

By the Committee on Rules; and Senator Thrasher

595-01718-13

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1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes; amending ss.  
3           11.45, 20.15, 20.28, 39.001, 39.0139, 39.201, 40.011,  
4           61.1825, 63.082, 63.2325, 97.0585, 112.63, 120.54,  
5           120.745, 121.055, 121.085, 121.091, 159.823, 163.3246,  
6           163.340, 189.4042, 190.046, 211.02, 215.5601, 215.97,  
7           218.32, 252.385, 252.939, 252.940, 252.941, 252.942,  
8           253.034, 255.2575, 259.032, 282.201, 288.1254,  
9           288.71025, 288.980, 295.07, 311.101, 316.0083,  
10          316.640, 320.20, 322.142, 322.2615, 339.135, 339.2825,  
11          341.840, 343.805, 343.91, 344.17, 348.752, 349.02,  
12          373.227, 373.250, 373.536, 376.3071, 379.2433,  
13          379.3581, 380.0662, 381.004, 381.00593, 381.0065,  
14          381.0101, 391.026, 400.172, 400.915, 400.9905,  
15          403.086, 403.511, 403.9416, 414.295, 420.503,  
16          420.5087, 430.205, 430.80, 430.81, 443.091, 443.111,  
17          443.171, 466.007, 475.6235, 489.118, 499.01, 500.09,  
18          538.23, 553.98, 570.451, 580.036, 586.10, 601.03,  
19          601.15, 601.61, 601.9910, 610.109, 624.402, 626.2815,  
20          626.8734, 626.9362, 626.989, 626.9895, 627.3511,  
21          641.312, 651.118, 817.234, 877.101, 921.0022, 945.355,  
22          948.08, 948.16, 960.003, 985.03, 1003.43, 1003.52,  
23          1006.062, 1006.20, 1006.282, 1009.67, 1009.971, and  
24          1013.231, F.S.; reenacting and amending s. 339.0805,  
25          F.S.; reenacting s. 322.21, F.S.; and repealing ss.  
26          202.38 and 252.945, F.S., deleting provisions that  
27          have expired, have become obsolete, have had their  
28          effect, have served their purpose, or have been  
29          impliedly repealed or superseded; replacing incorrect

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30 cross-references and citations; correcting  
31 grammatical, typographical, and like errors; removing  
32 inconsistencies, redundancies, and unnecessary  
33 repetition in the statutes; improving the clarity of  
34 the statutes and facilitating their correct  
35 interpretation; and confirming the restoration of  
36 provisions unintentionally omitted from republication  
37 in the acts of the Legislature during the amendatory  
38 process; providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Subsection (1) of section 11.45, Florida  
43 Statutes, is amended to read:

44 11.45 Definitions; duties; authorities; reports; rules.—

45 (1) DEFINITIONS.—As used in ss. 11.40-11.51 ~~11.40-11.51~~,  
46 the term:

47 (a) "Audit" means a financial audit, operational audit, or  
48 performance audit.

49 (b) "County agency" means a board of county commissioners  
50 or other legislative and governing body of a county, however  
51 styled, including that of a consolidated or metropolitan  
52 government, a clerk of the circuit court, a separate or ex  
53 officio clerk of the county court, a sheriff, a property  
54 appraiser, a tax collector, a supervisor of elections, or any  
55 other officer in whom any portion of the fiscal duties of the  
56 above are under law separately placed.

57 (c) "Financial audit" means an examination of financial  
58 statements in order to express an opinion on the fairness with

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59 which they are presented in conformity with generally accepted  
60 accounting principles and an examination to determine whether  
61 operations are properly conducted in accordance with legal and  
62 regulatory requirements. Financial audits must be conducted in  
63 accordance with auditing standards generally accepted in the  
64 United States and government auditing standards as adopted by  
65 the Board of Accountancy. When applicable, the scope of  
66 financial audits shall encompass the additional activities  
67 necessary to establish compliance with the Single Audit Act  
68 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other  
69 applicable federal law.

70 (d) "Governmental entity" means a state agency, a county  
71 agency, or any other entity, however styled, that independently  
72 exercises any type of state or local governmental function.

73 (e) "Local governmental entity" means a county agency,  
74 municipality, or special district as defined in s. 189.403, but  
75 does not include any housing authority established under chapter  
76 421.

77 (f) "Management letter" means a statement of the auditor's  
78 comments and recommendations.

79 (g) "Operational audit" means an audit whose purpose is to  
80 evaluate management's performance in establishing and  
81 maintaining internal controls, including controls designed to  
82 prevent and detect fraud, waste, and abuse, and in administering  
83 assigned responsibilities in accordance with applicable laws,  
84 administrative rules, contracts, grant agreements, and other  
85 guidelines. Operational audits must be conducted in accordance  
86 with government auditing standards. Such audits examine internal  
87 controls that are designed and placed in operation to promote

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88 and encourage the achievement of management's control objectives  
89 in the categories of compliance, economic and efficient  
90 operations, reliability of financial records and reports, and  
91 safeguarding of assets, and identify weaknesses in those  
92 internal controls.

93 (h) "Performance audit" means an examination of a program,  
94 activity, or function of a governmental entity, conducted in  
95 accordance with applicable government auditing standards or  
96 auditing and evaluation standards of other appropriate  
97 authoritative bodies. The term includes an examination of issues  
98 related to:

99 1. Economy, efficiency, or effectiveness of the program.

100 2. Structure or design of the program to accomplish its  
101 goals and objectives.

102 3. Adequacy of the program to meet the needs identified by  
103 the Legislature or governing body.

104 4. Alternative methods of providing program services or  
105 products.

106 5. Goals, objectives, and performance measures used by the  
107 agency to monitor and report program accomplishments.

108 6. The accuracy or adequacy of public documents, reports,  
109 or requests prepared under the program by state agencies.

110 7. Compliance of the program with appropriate policies,  
111 rules, or laws.

112 8. Any other issues related to governmental entities as  
113 directed by the Legislative Auditing Committee.

114 (i) "Political subdivision" means a separate agency or unit  
115 of local government created or established by law and includes,  
116 but is not limited to, the following and the officers thereof:

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117 authority, board, branch, bureau, city, commission, consolidated  
118 government, county, department, district, institution,  
119 metropolitan government, municipality, office, officer, public  
120 corporation, town, or village.

121 (j) "State agency" means a separate agency or unit of state  
122 government created or established by law and includes, but is  
123 not limited to, the following and the officers thereof:

124 authority, board, branch, bureau, commission, department,  
125 division, institution, office, officer, or public corporation,  
126 as the case may be, except any such agency or unit within the  
127 legislative branch of state government other than the Florida  
128 Public Service Commission.

129 Reviser's note.—Section 11.511 was repealed by s. 1, ch. 2011-  
130 34, Laws of Florida.

131 Section 2. Subsection (7) of section 20.15, Florida  
132 Statutes, is amended to read:

133 20.15 Department of Education.—There is created a  
134 Department of Education.

135 (7) BOARDS.—Notwithstanding anything contained in law to  
136 the contrary, all members of the Florida College System  
137 institution ~~community college~~ boards of trustees must be  
138 appointed according to chapter 1001.

139 Reviser's note.—Amended to conform a reference to community  
140 college boards of trustees to changes in chapters 2008-52  
141 and 2009-228, Laws of Florida, transitioning references to  
142 community colleges to Florida College System institutions.

143 Section 3. Section 20.28, Florida Statutes, is amended to  
144 read:

145 20.28 State Board of Administration.—The State Board of

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146 Administration, continued by s. 4 9, Art. IV ~~XII~~ of the State  
147 Constitution, retains all of its powers, duties, and functions  
148 as prescribed by law.

149 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
150 of 1968 provides that the governor, chief financial  
151 officer, and attorney general constitute the state board of  
152 administration, as successor to the state board of  
153 administration established pursuant to s. 16, Art. IX of  
154 the Constitution of 1885.

155 Section 4. Subsection (12) of section 39.001, Florida  
156 Statutes, is amended to read:

157 39.001 Purposes and intent; personnel standards and  
158 screening.—

159 ~~(12) EVALUATION.—By February 1, 2009, the Legislature shall~~  
160 ~~evaluate the office and determine whether it should continue to~~  
161 ~~be housed in the Executive Office of the Governor or transferred~~  
162 ~~to a state agency.~~

163 Reviser's note.—Amended to delete an obsolete provision.

164 Section 5. Paragraph (b) of subsection (4) of section  
165 39.0139, Florida Statutes, is amended to read:

166 39.0139 Visitation or other contact; restrictions.—

167 (4) HEARINGS.—A person who meets any of the criteria set  
168 forth in paragraph (3) (a) who seeks to begin or resume contact  
169 with the child victim shall have the right to an evidentiary  
170 hearing to determine whether contact is appropriate.

171 (b) At the hearing, the court may receive and rely upon any  
172 relevant and material evidence submitted to the extent of its  
173 probative value, including written and oral reports or  
174 recommendations from the child protection ~~protective~~ team, the

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175 child's therapist, the child's guardian ad litem, or the child's  
176 attorney ad litem, even if these reports, recommendations, and  
177 evidence may not be admissible under the rules of evidence.

178 Reviser's note.—Amended to conform to s. 39.303, which relates  
179 to child protection teams.

180 Section 6. Paragraph (j) of subsection (2) of section  
181 39.201, Florida Statutes, is amended to read:

182 39.201 Mandatory reports of child abuse, abandonment, or  
183 neglect; mandatory reports of death; central abuse hotline.—

184 (2)

185 (j)1. The department shall update the web form used for  
186 reporting child abuse, abandonment, or neglect to:

187 a. Include qualifying questions in order to obtain  
188 necessary information required to assess need and a response.

189 b. Indicate which fields are required to submit the report.

190 c. Allow a reporter to save his or her report and return to  
191 it at a later time.

192 2. The report shall be made available to the  
193 counselors in its entirety as needed to update the  
194 Florida Safe Families Network or other similar  
195 systems.

196 Reviser's note.—Amended to confirm insertion of the word "at" by  
197 the editors.

198 Section 7. Subsection (5) of section 40.011, Florida  
199 Statutes, is amended to read:

200 40.011 Jury lists.—

201 (5) Using the source name lists described in subsections  
202 (2) and (3), a clerk of court may generate juror candidate lists  
203 as necessary to ensure a valid and consistent juror selection

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204 process.

205 (a) The initial juror candidate list is derived from the  
206 name sources and shall be the master list from which prospective  
207 jurors are drawn for summons.

208 (b) The final juror candidate list shall contain a list of  
209 those persons, drawn from the initial candidate list as  
210 prescribed in this chapter, who are to be summoned as a pool for  
211 possible juror service.

212 Reviser's note.—Amended to confirm insertion of the word "in" by  
213 the editors.

214 Section 8. Paragraph (a) of subsection (3) of section  
215 61.1825, Florida Statutes, is amended to read:

216 61.1825 State Case Registry.—

217 (3) (a) For the purpose of this section, a family violence  
218 indicator must be placed on a record when:

219 1. A party executes a sworn statement requesting that a  
220 family violence indicator be placed on that party's record which  
221 states that the party has reason to believe that release of  
222 information to the Federal Case Registry may result in physical  
223 or emotional harm to the party or the child; or

224 2. A temporary or final injunction for protection against  
225 domestic violence has been granted pursuant to s. 741.30(6), an  
226 injunction for protection against domestic violence has been  
227 issued by a court of a foreign state pursuant to s. 741.315, or  
228 a temporary or final injunction for protection against repeat  
229 violence has been granted pursuant to s. 784.046; or

230 3. The department has received information on a Title IV-D  
231 case from the Domestic, Dating, Sexual, Violence and Repeat  
232 Violence Injunction Statewide Verification System, established



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233 pursuant to s. 784.046(8)(b), that a court has granted a party a  
234 domestic violence or repeat violence injunction.

235 Reviser's note.—Amended to conform to the complete name of the  
236 verification system required by s. 784.046(8)(b).

237 Section 9. Paragraph (h) of subsection (7) of section  
238 63.082, Florida Statutes, is amended to read:

239 63.082 Execution of consent to adoption or affidavit of  
240 nonpaternity; family social and medical history; revocation of  
241 consent.—

242 (7) If a person is seeking to revoke consent for a child  
243 older than 6 months of age:

244 (h) If the consent of one parent is set aside or revoked in  
245 accordance with this chapter, any other consents executed by the  
246 other parent or a third party whose consent is required for the  
247 adoption of the child may not be used by the parent whose ~~who~~  
248 consent was revoked or set aside to terminate or diminish the  
249 rights of the other parent or third party whose consent was  
250 required for the adoption of the child.

251 Reviser's note.—Amended to confirm substitution of the word  
252 "whose" for the word "who" by the editors.

253 Section 10. Section 63.2325, Florida Statutes, is amended  
254 to read:

255 63.2325 Conditions for invalidation of a consent to  
256 adoption or affidavit of nonpaternity.—Notwithstanding the  
257 requirements of this chapter, a failure to meet any of those  
258 requirements does not constitute grounds for invalidation of a  
259 consent to adoption or revocation of an affidavit of  
260 nonpaternity unless the extent and circumstances of such a  
261 failure result in a material failure of fundamental fairness in

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262 the administration of due process, or the failure constitutes or  
263 contributes to fraud or duress in obtaining a consent to  
264 adoption or affidavit of nonpaternity.

265 Reviser's note.—Amended to confirm reinsertion of the word "of"  
266 by the editors for clarity. Section 26, ch. 2012-81, Laws  
267 of Florida, inserted "revocation" and struck "withdrawal  
268 of."

269 Section 11. Subsection (3) of section 97.0585, Florida  
270 Statutes, is amended to read:

271 97.0585 Public records exemption; information regarding  
272 voters and voter registration; confidentiality.—

273 (3) The names, addresses, and telephone numbers of persons  
274 who are victims of stalking or aggravated stalking are exempt  
275 from s. 119.07(1) ~~119.071(1)~~ and s. 24(a), Art. I of the State  
276 Constitution in the same manner that the names, addresses, and  
277 telephone numbers of participants in the Address Confidentiality  
278 Program for Victims of Domestic Violence which are held by the  
279 Attorney General under s. 741.465 are exempt from disclosure,  
280 provided that the victim files a sworn statement of stalking  
281 with the Office of the Attorney General and otherwise complies  
282 with the procedures in ss. 741.401-741.409.

283 Reviser's note.—Amended to correct an apparent error. Section  
284 119.07(1) requires custodians of public records to permit  
285 inspection and copying thereof. Section 119.071(1) provides  
286 exemptions from public records requirements for specified  
287 records of governmental agencies.

288 Section 12. Paragraph (d) of subsection (4) of section  
289 112.63, Florida Statutes, is amended to read:

290 112.63 Actuarial reports and statements of actuarial

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291 impact; review.—

292 (4) Upon receipt, pursuant to subsection (2), of an  
293 actuarial report, or, pursuant to subsection (3), of a statement  
294 of actuarial impact, the Department of Management Services shall  
295 acknowledge such receipt, but shall only review and comment on  
296 each retirement system's or plan's actuarial valuations at least  
297 on a triennial basis.

298 (d) In the case of an affected special district, the  
299 Department of Management Services shall also notify the  
300 Department of Economic Opportunity. Upon receipt of  
301 notification, the Department of Economic Opportunity shall  
302 proceed pursuant to s. 189.421.

303 1. Failure of a special district to provide a required  
304 report or statement, to make appropriate adjustments, or to  
305 provide additional material information after the procedures  
306 specified in s. 189.421(1) are exhausted shall be deemed final  
307 action by the special district.

308 2. The Department of Management Services may notify the  
309 Department of Economic Opportunity ~~Community Affairs~~ of those  
310 special districts that failed to come into compliance. Upon  
311 receipt of notification, the Department of Economic Opportunity  
312 ~~Community Affairs~~ shall proceed pursuant to s. 189.421(4).

313 Reviser's note.—Amended to confirm substitution by the editors  
314 of a reference to the Department of Economic Opportunity  
315 for a reference to the Department of Community Affairs; s.  
316 20.18, which created the Department of Community Affairs,  
317 was repealed by s. 478, ch. 2011-142, Laws of Florida. For  
318 purposes of chapter 189, relating to special districts, the  
319 term "department" was revised to mean the Department of

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320 Economic Opportunity instead of the Department of Community  
321 Affairs pursuant to the amendment to s. 189.403(4) by s.  
322 64, ch. 2011-142.

323 Section 13. Paragraph (b) of subsection (3) of section  
324 120.54, Florida Statutes, is amended to read:

325 120.54 Rulemaking.—

326 (3) ADOPTION PROCEDURES.—

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

328 1. Statement of estimated regulatory costs.—Before the  
329 adoption, amendment, or repeal of any rule other than an  
330 emergency rule, an agency is encouraged to prepare a statement  
331 of estimated regulatory costs of the proposed rule, as provided  
332 by s. 120.541. However, an agency must prepare a statement of  
333 estimated regulatory costs of the proposed rule, as provided by  
334 s. 120.541, if:

335 a. The proposed rule will have an adverse impact on small  
336 business; or

337 b. The proposed rule is likely to directly or indirectly  
338 increase regulatory costs in excess of \$200,000 in the aggregate  
339 in this state within 1 year after the implementation of the  
340 rule.

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

342 a. Each agency, before the adoption, amendment, or repeal  
343 of a rule, shall consider the impact of the rule on small  
344 businesses as defined by s. 288.703 and the impact of the rule  
345 on small counties or small cities as defined by s. 120.52.  
346 Whenever practicable, an agency shall tier its rules to reduce  
347 disproportionate impacts on small businesses, small counties, or  
348 small cities to avoid regulating small businesses, small

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349 counties, or small cities that do not contribute significantly  
350 to the problem the rule is designed to address. An agency may  
351 define "small business" to include businesses employing more  
352 than 200 persons, may define "small county" to include those  
353 with populations of more than 75,000, and may define "small  
354 city" to include those with populations of more than 10,000, if  
355 it finds that such a definition is necessary to adapt a rule to  
356 the needs and problems of small businesses, small counties, or  
357 small cities. The agency shall consider each of the following  
358 methods for reducing the impact of the proposed rule on small  
359 businesses, small counties, and small cities, or any combination  
360 of these entities:

361 (I) Establishing less stringent compliance or reporting  
362 requirements in the rule.

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

365 (III) Consolidating or simplifying the rule's compliance or  
366 reporting requirements.

367 (IV) Establishing performance standards or best management  
368 practices to replace design or operational standards in the  
369 rule.

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

372 b.(I) If the agency determines that the proposed action  
373 will affect small businesses as defined by the agency as  
374 provided in sub-subparagraph a., the agency shall send written  
375 notice of the rule to the rules ombudsman in the Executive  
376 Office of the Governor at least 28 days before the intended  
377 action.

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378 (II) Each agency shall adopt those regulatory alternatives  
379 offered by the rules ombudsman in the Executive Office of the  
380 Governor and provided to the agency no later than 21 days after  
381 the rules ombudsman's ~~council's~~ receipt of the written notice of  
382 the rule which it finds are feasible and consistent with the  
383 stated objectives of the proposed rule and which would reduce  
384 the impact on small businesses. When regulatory alternatives are  
385 offered by the rules ombudsman in the Executive Office of the  
386 Governor, the 90-day period for filing the rule in subparagraph  
387 (e)2. is extended for a period of 21 days.

388 (III) If an agency does not adopt all alternatives offered  
389 pursuant to this sub-subparagraph, it shall, before rule  
390 adoption or amendment and pursuant to subparagraph (d)1., file a  
391 detailed written statement with the committee explaining the  
392 reasons for failure to adopt such alternatives. Within 3 working  
393 days after the filing of such notice, the agency shall send a  
394 copy of such notice to the rules ombudsman in the Executive  
395 Office of the Governor.

396 Reviser's note.—Amended to conform to the reassignment by ch.

397 2012-27, Laws of Florida, of duties of the Small Business  
398 Regulatory Advisory Council to the rules ombudsman in the  
399 Executive Office of the Governor. Section 5, ch. 2012-27,  
400 repealed s. 288.7001, which created the council.

401 Section 14. Paragraph (a) of subsection (5) of section  
402 120.745, Florida Statutes, is amended to read:

403 120.745 Legislative review of agency rules in effect on or  
404 before November 16, 2010.—

405 (5) COMPLIANCE ECONOMIC REVIEW OF RULES AND REQUIRED  
406 REPORT.—Each agency shall perform a compliance economic review

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407 and report for all rules, including separate reviews of  
408 subparts, listed under Group 1 "Group 1 rules" or Group 2 "Group  
409 2 rules" pursuant to subparagraph (2)(g)3. Group 1 rules shall  
410 be reviewed and reported on in 2012, and Group 2 rules shall be  
411 reviewed and reported on in 2013.

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

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

415 2. File the written certification of the agency head with  
416 the committee verifying the completion of each compliance  
417 economic review required for the respective year. The  
418 certification shall be dated and published as an addendum to the  
419 report required in subsection (3). The duty to certify  
420 completion of the required compliance economic reviews is the  
421 responsibility solely of the agency head as defined in s.  
422 120.52(3) and may not be delegated to any other person. If the  
423 defined agency head is a collegial body, the written  
424 certification must be prepared by the chair or equivalent  
425 presiding officer of that body.

426 3. Publish a copy of the compliance economic review,  
427 directions on how and when interested parties may submit lower  
428 cost regulatory alternatives to the agency, and the date the  
429 notice is published in the manner provided in subsection (7).

430 4. Publish notice of the publications required in  
431 subparagraphs 2. and 3. in the manner provided in subsection  
432 (7).

433 5. Submit each compliance economic review to the rules  
434 ombudsman in the Executive Office of the Governor for the rules  
435 ombudsman's ~~its~~ review.

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436 Reviser's note.—Amended to confirm substitution of the words  
437 "the ombudsman's" for the word "its" by the editors. As  
438 created by s. 5, ch. 2011-225, Laws of Florida, s.  
439 120.745(5)(a)5. referenced the Small Business Regulatory  
440 Advisory Council, and the word "its" referred back to that  
441 reference. Chapter 2012-27, Laws of Florida, reassigned  
442 duties of the Small Business Regulatory Advisory Council to  
443 the rules ombudsman in the Executive Office of the  
444 Governor. Section 3, ch. 2012-27, substituted a reference  
445 to the rules ombudsman for a reference to the council but  
446 left the referencing word "its." Section 5, ch. 2012-27,  
447 repealed s. 288.7001, which created the council.  
448 Section 15. Paragraph (d) of subsection (6) of section  
449 121.055, Florida Statutes, is amended to read:

450 121.055 Senior Management Service Class.—There is hereby  
451 established a separate class of membership within the Florida  
452 Retirement System to be known as the "Senior Management Service  
453 Class," which shall become effective February 1, 1987.

454 (6)

455 (d) *Contributions.*—

456 1.a. Through June 30, 2001, each employer shall contribute  
457 on behalf of each member of the Senior Management Service  
458 Optional Annuity Program an amount equal to the normal cost  
459 portion of the employer retirement contribution which would be  
460 required if the member were a Senior Management Service Class  
461 member of the Florida Retirement System Pension Plan, plus the  
462 portion of the contribution rate required in s. 112.363(8) that  
463 would otherwise be assigned to the Retiree Health Insurance  
464 Subsidy Trust Fund.



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465 b. Effective July 1, 2001, through June 30, 2011, each  
466 employer shall contribute on behalf of each member of the  
467 optional annuity program an amount equal to 12.49 percent of the  
468 employee's gross monthly compensation.

469 c. Effective July 1, 2011, through June 30, 2012, each  
470 member of the optional annuity program shall contribute an  
471 amount equal to the employee contribution required under s.  
472 121.71(3). The employer shall contribute on behalf of such  
473 employee an amount equal to the difference between 12.49 percent  
474 of the employee's gross monthly compensation and the amount  
475 equal to the employee's required contribution based on the  
476 employee's gross monthly compensation.

477 d. Effective July 1, 2012, each member of the optional  
478 annuity program shall contribute an amount equal to the employee  
479 contribution required under s. 121.71 ~~121.73~~. The employer shall  
480 contribute on behalf of such employee an amount equal to the  
481 difference between 9.27 percent of the employee's gross monthly  
482 compensation and the amount equal to the employee's required  
483 contribution based on the employee's gross monthly compensation.

