has been approved under this
4771 section.
4772 Reviser's note.—Amended to conform to the
4773 redesignation of subparagraphs (20)(a)2.-5. as
4774 subparagraphs (20)(a)2., 4., 5., and 7. by s. 8, ch.
4775 2011-55, Laws of Florida.
4776 Section 94. Paragraph (b) of subsection (2) of section
4777 1003.498, Florida Statutes, is amended to read:
4778 1003.498 School district virtual course offerings.—
4779 (2) School districts may offer virtual courses for
4780 students enrolled in the school district. These courses must be
4781 identified in the course code directory. Students who meet the
4782 eligibility requirements of s. 1002.455 may participate in these
4783 virtual course offerings.
4784 (b) Any eligible student who is enrolled in a school
4785 district may register and enroll in an online course offered by
4786 any other school district in the state, except as limited by the
4787 following:
4788 1. A student may not enroll in a course offered through a

4789 virtual instruction program provided pursuant to s. 1002.45.
4790 2. A student may not enroll in a virtual course offered by
4791 another school district if:
4792 a. The course is offered online by the school district in
4793 which the student resides; or
4794 b. The course is offered in the school in which the
4795 student is enrolled. However, a student may enroll in an online
4796 course offered by another school district if the school in which
4797 the student is enrolled offers the course but the student is
4798 unable to schedule the course in his or her school.
4799 3. The school district in which the student completes the
4800 course shall report the student's completion of that course for
4801 funding pursuant to s. 1011.61(1)(c)1.b.(VI)
4802 ~~1011.61(1)(c)b.(VI)~~, and the home school district shall not
4803 report the student for funding for that course.
4804
4805 For purposes of this paragraph, the combined total of all school
4806 district reported FTE may not be reported as more than 1.0 full-
4807 time equivalent student in any given school year. The Department
4808 of Education shall establish procedures to enable interdistrict
4809 coordination for the delivery and funding of this online option.
4810 Reviser's note.—Amended to confirm editorial
4811 substitution of the reference to s.
4812 1011.61(1)(c)1.b.(VI) for a reference to s.
4813 1011.61(1)(c)b.(VI) to conform to the complete
4814 citation for the provision created by s. 9, ch. 2011-
4815 137, relating to FTE calculation for funding for
4816 completion of an online course in a district other

4817 than the student's home district.
4818 Section 95. Paragraph (d) of subsection (5) of section
4819 1004.41, Florida Statutes, is amended to read:
4820 1004.41 University of Florida; J. Hillis Miller Health
4821 Center.—
4822 (5)
4823 (d) For purposes of sovereign immunity pursuant to s.
4824 768.28(2), Shands Jacksonville Medical Center, Inc., Shands
4825 Jacksonville HealthCare, Inc., and any not-for-profit subsidiary
4826 which directly delivers health care services and whose governing
4827 board is chaired by the President of the University of Florida
4828 or his or her designee and is controlled by the University of
4829 Florida Board of Trustees, which may act through the president
4830 of the university or his or her designee and whose primary
4831 purpose is the support of the University of Florida Board of
4832 Trustees' health affairs mission, shall be conclusively deemed
4833 corporations primarily acting as instrumentalities of the state.
4834 Reviser's note.—Amended to confirm editorial insertion
4835 of the word "her."
4836 Section 96. Subsection (5) of section 1007.28, Florida
4837 Statutes, is amended to read:
4838 1007.28 Computer-assisted student advising system.—The
4839 Department of Education, in conjunction with the Board of
4840 Governors, shall establish and maintain a single, statewide
4841 computer-assisted student advising system, which must be an
4842 integral part of the process of advising, registering, and
4843 certifying students for graduation and must be accessible to all
4844 Florida students. The state universities and Florida College

4845 System institutions shall interface institutional systems with
4846 the computer-assisted advising system required by this section.
4847 The State Board of Education and the Board of Governors shall
4848 specify in the statewide articulation agreement required by s.
4849 1007.23(1) the roles and responsibilities of the department, the
4850 state universities, and the Florida College System institutions
4851 in the design, implementation, promotion, development, and
4852 analysis of the system. The system shall consist of a degree
4853 audit and an articulation component that includes the following
4854 characteristics:
4855 (5) The system must provide the admissions application for
4856 transient students who are undergraduate students currently
4857 enrolled and pursuing a degree at a public postsecondary
4858 educational institution and who want to enroll in a course
4859 listed in the Florida Higher Education Distance Learning ~~Leaning~~
4860 Catalog which is offered by a public postsecondary educational
4861 institution that is not the student's degree-granting
4862 institution. This system must include the electronic transfer
4863 and receipt of information and records for the following
4864 functions:
4865 (a) Admissions and readmissions;
4866 (b) Financial aid; and
4867 (c) Transfer of credit awarded by the institution offering
4868 the distance learning course to the transient student's degree-
4869 granting institution.
4870 Reviser's note.—Amended to confirm editorial
4871 substitution of the word "Learning" for the word
4872 "Leaning" to conform to the correct name of the

4873 catalog.
4874 Section 97. Section 1010.82, Florida Statutes, is amended
4875 to read:
4876 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of
4877 Florida, re-created the Textbook Bid Trust Fund to record the
4878 revenue and disbursements of textbook bid performance deposits
4879 submitted to the Department of Education as required in s.
4880 1006.33 ~~1006.32~~.
4881 Reviser's note.—Amended to correct an apparent error
4882 and facilitate correct interpretation. Section 233.15,
4883 2001 Florida Statutes, which related to the deposit of
4884 funds required to be paid by each publisher or
4885 manufacturer of instructional materials upon
4886 submission of a bid or proposal to the Department of
4887 Education into the Textbook Bid Trust Fund, was
4888 repealed by s. 1058, ch. 2002-387, Laws of Florida.
4889 That language was recreated as s. 1006.33(3) by s.
4890 308, ch. 2002-387. Similar language was not recreated
4891 in s. 1006.32, which relates to prohibited acts with
4892 regard to instructional materials.
4893 Section 98. Paragraph (b) of subsection (3) of section
4894 1011.71, Florida Statutes, is amended to read:
4895 1011.71 District school tax.—
4896 (3)
4897 (b) Local funds generated by the additional 0.25 mills
4898 authorized in paragraph (b) and state funds provided pursuant to
4899 s. 1011.62(5) may not be included in the calculation of the
4900 Florida Education Finance Program in 2011-2012 or any subsequent