484 e. The department shall deduct an amount approved by the  
485 Legislature to provide for the administration of this program.  
486 Payment of the contributions, including contributions made by  
487 the employee, shall be made by the employer to the department,  
488 which shall forward the contributions to the designated company  
489 or companies contracting for payment of benefits for the member  
490 under the program.

491 2. Each employer shall contribute on behalf of each member  
492 of the Senior Management Service Optional Annuity Program an  
493 amount equal to the unfunded actuarial accrued liability portion

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494 of the employer contribution which would be required for members  
495 of the Senior Management Service Class in the Florida Retirement  
496 System. This contribution shall be paid to the department for  
497 transfer to the Florida Retirement System Trust Fund.

498 3. An Optional Annuity Program Trust Fund shall be  
499 established in the State Treasury and administered by the  
500 department to make payments to provider companies on behalf of  
501 the optional annuity program members, and to transfer the  
502 unfunded liability portion of the state optional annuity program  
503 contributions to the Florida Retirement System Trust Fund.

504 4. Contributions required for social security by each  
505 employer and employee, in the amount required for social  
506 security coverage as now or hereafter may be provided by the  
507 federal Social Security Act shall be maintained for each member  
508 of the Senior Management Service retirement program and are in  
509 addition to the retirement contributions specified in this  
510 paragraph.

511 5. Each member of the optional annuity program may  
512 contribute by way of salary reduction or deduction a percentage  
513 amount of the employee's gross compensation not to exceed the  
514 percentage amount contributed by the employer to the optional  
515 annuity program. Payment of the employee's contributions shall  
516 be made by the employer to the department, which shall forward  
517 the contributions to the designated company or companies  
518 contracting for payment of benefits for the member under the  
519 program.

520 Reviser's note.—Amended to conform to context. Section 121.71(3)  
521 relates to employee contributions. Section 121.73 relates  
522 to allocations from the Florida Retirement System

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523 Contributions Clearing Trust Fund for disability coverage  
524 for members in the investment plan.

525 Section 16. Section 121.085, Florida Statutes, is amended  
526 to read:

527 121.085 Creditable service.—The following provision  
528 ~~provisions~~ shall apply to creditable service as defined in s.  
529 121.021(17): no creditable service which remained unclaimed at  
530 retirement may be claimed or purchased after a retirement  
531 benefit payment has been cashed or deposited.

532 Reviser's note.—Amended to confirm substitution of the word  
533 "provision" for the word "provisions" by the editors to  
534 conform to context; s. 36, ch. 2012-116, Laws of Florida,  
535 repealed subsection (1), leaving only one provision in the  
536 section.

537 Section 17. Paragraph (b) of subsection (9) of section  
538 121.091, Florida Statutes, is amended to read:

539 121.091 Benefits payable under the system.—Benefits may not  
540 be paid under this section unless the member has terminated  
541 employment as provided in s. 121.021(39) (a) or begun  
542 participation in the Deferred Retirement Option Program as  
543 provided in subsection (13), and a proper application has been  
544 filed in the manner prescribed by the department. The department  
545 may cancel an application for retirement benefits when the  
546 member or beneficiary fails to timely provide the information  
547 and documents required by this chapter and the department's  
548 rules. The department shall adopt rules establishing procedures  
549 for application for retirement benefits and for the cancellation  
550 of such application when the required information or documents  
551 are not received.

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552 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

553 (b) Any person whose retirement is effective before July 1,  
554 2010, or whose participation in the Deferred Retirement Option  
555 Program terminates before July 1, 2010, except under the  
556 disability retirement provisions of subsection (4) or as  
557 provided in s. 121.053, may be reemployed by an employer that  
558 participates in a state-administered retirement system and  
559 receive retirement benefits and compensation from that employer,  
560 except that the person may not be reemployed by an employer  
561 participating in the Florida Retirement System before meeting  
562 the definition of termination in s. 121.021 and may not receive  
563 both a salary from the employer and retirement benefits for 12  
564 calendar months immediately subsequent to the date of  
565 retirement. However, a DROP participant shall continue  
566 employment and receive a salary during the period of  
567 participation in the Deferred Retirement Option Program, as  
568 provided in subsection (13).

569 1. A retiree who violates such reemployment limitation  
570 before completion of the 12-month limitation period must give  
571 timely notice of this fact in writing to the employer and to the  
572 Division of Retirement or the state board and shall have his or  
573 her retirement benefits suspended for the months employed or the  
574 balance of the 12-month limitation period as required in sub-  
575 subparagraphs b. and c. A retiree employed in violation of this  
576 paragraph and an employer who employs or appoints such person  
577 are jointly and severally liable for reimbursement to the  
578 retirement trust fund, including the Florida Retirement System  
579 Trust Fund and the Public Employee Optional Retirement Program  
580 Trust Fund, from which the benefits were paid. The employer must

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581 have a written statement from the retiree that he or she is not  
582 retired from a state-administered retirement system. Retirement  
583 benefits shall remain suspended until repayment has been made.  
584 Benefits suspended beyond the reemployment limitation shall  
585 apply toward repayment of benefits received in violation of the  
586 reemployment limitation.

587 a. A district school board may reemploy a retiree as a  
588 substitute or hourly teacher, education paraprofessional,  
589 transportation assistant, bus driver, or food service worker on  
590 a noncontractual basis after he or she has been retired for 1  
591 calendar month. A district school board may reemploy a retiree  
592 as instructional personnel, as defined in s. 1012.01(2)(a), on  
593 an annual contractual basis after he or she has been retired for  
594 1 calendar month. Any member who is reemployed within 1 calendar  
595 month after retirement shall void his or her application for  
596 retirement benefits. District school boards reemploying such  
597 teachers, education paraprofessionals, transportation  
598 assistants, bus drivers, or food service workers are subject to  
599 the retirement contribution required by subparagraph 2.

600 b. A Florida College System institution ~~community college~~  
601 board of trustees may reemploy a retiree as an adjunct  
602 instructor or as a participant in a phased retirement program  
603 within the Florida ~~Community~~ College System, after he or she has  
604 been retired for 1 calendar month. A member who is reemployed  
605 within 1 calendar month after retirement shall void his or her  
606 application for retirement benefits. Boards of trustees  
607 reemploying such instructors are subject to the retirement  
608 contribution required in subparagraph 2. A retiree may be  
609 reemployed as an adjunct instructor for no more than 780 hours

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610 during the first 12 months of retirement. A retiree reemployed  
611 for more than 780 hours during the first 12 months of retirement  
612 must give timely notice in writing to the employer and to the  
613 Division of Retirement or the state board of the date he or she  
614 will exceed the limitation. The division shall suspend his or  
615 her retirement benefits for the remainder of the 12 months of  
616 retirement. Any retiree employed in violation of this sub-  
617 subparagraph and any employer who employs or appoints such  
618 person without notifying the division to suspend retirement  
619 benefits are jointly and severally liable for any benefits paid  
620 during the reemployment limitation period. The employer must  
621 have a written statement from the retiree that he or she is not  
622 retired from a state-administered retirement system. Any  
623 retirement benefits received by the retiree while reemployed in  
624 excess of 780 hours during the first 12 months of retirement  
625 must be repaid to the Florida Retirement System Trust Fund, and  
626 retirement benefits shall remain suspended until repayment is  
627 made. Benefits suspended beyond the end of the retiree's first  
628 12 months of retirement shall apply toward repayment of benefits  
629 received in violation of the 780-hour reemployment limitation.

630 c. The State University System may reemploy a retiree as an  
631 adjunct faculty member or as a participant in a phased  
632 retirement program within the State University System after the  
633 retiree has been retired for 1 calendar month. A member who is  
634 reemployed within 1 calendar month after retirement shall void  
635 his or her application for retirement benefits. The State  
636 University System is subject to the retired contribution  
637 required in subparagraph 2., as appropriate. A retiree may be  
638 reemployed as an adjunct faculty member or a participant in a

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639 phased retirement program for no more than 780 hours during the  
640 first 12 months of his or her retirement. A retiree reemployed  
641 for more than 780 hours during the first 12 months of retirement  
642 must give timely notice in writing to the employer and to the  
643 Division of Retirement or the state board of the date he or she  
644 will exceed the limitation. The division shall suspend his or  
645 her retirement benefits for the remainder of the 12 months. Any  
646 retiree employed in violation of this sub-subparagraph and any  
647 employer who employs or appoints such person without notifying  
648 the division to suspend retirement benefits are jointly and  
649 severally liable for any benefits paid during the reemployment  
650 limitation period. The employer must have a written statement  
651 from the retiree that he or she is not retired from a state-  
652 administered retirement system. Any retirement benefits received  
653 by the retiree while reemployed in excess of 780 hours during  
654 the first 12 months of retirement must be repaid to the Florida  
655 Retirement System Trust Fund, and retirement benefits shall  
656 remain suspended until repayment is made. Benefits suspended  
657 beyond the end of the retiree's first 12 months of retirement  
658 shall apply toward repayment of benefits received in violation  
659 of the 780-hour reemployment limitation.

660 d. The Board of Trustees of the Florida School for the Deaf  
661 and the Blind may reemploy a retiree as a substitute teacher,  
662 substitute residential instructor, or substitute nurse on a  
663 noncontractual basis after he or she has been retired for 1  
664 calendar month. Any member who is reemployed within 1 calendar  
665 month after retirement shall void his or her application for  
666 retirement benefits. The Board of Trustees of the Florida School  
667 for the Deaf and the Blind reemploying such teachers,

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668 residential instructors, or nurses is subject to the retirement  
669 contribution required by subparagraph 2.

670 e. A developmental research school may reemploy a retiree  
671 as a substitute or hourly teacher or an education  
672 paraprofessional as defined in s. 1012.01(2) on a noncontractual  
673 basis after he or she has been retired for 1 calendar month. A  
674 developmental research school may reemploy a retiree as  
675 instructional personnel, as defined in s. 1012.01(2)(a), on an  
676 annual contractual basis after he or she has been retired for 1  
677 calendar month after retirement. Any member who is reemployed  
678 within 1 calendar month voids his or her application for  
679 retirement benefits. A developmental research school that  
680 reemploys retired teachers and education paraprofessionals is  
681 subject to the retirement contribution required by subparagraph  
682 2.

683 f. A charter school may reemploy a retiree as a substitute  
684 or hourly teacher on a noncontractual basis after he or she has  
685 been retired for 1 calendar month. A charter school may reemploy  
686 a retired member as instructional personnel, as defined in s.  
687 1012.01(2)(a), on an annual contractual basis after he or she  
688 has been retired for 1 calendar month after retirement. Any  
689 member who is reemployed within 1 calendar month voids his or  
690 her application for retirement benefits. A charter school that  
691 reemploys such teachers is subject to the retirement  
692 contribution required by subparagraph 2.

693 2. The employment of a retiree or DROP participant of a  
694 state-administered retirement system does not affect the average  
695 final compensation or years of creditable service of the retiree  
696 or DROP participant. Before July 1, 1991, upon employment of any



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697 person, other than an elected officer as provided in s. 121.053,  
698 who is retired under a state-administered retirement program,  
699 the employer shall pay retirement contributions in an amount  
700 equal to the unfunded actuarial liability portion of the  
701 employer contribution which would be required for regular  
702 members of the Florida Retirement System. Effective July 1,  
703 1991, contributions shall be made as provided in s. 121.122 for  
704 retirees who have renewed membership or, as provided in  
705 subsection (13), for DROP participants.

706 3. Any person who is holding an elective public office  
707 which is covered by the Florida Retirement System and who is  
708 concurrently employed in nonelected covered employment may elect  
709 to retire while continuing employment in the elective public  
710 office if he or she terminates his or her nonelected covered  
711 employment. Such person shall receive his or her retirement  
712 benefits in addition to the compensation of the elective office  
713 without regard to the time limitations otherwise provided in  
714 this subsection. A person who seeks to exercise the provisions  
715 of this subparagraph as they existed before May 3, 1984, may not  
716 be deemed to be retired under those provisions, unless such  
717 person is eligible to retire under this subparagraph, as amended  
718 by chapter 84-11, Laws of Florida.

719 Reviser's note.—Amended to conform a reference to "community  
720 college board of trustees" to changes in chapters 2008-52  
721 and 2009-228, Laws of Florida, transitioning references to  
722 community colleges to Florida College System institutions.  
723 Also amended to substitute a reference to the Florida  
724 College System for a reference to the Florida Community  
725 College System to conform to s. 2, ch. 2008-52, which

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726 enacted s. 1001.60, creating the Florida College System.

727 Section 18. Subsection (7) of section 159.823, Florida  
728 Statutes, is amended to read:

729 159.823 Definitions.—As used in this act, the following  
730 words and terms shall have the following meanings, unless some  
731 other meaning is plainly intended:

732 (7) "State Board of Administration" means the State Board  
733 of Administration created by and referred to in s. 4 9, Art. IV  
734 ~~XII~~, of the State Constitution.

735 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
736 of 1968 provides that the governor, chief financial  
737 officer, and attorney general constitute the state board of  
738 administration, as successor to the state board of  
739 administration established pursuant to s. 16, Art. IX of  
740 the Constitution of 1885.

741 Section 19. Subsections (1), (4), (5), (6), and (7),  
742 paragraph (a) of subsection (9), and subsections (12) and (13)  
743 of section 163.3246, Florida Statutes, are amended to read:

744 163.3246 Local government comprehensive planning  
745 certification program.—

746 (1) There is created the Local Government Comprehensive  
747 Planning Certification Program to be administered by the state  
748 land planning agency. The purpose of the program is to create a  
749 certification process for local governments who identify a  
750 geographic area for certification within which they commit to  
751 directing growth and who, because of a demonstrated record of  
752 effectively adopting, implementing, and enforcing its  
753 comprehensive plan, the level of technical planning experience  
754 exhibited by the local government, and a commitment to implement

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755 exemplary planning practices, require less state and regional  
756 oversight of the comprehensive plan amendment process. The  
757 purpose of the certification area is to designate areas that are  
758 contiguous, compact, and appropriate for urban growth and  
759 development within a 10-year planning timeframe. Municipalities  
760 and counties are encouraged to jointly establish the  
761 certification area, and subsequently enter into joint  
762 certification agreement with the state land planning agency  
763 ~~department~~.

764 (4) A local government or group of local governments  
765 seeking certification of all or part of a jurisdiction or  
766 jurisdictions must submit an application to the state land  
767 planning agency ~~department~~ which demonstrates that the area  
768 sought to be certified meets the criteria of subsections (2) and  
769 (5). The application shall include copies of the applicable  
770 local government comprehensive plan, land development  
771 regulations, interlocal agreements, and other relevant  
772 information supporting the eligibility criteria for designation.  
773 Upon receipt of a complete application, the state land planning  
774 agency ~~department~~ must provide the local government with an  
775 initial response to the application within 90 days after receipt  
776 of the application.

777 (5) If the local government meets the eligibility criteria  
778 of subsection (2), the state land planning agency ~~department~~  
779 shall certify all or part of a local government by written  
780 agreement, which shall be considered final agency action subject  
781 to challenge under s. 120.569. The agreement must include the  
782 following components:

783 (a) The basis for certification.

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784 (b) The boundary of the certification area, which  
785 encompasses areas that are contiguous, compact, appropriate for  
786 urban growth and development, and in which public infrastructure  
787 is existing or planned within a 10-year planning timeframe. The  
788 certification area is required to include sufficient land to  
789 accommodate projected population growth, housing demand,  
790 including choice in housing types and affordability, job growth  
791 and employment, appropriate densities and intensities of use to  
792 be achieved in new development and redevelopment, existing or  
793 planned infrastructure, including transportation and central  
794 water and sewer facilities. The certification area must be  
795 adopted as part of the local government's comprehensive plan.

796 (c) A demonstration that the capital improvements plan  
797 governing the certified area is updated annually.

798 (d) A visioning plan or a schedule for the development of a  
799 visioning plan.

800 (e) A description of baseline conditions related to the  
801 evaluation criteria in paragraph (g) in the certified area.

802 (f) A work program setting forth specific planning  
803 strategies and projects that will be undertaken to achieve  
804 improvement in the baseline conditions as measured by the  
805 criteria identified in paragraph (g).

806 (g) Criteria to evaluate the effectiveness of the  
807 certification process in achieving the community-development  
808 goals for the certification area including:

- 809 1. Measuring the compactness of growth, expressed as the  
810 ratio between population growth and land consumed;
- 811 2. Increasing residential density and intensities of use;
- 812 3. Measuring and reducing vehicle miles traveled and

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813 increasing the interconnectedness of the street system,  
814 pedestrian access, and mass transit;

815 4. Measuring the balance between the location of jobs and  
816 housing;

817 5. Improving the housing mix within the certification area,  
818 including the provision of mixed-use neighborhoods, affordable  
819 housing, and the creation of an affordable housing program if  
820 such a program is not already in place;

821 6. Promoting mixed-use developments as an alternative to  
822 single-purpose centers;

823 7. Promoting clustered development having dedicated open  
824 space;

825 8. Linking commercial, educational, and recreational uses  
826 directly to residential growth;

827 9. Reducing per capita water and energy consumption;

828 10. Prioritizing environmental features to be protected and  
829 adopting measures or programs to protect identified features;

830 11. Reducing hurricane shelter deficits and evacuation  
831 times and implementing the adopted mitigation strategies; and

832 12. Improving coordination between the local government and  
833 school board.

834 (h) A commitment to change any land development regulations  
835 that restrict compact development and adopt alternative design  
836 codes that encourage desirable densities and intensities of use  
837 and patterns of compact development identified in the agreement.

838 (i) A plan for increasing public participation in  
839 comprehensive planning and land use decisionmaking which  
840 includes outreach to neighborhood and civic associations through  
841 community planning initiatives.

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842 (j) A demonstration that the intergovernmental coordination  
843 element of the local government's comprehensive plan includes  
844 joint processes for coordination between the school board and  
845 local government pursuant to s. 163.3177(6)(h)2. and other  
846 requirements of law.

847 (k) A method of addressing the extrajurisdictional effects  
848 of development within the certified area which is integrated by  
849 amendment into the intergovernmental coordination element of the  
850 local government comprehensive plan.

851 (l) A requirement for the annual reporting to the state  
852 land planning agency ~~department~~ of plan amendments adopted  
853 during the year, and the progress of the local government in  
854 meeting the terms and conditions of the certification agreement.  
855 Prior to the deadline for the annual report, the local  
856 government must hold a public hearing soliciting public input on  
857 the progress of the local government in satisfying the terms of  
858 the certification agreement.

859 (m) An expiration date that is no later than 10 years after  
860 execution of the agreement.

861 (6) The state land planning agency ~~department~~ may enter up  
862 to eight new certification agreements each fiscal year. The  
863 state land planning agency ~~department~~ shall adopt procedural  
864 rules governing the application and review of local government  
865 requests for certification. Such procedural rules may establish  
866 a phased schedule for review of local government requests for  
867 certification.

868 (7) The state land planning agency ~~department~~ shall revoke  
869 the local government's certification if it determines that the  
870 local government is not substantially complying with the terms

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871 of the agreement.

872 (9) (a) Upon certification all comprehensive plan amendments  
873 associated with the area certified must be adopted and reviewed  
874 in the manner described in s. 163.3184(5)-(11), such that state  
875 and regional agency review is eliminated. Plan amendments that  
876 qualify as small scale development amendments may follow the  
877 small scale review process in s. 163.3187. The state land  
878 planning agency ~~department~~ may not issue any objections,  
879 recommendations, and comments report on proposed plan amendments  
880 or a notice of intent on adopted plan amendments; however,  
881 affected persons, as defined by s. 163.3184(1)(a), may file a  
882 petition for administrative review pursuant to the requirements  
883 of s. 163.3184(5) to challenge the compliance of an adopted plan  
884 amendment.

885 (12) A local government's certification shall be reviewed  
886 by the local government and the state land planning agency  
887 ~~department~~ as part of the evaluation and appraisal process  
888 pursuant to s. 163.3191. Within 1 year after the deadline for  
889 the local government to update its comprehensive plan based on  
890 the evaluation and appraisal report, the state land planning  
891 agency ~~department~~ shall renew or revoke the certification. The  
892 local government's failure to timely adopt necessary amendments  
893 to update its comprehensive plan based on an evaluation and  
894 appraisal, which are found to be in compliance by the state land  
895 planning agency ~~department~~, shall be cause for revoking the  
896 certification agreement. The state land planning agency's  
897 ~~department's~~ decision to renew or revoke shall be considered  
898 agency action subject to challenge under s. 120.569.

899 (13) The state land planning agency ~~department~~ shall, by

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900 July 1 of each odd-numbered year, submit to the Governor, the  
901 President of the Senate, and the Speaker of the House of  
902 Representatives a report listing certified local governments,  
903 evaluating the effectiveness of the certification, and including  
904 any recommendations for legislative actions.

905 Reviser's note.—Amended to conform to the repeal by s. 478, ch.  
906 2011-142, Laws of Florida, of s. 20.18, which created the  
907 Department of Community Affairs.

908 Section 20. Subsection (2) of section 163.340, Florida  
909 Statutes, is amended to read:

910 163.340 Definitions.—The following terms, wherever used or  
911 referred to in this part, have the following meanings:

912 (2) "Public body" means the state or any county,  
913 municipality, authority, special district as defined in s.  
914 165.031(7) ~~165.031(5)~~, or other public body of the state, except  
915 a school district.

916 Reviser's note.—Amended to conform to the redesignation of s.  
917 165.031(5) as s. 165.031(7) by s. 1, ch. 2012-121, Laws of  
918 Florida.

919 Section 21. Paragraph (c) of subsection (6) of section  
920 189.4042, Florida Statutes, is amended to read:

921 189.4042 Merger and dissolution procedures.—

922 (6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

923 (c) *Inactive independent special districts*.—An independent  
924 special district that meets any criteria for being declared  
925 inactive, or that has already been declared inactive, pursuant  
926 to s. 189.4044 may be ~~by~~ merged by special act without a  
927 referendum.

928 Reviser's note.—Amended to conform to context.



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929 Section 22. Paragraph (f) of subsection (1) of section  
930 190.046, Florida Statutes, is amended to read:

931 190.046 Termination, contraction, or expansion of  
932 district.—

933 (1) A landowner or the board may petition to contract or  
934 expand the boundaries of a community development district in the  
935 following manner:

936 (f) Petitions to amend the boundaries of the district that  
937 exceed the amount of land specified in paragraph (e) shall be  
938 processed in accordance with s. 190.005, and the petition shall  
939 include only the elements set forth in s. 190.005(1)(a)1. and  
940 5.-8. and the consent required by paragraph (g). However, the  
941 resulting administrative rule or ordinance may only amend the  
942 boundaries of the district and may not establish a new district  
943 or cause a new 6-year or 10-year period to begin pursuant to s.  
944 190.006(3)(a)2. The filing fee for such petitions shall be as  
945 set forth in s. 190.005(1)(b) ~~and (2)~~, as applicable.

946 Reviser's note.—Amended to conform to the fact that there is no  
947 reference to a fee in s. 190.005(2).

948 Section 23. Section 202.38, Florida Statutes, is repealed.

949 Reviser's note.—The repealed provision, which authorizes dealers  
950 who have paid specified taxes on telecommunications  
951 services billed prior to October 1, 2001, which are no  
952 longer subject to the tax as a result of chapter 2000-260,  
953 Laws of Florida, to take a credit or obtain a refund of  
954 taxes imposed under chapter 202 on unpaid balances due on  
955 worthless accounts within 12 months following the last day  
956 of the calendar year for which the bad debt was charged off  
957 on the taxpayer's federal income tax return, is obsolete.

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958 Section 24. Paragraph (b) of subsection (1) of section  
959 211.02, Florida Statutes, is amended to read:

960 211.02 Oil production tax; basis and rate of tax; tertiary  
961 oil and mature field recovery oil.—An excise tax is hereby  
962 levied upon every person who severs oil in the state for sale,  
963 transport, storage, profit, or commercial use. Except as  
964 otherwise provided in this part, the tax is levied on the basis  
965 of the entire production of oil in this state, including any  
966 royalty interest. Such tax shall accrue at the time the oil is  
967 severed and shall be a lien on production regardless of the  
968 place of sale, to whom sold, or by whom used, and regardless of  
969 the fact that delivery of the oil may be made outside the state.

970 (1) The amount of tax shall be measured by the value of the  
971 oil produced and saved or sold during a month. The value of oil  
972 shall be taxed at the following rates:

973 (b) Tertiary oil and mature field recovery oil:

974 1. One percent of the gross value of oil on the value of  
975 oil ~~\$60 dollars~~ and below;

976 2. Seven percent of the gross value of oil on the value of  
977 oil above \$60 and below \$80; and

978 3. Nine percent of the gross value of oil on the value of  
979 oil \$80 and above.

980 Reviser's note.—Amended to confirm deletion of the word

981 "dollars" by the editors to conform to Florida Statutes  
982 style.

983 Section 25. Paragraph (a) of subsection (2) of section  
984 215.5601, Florida Statutes, is amended to read:

985 215.5601 Lawton Chiles Endowment Fund.—

986 (2) DEFINITIONS.—As used in this section, the term:

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987 (a) "Board" means the State Board of Administration  
 988 established by s. 16, Art. IX of the State Constitution of 1885  
 989 and incorporated into s. 4 ~~9(e)~~, Art. IV ~~XII~~ of the State  
 990 Constitution of 1968.

991 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
 992 of 1968 provides that the governor, chief financial  
 993 officer, and attorney general constitute the state board of  
 994 administration, as successor to the state board of  
 995 administration established pursuant to s. 16, Art. IX of  
 996 the Constitution of 1885.

997 Section 26. Paragraph (j) of subsection (2) and paragraph  
 998 (o) of subsection (8) of section 215.97, Florida Statutes, are  
 999 amended to read:

1000 215.97 Florida Single Audit Act.—

1001 (2) Definitions; as used in this section, the term:

1002 (j) "Local governmental entity" means a county as a whole,  
 1003 municipality, or special district or any other entity excluding  
 1004 a district school board, charter school, Florida College System  
 1005 institution ~~community college~~, or public university, however  
 1006 styled, which independently exercises any type of governmental  
 1007 function within the state.

1008 (8) Each recipient or subrecipient of state financial  
 1009 assistance shall comply with the following:

1010 (o) A contract involving the State University System or the  
 1011 Florida ~~Community~~ College System funded by state financial  
 1012 assistance may be in the form of:

1013 1. A fixed-price contract that entitles the provider to  
 1014 receive full compensation for the fixed contract amount upon  
 1015 completion of all contract deliverables;

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1016 2. A fixed-rate-per-unit contract that entitles the  
1017 provider to receive compensation for each contract deliverable  
1018 provided;

1019 3. A cost-reimbursable contract that entitles the provider  
1020 to receive compensation for actual allowable costs incurred in  
1021 performing contract deliverables; or

1022 4. A combination of the contract forms described in  
1023 subparagraphs 1., 2., and 3.

1024 Reviser's note.—Paragraph (2)(j) is amended to conform to  
1025 changes in chapters 2008-52 and 2009-228, Laws of Florida,  
1026 transitioning references from community colleges to Florida  
1027 College System institutions. Paragraph (8)(o) is amended to  
1028 substitute a reference to the Florida College System for a  
1029 reference to the Florida Community College System to  
1030 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,  
1031 creating the Florida College System.

1032 Section 27. Paragraph (f) of subsection (1) of section  
1033 218.32, Florida Statutes, is amended to read:

1034 218.32 Annual financial reports; local governmental  
1035 entities.—

1036 (1)

1037 (f) If the department does not receive a completed annual  
1038 financial report from a local governmental entity within the  
1039 required period, it shall notify the Legislative Auditing  
1040 Committee and the Special District Information Program of the  
1041 Department of Economic Opportunity ~~Community Affairs~~ of the  
1042 entity's failure to comply with the reporting requirements.

1043 Reviser's note—Amended to confirm substitution of a reference to  
1044 the Department of Economic Opportunity for a reference to

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1045 the Department of Community Affairs by the editors. Section  
1046 65, ch. 2011-142, Laws of Florida, transferred the Special  
1047 District Information Program to the Department of Economic  
1048 Opportunity from the Department of Community Affairs.  
1049 Section 28. Paragraph (c) of subsection (4) of section  
1050 252.385, Florida Statutes, is amended to read:

1051 252.385 Public shelter space.—  
1052 (4)

1053 (c) The Department of Management Services shall, in  
1054 consultation with local and state emergency management agencies,  
1055 assess Department of Management Services facilities to identify  
1056 the extent to which each facility has public hurricane  
1057 evacuation shelter space. The Department of Management Services  
1058 shall submit proposed facility retrofit projects that  
1059 incorporate hurricane protection enhancements to the division  
1060 ~~department~~ for assessment and inclusion in the annual report  
1061 prepared in accordance with subsection (3).

1062 Reviser's note.—Amended to conform to s. 98, ch. 2011-142, Laws  
1063 of Florida, which revised the definition of the term  
1064 "division" for purposes of part I of chapter 252 from the  
1065 Division of Emergency Management of the Department of  
1066 Community Affairs to the Division of Emergency Management  
1067 within the Executive Office of the Governor. Section 478,  
1068 ch. 2011-142, repealed s. 20.18, which created the  
1069 Department of Community Affairs.

1070 Section 29. Subsections (1), (2), and (4) of section  
1071 252.939, Florida Statutes, are amended to read:

1072 252.939 Fees.—

1073 (1) (a) Any owner or operator of a specified stationary

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1074 source in the state which must submit a Risk Management Plan to  
1075 the United States Environmental Protection Agency under s.  
1076 112(r) (7) shall pay an annual registration fee for each  
1077 specified stationary source to the division ~~department~~. The  
1078 annual registration fee is due to the division ~~department~~ upon  
1079 initial submission of a stationary source's Risk Management Plan  
1080 to the United States Environmental Protection Agency, and every  
1081 April 1 thereafter.

1082 (b) Prior individual written notice shall be provided by  
1083 United States mail by the division ~~department~~ to owners or  
1084 operators of specified stationary sources in the state subject  
1085 to the requirements under s. 112(r) (7) to submit Risk Management  
1086 Plans and corresponding state registration fees. This notice  
1087 must include the requirements of the state fee schedule and must  
1088 be mailed at least 90 days before the due date for the specified  
1089 stationary source's initial registration and Risk Management  
1090 Plan submission year and at least 30 days before the  
1091 registration fee due date for subsequent years.

1092 (c) The division ~~department~~ shall establish a fee schedule  
1093 by rule for the specified stationary sources, upon the advice  
1094 and consent of the commission. The annual registration fee must  
1095 be based on a stationary source's highest program level, as  
1096 determined under the federal implementing regulations for s.  
1097 112(r) (7) and may not exceed the following:

1098 1. Program 1 Stationary Sources \$100. Multiple Program 1  
1099 stationary sources which are under common ownership and which  
1100 have the same single chemical process, shall pay a full fee for  
1101 the first stationary source location and a 50 percent fee for  
1102 subsequent locations with no owner of such multiple stationary

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1103 sources paying more than \$1,000. To be eligible for this  
1104 multiple stationary source fee provision, one single fee payment  
1105 must be submitted by the owner of the eligible multiple  
1106 stationary source locations with a listing of the multiple  
1107 stationary source locations and the single chemical process.

1108 2. Program 2 Stationary Sources \$200. Multiple Program 2  
1109 stationary sources which are under common ownership and which  
1110 have the same single chemical process, shall pay a full fee for  
1111 the first three stationary source locations and a 50 percent fee  
1112 for subsequent locations with no owner of such multiple  
1113 stationary sources paying more than \$2,000. Multiple Program 2  
1114 stationary sources which are under common ownership and which  
1115 are classified under one of the following Standard Industrial  
1116 Classification group numbers 01, 02, or 07 shall pay a full fee,  
1117 not to exceed \$100 for the first stationary source location and  
1118 a 50 percent fee for subsequent locations with no owner of such  
1119 multiple stationary sources paying more than \$800. To be  
1120 eligible for these multiple stationary source fee provisions,  
1121 one single fee payment must be submitted by the owner of the  
1122 eligible multiple stationary source locations with a listing of  
1123 the multiple stationary source locations and the chemical  
1124 process.

1125 3. Program 3 Stationary Sources \$1,000.

1126 (d) Annual registration fees under this section are not  
1127 required until after the division ~~department~~ receives final  
1128 delegation approval from the United States Environmental  
1129 Protection Agency to administer the s. 112(r)(7) Accidental  
1130 Release Prevention Program for the specified stationary sources.

1131 (2) The division ~~department~~ shall establish by rule late

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1132 fees, not to exceed 10 percent per month of the annual  
1133 registration fee owed, and not to exceed a total of 50 percent,  
1134 for failure to timely submit an annual registration fee. A late  
1135 fee may not be assessed against a stationary source during the  
1136 initial registration and submission year if 90 day's prior  
1137 written notice was not provided to that stationary source.

1138 (4) If the Legislature directs the division ~~department~~ to  
1139 seek authority to implement and enforce s. 112(r)(7) of the  
1140 Clean Air Act for additional stationary sources, the division  
1141 ~~department~~ shall, with the advice of the commission, review and  
1142 suggest revisions, if necessary and appropriate, to the fees  
1143 specified in this section.

1144 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,

1145 Laws of Florida, which replaced the definition of the term  
1146 "department" referencing the Department of Community  
1147 Affairs in s. 252.936 with the term "division" referencing  
1148 the Division of Emergency Management within the Executive  
1149 Office of the Governor for purposes of part IV of chapter  
1150 252.

1151 Section 30. Subsections (1), (3), and (4) of section  
1152 252.940, Florida Statutes, are amended to read:

1153 252.940 Enforcement; procedure; remedies.—

1154 (1) The division ~~department~~ has the following enforcement  
1155 authority and remedies for specified stationary sources  
1156 available to it for violations of this part as specified in s.  
1157 252.941:

1158 (a) To institute a civil action in a court of competent  
1159 jurisdiction in order to seek injunctive relief to immediately  
1160 restrain or enjoin any person from engaging in any activity in



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1161 violation of this part which is presenting an imminent and  
1162 substantial endangerment to the public health or welfare or the  
1163 environment; and to seek injunctive relief to enforce compliance  
1164 with this part or any rule, regulation, program requirement, or  
1165 order implementing this part.

1166 (b) To institute a civil action in a court of competent  
1167 jurisdiction to impose and to recover a civil penalty for each  
1168 violation, as specified in s. 252.941(1), in an amount of not  
1169 more than \$10,000 per offense. However, the court may receive  
1170 evidence in mitigation. Each day during any portion of which  
1171 such violation occurs constitutes a separate offense.

1172 (c) To seek criminal remedies, including fines, for  
1173 violations as specified in s. 252.941(2).

1174 (d) Failure to comply with the fee provisions under s.  
1175 252.939 is not a violation under s. 252.941. Section 252.939(2)  
1176 is the sole remedy for fee provisions in s. 252.939, except that  
1177 the division ~~department~~ may enforce a final order entered under  
1178 that section pursuant to s. 120.69.

1179 (3) For the purposes of this section, the division  
1180 ~~department~~ may offer and accept the use of emergency planning,  
1181 training, and response-related Supplemental Environmental  
1182 Projects, consistent with the guidelines established by the  
1183 United States Environmental Protection Agency.

1184 (4) The authorities and remedies provided under this  
1185 section shall not take effect until after such time as the  
1186 division ~~department~~ has received final delegation approval from  
1187 the United States Environmental Protection Agency to administer  
1188 the s. 112(r)(7) Accidental Release Prevention Program for  
1189 specified stationary sources.

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1190 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,  
1191 Laws of Florida, which replaced the definition of the term  
1192 "department" referencing the Department of Community  
1193 Affairs in s. 252.936 with the term "division" referencing  
1194 the Division of Emergency Management within the Executive  
1195 Office of the Governor for purposes of part IV of chapter  
1196 252.

1197 Section 31. Paragraphs (a) and (c) of subsection (1) and  
1198 subsection (4) of section 252.941, Florida Statutes, are amended  
1199 to read:

1200 252.941 Prohibitions, violations, penalties, intent.—

1201 (1) It is a violation of this part, and it is prohibited  
1202 for any person to:

1203 (a) Fail to make any submittal required by this part or by  
1204 rule or regulation implementing this part, or to violate or fail  
1205 to comply with any rule, regulation, order, plan, or  
1206 certification adopted or issued by the division ~~department~~  
1207 pursuant to its lawful authority under this part, other than  
1208 fees under s. 252.939.

1209 (c) Fail to report to the appropriate representative of the  
1210 division ~~department~~, as established by division ~~department~~ rule,  
1211 within 1 working day of discovery of an accidental release of a  
1212 regulated substance from the stationary source, if the owner or  
1213 operator is required to report the release to the United States  
1214 Environmental Protection Agency under s. 112(r)(6).

1215 (4) The prohibitions and violations provided under this  
1216 section shall take effect after such time as the division  
1217 ~~department~~ has received final delegation approval from the  
1218 United States Environmental Protection Agency to administer the

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1219 s. 112(r) (7) Accidental Release Prevention Program for specified  
1220 stationary sources.

1221 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,  
1222 Laws of Florida, which replaced the definition of the term  
1223 "department" referencing the Department of Community  
1224 Affairs in s. 252.936 with the term "division" referencing  
1225 the Division of Emergency Management within the Executive  
1226 Office of the Governor for purposes of part IV of chapter  
1227 252.

1228 Section 32. Paragraphs (a) and (c) of subsection (1),  
1229 paragraphs (b), (c), and (d) of subsection (3), and subsections  
1230 (4), (6), and (7) of section 252.942, Florida Statutes, are  
1231 amended to read:

1232 252.942 Inspections and audits.—

1233 (1) (a) Any duly authorized representative of the division  
1234 ~~department~~ may at any reasonable time enter to inspect and  
1235 audit, in order to ascertain compliance with this part or rules  
1236 adopted to implement this part, any specified stationary source  
1237 subject to the requirements of s. 112(r) (7), except a building  
1238 that is used exclusively for a private residence.

1239 (c) A person may not refuse reasonable entry or access to  
1240 any authorized representative of the division ~~department~~ who  
1241 requests entry for purposes of inspection and who presents  
1242 appropriate credentials; nor shall any person obstruct, hamper,  
1243 or interfere with such inspection.

1244 (3)

1245 (b) When a proper affidavit is made, the judge may issue an  
1246 inspection warrant if:

1247 1. It appears that the properties to be inspected may be

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1248 connected with or contain evidence of the violation of any of  
1249 the provisions of this part or any rule properly promulgated  
1250 thereunder; or

1251 2. The inspection sought is an integral part of a larger  
1252 scheme of systematic routine inspections that are necessary to,  
1253 and consistent with, the continuing efforts of the division  
1254 ~~department~~ to ensure compliance with the provisions of this part  
1255 and any rules adopted thereunder.

1256 (c) The judge shall, before issuing the warrant, have the  
1257 application for the warrant duly sworn to and subscribed by a  
1258 representative of the division ~~department~~; and he or she may  
1259 receive further testimony from witnesses, supporting affidavits,  
1260 or depositions in writing to support the application. The  
1261 affidavit and further proof must set forth the facts tending to  
1262 establish the grounds specified in paragraph (b) or the reasons  
1263 for believing that such grounds exist.

1264 (d) Upon examination of the application and proofs  
1265 submitted and if satisfied that cause exists for issuing the  
1266 inspection warrant, the judge shall issue a warrant, signed by  
1267 him or her with the name of his or her office, to any division  
1268 ~~department~~ representative, which warrant will authorize the  
1269 representative to inspect the property described in the warrant.

1270 (4) The division ~~department~~ shall periodically audit Risk  
1271 Management Plans submitted by owners or operators of stationary  
1272 sources subject to s. 112(r)(7) and require revisions of such  
1273 plans when necessary to ensure compliance with this part. The  
1274 audit and revision requirements must substantially comply with  
1275 federal regulations implementing s. 112(r)(7). The division  
1276 ~~department~~ shall develop, with the advice and consent of the

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1277 commission, an annual audit work plan which identifies specified  
1278 stationary sources or audits based on the program resources  
1279 available. Stationary sources will be prioritized for audits  
1280 based on factors which include, but are not limited to,  
1281 stationary source location and proximity to population centers,  
1282 chemical characteristics and inventories, stationary source  
1283 accident history, process accident history, compliance or  
1284 inspection by allied agency programs, and the results of  
1285 stationary sources' self-audits.

1286 (6) Following an audit or inspection, the division  
1287 ~~department~~ shall issue the owner or operator a written  
1288 preliminary determination of any necessary revisions to the  
1289 stationary source Risk Management Plan to ensure that the plan  
1290 meets the requirements of this part and rules adopted to  
1291 implement this part. The preliminary determination must include  
1292 an explanation of the basis for the revisions, reflecting  
1293 industry standards and guidelines to the extent that such  
1294 standards and guidelines are applicable, and must include a  
1295 timetable for their implementation.

1296 (7) The division ~~department~~ shall provide reasonable notice  
1297 of its intent to conduct an onsite inspection or audit of a  
1298 specified stationary source. Inspections or audits may be  
1299 conducted without notice in response to an accidental release or  
1300 to protect the public health, safety, and welfare.

1301 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,  
1302 Laws of Florida, which replaced the definition of the term  
1303 "department" referencing the Department of Community  
1304 Affairs in s. 252.936 with the term "division" referencing  
1305 the Division of Emergency Management within the Executive

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1306 Office of the Governor for purposes of part IV of chapter  
1307 252.

1308 Section 33. Section 252.945, Florida Statutes, is repealed.

1309 Reviser's note.— The cited section, which authorized advancement  
1310 of a startup loan from the hazardous materials account in  
1311 the Operating Trust Fund to support initial implementation  
1312 of part IV of chapter 252, beginning October 1, 2001, to be  
1313 repaid by 2006, is obsolete.

1314 Section 34. Paragraph (c) of subsection (2), paragraph (b)  
1315 of subsection (6), and subsection (15) of section 253.034,  
1316 Florida Statutes, are amended to read:

1317 253.034 State-owned lands; uses.—

1318 (2) As used in this section, the following phrases have the  
1319 following meanings:

1320 (c) "Conservation lands" means lands that are currently  
1321 managed for conservation, outdoor resource-based recreation, or  
1322 archaeological or historic preservation, except those lands that  
1323 were acquired solely to facilitate the acquisition of other  
1324 conservation lands. Lands acquired for uses other than  
1325 conservation, outdoor resource-based recreation, or  
1326 archaeological or historic preservation shall not be designated  
1327 conservation lands except as otherwise authorized under this  
1328 section. These lands shall include, but not be limited to, the  
1329 following: correction and detention facilities, military  
1330 installations and facilities, state office buildings,  
1331 maintenance yards, state university or Florida College System  
1332 institution ~~state community college~~ campuses, agricultural field  
1333 stations or offices, tower sites, law enforcement and license  
1334 facilities, laboratories, hospitals, clinics, and other sites

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1335 that possess no significant natural or historical resources.  
1336 However, lands acquired solely to facilitate the acquisition of  
1337 other conservation lands, and for which the land management plan  
1338 has not yet been completed or updated, may be evaluated by the  
1339 Board of Trustees of the Internal Improvement Trust Fund on a  
1340 case-by-case basis to determine if they will be designated  
1341 conservation lands.

1342

1343 Lands acquired by the state as a gift, through donation, or by  
1344 any other conveyance for which no consideration was paid, and  
1345 which are not managed for conservation, outdoor resource-based  
1346 recreation, or archaeological or historic preservation under a  
1347 land management plan approved by the board of trustees are not  
1348 conservation lands.

1349 (6) The Board of Trustees of the Internal Improvement Trust  
1350 Fund shall determine which lands, the title to which is vested  
1351 in the board, may be surplus. For conservation lands, the  
1352 board shall make a determination that the lands are no longer  
1353 needed for conservation purposes and may dispose of them by an  
1354 affirmative vote of at least three members. In the case of a  
1355 land exchange involving the disposition of conservation lands,  
1356 the board must determine by an affirmative vote of at least  
1357 three members that the exchange will result in a net positive  
1358 conservation benefit. For all other lands, the board shall make  
1359 a determination that the lands are no longer needed and may  
1360 dispose of them by an affirmative vote of at least three  
1361 members.

1362 (b) For any lands purchased by the state on or after July  
1363 1, 1999, a determination shall be made by the board prior to

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1364 acquisition as to those parcels that shall be designated as  
1365 having been acquired for conservation purposes. No lands  
1366 acquired for use by the Department of Corrections, the  
1367 Department of Management Services for use as state offices, the  
1368 Department of Transportation, except those specifically managed  
1369 for conservation or recreation purposes, or the State University  
1370 System or the Florida ~~Community~~ College System shall be  
1371 designated as having been purchased for conservation purposes.

1372 (15) Before a building or parcel of land is offered for  
1373 lease, sublease, or sale to a local or federal unit of  
1374 government or a private party, it shall first be offered for  
1375 lease to state agencies, state universities, and Florida College  
1376 System institutions ~~community colleges~~, with priority  
1377 consideration given to state universities and Florida College  
1378 System institutions ~~community colleges~~. A state university or  
1379 Florida College System institution ~~community college~~ must submit  
1380 a plan for review and approval by the Board of Trustees of the  
1381 Internal Improvement Trust Fund regarding the intended use of  
1382 the building or parcel of land before approval of a lease.

1383 Reviser's note.—Paragraph (2) (c) and subsection (15) are amended  
1384 to conform references to community colleges to changes in  
1385 chapters 2008-52 and 2009-228, Laws of Florida,  
1386 transitioning references from community colleges to Florida  
1387 College System institutions. Paragraph (6) (b) is amended to  
1388 substitute a reference to the Florida College System for a  
1389 reference to the Florida Community College System to  
1390 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,  
1391 creating the Florida College System.  
1392 Section 35. Subsections (2) and (3) of section 255.2575,



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1393 Florida Statutes, are amended to read:

1394 255.2575 Energy-efficient and sustainable buildings.-

1395 (2) All county, municipal, school district, water  
1396 management district, state university, Florida College System  
1397 institution ~~community college~~, and state court buildings shall  
1398 be constructed to comply with a sustainable building rating  
1399 system or a national model green building code. This section  
1400 applies to all county, municipal, school district, water  
1401 management district, state university, Florida College System  
1402 institution ~~community college~~, and state court buildings the  
1403 architectural plans of which are commenced after July 1, 2008.

1404 (3) St. Petersburg College may work with the Florida  
1405 ~~Community~~ College System and may consult with the University of  
1406 Florida to provide training and educational opportunities that  
1407 will ensure that green building rating system certifying agents  
1408 (accredited professionals who possess a knowledge and  
1409 understanding of green building processes, practices, and  
1410 principles) are available to work with the entities specified in  
1411 subsection (2) as they construct public buildings to meet green  
1412 building rating system standards. St. Petersburg College may  
1413 work with the construction industry to develop an online  
1414 continuing education curriculum for use statewide by builders  
1415 constructing energy-efficient and sustainable public sector  
1416 buildings and students interested in the college's  
1417 Green/Sustainability Track in its Management and Organization  
1418 Leadership area of study. The curriculum developed may be  
1419 offered by St. Petersburg College or in cooperation with other  
1420 programs at other Florida College System institutions ~~community~~  
1421 ~~colleges~~.

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1422 Reviser's note.—Subsections (2) and (3) are amended to conform  
1423 references to community colleges to changes in chapters  
1424 2008-52 and 2009-228, Laws of Florida, transitioning  
1425 references from community colleges to Florida College  
1426 System institutions. Subsection (3) is also amended to  
1427 substitute a reference to the Florida College System for a  
1428 reference to the Florida Community College System to  
1429 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,  
1430 creating the Florida College System.