4901 year and may not be incorporated in the calculation of any hold-
4902 harmless or other component of the Florida Education Finance
4903 Program in any year, except as provided in paragraph (c) ~~(d)~~.
4904 Reviser's note.—Amended to conform to the
4905 redesignation of paragraph (d) as paragraph (c) as a
4906 result of the repeal of former paragraph (b) by s. 36,
4907 ch. 2011-55, Laws of Florida.
4908 Section 99. Subsection (3) of section 1011.81, Florida
4909 Statutes, is amended to read:
4910 1011.81 Florida College System Program Fund.—
4911 (3) State funds provided for the Florida College System
4912 ~~Community College~~ Program Fund may not be expended for the
4913 education of state or federal inmates.
4914 Reviser's note.—Amended to confirm editorial
4915 substitution of the words "Florida College System" for
4916 the words "Community College" to conform to the
4917 renaming of the fund by s. 176, ch. 2011-5, Laws of
4918 Florida.
4919 Section 100. Paragraph (c) of subsection (4) and
4920 subsection (5) of section 1013.33, Florida Statutes, are amended
4921 to read:
4922 1013.33 Coordination of planning with local governing
4923 bodies.—
4924 (4)
4925 (c) If the state land planning agency enters a final order
4926 that finds that the interlocal agreement is inconsistent with
4927 the requirements of subsection (3) or this subsection, the state
4928 land planning agency shall forward it to the Administration

4929 Commission, which may impose sanctions against the local
4930 government pursuant to s. 163.3184(8) ~~163.3184(11)~~ and may
4931 impose sanctions against the district school board by directing
4932 the Department of Education to withhold an equivalent amount of
4933 funds for school construction available pursuant to ss. 1013.65,
4934 1013.68, 1013.70, and 1013.72.
4935 (5) If an executed interlocal agreement is not timely
4936 submitted to the state land planning agency for review, the
4937 state land planning agency shall, within 15 working days after
4938 the deadline for submittal, issue to the local government and
4939 the district school board a notice to show cause why sanctions
4940 should not be imposed for failure to submit an executed
4941 interlocal agreement by the deadline established by the agency.
4942 The agency shall forward the notice and the responses to the
4943 Administration Commission, which may enter a final order citing
4944 the failure to comply and imposing sanctions against the local
4945 government and district school board by directing the
4946 appropriate agencies to withhold at least 5 percent of state
4947 funds pursuant to s. 163.3184(8) ~~163.3184(11)~~ and by directing
4948 the Department of Education to withhold from the district school
4949 board at least 5 percent of funds for school construction
4950 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
4951 1013.72.
4952 Reviser's note.—Amended to conform to the
4953 redesignation of s. 163.3184(11) as s. 163.3184(8) by
4954 s. 17, ch. 2011-139, Laws of Florida.
4955 Section 101. Subsection (6) of section 1013.36, Florida
4956 Statutes, is amended to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4957 1013.36 Site planning and selection.—
4958 (6) If the school board and local government have entered
4959 into an interlocal agreement pursuant to s. 1013.33(2) and
4960 ~~either s. 163.3177(6)(h)4. or~~ s. 163.31777 or have developed a
4961 process to ensure consistency between the local government
4962 comprehensive plan and the school district educational
4963 facilities plan, site planning and selection must be consistent
4964 with the interlocal agreements and the plans.
4965 Reviser's note.—Amended to conform to the repeal of s.
4966 163.3177(6)(h)4. by s. 12, ch. 2011-139, Laws of
4967 Florida.
4968 Section 102. Paragraph (a) of subsection (1) of section
4969 1013.51, Florida Statutes, is amended to read:
4970 1013.51 Expenditures authorized for certain
4971 infrastructure.—
4972 (1)(a) Subject to exemption from the assessment of fees
4973 pursuant to s. <u>1013.371(1)</u> ~~1013.37(1)~~, education boards, boards
4974 of county commissioners, municipal boards, and other agencies
4975 and boards of the state may expend funds, separately or
4976 collectively, by contract or agreement, for the placement,
4977 paving, or maintaining of any road, byway, or sidewalk if the
4978 road, byway, or sidewalk is contiguous to or runs through the
4979 property of any educational plant or for the maintenance or
4980 improvement of the property of any educational plant or of any
4981 facility on such property. Expenditures may also be made for
4982 sanitary sewer, water, stormwater, and utility improvements
4983 upon, or contiguous to, and for the installation, operation, and
4984 maintenance of traffic control and safety devices upon, or

4985 contiguous to, any existing or proposed educational plant.
4986 Reviser's note.—Amended to correct an apparent error
4987 and facilitate correct interpretation. There is no
4988 reference to fees in s. 1013.37(1); it relates to the
4989 adoption and standards of a uniform statewide building
4990 code for the planning and construction of public
4991 educational facilities. Section 1013.371(1) provides
4992 that public and ancillary plans constructed by a board
4993 are exempt from the assessment of certain fees.
4994 Section 103. This act shall take effect on the 60th day
4995 after adjournment sine die of the session of the Legislature in
4996 which enacted.