1431 Section 36. Paragraph (c) of subsection (11) of section  
1432 259.032, Florida Statutes, is amended to read:

1433 259.032 Conservation and Recreation Lands Trust Fund;  
1434 purpose.—

1435 (11)

1436 ~~(c) The Land Management Uniform Accounting Council shall~~  
1437 ~~prepare and deliver a report on the methodology and formula for~~  
1438 ~~allocating land management funds to the Acquisition and~~  
1439 ~~Restoration Council. The Acquisition and Restoration Council~~  
1440 ~~shall review, modify as appropriate, and submit the report to~~  
1441 ~~the Board of Trustees of the Internal Improvement Trust Fund.~~  
1442 ~~The board of trustees shall review, modify as appropriate, and~~  
1443 ~~submit the report to the President of the Senate and the Speaker~~  
1444 ~~of the House of Representatives no later than December 31, 2008,~~  
1445 ~~which provides an interim management formula and a long-term~~  
1446 ~~management formula, and the methodologies used to develop the~~  
1447 ~~formulas, which shall be used to allocate land management funds~~  
1448 ~~provided for in paragraph (b) for interim and long-term~~  
1449 ~~management of all lands managed pursuant to this chapter and for~~  
1450 ~~associated contractual services. The methodology and formula for~~

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1451 ~~interim management shall be based on the estimated land~~  
1452 ~~acquisitions for the fiscal year in which the interim funds will~~  
1453 ~~be expended. The methodology and formula for long-term~~  
1454 ~~management shall recognize, but not be limited to, the~~  
1455 ~~following:~~

1456 ~~1. The assignment of management intensity associated with~~  
1457 ~~managed habitats and natural communities and the related~~  
1458 ~~management activities to achieve land management goals provided~~  
1459 ~~in s. 253.034(5) and subsection (10).~~

1460 ~~a. The acres of land that require minimal effort for~~  
1461 ~~resource preservation or restoration.~~

1462 ~~b. The acres of land that require moderate effort for~~  
1463 ~~resource preservation or restoration.~~

1464 ~~c. The acres of land that require significant effort for~~  
1465 ~~resource preservation or restoration.~~

1466 ~~2. The assignment of management intensity associated with~~  
1467 ~~public access, including, but not limited to:~~

1468 ~~a. The acres of land that are open to the public but offer~~  
1469 ~~no more than minimally developed facilities;~~

1470 ~~b. The acres of land that have a high degree of public use~~  
1471 ~~and offer highly developed facilities; and~~

1472 ~~c. The acres of land that are sites that have historic~~  
1473 ~~significance, unique natural features, or a very high degree of~~  
1474 ~~public use.~~

1475 ~~3. The acres of land that have a secondary manager~~  
1476 ~~contributing to the overall management effort.~~

1477 ~~4. The anticipated revenues generated from management of~~  
1478 ~~the lands.~~

1479 ~~5. The impacts of, and needs created or addressed by,~~

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1480 ~~multiple-use management strategies.~~

1481 ~~6. The acres of land that have infestations of nonnative or~~  
1482 ~~invasive plants, animals, or fish.~~

1483  
1484 ~~In evaluating the management funding needs of lands based on the~~  
1485 ~~above categories, the lead land managing agencies shall include~~  
1486 ~~in their considerations the impacts of, and needs created or~~  
1487 ~~addressed by, multiple-use management strategies. The funding~~  
1488 ~~formulas for interim and long-term management proposed by the~~  
1489 ~~agencies shall be reviewed by the Legislature during the 2009~~  
1490 ~~regular legislative session. The Legislature may reject, modify,~~  
1491 ~~or take no action relative to the proposed funding formulas. If~~  
1492 ~~no action is taken, the funding formulas shall be used in the~~  
1493 ~~allocation and distribution of funds provided in paragraph (b).~~  
1494 ~~Reviser's note.—Amended to delete an obsolete provision.~~

1495 Section 37. Paragraph (d) of subsection (4) of section  
1496 282.201, Florida Statutes, is amended to read:

1497 282.201 State data center system; agency duties and  
1498 limitations.—A state data center system that includes all  
1499 primary data centers, other nonprimary data centers, and  
1500 computing facilities, and that provides an enterprise  
1501 information technology service as defined in s. 282.0041, is  
1502 established.

1503 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1504 (d) By July 1, 2012, the Department of Highway Safety and  
1505 Motor Vehicles' Office of Commercial Vehicle Enforcement ~~Motor~~  
1506 ~~Carrier Compliance~~ shall be consolidated into the Northwood  
1507 Shared Resource Center.

1508 ~~Reviser's note.—Amended to conform to the renaming of the office~~

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1509 by s. 1, ch. 2012-181, Laws of Florida.  
1510 Section 38. Paragraphs (g) and (i) of subsection (1) of  
1511 section 288.1254, Florida Statutes, are amended to read:  
1512 288.1254 Entertainment industry financial incentive  
1513 program.—  
1514 (1) DEFINITIONS.—As used in this section, the term:  
1515 (g) "Production" means a theatrical or direct-to-video  
1516 motion picture; a made-for-television motion picture; visual  
1517 effects or digital animation sequences produced in conjunction  
1518 with a motion picture; a commercial; a music video; an  
1519 industrial or educational film; an infomercial; a documentary  
1520 film; a television pilot program; a presentation for a  
1521 television pilot program; a television series, including, but  
1522 not limited to, a drama, a reality show, a comedy, a soap opera,  
1523 a telenovela, a game show, an awards show, or a miniseries  
1524 production; or a digital media project by the entertainment  
1525 industry. One season of a television series is considered one  
1526 production. The term does not include a weather or market  
1527 program; a sporting event or a sporting event broadcast; a gala;  
1528 a production that solicits funds; a home shopping program; a  
1529 political program; a political documentary; political  
1530 advertising; a gambling-related project or production; a concert  
1531 production; ~~or~~ a local, regional, or Internet-distributed-only  
1532 news show or current-events show; a sports news or sports recap  
1533 show; a pornographic production; or any production deemed  
1534 obscene under chapter 847. A production may be produced on or by  
1535 film, tape, or otherwise by means of a motion picture camera;  
1536 electronic camera or device; tape device; computer; any  
1537 combination of the foregoing; or any other means, method, or

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1538 device.

1539 (i) "Qualified expenditures" means production expenditures  
1540 incurred in this state by a qualified production for:

1541 1. Goods purchased or leased from, or services, including,  
1542 but not limited to, insurance costs and bonding, payroll  
1543 services, and legal fees, which are provided by, a vendor or  
1544 supplier in this state that is registered with the Department of  
1545 State or the Department of Revenue, has a physical location in  
1546 this state, and employs one or more legal residents of this  
1547 state. This does not include rebilled goods or services provided  
1548 by an in-state company from out-of-state vendors or suppliers.  
1549 When services ~~are~~ provided by the vendor or supplier include  
1550 personal services or labor, only personal services or labor  
1551 provided by residents of this state, evidenced by the required  
1552 documentation of residency in this state, qualify.

1553 2. Payments to legal residents of this state in the form of  
1554 salary, wages, or other compensation up to a maximum of \$400,000  
1555 per resident unless otherwise specified in subsection (4). A  
1556 completed declaration of residency in this state must accompany  
1557 the documentation submitted to the office for reimbursement.

1558  
1559 For a qualified production involving an event, such as an awards  
1560 show, the term does not include expenditures solely associated  
1561 with the event itself and not directly required by the  
1562 production. The term does not include expenditures incurred  
1563 before certification, with the exception of those incurred for a  
1564 commercial, a music video, or the pickup of additional episodes  
1565 of a high-impact television series within a single season. Under  
1566 no circumstances may the qualified production include in the

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1567 calculation for qualified expenditures the original purchase  
1568 price for equipment or other tangible property that is later  
1569 sold or transferred by the qualified production for  
1570 consideration. In such cases, the qualified expenditure is the  
1571 net of the original purchase price minus the consideration  
1572 received upon sale or transfer.

1573 Reviser's note.—Paragraph (g) is amended to confirm deletion of  
1574 the word "or" by the editors. Paragraph (i) is amended to  
1575 provide clarity.

1576 Section 39. Subsection (2) of section 288.71025, Florida  
1577 Statutes, is amended to read:

1578 288.71025 Prohibited acts; penalties.—

1579 (2) In addition to any other penalties or remedies provided  
1580 under law, the department ~~office~~ may bring a civil action in any  
1581 court of competent jurisdiction against any person for a knowing  
1582 or willful violation of this section. Upon an adverse  
1583 adjudication, the court may impose a civil penalty of up to \$500  
1584 and payment of court costs and reasonable attorney's fees  
1585 incurred by the plaintiff.

1586 Reviser's note.—Amended to conform to the repeal of s. 14.2015,  
1587 which created the Office of Tourism, Trade, and Economic  
1588 Opportunity, by s. 477, ch. 2011-142, Laws of Florida, and  
1589 the transfer of duties of the office to the Department of  
1590 Economic Opportunity by s. 4, ch. 2011-142.

1591 Section 40. Paragraph (b) of subsection (1) of section  
1592 288.980, Florida Statutes, is amended to read:

1593 288.980 Military base retention; legislative intent; grants  
1594 program.—

1595 (1)

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1596 (b) The Florida Defense Alliance, an organization within  
1597 Enterprise Florida, Inc., is designated as the organization to  
1598 ensure that Florida, its resident military bases and missions,  
1599 and its military host communities are in competitive positions  
1600 as the United States continues its defense realignment and  
1601 downsizing. The defense alliance shall serve as an overall  
1602 advisory body for defense-related activity of Enterprise  
1603 Florida, Inc. The Florida Defense Alliance may receive funding  
1604 from appropriations made for that purpose administered by the  
1605 department.

1606 Reviser's note.—Amended to confirm insertion of the word "Inc.,"  
1607 by the editors to conform to the full name of Enterprise  
1608 Florida, Inc.

1609 Section 41. Paragraph (a) of subsection (4) of section  
1610 295.07, Florida Statutes, is amended to read:

1611 295.07 Preference in appointment and retention.—

1612 (4) The following positions are exempt from this section:

1613 (a) Those positions that are exempt from the state Career  
1614 Service System under s. 110.205(2); however, all positions under  
1615 the University Support Personnel System of the State University  
1616 System as well as all Career Service System positions under the  
1617 Florida ~~Community~~ College System and the School for the Deaf and  
1618 the Blind, or the equivalent of such positions at state  
1619 universities, Florida College System institutions ~~community~~  
1620 ~~colleges~~, or the School for the Deaf and the Blind, are  
1621 included.

1622 Reviser's note.—Amended to substitute a reference to the Florida  
1623 College System for a reference to the Florida Community  
1624 College System to conform to s. 2, ch. 2008-52, Laws of



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1625 Florida, which enacted s. 1001.60, creating the Florida  
1626 College System, and to conform a reference to community  
1627 colleges to changes in chapters 2008-52 and 2009-228, Laws  
1628 of Florida, transitioning references from community  
1629 colleges to Florida College System institutions.

1630 Section 42. Subsection (7) of section 311.101, Florida  
1631 Statutes, is amended to read:

1632 311.101 Intermodal Logistics Center Infrastructure Support  
1633 Program.—

1634 (7) Beginning in fiscal year 2012-2013, up to \$5 million  
1635 per year shall be made available from the State Transportation  
1636 Trust Fund for the program. The Department of Transportation  
1637 shall include projects proposed to be funded under this section  
1638 in the tentative work program developed pursuant to so ~~se~~ s.  
1639 339.135(4).

1640 Reviser's note.—Amended to confirm substitution of the word "to"  
1641 for the word "so" by the editors.

1642 Section 43. Paragraph (d) of subsection (1) of section  
1643 316.0083, Florida Statutes, is amended to read:

1644 316.0083 Mark Wandall Traffic Safety Program;  
1645 administration; report.—

1646 (1)

1647 (d)1. The owner of the motor vehicle involved in the  
1648 violation is responsible and liable for paying the uniform  
1649 traffic citation issued for a violation of s. 316.074(1) or s.  
1650 316.075(1)(c)1. when the driver failed to stop at a traffic  
1651 signal, unless the owner can establish that:

1652 a. The motor vehicle passed through the intersection in  
1653 order to yield right-of-way to an emergency vehicle or as part

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1654 of a funeral procession;

1655 b. The motor vehicle passed through the intersection at the  
1656 direction of a law enforcement officer;

1657 c. The motor vehicle was, at the time of the violation, in  
1658 the care, custody, or control of another person;

1659 d. A uniform traffic citation was issued by a law  
1660 enforcement officer to the driver of the motor vehicle for the  
1661 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

1662 e. The motor vehicle's owner was deceased on or before the  
1663 date that the uniform ~~uniformed~~ traffic citation was issued, as  
1664 established by an affidavit submitted by the representative of  
1665 the motor vehicle owner's estate or other designated person or  
1666 family member.

1667 2. In order to establish such facts, the owner of the motor  
1668 vehicle shall, within 30 days after the date of issuance of the  
1669 traffic citation, furnish to the appropriate governmental entity  
1670 an affidavit setting forth detailed information supporting an  
1671 exemption as provided in this paragraph.

1672 a. An affidavit supporting an exemption under sub-  
1673 subparagraph 1.c. must include the name, address, date of birth,  
1674 and, if known, the driver license number of the person who  
1675 leased, rented, or otherwise had care, custody, or control of  
1676 the motor vehicle at the time of the alleged violation. If the  
1677 vehicle was stolen at the time of the alleged offense, the  
1678 affidavit must include the police report indicating that the  
1679 vehicle was stolen.

1680 b. If a traffic citation for a violation of s. 316.074(1)  
1681 or s. 316.075(1)(c)1. was issued at the location of the  
1682 violation by a law enforcement officer, the affidavit must

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1683 include the serial number of the uniform traffic citation.

1684 c. If the motor vehicle's owner to whom a traffic citation  
1685 has been issued is deceased, the affidavit must include a  
1686 certified copy of the owner's death certificate showing that the  
1687 date of death occurred on or before the issuance of the uniform  
1688 traffic citation and one of the following:

1689 (I) A bill of sale or other document showing that the  
1690 deceased owner's motor vehicle was sold or transferred after his  
1691 or her death, but on or before the date of the alleged  
1692 violation.

1693 (II) Documentary proof that the registered license plate  
1694 belonging to the deceased owner's vehicle was returned to the  
1695 department or any branch office or authorized agent of the  
1696 department, but on or before the date of the alleged violation.

1697 (III) A copy of a police report showing that the deceased  
1698 owner's registered license plate or motor vehicle was stolen  
1699 after the owner's death, but on or before the date of the  
1700 alleged violation.

1701  
1702 Upon receipt of the affidavit and documentation required under  
1703 this sub-subparagraph, the governmental entity must dismiss the  
1704 citation and provide proof of such dismissal to the person that  
1705 submitted the affidavit.

1706 3. Upon receipt of an affidavit, the person designated as  
1707 having care, custody, and control of the motor vehicle at the  
1708 time of the violation may be issued a traffic citation for a  
1709 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver  
1710 failed to stop at a traffic signal. The affidavit is admissible  
1711 in a proceeding pursuant to this section for the purpose of

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1712 providing proof that the person identified in the affidavit was  
1713 in actual care, custody, or control of the motor vehicle. The  
1714 owner of a leased vehicle for which a traffic citation is issued  
1715 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the  
1716 driver failed to stop at a traffic signal is not responsible for  
1717 paying the traffic citation and is not required to submit an  
1718 affidavit as specified in this subsection if the motor vehicle  
1719 involved in the violation is registered in the name of the  
1720 lessee of such motor vehicle.

1721 4. The submission of a false affidavit is a misdemeanor of  
1722 the second degree, punishable as provided in s. 775.082 or s.  
1723 775.083.

1724 Reviser's note.—Amended to confirm substitution of the word  
1725 "uniform" for the word "uniformed" by the editors to  
1726 conform to context.

1727 Section 44. Paragraph (a) of subsection (1) and subsection  
1728 (8) of section 316.640, Florida Statutes, are amended to read:

1729 316.640 Enforcement.—The enforcement of the traffic laws of  
1730 this state is vested as follows:

1731 (1) STATE.—

1732 (a)1.a. The Division of Florida Highway Patrol of the  
1733 Department of Highway Safety and Motor Vehicles; the Division of  
1734 Law Enforcement of the Fish and Wildlife Conservation  
1735 Commission; and the agents, inspectors, and officers of the  
1736 Department of Law Enforcement each have authority to enforce all  
1737 of the traffic laws of this state on all the streets and  
1738 highways thereof and elsewhere throughout the state wherever the  
1739 public has a right to travel by motor vehicle.

1740 b. University police officers may enforce all of the

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1741 traffic laws of this state when violations occur on or within  
1742 1,000 feet of any property or facilities that are under the  
1743 guidance, supervision, regulation, or control of a state  
1744 university, a direct-support organization of such state  
1745 university, or any other organization controlled by the state  
1746 university or a direct-support organization of the state  
1747 university, or when such violations occur within a specified  
1748 jurisdictional area as agreed upon in a mutual aid agreement  
1749 entered into with a law enforcement agency pursuant to s.  
1750 23.1225(1). Traffic laws may also be enforced off-campus when  
1751 hot pursuit originates on or within 1,000 feet of any such  
1752 property or facilities, or as agreed upon in accordance with the  
1753 mutual aid agreement.

1754 c. Florida College System institution ~~Community college~~  
1755 police officers may enforce all the traffic laws of this state  
1756 only when such violations occur on any property or facilities  
1757 that are under the guidance, supervision, regulation, or control  
1758 of the Florida ~~community~~ College System.

1759 d. Police officers employed by an airport authority may  
1760 enforce all of the traffic laws of this state only when such  
1761 violations occur on any property or facilities that are owned or  
1762 operated by an airport authority.

1763 (I) An airport authority may employ as a parking  
1764 enforcement specialist any individual who successfully completes  
1765 a training program established and approved by the Criminal  
1766 Justice Standards and Training Commission for parking  
1767 enforcement specialists but who does not otherwise meet the  
1768 uniform minimum standards established by the commission for law  
1769 enforcement officers or auxiliary or part-time officers under s.

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1770 943.12. This sub-sub-subparagraph may not be construed to permit  
1771 the carrying of firearms or other weapons, nor shall such  
1772 parking enforcement specialist have arrest authority.

1773 (II) A parking enforcement specialist employed by an  
1774 airport authority may enforce all state, county, and municipal  
1775 laws and ordinances governing parking only when such violations  
1776 are on property or facilities owned or operated by the airport  
1777 authority employing the specialist, by appropriate state,  
1778 county, or municipal traffic citation.

1779 e. The Office of Agricultural Law Enforcement of the  
1780 Department of Agriculture and Consumer Services may enforce  
1781 traffic laws of this state.

1782 f. School safety officers may enforce all of the traffic  
1783 laws of this state when such violations occur on or about any  
1784 property or facilities that are under the guidance, supervision,  
1785 regulation, or control of the district school board.

1786 2. An agency of the state as described in subparagraph 1.  
1787 is prohibited from establishing a traffic citation quota. A  
1788 violation of this subparagraph is not subject to the penalties  
1789 provided in chapter 318.

1790 3. Any disciplinary action taken or performance evaluation  
1791 conducted by an agency of the state as described in subparagraph  
1792 1. of a law enforcement officer's traffic enforcement activity  
1793 must be in accordance with written work-performance standards.  
1794 Such standards must be approved by the agency and any collective  
1795 bargaining unit representing such law enforcement officer. A  
1796 violation of this subparagraph is not subject to the penalties  
1797 provided in chapter 318.

1798 4. The Division of the Florida Highway Patrol may employ as

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1799 a traffic accident investigation officer any individual who  
1800 successfully completes instruction in traffic accident  
1801 investigation and court presentation through the Selective  
1802 Traffic Enforcement Program as approved by the Criminal Justice  
1803 Standards and Training Commission and funded through the  
1804 National Highway Traffic Safety Administration or a similar  
1805 program approved by the commission, but who does not necessarily  
1806 meet the uniform minimum standards established by the commission  
1807 for law enforcement officers or auxiliary law enforcement  
1808 officers under chapter 943. Any such traffic accident  
1809 investigation officer who makes an investigation at the scene of  
1810 a traffic accident may issue traffic citations, based upon  
1811 personal investigation, when he or she has reasonable and  
1812 probable grounds to believe that a person who was involved in  
1813 the accident committed an offense under this chapter, chapter  
1814 319, chapter 320, or chapter 322 in connection with the  
1815 accident. This subparagraph does not permit the officer to carry  
1816 firearms or other weapons, and such an officer does not have  
1817 authority to make arrests.

1818 (8) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental  
1819 entity designated in subsection (1), subsection (2), or  
1820 subsection (3), including a university, a Florida College System  
1821 institution ~~community college~~, a school board, or an airport  
1822 authority, is a traffic enforcement agency for purposes of s.  
1823 316.650.

1824 Reviser's note.—Paragraph (1)(a) and subsection (8) are amended  
1825 to conform references to community colleges to changes in  
1826 chapters 2008-52 and 2009-228, Laws of Florida,  
1827 transitioning references from community colleges to Florida

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1828 College System institutions. Paragraph (1)(a) is also  
1829 amended to substitute a reference to the Florida College  
1830 System for a reference to the community college system to  
1831 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,  
1832 creating the Florida College System.

1833 Section 45. Paragraph (b) of subsection (4) of section  
1834 320.20, Florida Statutes, is amended to read:

1835 320.20 Disposition of license tax moneys.—The revenue  
1836 derived from the registration of motor vehicles, including any  
1837 delinquent fees and excluding those revenues collected and  
1838 distributed under the provisions of s. 320.081, must be  
1839 distributed monthly, as collected, as follows:

1840 (4) Notwithstanding any other provision of law except  
1841 subsections (1), (2), and (3), \$10 million shall be deposited  
1842 annually into the State Transportation Trust Fund solely for the  
1843 purposes of funding the Florida Seaport Transportation and  
1844 Economic Development Program as provided in chapter 311 and for  
1845 funding seaport intermodal access projects of statewide  
1846 significance as provided in s. 341.053. Such revenues shall be  
1847 distributed to any port listed in s. 311.09(1), to be used for  
1848 funding projects as follows:

1849 (b) For seaport intermodal access projects as described in  
1850 s. 341.053(6) ~~341.053(5)~~ which are identified in the 5-year  
1851 Florida Seaport Mission Plan as provided in s. 311.09(3).  
1852 Funding for such projects shall be on a matching basis as  
1853 mutually determined by the Florida Seaport Transportation and  
1854 Economic Development Council and the Department of  
1855 Transportation if a minimum of 25 percent of total project funds  
1856 come from any port funds, local funds, private funds, or



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1857 specifically earmarked federal funds.

1858

1859 Such revenues may be assigned, pledged, or set aside as a trust  
1860 for the payment of principal or interest on bonds, tax  
1861 anticipation certificates, or other form of indebtedness issued  
1862 by an individual port or appropriate local government having  
1863 jurisdiction thereof, or collectively by interlocal agreement  
1864 among any of the ports, or used to purchase credit support to  
1865 permit such borrowings. However, such debt is not a general  
1866 obligation of the state. This state covenants with holders of  
1867 such revenue bonds or other instruments of indebtedness issued  
1868 hereunder that it will not repeal or impair or amend this  
1869 subsection in any manner that will materially and adversely  
1870 affect the rights of holders so long as bonds authorized by this  
1871 subsection are outstanding. Any revenues that are not pledged to  
1872 the repayment of bonds as authorized by this section may be used  
1873 for purposes authorized under the Florida Seaport Transportation  
1874 and Economic Development Program. This revenue source is in  
1875 addition to any amounts provided for and appropriated in  
1876 accordance with s. 311.07 and subsection (3). The Florida  
1877 Seaport Transportation and Economic Development Council shall  
1878 approve distribution of funds to ports for projects that have  
1879 been approved pursuant to s. 311.09(5)-(8), or for seaport  
1880 intermodal access projects identified in the 5-year Florida  
1881 Seaport Mission Plan as provided in s. 311.09(3) and mutually  
1882 agreed upon by the Florida Seaport Transportation and Economic  
1883 Development Council and the Department of Transportation. All  
1884 contracts for actual construction of projects authorized by this  
1885 subsection must include a provision encouraging employment of

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1886 participants in the welfare transition program. The goal for  
1887 such employment is 25 percent of all new employees employed  
1888 specifically for the project, unless the Department of  
1889 Transportation and the Florida Seaport Transportation and  
1890 Economic Development Council demonstrate that such a requirement  
1891 would severely hamper the successful completion of the project.  
1892 In such an instance, Workforce Florida, Inc., shall establish an  
1893 appropriate percentage of employees who are participants in the  
1894 welfare transition program. The council and the Department of  
1895 Transportation may perform such acts as are required to  
1896 facilitate and implement the provisions of this subsection. To  
1897 better enable the ports to cooperate to their mutual advantage,  
1898 the governing body of each port may exercise powers provided to  
1899 municipalities or counties in s. 163.01(7)(d) subject to the  
1900 provisions of chapter 311 and special acts, if any, pertaining  
1901 to a port. The use of funds provided pursuant to this subsection  
1902 is limited to eligible projects listed in this subsection. The  
1903 revenues available under this subsection may not be pledged to  
1904 the payment of any bonds other than the Florida Ports Financing  
1905 Commission Series 1996 and Series 1999 Bonds currently  
1906 outstanding; however, such revenues may be pledged to secure  
1907 payment of refunding bonds to refinance the Florida Ports  
1908 Financing Commission Series 1996 and Series 1999 Bonds.  
1909 Refunding bonds secured by revenues available under this  
1910 subsection may not be issued with a final maturity later than  
1911 the final maturity of the Florida Ports Financing Commission  
1912 Series 1996 and Series 1999 Bonds or which provide for higher  
1913 debt service in any year than is currently payable on such  
1914 bonds. Any revenue bonds or other indebtedness issued after July

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1915 1, 2000, other than refunding bonds shall be issued by the  
1916 Division of Bond Finance at the request of the Department of  
1917 Transportation pursuant to the State Bond Act.

1918 Reviser's note.—Amended to conform to s. 50, ch. 97-278, Laws of  
1919 Florida, and s. 10, ch. 97-280, Laws of Florida, which  
1920 enacted s. 320.20(4)(b), including the reference to s.  
1921 341.053(5); s. 341.053(5) was redesignated as subsection  
1922 (6) by s. 47, ch. 99-385, Laws of Florida.

1923 Section 46. Subsection (4) of section 322.142, Florida  
1924 Statutes, is amended to read:

1925 322.142 Color photographic or digital imaged licenses.—

1926 (4) The department may maintain a film negative or print  
1927 file. The department shall maintain a record of the digital  
1928 image and signature of the licensees, together with other data  
1929 required by the department for identification and retrieval.  
1930 Reproductions from the file or digital record are exempt from  
1931 the provisions of s. 119.07(1) and shall be made and issued only  
1932 for departmental administrative purposes; for the issuance of  
1933 duplicate licenses; in response to law enforcement agency  
1934 requests; to the Department of Business and Professional  
1935 Regulation pursuant to an interagency agreement for the purpose  
1936 of accessing digital images for reproduction of licenses issued  
1937 by the Department of Business and Professional Regulation; to  
1938 the Department of State pursuant to an interagency agreement to  
1939 facilitate determinations of eligibility of voter registration  
1940 applicants and registered voters in accordance with ss. 98.045  
1941 and 98.075; to the Department of Revenue pursuant to an  
1942 interagency agreement for use in establishing paternity and  
1943 establishing, modifying, or enforcing support obligations in

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1944 Title IV-D cases; to the Department of Children and Family  
1945 Services pursuant to an interagency agreement to conduct  
1946 protective investigations under part III of chapter 39 and  
1947 chapter 415; to the Department of Children and Family Services  
1948 pursuant to an interagency agreement specifying the number of  
1949 employees in each of that department's regions to be granted  
1950 access to the records for use as verification of identity to  
1951 expedite the determination of eligibility for public assistance  
1952 and for use in public assistance fraud investigations; to the  
1953 Department of Financial Services pursuant to an interagency  
1954 agreement to facilitate the location of owners of unclaimed  
1955 property, the validation of unclaimed property claims, and the  
1956 identification of fraudulent or false claims; or to district  
1957 medical examiners pursuant to an interagency agreement for the  
1958 purpose of identifying a deceased individual, determining cause  
1959 of death, and notifying next of kin of any investigations,  
1960 including autopsies and other laboratory examinations,  
1961 authorized in s. 406.11 ~~406.011~~.

1962 Reviser's note.—Amended to correct an apparent error. Section  
1963 406.011 does not exist. Section 406.11 relates to  
1964 examinations, investigations, and autopsies by medical  
1965 examiners to determine cause of death of deceased humans.  
1966 Section 47. Subsections (8) and (9) of section 322.21,  
1967 Florida Statutes, are reenacted to read:  
1968 322.21 License fees; procedure for handling and collecting  
1969 fees.—

1970 (8) Any person who applies for reinstatement following the  
1971 suspension or revocation of the person's driver's license must  
1972 pay a service fee of \$45 following a suspension, and \$75

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1973 following a revocation, which is in addition to the fee for a  
1974 license. Any person who applies for reinstatement of a  
1975 commercial driver's license following the disqualification of  
1976 the person's privilege to operate a commercial motor vehicle  
1977 shall pay a service fee of \$75, which is in addition to the fee  
1978 for a license. The department shall collect all of these fees at  
1979 the time of reinstatement. The department shall issue proper  
1980 receipts for such fees and shall promptly transmit all funds  
1981 received by it as follows:

1982 (a) Of the \$45 fee received from a licensee for  
1983 reinstatement following a suspension, the department shall  
1984 deposit \$15 in the General Revenue Fund and \$30 in the Highway  
1985 Safety Operating Trust Fund.

1986 (b) Of the \$75 fee received from a licensee for  
1987 reinstatement following a revocation or disqualification, the  
1988 department shall deposit \$35 in the General Revenue Fund and \$40  
1989 in the Highway Safety Operating Trust Fund.

1990  
1991 If the revocation or suspension of the driver's license was for  
1992 a violation of s. 316.193, or for refusal to submit to a lawful  
1993 breath, blood, or urine test, an additional fee of \$130 must be  
1994 charged. However, only one \$130 fee may be collected from one  
1995 person convicted of violations arising out of the same incident.  
1996 The department shall collect the \$130 fee and deposit the fee  
1997 into the Highway Safety Operating Trust Fund at the time of  
1998 reinstatement of the person's driver's license, but the fee may  
1999 not be collected if the suspension or revocation is overturned.  
2000 If the revocation or suspension of the driver's license was for  
2001 a conviction for a violation of s. 817.234(8) or (9) or s.

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2002 817.505, an additional fee of \$180 is imposed for each offense.  
2003 The department shall collect and deposit the additional fee into  
2004 the Highway Safety Operating Trust Fund at the time of  
2005 reinstatement of the person's driver's license.

2006 (9) An applicant:

2007 (a) Requesting a review authorized in s. 322.222, s.  
2008 322.2615, s. 322.2616, s. 322.27, or s. 322.64 must pay a filing  
2009 fee of \$25 to be deposited into the Highway Safety Operating  
2010 Trust Fund.

2011 (b) Petitioning the department for a hearing authorized in  
2012 s. 322.271 must pay a filing fee of \$12 to be deposited into the  
2013 Highway Safety Operating Trust Fund.

2014 Reviser's note.—Reenacted to confirm restoration by the editors  
2015 of the paragraph at the end of subsection (8). The flush  
2016 left paragraph was created as part of subsection (8) by s.  
2017 4, ch. 2003-410, Laws of Florida. Section 36, ch. 2009-71,  
2018 Laws of Florida, amended s. 322.21, inserting a new  
2019 subsection (9) before the flush left paragraph at the end  
2020 of subsection (8). Subsection (9) relates to payment of  
2021 filing fees; subsection (8), including the flush left  
2022 paragraph, relates to reinstatement fees following license  
2023 suspension or revocation.

2024 Section 48. Subsection (2) of section 322.2615, Florida  
2025 Statutes, is amended to read:

2026 322.2615 Suspension of license; right to review.—

2027 (2) Except as provided in paragraph (1)(a), the law  
2028 enforcement officer shall forward to the department, within 5  
2029 days after issuing the notice of suspension, the driver's  
2030 license; an affidavit stating the officer's grounds for belief

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2031 that the person was driving or in actual physical control of a  
2032 motor vehicle while under the influence of alcoholic beverages  
2033 or chemical or controlled substances; the results of any breath  
2034 or blood test or an affidavit stating that a breath, blood, or  
2035 urine test was requested by a law enforcement officer or  
2036 correctional officer and that the person refused to submit; the  
2037 officer's description of the person's field sobriety test, if  
2038 any; and the notice of suspension. The failure of the officer to  
2039 submit materials within the 5-day period specified in this  
2040 subsection and in subsection (1) does not affect the  
2041 department's ability to consider any evidence submitted at or  
2042 prior to the hearing. The officer may also submit a copy of the  
2043 crash report and a copy of a videotape of the field sobriety  
2044 test or the attempt to administer such test. Materials submitted  
2045 to the department by a law enforcement agency or correctional  
2046 agency shall be considered self-authenticating and shall be in  
2047 the record for consideration by the hearing officer.  
2048 Notwithstanding s. 316.066(4) ~~316.066(5)~~, the crash report shall  
2049 be considered by the hearing officer.

2050 Reviser's note.—Amended to substitute a reference to s.

2051 316.066(4) for a reference to s. 316.066(5). Section 7, ch.  
2052 2011-66, Laws of Florida, renumbered subsection (5) as  
2053 subsection (4).

2054 Section 49. Subsection (3) of section 339.0805, Florida  
2055 Statutes, is reenacted, and paragraph (d) of that subsection is  
2056 amended to read:

2057 339.0805 Funds to be expended with certified disadvantaged  
2058 business enterprises; construction management development  
2059 program; bond guarantee program.—It is the policy of the state

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2060 to meaningfully assist socially and economically disadvantaged  
2061 business enterprises through a program that will provide for the  
2062 development of skills through construction and business  
2063 management training, as well as by providing contracting  
2064 opportunities and financial assistance in the form of bond  
2065 guarantees, to primarily remedy the effects of past economic  
2066 disparity.

2067 (3) The head of the department may expend up to 6 percent  
2068 of the funds specified in subsection (1) which are designated to  
2069 be expended on small business firms owned and controlled by  
2070 socially and economically disadvantaged individuals to conduct,  
2071 by contract or otherwise, a construction management development  
2072 program. Participation in the program will be limited to those  
2073 firms which are certified under the provisions of subsection (1)  
2074 by the department or the federal Small Business Administration  
2075 or to any firm which meets the definition of a small business in  
2076 49 C.F.R. s. 26.65. The program shall consist of classroom  
2077 instruction and on-the-job instruction. To the extent feasible,  
2078 the registration fee shall be set to cover the cost of  
2079 instruction and overhead. Salary may not be paid to any  
2080 participant.

2081 (a) Classroom instruction will consist of, but is not  
2082 limited to, project planning methods for identifying personnel,  
2083 equipment, and financial resource needs; bookkeeping; state  
2084 bidding and bonding requirements; state and federal tax  
2085 requirements; and strategies for obtaining loans, bonding, and  
2086 joint venture agreements.

2087 (b) On-the-job instruction will consist of, but is not  
2088 limited to, setting up the job site; cash-flow methods; project



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2089 scheduling; quantity takeoffs; estimating; reading plans and  
2090 specifications; department procedures on billing and payments;  
2091 quality assessment and control methods; and bid preparation  
2092 methods.

2093 (c) Contractors who have demonstrated satisfactory project  
2094 performance, as defined by the department, can be exempted from  
2095 the provisions of paragraphs (a) and (b) and be validated as  
2096 meeting the minimum curriculum standards of proficiency, in the  
2097 same manner as participants who successfully complete the  
2098 construction management development program only if they intend  
2099 to apply for funds provided for in subsection (4).

2100 (d) The department shall develop, under contract with the  
2101 State University System, the Florida ~~community~~ College System, a  
2102 school district in behalf of its career center, or a private  
2103 consulting firm, a curriculum for instruction in the courses  
2104 that will lead to a certification of proficiency in the  
2105 construction management development program.

2106 Reviser's note.—Section 52, ch. 2012-174, Laws of Florida,  
2107 purported to amend subsection (3) but did not publish  
2108 paragraphs (a)-(d). Absent affirmative evidence of  
2109 legislative intent to repeal paragraphs (a)-(d), subsection  
2110 (3) is reenacted to confirm that the omission was not  
2111 intended. Paragraph (3)(d) is amended to substitute a  
2112 reference to the Florida College System for a reference to  
2113 the Florida Community College System to conform to s. 2,  
2114 ch. 2008-52, Laws of Florida, which enacted s. 1001.60,  
2115 creating the Florida College System.

2116 Section 50. Paragraphs (b), (c), (d), (e), and (f) of  
2117 subsection (7) of section 339.135, Florida Statutes, are amended

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2118 to read:

2119 339.135 Work program; legislative budget request;  
2120 definitions; preparation, adoption, execution, and amendment.—

2121 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2122 (b) The department may not transfer any funds for any  
2123 project or project phase between department districts. However,  
2124 a district secretary may agree to a loan of funds to another  
2125 district, if:

2126 1. The funds are used solely to maximize the use or amount  
2127 of funds available to the state;

2128 2. The loan agreement is executed in writing and is signed  
2129 by the district secretaries of the respective districts;

2130 3. Repayment of the loan is to be made within 3 years after  
2131 the date on which the agreement was entered into; and

2132 4. The adopted work program of the district loaning the  
2133 funds would not be substantially impaired if the loan were made,  
2134 according to the district secretary.

2135

2136 The loan constitutes an amendment to the adopted work program  
2137 and is subject to the procedures specified in paragraph (c) ~~(e)~~.

2138 (c) The department may amend the adopted work program to  
2139 transfer fixed capital outlay appropriations for projects within  
2140 the same appropriations category or between appropriations  
2141 categories, including the following amendments which shall be  
2142 subject to the procedures in paragraph (d) ~~(f)~~:

2143 1. Any amendment which deletes any project or project phase  
2144 estimated to cost over \$150,000;

2145 2. Any amendment which adds a project estimated to cost  
2146 over \$500,000 in funds appropriated by the Legislature;

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2147           3. Any amendment which advances or defers to another fiscal  
2148 year, a right-of-way phase, a construction phase, or a public  
2149 transportation project phase estimated to cost over \$1.5 million  
2150 in funds appropriated by the Legislature, except an amendment  
2151 advancing a phase by 1 year to the current fiscal year or  
2152 deferring a phase for a period of 90 days or less; or

2153           4. Any amendment which advances or defers to another fiscal  
2154 year, any preliminary engineering phase or design phase  
2155 estimated to cost over \$500,000 in funds appropriated by the  
2156 Legislature, except an amendment advancing a phase by 1 year to  
2157 the current fiscal year or deferring a phase for a period of 90  
2158 days or less.

2159  
2160 Beginning July 1, 2013, the department shall index the budget  
2161 amendment threshold amounts established in this paragraph to the  
2162 Consumer Price Index or similar inflation indicators. Threshold  
2163 adjustments for inflation under this paragraph may be made no  
2164 more frequently than once a year. Adjustments for inflation are  
2165 subject to the notice and review procedures contained in s.  
2166 216.177.

2167           (d)1. Whenever the department proposes any amendment to the  
2168 adopted work program, as defined in subparagraph (c)1. ~~(e)1.~~ or  
2169 subparagraph (c)3. ~~(e)3.~~, which deletes or defers a construction  
2170 phase on a capacity project, it shall notify each county  
2171 affected by the amendment and each municipality within the  
2172 county. The notification shall be issued in writing to the chief  
2173 elected official of each affected county, each municipality  
2174 within the county, and the chair of each affected metropolitan  
2175 planning organization. Each affected county and each

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2176 municipality in the county is encouraged to coordinate with each  
2177 other in order to determine how the amendment affects local  
2178 concurrency management and regional transportation planning  
2179 efforts. Each affected county, and each municipality within the  
2180 county, shall have 14 days to provide written comments to the  
2181 department regarding how the amendment will affect its  
2182 respective concurrency management systems, including whether any  
2183 development permits were issued contingent upon the capacity  
2184 improvement, if applicable. After receipt of written comments  
2185 from the affected local governments, the department shall  
2186 include any written comments submitted by such local governments  
2187 in its preparation of the proposed amendment.

2188 2. Following the 14-day comment period in subparagraph 1.,  
2189 if applicable, whenever the department proposes any amendment to  
2190 the adopted work program, which amendment is defined in  
2191 subparagraph (c)1. ~~(e)1.~~, subparagraph (c)2. ~~(e)2.~~, subparagraph  
2192 (c)3. ~~(e)3.~~, or subparagraph (c)4. ~~(e)4.~~, it shall submit the  
2193 proposed amendment to the Governor for approval and shall  
2194 immediately notify the chairs of the legislative appropriations  
2195 committees, the chairs of the legislative transportation  
2196 committees, and each member of the Legislature who represents a  
2197 district affected by the proposed amendment. It shall also  
2198 notify each metropolitan planning organization affected by the  
2199 proposed amendment, and each unit of local government affected  
2200 by the proposed amendment, unless it provided to each the  
2201 notification required by subparagraph 1. Such proposed amendment  
2202 shall provide a complete justification of the need for the  
2203 proposed amendment.

2204 3. The Governor may not approve a proposed amendment until

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2205 14 days following the notification required in subparagraph 2.

2206 4. If either of the chairs of the legislative  
2207 appropriations committees or the President of the Senate or the  
2208 Speaker of the House of Representatives objects in writing to a  
2209 proposed amendment within 14 days following notification and  
2210 specifies the reasons for such objection, the Governor shall  
2211 disapprove the proposed amendment.

2212 (e) Notwithstanding paragraphs (d) ~~(f)~~ and (g) ~~(i)~~ and ss.  
2213 216.177(2) and 216.351, the secretary may request the Executive  
2214 Office of the Governor to amend the adopted work program when an  
2215 emergency exists, as defined in s. 252.34, and the emergency  
2216 relates to the repair or rehabilitation of any state  
2217 transportation facility. The Executive Office of the Governor  
2218 may approve the amendment to the adopted work program and amend  
2219 that portion of the department's approved budget if a delay  
2220 incident to the notification requirements in paragraph (d) ~~(f)~~  
2221 would be detrimental to the interests of the state. However, the  
2222 department shall immediately notify the parties specified in  
2223 paragraph (d) ~~(f)~~ and provide such parties written justification  
2224 for the emergency action within 7 days after approval by the  
2225 Executive Office of the Governor of the amendment to the adopted  
2226 work program and the department's budget. The adopted work  
2227 program may not be amended under this subsection without  
2228 certification by the comptroller of the department that there  
2229 are sufficient funds available pursuant to the 36-month cash  
2230 forecast and applicable statutes.

2231 (f) The department may authorize the investment of the  
2232 earnings accrued and collected upon the investment of the  
2233 minimum balance of funds required to be maintained in the State

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2234 Transportation Trust Fund pursuant to former paragraph (b).  
2235 Reviser's note.—Amended to conform to the repeal of s.  
2236 339.135(7) (a) and (b) by s. 5, ch. 2012-6, Laws of Florida.  
2237 Section 51. Subsection (2) of section 339.2825, Florida  
2238 Statutes, is amended to read:  
2239 339.2825 Approval of contractor-financed projects.—  
2240 (2) If the department receives an unsolicited proposal  
2241 pursuant to s. 334.30 to advance a project programmed in the  
2242 adopted 5-year work program or in the 10-year Strategic  
2243 Intermodal Plan using funds provided by public-private  
2244 partnerships or private entities to be reimbursed from  
2245 department funds for the project as programmed in the adopted  
2246 work program, the department shall provide a summary of the  
2247 proposed project to the Executive Office of the Governor, the  
2248 chair of each legislative appropriations committee, the  
2249 President of the Senate, and the Speaker of the House of  
2250 Representatives before the department advertises receipt of the  
2251 proposal as provided in s. 334.30. The summary must include a  
2252 description of any anticipated commitments by the department for  
2253 the years outside the adopted work program, a description of any  
2254 anticipated impacts on the department's overall debt load, and  
2255 sufficient information to demonstrate that the project will not  
2256 cause the department to exceed the overall debt limitation  
2257 provided in s. 339.139 ~~339.14~~. The department may not accept the  
2258 unsolicited proposal, advertise receipt of the unsolicited  
2259 proposal, or solicit other proposals for the same project  
2260 purpose without the approval of the Executive Office of the  
2261 Governor. If the chair of either legislative appropriations  
2262 committee, the President of the Senate, or the Speaker of the

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2263 House of Representatives objects to the proposed project in  
2264 writing within 14 days after receipt of the summary, the  
2265 Executive Office of the Governor may not approve the proposed  
2266 project.

2267 Reviser's note.—Amended to correct an apparent error. Section  
2268 339.14 was transferred to s. 336.50 in 1957 and repealed in  
2269 1984. Section 339.139 relates to overall debt limitation.  
2270 Section 52. Paragraph (a) of subsection (3) of section  
2271 341.840, Florida Statutes, is amended to read:

2272 341.840 Tax exemption.—

2273 (3) (a) Purchases or leases of tangible personal property or  
2274 real property by the enterprise, excluding agents of the  
2275 enterprise, are exempt from taxes imposed by chapter 212 as  
2276 provided in s. 212.08(6). Purchases or leases of tangible  
2277 personal property that is incorporated into the high-speed rail  
2278 system as a component part thereof, as determined by the  
2279 enterprise, by agents of the enterprise or the owner of the  
2280 high-speed rail system are exempt from sales or use taxes  
2281 imposed by chapter 212. Leases, rentals, or licenses to use real  
2282 property granted to agents of the enterprise or the owner of the  
2283 high-speed rail system are exempt from taxes imposed by s.  
2284 212.031 if the real property becomes part of such system. The  
2285 exemptions granted in this subsection do not apply to sales,  
2286 leases, or licenses by the enterprise, agents of the enterprise  
2287 ~~authority~~, or the owner of the high-speed rail system.

2288 Reviser's note.—Amended to conform to the replacement of the  
2289 Florida High-Speed Rail Authority with the Florida Rail  
2290 Enterprise by ch. 2009-271, Laws of Florida, and the repeal  
2291 by s. 12, ch. 2009-271, of s. 341.821, which created and

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2292 established the authority.

2293 Section 53. Subsection (8) of section 343.805, Florida  
2294 Statutes, is amended to read:

2295 343.805 Definitions.—As used in this part, the term:

2296 (8) "State Board of Administration" means the body  
2297 corporate existing under the provisions of s. 4 9, Art. IV ~~XIII~~  
2298 of the State Constitution, or any successor thereto.

2299

2300 Terms importing singular number include the plural number in  
2301 each case and vice versa, and terms importing persons include  
2302 firms and corporations.

2303 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
2304 of 1968 provides that the governor, chief financial  
2305 officer, and attorney general constitute the state board of  
2306 administration, as successor to the state board of  
2307 administration established pursuant to s. 16, Art. IX of  
2308 the Constitution of 1885.

2309 Section 54. Paragraph (1) of subsection (1) of section  
2310 343.91, Florida Statutes, is amended to read:

2311 343.91 Definitions.—

2312 (1) As used in this part, the term:

2313 (1) "State Board of Administration" means the body  
2314 corporate existing under the provisions of s. 4 9, Art. IV ~~XIII~~  
2315 of the State Constitution, or any successor thereto.

2316 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
2317 of 1968 provides that the governor, chief financial  
2318 officer, and attorney general constitute the state board of  
2319 administration, as successor to the state board of  
2320 administration established pursuant to s. 16, Art. IX of



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2321 the Constitution of 1885.

2322 Section 55. Section 344.17, Florida Statutes, is amended to

2323 read:

2324 344.17 Depositories and investments.—All moneys received by

2325 the Chief Financial Officer as treasurer of the State Board of

2326 Administration, a body corporate under s. 4 9, Art. IV ~~XII~~ of

2327 the State Constitution, shall be deposited by the treasurer in a

2328 solvent bank or banks, to be approved and accepted for such

2329 purposes by the board. In making such deposits, he or she shall

2330 follow the method for the deposit of state funds. Each bank

2331 receiving any portion of such funds shall be required to deposit

2332 with such treasurer satisfactory bonds or treasury certificates

2333 of the United States; bonds of the several states; special tax

2334 school district bonds; bonds of any municipality eligible to

2335 secure state deposits as provided by law; bonds of any county or

2336 special road and bridge district of this state entitled to

2337 participate under the provisions of s. 16, Art. IX of the State

2338 Constitution of 1885, as adopted by the 1968 revised

2339 constitution, and of s. 9, Art. XII of that revision; bonds

2340 issued under the provisions of s. 18, Art. XII of the State

2341 Constitution of 1885, as adopted by s. 9, Art. XII of the 1968

2342 revised constitution; or bonds, notes, or certificates issued by

2343 the Florida State Improvement Commission or its successors, the

2344 Florida Development Commission and the Division of Bond Finance

2345 of the State Board of Administration, which contain a pledge of

2346 the 80-percent surplus 2-cent constitutional gasoline tax

2347 accruing under s. 16, Art. IX of the State Constitution of 1885,

2348 as adopted by the 1968 revised constitution, and under s. 9,

2349 Art. XII of that revision, which shall be equal to the amount

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2350 deposited with such bank. Such security shall be in the  
2351 possession of such treasurer; or the treasurer is authorized to  
2352 accept, in lieu of the actual depositing with him or her of such  
2353 security, trust or safekeeping receipts issued by any Federal  
2354 Reserve Bank, or member bank thereof, or by any bank  
2355 incorporated under the laws of the United States; provided the  
2356 member bank or bank incorporated under the laws of the United  
2357 States has been previously approved and accepted for such  
2358 purposes by the State Board of Administration and the trust or  
2359 safekeeping receipts are in substantially the same form as that  
2360 which the Chief Financial Officer is authorized to accept in  
2361 lieu of securities given to cover deposits of state funds.

2362 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
2363 of 1968 provides that the governor, chief financial  
2364 officer, and attorney general constitute the state board of  
2365 administration, as successor to the state board of  
2366 administration established pursuant to s. 16, Art. IX of  
2367 the Constitution of 1885.

2368 Section 56. Subsection (14) of section 348.752, Florida  
2369 Statutes, is amended to read:

2370 348.752 Definitions.—The following terms, whenever used or  
2371 referred to in this law, shall have the following meanings,  
2372 except in those instances where the context clearly indicates  
2373 otherwise:

2374 (14) The term "State Board of Administration" means the  
2375 body corporate existing under the provisions of s. 4 9, Art. IV  
2376 ~~XII~~ of the State Constitution, or any successor thereto.

2377 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
2378 of 1968 provides that the governor, chief financial

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2379 officer, and attorney general constitute the state board of  
2380 administration, as successor to the state board of  
2381 administration established pursuant to s. 16, Art. IX of  
2382 the Constitution of 1885.

2383 Section 57. Paragraph (h) of subsection (1) of section  
2384 349.02, Florida Statutes, is amended to read:

2385 349.02 Definitions.—

2386 (1) Except in those instances where the context clearly  
2387 indicates otherwise, whenever used or referred to in this  
2388 chapter, the following terms shall have the following meanings:

2389 (h) "State Board of Administration" means the body  
2390 corporate existing under the provisions of s. 4 9, Art. IV ~~XII~~  
2391 of the State Constitution or any successor thereto.

2392 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
2393 of 1968 provides that the governor, chief financial  
2394 officer, and attorney general constitute the state board of  
2395 administration, as successor to the state board of  
2396 administration established pursuant to s. 16, Art. IX of  
2397 the Constitution of 1885.

2398 Section 58. Subsection (5) of section 373.227, Florida  
2399 Statutes, is amended to read:

2400 373.227 Water conservation; legislative findings;  
2401 legislative intent; objectives; comprehensive statewide water  
2402 conservation program requirements.—

2403 ~~(5) By December 1, 2005, the department shall submit a~~  
2404 ~~written report to the President of the Senate, the Speaker of~~  
2405 ~~the House of Representatives, and the appropriate substantive~~  
2406 ~~committees of the Senate and the House of Representatives on the~~  
2407 ~~progress made in implementing the comprehensive statewide water~~

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2408 ~~conservation program for public water supply required by this~~  
2409 ~~section. The report must include any statutory changes and~~  
2410 ~~funding requests necessary for the continued development and~~  
2411 ~~implementation of the program.~~

2412 Reviser's note.—Amended to delete an obsolete provision.

2413 Section 59. Paragraph (a) of subsection (5) of section  
2414 373.250, Florida Statutes, is amended to read:

2415 373.250 Reuse of reclaimed water.—

2416 (5) (a) No later than October 1, 2012, the department shall  
2417 initiate rulemaking to adopt revisions to the water resource  
2418 implementation rule, as defined in s. 373.019(25) ~~373.019(23)~~,  
2419 which shall include:

2420 1. Criteria for the use of a proposed impact offset derived  
2421 from the use of reclaimed water when a water management district  
2422 evaluates an application for a consumptive use permit. As used  
2423 in this subparagraph, the term "impact offset" means the use of  
2424 reclaimed water to reduce or eliminate a harmful impact that has  
2425 occurred or would otherwise occur as a result of other surface  
2426 water or groundwater withdrawals.

2427 2. Criteria for the use of substitution credits where a  
2428 water management district has adopted rules establishing  
2429 withdrawal limits from a specified water resource within a  
2430 defined geographic area. As used in this subparagraph, the term  
2431 "substitution credit" means the use of reclaimed water to  
2432 replace all or a portion of an existing permitted use of  
2433 resource-limited surface water or groundwater, allowing a  
2434 different user or use to initiate a withdrawal or increase its  
2435 withdrawal from the same resource-limited surface water or  
2436 groundwater source provided that the withdrawal creates no net

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2437 adverse impact on the limited water resource or creates a net  
2438 positive impact if required by water management district rule as  
2439 part of a strategy to protect or recover a water resource.

2440 Reviser's note.—Amended to conform to the redesignation of s.

2441 373.019(23) as s. 373.019(25) by s. 1, ch. 2012-150, Laws  
2442 of Florida.

2443 Section 60. Paragraph (d) of subsection (4) and paragraph  
2444 (a) of subsection (6) of section 373.536, Florida Statutes, are  
2445 amended to read:

2446 373.536 District budget and hearing thereon.—

2447 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

2448 (d) In the event of a disaster or of an emergency arising  
2449 to prevent or avert the same, the governing board is not ~~be~~  
2450 limited by the budget but may expend funds available for the  
2451 disaster or emergency or as may be procured for such purpose. In  
2452 such an event, the governing board shall notify the Executive  
2453 Office of the Governor and the Legislative Budget Commission as  
2454 soon as practical, but within 30 days after the governing  
2455 board's action.

2456 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
2457 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2458 (a) Each district must, by the date specified for each  
2459 item, furnish copies of the following documents to the Governor,  
2460 the President of the Senate, the Speaker of the House of  
2461 Representatives, the chairs of all legislative committees and  
2462 subcommittees having substantive or fiscal jurisdiction over the  
2463 districts, as determined by the President of the Senate or the  
2464 Speaker of the House of Representatives as applicable, the  
2465 secretary of the department, and the governing board of each

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2466 county in which the district has jurisdiction or derives any  
2467 funds for the operations of the district:

2468 1. The adopted budget, to be furnished within 10 days after  
2469 its adoption.

2470 2. A financial audit of its accounts and records, to be  
2471 furnished within 10 days after its acceptance by the governing  
2472 board. The audit must be conducted in accordance with s. 11.45  
2473 and the rules adopted thereunder. In addition to the entities  
2474 named above, the district must provide a copy of the audit to  
2475 the Auditor General within 10 days after its acceptance by the  
2476 governing board.

2477 3. A 5-year capital improvements plan, to be included in  
2478 the consolidated annual report required by s. 373.036(7). The  
2479 plan must include expected sources of revenue for planned  
2480 improvements and must be prepared in a manner comparable to the  
2481 fixed capital outlay format set forth in s. 216.043.

2482 4. A 5-year water resource development work program to be  
2483 furnished within 30 days after the adoption of the final budget.  
2484 The program must describe the district's implementation strategy  
2485 and funding plan for the water resource, water supply, and  
2486 alternative water supply development components of each approved  
2487 regional water supply plan developed or revised under s.  
2488 373.709. The work program must address all the elements of the  
2489 water resource development component in the district's approved  
2490 regional water supply plans and must identify ~~which~~ projects in  
2491 the work program which will provide water; explain how each  
2492 water resource, water supply, and alternative water supply  
2493 development project will produce additional water available for  
2494 consumptive uses; estimate the quantity of water to be produced

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2495 by each project; and provide an assessment of the contribution  
2496 of the district's regional water supply plans in providing  
2497 sufficient water needed to timely meet the water supply needs of  
2498 existing and future reasonable-beneficial uses for a 1-in-10-  
2499 year drought event.

2500 Reviser's note.—Paragraph (4) (d) is amended to confirm deletion  
2501 by the editors of the word "be" following the word "not."

2502 Paragraph (6) (a) is amended to confirm deletion by the  
2503 editors of the word "which" following the word "identify."

2504 Section 61. Paragraph (a) of subsection (11) of section  
2505 376.3071, Florida Statutes, is amended to read:

2506 376.3071 Inland Protection Trust Fund; creation; purposes;  
2507 funding.—

2508 (11) SITE CLEANUP.—

2509 (a) *Voluntary cleanup*.—This section ~~shall~~ does not prohibit  
2510 a person from conducting site rehabilitation either through his  
2511 or her own personnel or through responsible response action  
2512 contractors or subcontractors when such person is not seeking  
2513 site rehabilitation funding from the fund. Such voluntary  
2514 cleanups must meet all applicable environmental standards.

2515 Reviser's note.—Amended to confirm deletion by the editors of  
2516 the word "shall" preceding the word "does."

2517 Section 62. Subsections (2) and (3) of section 379.2433,  
2518 Florida Statutes, are amended to read:

2519 379.2433 Enhanced manatee protection study.—

2520 ~~(2) (a) As part of the enhanced manatee protection study,~~  
2521 ~~the Legislature intends that the commission shall contract with~~  
2522 ~~Mote Marine Laboratory to conduct a manatee habitat and~~  
2523 ~~submerged aquatic vegetation assessment that specifically~~

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2524 considers:

2525 ~~1. Manatee populations that congregate in the warm water~~  
2526 ~~discharge sites at power plants in the state and the potential~~  
2527 ~~risks for disease resulting from increased congregation of~~  
2528 ~~manatees at these sites;~~

2529 ~~2. Development of research, monitoring, and submerged~~  
2530 ~~aquatic vegetation restoration priorities for manatee habitat in~~  
2531 ~~and near the warm water discharge sites at power plants in the~~  
2532 ~~state; and~~

2533 ~~3. The potential impacts on manatees and manatee habitat if~~  
2534 ~~power plants that provide warm water discharge sites where~~  
2535 ~~manatees congregate are closed, including how closure will~~  
2536 ~~affect the size and health of submerged aquatic vegetation~~  
2537 ~~areas.~~

2538 ~~(b) The Mote Marine Laboratory must submit an interim~~  
2539 ~~report on the manatee habitat and submerged aquatic vegetation~~  
2540 ~~assessment to the Governor, the Legislature, and the commission~~  
2541 ~~by September 1, 2006. The interim report must detail the~~  
2542 ~~progress of the assessment. The final report, due to the~~  
2543 ~~Governor, the Legislature, and the commission by January 1,~~  
2544 ~~2007, must detail the results of the assessment and include~~  
2545 ~~recommendations for protection of manatee habitat in warm water~~  
2546 ~~discharge sites at power plants in the state.~~

2547 ~~(c) The commission shall ensure that funds allocated to~~  
2548 ~~implement the manatee habitat and submerged aquatic vegetation~~  
2549 ~~assessment are expended in a manner that is consistent with the~~  
2550 ~~requirements of this subsection. The commission may require an~~  
2551 ~~annual audit of the expenditures made by Mote Marine Laboratory.~~  
2552 ~~Copies of any audit requested under this subsection must be~~



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2553 ~~provided to the appropriate substantive and appropriations~~  
2554 ~~committees of the Senate and the House of Representatives as~~  
2555 ~~they become available.~~

2556 ~~(3) As part of the enhanced manatee protection study, the~~  
2557 ~~Legislature intends that the commission must conduct a signage~~  
2558 ~~and boat speed assessment to evaluate the effectiveness of~~  
2559 ~~manatee protection signs and sign placement and to assess boat~~  
2560 ~~speeds. The commission shall evaluate existing data on manatee~~  
2561 ~~mortality before and after existing manatee protection zones~~  
2562 ~~were established, boater compliance and comprehension of~~  
2563 ~~regulatory signs and buoys, changes in boating traffic patterns,~~  
2564 ~~and manatee distribution and behavior. The commission shall also~~  
2565 ~~provide recommendations on innovative marker designs that are in~~  
2566 ~~compliance with the federal aids to navigation system. The~~  
2567 ~~signage and boat speed assessment must address:~~

2568 ~~(a) The effectiveness of signs and buoys to warn boaters of~~  
2569 ~~manatee slow speed zones, with a goal of developing federally~~  
2570 ~~approved standards for marking manatee protection zones;~~

2571 ~~(b) A determination of where buoys may be used in place of~~  
2572 ~~pilings for boating safety purposes; and~~

2573 ~~(c) An evaluation of higher speed travel corridors in~~  
2574 ~~manatee zones to determine the most effective speed to balance~~  
2575 ~~safe boating, recreational use, vessel operating~~  
2576 ~~characteristics, and manatee protection.~~

2577  
2578 ~~The commission shall complete its signage and boat speed~~  
2579 ~~assessment by January 1, 2007, and must submit a report of its~~  
2580 ~~findings to the Governor, the President of the Senate, and the~~  
2581 ~~Speaker of the House of Representatives by February 1, 2007. The~~

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2582 ~~report must detail the results of the assessment and identify~~  
2583 ~~specific recommendations for developing state and local policies~~  
2584 ~~relating to the appropriate placement of signs, including~~  
2585 ~~innovative markers, in manatee slow speed zones.~~

2586 Reviser's note.—Amended to delete obsolete provisions.

2587 Section 63. Paragraph (b) of subsection (2) of section  
2588 379.3581, Florida Statutes, is amended to read:

2589 379.3581 Hunter safety course; requirements; penalty.—

2590 (2)

2591 (b) A person born on or after June 1, 1975, who has not  
2592 successfully completed a hunter safety course may apply to the  
2593 commission for a special authorization to hunt under  
2594 supervision. The special authorization for supervised hunting  
2595 shall be designated on any license or permit required under this  
2596 chapter for a person to take game or fur-bearing animals. A  
2597 person issued a license with a special authorization to hunt  
2598 under supervision must hunt under the supervision of, and in the  
2599 presence of, a person 21 years of ~~or~~ age or older who is  
2600 licensed to hunt pursuant to s. 379.354 or who is exempt from  
2601 licensing requirements or eligible for a free license pursuant  
2602 to s. 379.353.

2603 Reviser's note.—Amended to confirm substitution of the word "of"  
2604 for the word "or" by the editors.

2605 Section 64. Subsection (8) of section 380.0662, Florida  
2606 Statutes, is amended to read:

2607 380.0662 Definitions.—As used in this act, unless the  
2608 context indicates a different meaning or intent:

2609 (8) "State Board of Administration" means the State Board  
2610 of Administration created by and referred to in s. 49, Art. IV

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2611 ~~XXII~~ of the State Constitution.

2612 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
2613 of 1968 provides that the governor, chief financial  
2614 officer, and attorney general constitute the state board of  
2615 administration, as successor to the state board of  
2616 administration established pursuant to s. 16, Art. IX of  
2617 the Constitution of 1885.

2618 Section 65. Paragraph (h) of subsection (2) of section  
2619 381.004, Florida Statutes, is amended to read:

2620 381.004 HIV testing.—

2621 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;  
2622 RESULTS; COUNSELING; CONFIDENTIALITY.—

2623 (h) Notwithstanding the provisions of paragraph (a),  
2624 informed consent is not required:

2625 1. When testing for sexually transmissible diseases is  
2626 required by state or federal law, or by rule including the  
2627 following situations:

2628 a. HIV testing pursuant to s. 796.08 of persons convicted  
2629 of prostitution or of procuring another to commit prostitution.

2630 b. HIV testing of inmates pursuant to s. 945.355 prior to  
2631 their release from prison by reason of parole, accumulation of  
2632 gain-time credits, or expiration of sentence.

2633 c. Testing for HIV by a medical examiner in accordance with  
2634 s. 406.11.

2635 d. HIV testing of pregnant women pursuant to s. 384.31.

2636 2. Those exceptions provided for blood, plasma, organs,  
2637 skin, semen, or other human tissue pursuant to s. 381.0041.

2638 3. For the performance of an HIV-related test by licensed  
2639 medical personnel in bona fide medical emergencies when the test

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2640 results are necessary for medical diagnostic purposes to provide  
2641 appropriate emergency care or treatment to the person being  
2642 tested and the patient is unable to consent, as supported by  
2643 documentation in the medical record. Notification of test  
2644 results in accordance with paragraph (c) is required.

2645 4. For the performance of an HIV-related test by licensed  
2646 medical personnel for medical diagnosis of acute illness where,  
2647 in the opinion of the attending physician, obtaining informed  
2648 consent would be detrimental to the patient, as supported by  
2649 documentation in the medical record, and the test results are  
2650 necessary for medical diagnostic purposes to provide appropriate  
2651 care or treatment to the person being tested. Notification of  
2652 test results in accordance with paragraph (c) is required if it  
2653 would not be detrimental to the patient. This subparagraph does  
2654 not authorize the routine testing of patients for HIV infection  
2655 without informed consent.

2656 5. When HIV testing is performed as part of an autopsy for  
2657 which consent was obtained pursuant to s. 872.04.

2658 6. For the performance of an HIV test upon a defendant  
2659 pursuant to the victim's request in a prosecution for any type  
2660 of sexual battery where a blood sample is taken from the  
2661 defendant voluntarily, pursuant to court order for any purpose,  
2662 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.  
2663 960.003; however, the results of any HIV test performed shall be  
2664 disclosed solely to the victim and the defendant, except as  
2665 provided in ss. 775.0877, 951.27, and 960.003.

2666 7. When an HIV test is mandated by court order.

2667 8. For epidemiological research pursuant to s. 381.0031  
2668 ~~381.0032~~, for research consistent with institutional review

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2669 boards created by 45 C.F.R. part 46, or for the performance of  
2670 an HIV-related test for the purpose of research, if the testing  
2671 is performed in a manner by which the identity of the test  
2672 subject is not known and may not be retrieved by the researcher.

2673 9. When human tissue is collected lawfully without the  
2674 consent of the donor for corneal removal as authorized by s.  
2675 765.5185 or enucleation of the eyes as authorized by s. 765.519.

2676 10. For the performance of an HIV test upon an individual  
2677 who comes into contact with medical personnel in such a way that  
2678 a significant exposure has occurred during the course of  
2679 employment or within the scope of practice and where a blood  
2680 sample is available that was taken from that individual  
2681 voluntarily by medical personnel for other purposes. The term  
2682 "medical personnel" includes a licensed or certified health care  
2683 professional; an employee of a health care professional or  
2684 health care facility; employees of a laboratory licensed under  
2685 chapter 483; personnel of a blood bank or plasma center; a  
2686 medical student or other student who is receiving training as a  
2687 health care professional at a health care facility; and a  
2688 paramedic or emergency medical technician certified by the  
2689 department to perform life-support procedures under s. 401.23.

2690 a. Prior to performance of an HIV test on a voluntarily  
2691 obtained blood sample, the individual from whom the blood was  
2692 obtained shall be requested to consent to the performance of the  
2693 test and to the release of the results. If consent cannot be  
2694 obtained within the time necessary to perform the HIV test and  
2695 begin prophylactic treatment of the exposed medical personnel,  
2696 all information concerning the performance of an HIV test and  
2697 any HIV test result shall be documented only in the medical

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2698 personnel's record unless the individual gives written consent  
2699 to entering this information on the individual's medical record.

2700 b. Reasonable attempts to locate the individual and to  
2701 obtain consent shall be made, and all attempts must be  
2702 documented. If the individual cannot be found or is incapable of  
2703 providing consent, an HIV test may be conducted on the available  
2704 blood sample. If the individual does not voluntarily consent to  
2705 the performance of an HIV test, the individual shall be informed  
2706 that an HIV test will be performed, and counseling shall be  
2707 furnished as provided in this section. However, HIV testing  
2708 shall be conducted only after appropriate medical personnel  
2709 under the supervision of a licensed physician documents, in the  
2710 medical record of the medical personnel, that there has been a  
2711 significant exposure and that, in accordance with the written  
2712 protocols based on the National Centers for Disease Control and  
2713 Prevention guidelines on HIV postexposure prophylaxis and in the  
2714 physician's medical judgment, the information is medically  
2715 necessary to determine the course of treatment for the medical  
2716 personnel.

2717 c. Costs of any HIV test of a blood sample performed with  
2718 or without the consent of the individual, as provided in this  
2719 subparagraph, shall be borne by the medical personnel or the  
2720 employer of the medical personnel. However, costs of testing or  
2721 treatment not directly related to the initial HIV tests or costs  
2722 of subsequent testing or treatment may not be borne by the  
2723 medical personnel or the employer of the medical personnel.

2724 d. In order to utilize the provisions of this subparagraph,  
2725 the medical personnel must either be tested for HIV pursuant to  
2726 this section or provide the results of an HIV test taken within

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2727 6 months prior to the significant exposure if such test results  
2728 are negative.

2729 e. A person who receives the results of an HIV test  
2730 pursuant to this subparagraph shall maintain the confidentiality  
2731 of the information received and of the persons tested. Such  
2732 confidential information is exempt from s. 119.07(1).

2733 f. If the source of the exposure will not voluntarily  
2734 submit to HIV testing and a blood sample is not available, the  
2735 medical personnel or the employer of such person acting on  
2736 behalf of the employee may seek a court order directing the  
2737 source of the exposure to submit to HIV testing. A sworn  
2738 statement by a physician licensed under chapter 458 or chapter  
2739 459 that a significant exposure has occurred and that, in the  
2740 physician's medical judgment, testing is medically necessary to  
2741 determine the course of treatment constitutes probable cause for  
2742 the issuance of an order by the court. The results of the test  
2743 shall be released to the source of the exposure and to the  
2744 person who experienced the exposure.

2745 11. For the performance of an HIV test upon an individual  
2746 who comes into contact with medical personnel in such a way that  
2747 a significant exposure has occurred during the course of  
2748 employment or within the scope of practice of the medical  
2749 personnel while the medical personnel provides emergency medical  
2750 treatment to the individual; or notwithstanding s. 384.287, an  
2751 individual who comes into contact with nonmedical personnel in  
2752 such a way that a significant exposure has occurred while the  
2753 nonmedical personnel provides emergency medical assistance  
2754 during a medical emergency. For the purposes of this  
2755 subparagraph, a medical emergency means an emergency medical

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2756 condition outside of a hospital or health care facility that  
2757 provides physician care. The test may be performed only during  
2758 the course of treatment for the medical emergency.

2759 a. An individual who is capable of providing consent shall  
2760 be requested to consent to an HIV test prior to the testing. If  
2761 consent cannot be obtained within the time necessary to perform  
2762 the HIV test and begin prophylactic treatment of the exposed  
2763 medical personnel and nonmedical personnel, all information  
2764 concerning the performance of an HIV test and its result, shall  
2765 be documented only in the medical personnel's or nonmedical  
2766 personnel's record unless the individual gives written consent  
2767 to entering this information on the individual's medical record.

2768 b. HIV testing shall be conducted only after appropriate  
2769 medical personnel under the supervision of a licensed physician  
2770 documents, in the medical record of the medical personnel or  
2771 nonmedical personnel, that there has been a significant exposure  
2772 and that, in accordance with the written protocols based on the  
2773 National Centers for Disease Control and Prevention guidelines  
2774 on HIV postexposure prophylaxis and in the physician's medical  
2775 judgment, the information is medically necessary to determine  
2776 the course of treatment for the medical personnel or nonmedical  
2777 personnel.

2778 c. Costs of any HIV test performed with or without the  
2779 consent of the individual, as provided in this subparagraph,  
2780 shall be borne by the medical personnel or the employer of the  
2781 medical personnel or nonmedical personnel. However, costs of  
2782 testing or treatment not directly related to the initial HIV  
2783 tests or costs of subsequent testing or treatment may not be  
2784 borne by the medical personnel or the employer of the medical



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2785 personnel or nonmedical personnel.

2786 d. In order to utilize the provisions of this subparagraph,  
2787 the medical personnel or nonmedical personnel shall be tested  
2788 for HIV pursuant to this section or shall provide the results of  
2789 an HIV test taken within 6 months prior to the significant  
2790 exposure if such test results are negative.

2791 e. A person who receives the results of an HIV test  
2792 pursuant to this subparagraph shall maintain the confidentiality  
2793 of the information received and of the persons tested. Such  
2794 confidential information is exempt from s. 119.07(1).

2795 f. If the source of the exposure will not voluntarily  
2796 submit to HIV testing and a blood sample was not obtained during  
2797 treatment for the medical emergency, the medical personnel, the  
2798 employer of the medical personnel acting on behalf of the  
2799 employee, or the nonmedical personnel may seek a court order  
2800 directing the source of the exposure to submit to HIV testing. A  
2801 sworn statement by a physician licensed under chapter 458 or  
2802 chapter 459 that a significant exposure has occurred and that,  
2803 in the physician's medical judgment, testing is medically  
2804 necessary to determine the course of treatment constitutes  
2805 probable cause for the issuance of an order by the court. The  
2806 results of the test shall be released to the source of the  
2807 exposure and to the person who experienced the exposure.

2808 12. For the performance of an HIV test by the medical  
2809 examiner or attending physician upon an individual who expired  
2810 or could not be resuscitated while receiving emergency medical  
2811 assistance or care and who was the source of a significant  
2812 exposure to medical or nonmedical personnel providing such  
2813 assistance or care.

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2814           a. HIV testing may be conducted only after appropriate  
2815 medical personnel under the supervision of a licensed physician  
2816 documents in the medical record of the medical personnel or  
2817 nonmedical personnel that there has been a significant exposure  
2818 and that, in accordance with the written protocols based on the  
2819 National Centers for Disease Control and Prevention guidelines  
2820 on HIV postexposure prophylaxis and in the physician's medical  
2821 judgment, the information is medically necessary to determine  
2822 the course of treatment for the medical personnel or nonmedical  
2823 personnel.

2824           b. Costs of any HIV test performed under this subparagraph  
2825 may not be charged to the deceased or to the family of the  
2826 deceased person.

2827           c. For the provisions of this subparagraph to be  
2828 applicable, the medical personnel or nonmedical personnel must  
2829 be tested for HIV under this section or must provide the results  
2830 of an HIV test taken within 6 months before the significant  
2831 exposure if such test results are negative.

2832           d. A person who receives the results of an HIV test  
2833 pursuant to this subparagraph shall comply with paragraph (e).

2834           13. For the performance of an HIV-related test medically  
2835 indicated by licensed medical personnel for medical diagnosis of  
2836 a hospitalized infant as necessary to provide appropriate care  
2837 and treatment of the infant when, after a reasonable attempt, a  
2838 parent cannot be contacted to provide consent. The medical  
2839 records of the infant shall reflect the reason consent of the  
2840 parent was not initially obtained. Test results shall be  
2841 provided to the parent when the parent is located.

2842           14. For the performance of HIV testing conducted to monitor

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2843 the clinical progress of a patient previously diagnosed to be  
2844 HIV positive.

2845 15. For the performance of repeated HIV testing conducted  
2846 to monitor possible conversion from a significant exposure.  
2847 Reviser's note.—Amended to conform to the repeal of s. 381.0032  
2848 by s. 17, ch. 2012-184, Laws of Florida. Language relating  
2849 to epidemiological research was added to s. 381.0031 by s.  
2850 15, ch. 2012-184.

2851 Section 66. Paragraph (a) of subsection (7) of section  
2852 381.00593, Florida Statutes, is amended to read:

2853 381.00593 Public school volunteer health care practitioner  
2854 program.—

2855 (7) (a) The Department of Health shall have the  
2856 responsibility to supervise the program and perform periodic  
2857 program reviews as provided in s. 381.0056(3) ~~381.0056(4)~~.

2858 Reviser's note.—Amended to conform to the redesignation of s.  
2859 381.0056(4) as s. 381.0056(3) by s. 27, ch. 2012-184, Laws  
2860 of Florida.

2861 Section 67. Paragraph (w) of subsection (4) of section  
2862 381.0065, Florida Statutes, is amended to read:

2863 381.0065 Onsite sewage treatment and disposal systems;  
2864 regulation.—

2865 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
2866 construct, repair, modify, abandon, or operate an onsite sewage  
2867 treatment and disposal system without first obtaining a permit  
2868 approved by the department. The department may issue permits to  
2869 carry out this section, but shall not make the issuance of such  
2870 permits contingent upon prior approval by the Department of  
2871 Environmental Protection, except that the issuance of a permit

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2872 for work seaward of the coastal construction control line  
2873 established under s. 161.053 shall be contingent upon receipt of  
2874 any required coastal construction control line permit from the  
2875 Department of Environmental Protection. A construction permit is  
2876 valid for 18 months from the issuance date and may be extended  
2877 by the department for one 90-day period under rules adopted by  
2878 the department. A repair permit is valid for 90 days from the  
2879 date of issuance. An operating permit must be obtained prior to  
2880 the use of any aerobic treatment unit or if the establishment  
2881 generates commercial waste. Buildings or establishments that use  
2882 an aerobic treatment unit or generate commercial waste shall be  
2883 inspected by the department at least annually to assure  
2884 compliance with the terms of the operating permit. The operating  
2885 permit for a commercial wastewater system is valid for 1 year  
2886 from the date of issuance and must be renewed annually. The  
2887 operating permit for an aerobic treatment unit is valid for 2  
2888 years from the date of issuance and must be renewed every 2  
2889 years. If all information pertaining to the siting, location,  
2890 and installation conditions or repair of an onsite sewage  
2891 treatment and disposal system remains the same, a construction  
2892 or repair permit for the onsite sewage treatment and disposal  
2893 system may be transferred to another person, if the transferee  
2894 files, within 60 days after the transfer of ownership, an  
2895 amended application providing all corrected information and  
2896 proof of ownership of the property. There is no fee associated  
2897 with the processing of this supplemental information. A person  
2898 may not contract to construct, modify, alter, repair, service,  
2899 abandon, or maintain any portion of an onsite sewage treatment  
2900 and disposal system without being registered under part III of

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2901 chapter 489. A property owner who personally performs  
2902 construction, maintenance, or repairs to a system serving his or  
2903 her own owner-occupied single-family residence is exempt from  
2904 registration requirements for performing such construction,  
2905 maintenance, or repairs on that residence, but is subject to all  
2906 permitting requirements. A municipality or political subdivision  
2907 of the state may not issue a building or plumbing permit for any  
2908 building that requires the use of an onsite sewage treatment and  
2909 disposal system unless the owner or builder has received a  
2910 construction permit for such system from the department. A  
2911 building or structure may not be occupied and a municipality,  
2912 political subdivision, or any state or federal agency may not  
2913 authorize occupancy until the department approves the final  
2914 installation of the onsite sewage treatment and disposal system.  
2915 A municipality or political subdivision of the state may not  
2916 approve any change in occupancy or tenancy of a building that  
2917 uses an onsite sewage treatment and disposal system until the  
2918 department has reviewed the use of the system with the proposed  
2919 change, approved the change, and amended the operating permit.

2920 (w) Any permit issued and approved by the department for  
2921 the installation, modification, or repair of an onsite sewage  
2922 treatment and disposal system shall transfer with the title to  
2923 the property in a real estate transaction. A title may not be  
2924 encumbered at the time of transfer by new permit requirements by  
2925 a governmental entity for an onsite sewage treatment and  
2926 disposal system which differ from the permitting requirements in  
2927 effect at the time the system was permitted, modified, or  
2928 repaired. An inspection of a system may not be mandated by a  
2929 governmental entity at the point of sale in a real estate

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2930 transaction. This paragraph does not affect a septic tank phase-  
2931 out deferral program implemented by a consolidated government as  
2932 defined in s. 9, Art. VIII of the State Constitution (1885).

2933 Reviser's note.—Amended to conform to the fact that s. 9, Art.

2934 VIII of the State Constitution of 1885 relates to

2935 Jacksonville's consolidated government; the 1968

2936 Constitution does not contain a s. 9, Art. VIII.

2937 Section 68. Paragraph (a) of subsection (3) of section

2938 381.0101, Florida Statutes, is amended to read:

2939 381.0101 Environmental health professionals.—

2940 (3) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The

2941 State Health Officer shall appoint an advisory board to assist

2942 the department in the promulgation of rules for certification,

2943 testing, establishing standards, and seeking enforcement actions

2944 against certified professionals.

2945 (a) The board shall be comprised of the State Surgeon

2946 General or his or her designee, one individual who will be

2947 certified under this section, one individual not employed in a

2948 governmental capacity who will or does employ a certified

2949 environmental health professional, one individual whose business

2950 is or will be evaluated by a certified environmental health

2951 professional, and a citizen of the state who neither employs nor

2952 is routinely evaluated by a person certified under this section.

2953 Reviser's note.—Amended to confirm insertion of the word "and"

2954 by the editors to improve clarity.

2955 Section 69. Subsection (2) of section 391.026, Florida

2956 Statutes, is amended to read:

2957 391.026 Powers and duties of the department.—The department

2958 shall have the following powers, duties, and responsibilities:

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2959 (2) To provide services to abused and neglected children  
2960 through child protection ~~protective~~ teams pursuant to s. 39.303.  
2961 Reviser's note.—Amended to confirm substitution of the word  
2962 "protection" for the word "protective" by the editors to  
2963 conform to s. 39.303, which relates to child protection  
2964 teams.

2965 Section 70. Paragraph (b) of subsection (2) of section  
2966 400.172, Florida Statutes, is amended to read:

2967 400.172 Respite care provided in nursing home facilities.—

2968 (2) A person admitted under the respite care program shall:

2969 (b) Be covered by the residents' rights specified in s.  
2970 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident  
2971 are not to be considered trust funds subject to the requirements  
2972 of s. 400.022(1)(h) until the resident has been in the facility  
2973 for more than 14 consecutive days.

2974 Reviser's note.—Amended to confirm insertion of the word "to" by  
2975 the editors.

2976 Section 71. Subsection (1) of section 400.915, Florida  
2977 Statutes, is amended to read:

2978 400.915 Construction and renovation; requirements.—The  
2979 requirements for the construction or renovation of a PPEC center  
2980 shall comply with:

2981 (1) The provisions of chapter 553, which pertain to  
2982 building construction standards, including plumbing, electrical  
2983 code, glass, manufactured buildings, and accessibility for the  
2984 physically disabled;

2985 Reviser's note.—Amended to insert the word "and" to improve  
2986 clarity.

2987 Section 72. Paragraph (b) of subsection (4) of section

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2988 400.9905, Florida Statutes, is amended to read:

2989 400.9905 Definitions.—

2990 (4) "Clinic" means an entity where health care services are  
2991 provided to individuals and which tenders charges for  
2992 reimbursement for such services, including a mobile clinic and a  
2993 portable equipment provider. As used in this part, the term does  
2994 not include and the licensure requirements of this part do not  
2995 apply to:

2996 (b) Entities that own, directly or indirectly, entities  
2997 licensed or registered by the state pursuant to chapter 395;  
2998 entities that own, directly or indirectly, entities licensed or  
2999 registered by the state and providing only health care services  
3000 within the scope of services authorized pursuant to their  
3001 respective licenses under ss. 383.30-383.335, chapter 390,  
3002 chapter 394, chapter 397, this chapter except part X, chapter  
3003 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
3004 of chapter 483, chapter 484, or chapter 651; end-stage renal  
3005 disease providers authorized under 42 C.F.R. part 405, subpart  
3006 U; providers certified under 42 C.F.R. part 485, subpart B or  
3007 subpart H; or any entity that provides neonatal or pediatric  
3008 hospital-based health care services by licensed practitioners  
3009 solely within a hospital licensed under chapter 395.

3010  
3011 Notwithstanding this subsection, an entity shall be deemed a  
3012 clinic and must be licensed under this part in order to receive  
3013 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
3014 627.730-627.7405, unless exempted under s. 627.736(5)(h).  
3015 Reviser's note.—Amended to confirm insertion of the word "or" by  
3016 the editors.



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3017 Section 73. Paragraph (h) of subsection (9) of section  
3018 403.086, Florida Statutes, is amended to read:

3019 403.086 Sewage disposal facilities; advanced and secondary  
3020 waste treatment.—

3021 (9) The Legislature finds that the discharge of domestic  
3022 wastewater through ocean outfalls wastes valuable water supplies  
3023 that should be reclaimed for beneficial purposes to meet public  
3024 and natural systems demands. The Legislature also finds that  
3025 discharge of domestic wastewater through ocean outfalls  
3026 compromises the coastal environment, quality of life, and local  
3027 economies that depend on those resources. The Legislature  
3028 declares that more stringent treatment and management  
3029 requirements for such domestic wastewater and the subsequent,  
3030 timely elimination of ocean outfalls as a primary means of  
3031 domestic wastewater discharge are in the public interest.

3032 ~~(h) By February 1, 2012, the department shall submit a~~  
3033 ~~report to the Governor and Legislature detailing the results and~~  
3034 ~~recommendations from phases 1 through 3 of its ongoing study on~~  
3035 ~~reclaimed water use.~~

3036 Reviser's note.—Amended to delete an obsolete provision.

3037 Section 74. Subsection (3) of section 403.511, Florida  
3038 Statutes, is amended to read:

3039 403.511 Effect of certification.—

3040 (3) The certification and any order on land use and zoning  
3041 issued under this act shall be in lieu of any license, permit,  
3042 certificate, or similar document required by any state,  
3043 regional, or local agency pursuant to, but not limited to,  
3044 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,  
3045 chapter 253, chapter 298, chapter 373, chapter 376, chapter 379,

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3046 chapter 380, chapter 381, ~~chapter 387~~, chapter 403, except for  
3047 permits issued pursuant to any federally delegated or approved  
3048 permit program and except as provided in chapter 404 or the  
3049 Florida Transportation Code, or 33 U.S.C. s. 1341.

3050 Reviser's note.—Amended to delete a reference to chapter 387,  
3051 which was repealed by s. 125, ch. 97-237, Laws of Florida.

3052 Section 75. Subsection (3) of section 403.9416, Florida  
3053 Statutes, is amended to read:

3054 403.9416 Effect of certification.—

3055 (3) The certification shall be in lieu of any license,  
3056 permit, certificate, or similar document required by any agency  
3057 pursuant to, but not limited to, chapter 125, chapter 161,  
3058 chapter 163, chapter 166, chapter 186, chapter 253, chapter 258,  
3059 chapter 298, chapter 373, chapter 376, chapter 377, chapter 379,  
3060 chapter 380, chapter 381, ~~chapter 387~~, chapter 403, the Florida  
3061 Transportation Code, or 33 U.S.C. s. 1341. On certification, any  
3062 license, easement, or other interest in state lands, except  
3063 those the title to which is vested in the Board of Trustees of  
3064 the Internal Improvement Trust Fund or a water management  
3065 district created pursuant to chapter 373, shall be issued by the  
3066 appropriate agency as a ministerial act. The applicant shall be  
3067 required to seek any necessary interest in state lands the title  
3068 to which is vested in the Board of Trustees of the Internal  
3069 Improvement Trust Fund from the board of trustees or from the  
3070 governing board of the water management district before, during,  
3071 or after the certification proceeding, and certification may be  
3072 made contingent upon issuance of the appropriate interest in  
3073 realty. However, neither the applicant nor any party to the  
3074 certification proceeding may directly or indirectly raise or

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3075 relitigate any matter which was or could have been an issue in  
3076 the certification proceeding in any proceeding before the Board  
3077 of Trustees of the Internal Improvement Trust Fund wherein the  
3078 applicant is seeking a necessary interest in state lands, but  
3079 the information presented in the certification proceeding shall  
3080 be available for review by the board of trustees and its staff.

3081 Reviser's note.—Amended to delete a reference to chapter 387,  
3082 which was repealed by s. 125, ch. 97-237, Laws of Florida.  
3083 Section 76. Paragraph (a) of subsection (1) of section  
3084 414.295, Florida Statutes, is amended to read:

3085 414.295 Temporary cash assistance programs; public records  
3086 exemption.—

3087 (1) Personal identifying information of a temporary cash  
3088 assistance program participant, a participant's family, or a  
3089 participant's family or household member, except for information  
3090 identifying a parent who does not live in the same home as the  
3091 child, held by the department, the Office of Early Learning,  
3092 Workforce Florida, Inc., the Department of Health, the  
3093 Department of Revenue, the Department of Education, or a  
3094 regional workforce board or local committee created pursuant to  
3095 s. 445.007 is confidential and exempt from s. 119.07(1) and s.  
3096 24(a), Art. I of the State Constitution. Such confidential and  
3097 exempt information may be released for purposes directly  
3098 connected with:

3099 (a) The administration of the temporary assistance for  
3100 needy families plan under Title IV-A of the Social Security Act,  
3101 as amended, by the department, the Office ~~Division~~ of Early  
3102 Learning, Workforce Florida, Inc., the Department of Military  
3103 Affairs, the Department of Health, the Department of Revenue,

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3104 the Department of Education, a regional workforce board or local  
3105 committee created pursuant to s. 445.007, or a school district.

3106 Reviser's note.—Amended to confirm substitution of the word  
3107 "Office" for the word "Division" by the editors to conform  
3108 to the correct name of the office.

3109 Section 77. Subsection (40) of section 420.503, Florida  
3110 Statutes, is amended to read:

3111 420.503 Definitions.—As used in this part, the term:

3112 (40) "State Board of Administration" means the State Board  
3113 of Administration created by and referred to in s. 4 9, Art. IV  
3114 ~~XII~~ of the State Constitution.

3115 Reviser's note.—Section 4(e), Art. IV of the State Constitution  
3116 of 1968 provides that the governor, chief financial  
3117 officer, and attorney general constitute the state board of  
3118 administration, as successor to the state board of  
3119 administration established pursuant to s. 16, Art. IX of  
3120 the Constitution of 1885.

3121 Section 78. Paragraph (a) of subsection (10) of section  
3122 420.5087, Florida Statutes, is amended to read:

3123 420.5087 State Apartment Incentive Loan Program.—There is  
3124 hereby created the State Apartment Incentive Loan Program for  
3125 the purpose of providing first, second, or other subordinated  
3126 mortgage loans or loan guarantees to sponsors, including for-  
3127 profit, nonprofit, and public entities, to provide housing  
3128 affordable to very-low-income persons.

3129 (10) Funding under this subsection shall be to preserve  
3130 existing projects having financing guaranteed under the Florida  
3131 Affordable Housing Guarantee Program pursuant to s. 420.5092.

3132 (a) A project shall be given priority for funding if:

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3133 1. It was approved by the corporation board in calendar  
3134 year 2011 to provide additional units for extremely-low-income  
3135 persons as defined in s. 420.0004;

3136 2. The Florida Affordable Housing Guarantee Program  
3137 mortgage note was executed and recorded not later than September  
3138 30, 2003;

3139 3. It commits to provide additional units for extremely-  
3140 low-income persons; and

3141 4. The shareholders, members, or partners of the project  
3142 owner have funded deficits in an amount that is not less than 20  
3143 percent of the State Apartment Incentive Loan not later than  
3144 closing of any financing made under this subsection.

3145 Reviser's note.—Amended to confirm insertion of the words

3146 "Florida Affordable Housing" by the editors to conform to  
3147 the full name of the program.

3148 Section 79. Subsection (6) of section 430.205, Florida  
3149 Statutes, is amended to read:

3150 430.205 Community care service system.—

3151 (6) Notwithstanding other requirements of this chapter, the  
3152 Department of Elderly Affairs and the Agency for Health Care  
3153 Administration shall develop an integrated long-term-care  
3154 delivery system.

3155 ~~(a)~~ The duties of the integrated system shall include  
3156 organizing and administering service delivery for the elderly,  
3157 obtaining contracts for services with providers in each service  
3158 area, monitoring the quality of services provided, determining  
3159 levels of need and disability for payment purposes, and other  
3160 activities determined by the department and the agency in order  
3161 to operate an integrated system.

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3162 ~~(b) During the 2004-2005 state fiscal year:~~

3163 ~~1. The agency and the department shall reimburse providers~~  
3164 ~~for case management services on a capitated basis and develop~~  
3165 ~~uniform standards for case management within the Aged and~~  
3166 ~~Disabled Adult Medicaid waiver program. The coordination of~~  
3167 ~~acute and chronic medical services for individuals may be~~  
3168 ~~included in the capitated rate for case management services. The~~  
3169 ~~agency, in consultation with the department, shall adopt any~~  
3170 ~~rules necessary to comply with or administer these requirements.~~

3171 ~~2. The Legislature finds that preservation of the historic~~  
3172 ~~aging network of lead agencies is essential to the well-being of~~  
3173 ~~Florida's elderly population. The Legislature finds that the~~  
3174 ~~Florida aging network constitutes a system of essential~~  
3175 ~~community providers which should be nurtured and assisted to~~  
3176 ~~develop systems of operations which allow the gradual assumption~~  
3177 ~~of responsibility and financial risk for managing a client~~  
3178 ~~through the entire continuum of long-term care services within~~  
3179 ~~the area the lead agency is currently serving, and which allow~~  
3180 ~~lead agency providers to develop managed systems of service~~  
3181 ~~delivery. The department, in consultation with the agency, shall~~  
3182 ~~therefore:~~

3183 ~~a. Develop a demonstration project in which existing~~  
3184 ~~community care for the elderly lead agencies are assisted in~~  
3185 ~~transferring their business model and the service delivery~~  
3186 ~~system within their current community care service area to~~  
3187 ~~enable assumption, over a period of time, of full risk as a~~  
3188 ~~community diversion pilot project contractor providing long-term~~  
3189 ~~care services in the areas of operation. The department, in~~  
3190 ~~consultation with the agency and the Department of Children and~~

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3191 ~~Family Services, shall develop an implementation plan for no~~  
3192 ~~more than three lead agencies by October 31, 2004.~~

3193 ~~b. In the demonstration area, a community care for the~~  
3194 ~~elderly lead agency shall be initially reimbursed on a prepaid~~  
3195 ~~or fixed-sum basis for all home and community-based services~~  
3196 ~~provided under the long-term care community diversion pilot~~  
3197 ~~project. By the end of the third year of operation, the lead~~  
3198 ~~agency shall be reimbursed on a prepaid or fixed-sum basis for~~  
3199 ~~all services under the long-term care community diversion pilot~~  
3200 ~~project.~~

3201 ~~e. During the first year of operation, the department, in~~  
3202 ~~consultation with the agency, may place providers at risk to~~  
3203 ~~provide nursing home services for the enrolled individuals who~~  
3204 ~~are participating in the demonstration project. During the 3-~~  
3205 ~~year development period, the agency and the department may limit~~  
3206 ~~the level of custodial nursing home risk that the administering~~  
3207 ~~entities assume. Under risk-sharing arrangements, during the~~  
3208 ~~first 3 years of operation, the department, in consultation with~~  
3209 ~~the agency, may reimburse the administering entity for the cost~~  
3210 ~~of providing nursing home care for Medicaid-eligible~~  
3211 ~~participants who have been permanently placed and remain in a~~  
3212 ~~nursing home for more than 1 year, or may disenroll such~~  
3213 ~~participants from the demonstration project.~~

3214 ~~d. The agency, in consultation with the department, shall~~  
3215 ~~develop reimbursement rates based on the federally approved,~~  
3216 ~~actuarially certified rate methodology for the long-term care~~  
3217 ~~community diversion pilot project.~~

3218 ~~e. The department, in consultation with the agency, shall~~  
3219 ~~ensure that the entity or entities receiving prepaid or fixed-~~

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3220 ~~sum reimbursement are assisted in developing internal management~~  
3221 ~~and financial control systems necessary to manage the risk~~  
3222 ~~associated with providing services under a prepaid or fixed-sum~~  
3223 ~~rate system.~~

3224 ~~f. If the department and the agency share risk of custodial~~  
3225 ~~nursing home placement, payment rates during the first 3 years~~  
3226 ~~of operation shall be set at not more than 100 percent of the~~  
3227 ~~costs to the agency and the department of providing equivalent~~  
3228 ~~services to the population within the area of the pilot project~~  
3229 ~~for the year prior to the year in which the pilot project is~~  
3230 ~~implemented, adjusted forward to account for inflation and~~  
3231 ~~policy changes in the Medicaid program.~~

3232 ~~g. Community care for the elderly lead agencies that have~~  
3233 ~~operated for a period of at least 20 years, which provide~~  
3234 ~~Medicare-certified services to elders, and which have developed~~  
3235 ~~a system of service provision by health care volunteers shall be~~  
3236 ~~given priority in the selection of the pilot project if they~~  
3237 ~~meet the minimum requirements specified in the competitive~~  
3238 ~~procurement.~~

3239 ~~h. The agency and the department shall adopt rules~~  
3240 ~~necessary to comply with or administer these requirements,~~  
3241 ~~effect and implement interagency agreements between the agency~~  
3242 ~~and the department, and comply with federal requirements.~~

3243 ~~i. The department and the agency shall seek federal waivers~~  
3244 ~~necessary to implement the requirements of this section.~~

3245 ~~j. The Department of Elderly Affairs shall conduct or~~  
3246 ~~contract for an evaluation of the demonstration project. The~~  
3247 ~~department shall submit the evaluation to the Governor and the~~  
3248 ~~Legislature by January 1, 2007. The evaluation must address the~~



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3249 ~~effectiveness of the pilot project in providing a comprehensive~~  
3250 ~~system of appropriate and high-quality, long-term care services~~  
3251 ~~to elders in the least restrictive setting and make~~  
3252 ~~recommendations on expanding the project to other parts of the~~  
3253 ~~state. This subparagraph is subject to an appropriation by the~~  
3254 ~~Legislature.~~

3255 ~~3. The agency, in consultation with the department, shall~~  
3256 ~~work with the fiscal agent for the Medicaid program to develop a~~  
3257 ~~service utilization reporting system that operates through the~~  
3258 ~~fiscal agent for the capitated plans.~~

3259 ~~(c) During the 2005-2006 state fiscal year:~~

3260 ~~1. The agency, in consultation with the department, shall~~  
3261 ~~monitor the newly integrated programs and report on the progress~~  
3262 ~~of those programs to the Governor, the President of the Senate,~~  
3263 ~~and the Speaker of the House of Representatives by June 30,~~  
3264 ~~2006. The report must include an initial evaluation of the~~  
3265 ~~programs in their early stages following the evaluation plan~~  
3266 ~~developed by the department, in consultation with the agency and~~  
3267 ~~the selected contractor.~~

3268 ~~2. The department shall monitor the pilot projects for~~  
3269 ~~resource centers on aging and report on the progress of those~~  
3270 ~~projects to the Governor, the President of the Senate, and the~~  
3271 ~~Speaker of the House of Representatives by June 30, 2006. The~~  
3272 ~~report must include an evaluation of the implementation process~~  
3273 ~~in its early stages.~~

3274 ~~3. The department, in consultation with the agency, shall~~  
3275 ~~integrate the database systems for the Comprehensive Assessment~~  
3276 ~~and Review for Long-Term Care Services (CARES) program and the~~  
3277 ~~Client Information and Referral Tracking System (CIRTS) into a~~

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3278 ~~single operating assessment information system by June 30, 2006.~~

3279 ~~(d) During the 2006-2007 state fiscal year:~~

3280 ~~1. The agency, in consultation with the department, shall~~  
3281 ~~evaluate the Alzheimer's Disease waiver program and the Adult~~  
3282 ~~Day Health Care waiver program to assess whether providing~~  
3283 ~~limited intensive services through these waiver programs~~  
3284 ~~produces better outcomes for individuals than providing those~~  
3285 ~~services through the fee-for-service or capitated programs that~~  
3286 ~~provide a larger array of services.~~

3287 ~~2. The agency, in consultation with the department, shall~~  
3288 ~~begin discussions with the federal Centers for Medicare and~~  
3289 ~~Medicaid Services regarding the inclusion of Medicare into the~~  
3290 ~~integrated long-term care system. By December 31, 2006, the~~  
3291 ~~agency shall provide to the Governor, the President of the~~  
3292 ~~Senate, and the Speaker of the House of Representatives a plan~~  
3293 ~~for including Medicare in the integrated long-term care system.~~

3294 Section 80. Paragraph (g) of subsection (3) of section  
3295 430.80, Florida Statutes, is amended to read:

3296 430.80 Implementation of a teaching nursing home pilot  
3297 project.—

3298 (3) To be designated as a teaching nursing home, a nursing  
3299 home licensee must, at a minimum:

3300 (g) Maintain insurance coverage pursuant to s. 400.141  
3301 (1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility in a  
3302 minimum amount of \$750,000. Such proof of financial  
3303 responsibility may include:

- 3304 1. Maintaining an escrow account consisting of cash or  
3305 assets eligible for deposit in accordance with s. 625.52; or  
3306 2. Obtaining and maintaining pursuant to chapter 675 an

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3307 unexpired, irrevocable, nontransferable and nonassignable letter  
 3308 of credit issued by any bank or savings association organized  
 3309 and existing under the laws of this state or any bank or savings  
 3310 association organized under the laws of the United States that  
 3311 has its principal place of business in this state or has a  
 3312 branch office which is authorized to receive deposits in this  
 3313 state. The letter of credit shall be used to satisfy the  
 3314 obligation of the facility to the claimant upon presentment of a  
 3315 final judgment indicating liability and awarding damages to be  
 3316 paid by the facility or upon presentment of a settlement  
 3317 agreement signed by all parties to the agreement when such final  
 3318 judgment or settlement is a result of a liability claim against  
 3319 the facility.

3320 Reviser's note.—Amended to conform to the redesignation of s.  
 3321 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160,  
 3322 Laws of Florida.

3323 Section 81. Paragraph (h) of subsection (2) of section  
 3324 430.81, Florida Statutes, is amended to read:

3325 430.81 Implementation of a teaching agency for home and  
 3326 community-based care.—

3327 (2) The Department of Elderly Affairs may designate a home  
 3328 health agency as a teaching agency for home and community-based  
 3329 care if the home health agency:

3330 (h) Maintains insurance coverage pursuant to s.  
 3331 400.141(1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility  
 3332 in a minimum amount of \$750,000. Such proof of financial  
 3333 responsibility may include:

3334 1. Maintaining an escrow account consisting of cash or  
 3335 assets eligible for deposit in accordance with s. 625.52; or

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3336           2. Obtaining and maintaining, pursuant to chapter 675, an  
3337 unexpired, irrevocable, nontransferable, and nonassignable  
3338 letter of credit issued by any bank or savings association  
3339 authorized to do business in this state. This letter of credit  
3340 shall be used to satisfy the obligation of the agency to the  
3341 claimant upon presentation of a final judgment indicating  
3342 liability and awarding damages to be paid by the facility or  
3343 upon presentment of a settlement agreement signed by all parties  
3344 to the agreement when such final judgment or settlement is a  
3345 result of a liability claim against the agency.

3346 Reviser's note.—Amended to conform to the redesignation of s.  
3347           400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160,  
3348           Laws of Florida.

3349           Section 82. Paragraph (c) of subsection (1) of section  
3350 443.091, Florida Statutes, is amended to read:

3351           443.091 Benefit eligibility conditions.—

3352           (1) An unemployed individual is eligible to receive  
3353 benefits for any week only if the Department of Economic  
3354 Opportunity finds that:

3355           (c) To make continued claims for benefits, she or he is  
3356 reporting to the department in accordance with this paragraph  
3357 and department rules, and participating in an initial skills  
3358 review, as directed by the department. Department rules may not  
3359 conflict with s. 443.111(1)(b), which requires that each  
3360 claimant continue to report regardless of any pending appeal  
3361 relating to her or his eligibility or disqualification for  
3362 benefits.

3363           1. For each week of unemployment claimed, each report must,  
3364 at a minimum, include the name, address, and telephone number of

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3365 each prospective employer contacted, or the date the claimant  
3366 reported to a one-stop career center, pursuant to paragraph (d).

3367 2. The administrator or operator of the initial skills  
3368 review shall notify the department when the individual completes  
3369 the initial skills review and report the results of the review  
3370 to the regional workforce board or the one-stop career center as  
3371 directed by the workforce board. The department shall prescribe  
3372 a numeric score on the initial skills review that demonstrates a  
3373 minimal proficiency in workforce skills. The department,  
3374 workforce board, or one-stop career center shall use the initial  
3375 skills review to develop a plan for referring individuals to  
3376 training and employment opportunities. The failure of the  
3377 individual to comply with this requirement will result in the  
3378 individual being determined ineligible for benefits for the week  
3379 in which the noncompliance occurred and for any subsequent week  
3380 of unemployment until the requirement is satisfied. However,  
3381 this requirement does not apply if the individual is able to  
3382 affirmatively attest to being unable to complete such review due  
3383 to illiteracy or a language impediment or is exempt from the  
3384 work registration requirement as set forth in paragraph (b).

3385 3. Any individual who ~~that~~ falls below the minimal  
3386 proficiency score prescribed by the department in subparagraph  
3387 2. on the initial skills review shall be offered training  
3388 opportunities and encouraged to participate in such training at  
3389 no cost to the individual in order to improve his or her  
3390 workforce skills to the minimal proficiency level.

3391 4. The department shall coordinate with Workforce Florida,  
3392 Inc., the workforce boards, and the one-stop career centers to  
3393 identify, develop, and utilize best practices for improving the

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3394 skills of individuals who choose to participate in training  
3395 opportunities and who have a minimal proficiency score below the  
3396 score prescribed in subparagraph 2.

3397 5. The department, in coordination with Workforce Florida,  
3398 Inc., the workforce boards, and the one-stop career centers,  
3399 shall evaluate the use, effectiveness, and costs associated with  
3400 the training prescribed in subparagraph 3. and report its  
3401 findings and recommendations for training and the use of best  
3402 practices to the Governor, the President of the Senate, and the  
3403 Speaker of the House of Representatives by January 1, 2013.

3404 Reviser's note.—Amended to confirm substitution of the word  
3405 "who" for the word "that" by the editors.

3406 Section 83. Paragraph (b) of subsection (1) of section  
3407 443.111, Florida Statutes, is amended to read:

3408 443.111 Payment of benefits.—

3409 (1) MANNER OF PAYMENT.—Benefits are payable from the fund  
3410 in accordance with rules adopted by the Department of Economic  
3411 Opportunity, subject to the following requirements:

3412 (b) As required under s. 443.091(1), each claimant must  
3413 report at least biweekly to receive reemployment assistance  
3414 benefits and to attest to the fact that she or he is able and  
3415 available for work, has not refused suitable work, is seeking  
3416 work and has met the requirements of s. 443.091(1)(d)  
3417 ~~443.091(d)~~, and, if she or he has worked, to report earnings  
3418 from that work. Each claimant must continue to report regardless  
3419 of any appeal or pending appeal relating to her or his  
3420 eligibility or disqualification for benefits.

3421 Reviser's note.—Amended to confirm substitution by the editors  
3422 of a reference to s. 443.091(1)(d) for a reference to s.

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3423 443.091(d) to conform to the complete citation for the  
3424 paragraph.

3425 Section 84. Subsection (10) of section 443.171, Florida  
3426 Statutes, is amended to read:

3427 443.171 Department of Economic Opportunity and commission;  
3428 powers and duties; records and reports; proceedings; state-  
3429 federal cooperation.—

3430 (10) EVIDENCE OF MAILING.—A mailing date on any notice,  
3431 determination, decision, order, or other document mailed by the  
3432 department ~~Agency for Workforce Innovation~~ or its tax collection  
3433 service provider pursuant to this chapter creates a rebuttable  
3434 presumption that such notice, determination, order, or other  
3435 document was mailed on the date indicated.

3436 Reviser's note.—Amended to confirm substitution by the editors  
3437 of a reference to the department for a reference to the  
3438 Agency for Workforce Innovation to conform to the transfer  
3439 of the duties of the Agency for Workforce Innovation  
3440 relating to s. 443.171 to the Department of Economic  
3441 Opportunity by s. 374, ch. 2011-142, Laws of Florida.

3442 Section 85. Paragraph (c) of subsection (2) of section  
3443 466.007, Florida Statutes, is amended to read:

3444 466.007 Examination of dental hygienists.—

3445 (2) An applicant is entitled to take the examinations  
3446 required in this section to practice dental hygiene in this  
3447 state if the applicant:

3448 (c)1. In the case of a graduate of a dental hygiene college  
3449 or school under subparagraph (2)(b)1.:

3450 a. Has successfully completed the National Board of Dental  
3451 Hygiene examination at any time before the date of application;

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3452           b. Has been certified by the American Dental Association  
3453 Joint Commission on National Dental Examinations at any time  
3454 before the date of application;

3455           c. Effective January 1, 1997, has completed coursework that  
3456 is comparable to an associate in science degree;

3457           d. Has not been disciplined by a board, except for citation  
3458 offenses or minor violations; and

3459           e. Has not been convicted of or pled nolo contendere to,  
3460 regardless of adjudication, any felony or misdemeanor related to  
3461 the practice of a health care profession.

3462           2. In the case of a graduate of a dental college or school  
3463 under subparagraph (2) (b)2.:

3464           a. Has successfully completed the National Board Dental  
3465 Hygiene Examination or the National Board Dental Examination;

3466           b. Has not been disciplined by a board, except for citation  
3467 offenses or minor violations; and

3468           c. Has not been convicted of or pled nolo contendere to,  
3469 regardless of adjudication, any felony or misdemeanor related to  
3470 the practice of a health care profession.

3471 Reviser's note.—Amended to confirm insertion of the word "Has"  
3472 by the editors.

3473           Section 86. Subsection (1) of section 475.6235, Florida  
3474 Statutes, is amended to read:

3475           475.6235 Registration of appraisal management companies  
3476 required; exemptions.—

3477           (1) A person may not engage, or offer to engage, in  
3478 appraisal management services for compensation in this state, or  
3479 advertise or represent herself or himself as an appraisal  
3480 management company, unless the person is registered with the



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3481 department as an appraisal management company under this  
3482 section. However, an employee of an appraisal management company  
3483 is not required to obtain a separate registration.

3484 Reviser's note.—Amended to confirm insertion of the word "or" by  
3485 the editors.

3486 Section 87. Subsection (1) of section 489.118, Florida  
3487 Statutes, is amended to read:

3488 489.118 Certification of registered contractors;  
3489 grandfathering provisions.—The board shall, upon receipt of a  
3490 completed application and appropriate fee, issue a certificate  
3491 in the appropriate category to any contractor registered under  
3492 this part who makes application to the board and can show that  
3493 he or she meets each of the following requirements:

3494 (1) Currently holds a valid registered local license in one  
3495 of the contractor categories defined in s. 489.105(3)(a)-(p)  
3496 ~~489.105(a)-(q)~~.

3497  
3498 Applicants wishing to obtain a certificate pursuant to this  
3499 section must make application by November 1, 2015.

3500 Reviser's note.—Amended to confirm substitution by the editors  
3501 of a reference to s. 489.105(3)(a)-(p) for a reference to  
3502 s. 489.105(3)(a)-(q), which was substituted for the  
3503 original reference to s. 489.105(3)(a)-(p) by s. 6, ch.  
3504 2012-211, Laws of Florida, to add paragraph (q) relating to  
3505 glass and glazing contractors; paragraph (q) defining the  
3506 term "glass and glazing contractor" was repealed by s. 9,  
3507 ch. 2012-13, Laws of Florida, and s. 15, ch. 2012-72, Laws  
3508 of Florida.

3509 Section 88. Paragraph (d) of subsection (4) of section

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3510 499.01, Florida Statutes, is amended to read:

3511 499.01 Permits.—

3512 (4)

3513 (d) Persons receiving prescription drugs from a source  
3514 claimed to be exempt from permitting requirements under this  
3515 subsection shall maintain on file:

3516 1. A record of the FDA establishment registration number,  
3517 if any;

3518 2. The resident state prescription drug wholesale  
3519 distribution license, permit, or registration number; and

3520 3. A copy of the most recent resident state or FDA  
3521 inspection report, for all distributors and establishments from  
3522 whom they purchase or receive prescription drugs under this  
3523 subsection.

3524 Reviser's note.—Amended to confirm insertion of the word "from"  
3525 by the editors.

3526 Section 89. Subsection (3) of section 500.09, Florida  
3527 Statutes, is amended to read:

3528 500.09 Rulemaking; analytical work.—

3529 (3) The department may adopt rules necessary for the  
3530 efficient enforcement of this chapter. Such rules must be  
3531 consistent with those adopted under the federal act in regard to  
3532 food and, to this end, the department may adopt by reference  
3533 those rules and the current edition of the model Food Code  
3534 issued by the Food and Drug Administration and Public Health  
3535 Service of the United States Department of Health and Human  
3536 Services, when applicable and practicable.

3537 Reviser's note.—Amended to confirm insertion of the words "the  
3538 department" by the editors.

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3539 Section 90. Paragraph (a) of subsection (1) of section  
3540 538.23, Florida Statutes, is amended to read:

3541 538.23 Violations and penalties.—

3542 (1) (a) Except as provided in paragraph (b), a secondary  
3543 metals recycler who knowingly and intentionally:

3544 1. Violates s. 538.20 or s. 538.21;

3545 2. Engages in a pattern of failing to keep records required  
3546 by s. 538.19;

3547 3. Violates s. 538.26(2) ~~538.26(4)~~; or

3548 4. Violates s. 538.235,

3549

3550 commits a felony of the third degree, punishable as provided in  
3551 s. 775.082, s. 775.083, or s. 775.084.

3552 Reviser's note.—Amended to conform to the redesignation of s.

3553 538.26(4) as s. 538.26(2) by s. 8, ch. 2012-179, Laws of  
3554 Florida.

3555 Section 91. Subsection (1) of section 553.98, Florida  
3556 Statutes, is amended to read:

3557 553.98 Development of building codes for radon-resistant  
3558 buildings; funding; rules for radon-resistant passive  
3559 construction standards; ordinances.—

3560 (1) The Department of Business and Professional Regulation  
3561 ~~department~~ shall be provided funds for activities incidental to  
3562 the development and implementation of the building codes for  
3563 radon-resistant buildings and for such other building code-  
3564 related activities as directed by the Legislature.

3565 Reviser's note.—Amended to conform to the transfer of

3566 responsibility for building codes from the Department of  
3567 Community Affairs to the Department of Business and

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3568 Professional Regulation by s. 413, ch 2011-142, Laws of  
3569 Florida.

3570 Section 92. Subsection (2) of section 570.451, Florida  
3571 Statutes, is amended to read:

3572 570.451 Agricultural Feed, Seed, and Fertilizer Advisory  
3573 Council.—

3574 (2) The council is composed of the following 15 members  
3575 appointed by the commissioner:

3576 (a) One representative of the department.

3577 (b) One representative of the dean for extension of the  
3578 Institute of Food and Agricultural Sciences at the University of  
3579 Florida.

3580 (c) One representative each from the state's beef cattle,  
3581 poultry, aquaculture, field crops, citrus, vegetable, and dairy  
3582 production industries.

3583 (d) Two representatives each from the state's fertilizer,  
3584 seed, and commercial feed industries.

3585

3586 Each member shall be appointed for a term ~~of~~ not to exceed 4  
3587 years and shall serve until his or her successor is appointed.  
3588 Reviser's note.—Amended to confirm deletion of the word "of" by  
3589 the editors.

3590 Section 93. Paragraph (g) of subsection (2) of section  
3591 580.036, Florida Statutes, is amended to read:

3592 580.036 Powers and duties.—

3593 (2) The department is authorized to adopt rules pursuant to  
3594 ss. 120.536(1) and 120.54 to enforce the provisions of this  
3595 chapter. These rules shall be consistent with the rules and  
3596 standards of the United States Food and Drug Administration and

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3597 the United States Department of Agriculture, when applicable,  
3598 and shall include:

3599 (g) Establishing standards for the sale, use, and  
3600 distribution of commercial feed or feedstuff to ensure usage  
3601 that is consistent with animal safety and well-being and, to the  
3602 extent that meat, poultry, and other animal products for human  
3603 consumption may be affected by commercial feed or feedstuff, to  
3604 ensure that these products are safe for human consumption. ~~Such~~  
3605 ~~standards, if adopted, must be developed in consultation with~~  
3606 ~~the Commercial Feed Technical Council created under s. 580.151.~~  
3607 Reviser's note.—Amended to conform to the repeal of s. 580.151,  
3608 which created the Commercial Feed Technical Council, by s.  
3609 32, ch. 2012-190, Laws of Florida.

3610 Section 94. Paragraph (f) of subsection (3) of section  
3611 586.10, Florida Statutes, is amended to read:

3612 586.10 Powers and duties of department; preemption of local  
3613 government ordinances.—

3614 (3) The department may:

3615 (f) Inspect or cause to be inspected all apiaries in the  
3616 state at such intervals as it may deem best and ~~to~~ keep a  
3617 complete, accurate, and current list of all inspected apiaries  
3618 to include the:

- 3619 1. Name of the apiary.
- 3620 2. Name of the owner of the apiary.
- 3621 3. Mailing address of the apiary owner.
- 3622 4. Location of the apiary.
- 3623 5. Number of hives in the apiary.
- 3624 6. Pest problems associated with the apiary.
- 3625 7. Brands used by beekeepers where applicable.

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3626 Reviser's note.—Amended to confirm deletion of the word "to" by  
3627 the editors.

3628 Section 95. Paragraph (a) of subsection (15) of section  
3629 601.03, Florida Statutes, is amended to read:

3630 601.03 Definitions.—As used in this chapter, the term:

3631 (15) "Concentrated products" means:

3632 (a) Frozen citrus fruit juice ~~frozen~~ that has a  
3633 concentration that exceeds 20 degrees Brix and is kept at a  
3634 sufficiently freezing temperature to ensure preservation of the  
3635 product; or

3636 Reviser's note.—Amended to confirm deletion of the word "frozen"  
3637 by the editors.

3638 Section 96. Paragraph (b) of subsection (2) of section  
3639 601.15, Florida Statutes, is amended to read:

3640 601.15 Advertising campaign; methods of conducting;  
3641 assessments; emergency reserve fund; citrus research.—

3642 (2) The department shall plan and conduct campaigns for  
3643 commodity advertising, publicity, and sales promotion, and may  
3644 conduct campaigns to encourage noncommodity advertising, to  
3645 increase the consumption of citrus fruits and may contract for  
3646 any such advertising, publicity, and sales promotion service. To  
3647 accomplish such purpose, the department shall:

3648 (b) Decide upon some distinctive and suggestive trade name  
3649 and ~~to~~ promote its use in all ways to advertise Florida citrus  
3650 fruit.

3651 Reviser's note.—Amended to confirm deletion of the word "to" by  
3652 the editors.

3653 Section 97. Subsection (4) of section 601.61, Florida  
3654 Statutes, is amended to read:

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3655           601.61 Bond requirements of citrus fruit dealers.—  
3656           (4) The Department of Citrus or the Department of  
3657 Agriculture, or any officer or employee designated by the  
3658 Department of Citrus or the Department of Agriculture, is  
3659 authorized to inspect such accounts and records of any citrus  
3660 fruit dealer as may be deemed necessary to determine whether a  
3661 bond that has been delivered to the Department of Agriculture is  
3662 in the amount required by this section or whether a previously  
3663 licensed nonbonded dealer should be required to furnish bond. If  
3664 any such citrus fruit dealer refuses to permit such inspection,  
3665 the Department of Agriculture may publish the facts and  
3666 circumstances and by order suspend the license of the offender  
3667 until permission to make such inspection is given. Upon a  
3668 finding by the Department of Agriculture that any citrus fruit  
3669 dealer has dealt or probably will deal with more fruit during  
3670 the season than shown by the application, the Department of  
3671 Agriculture may order such bond increased to such an amount as  
3672 will meet the requirements set forth in the rules adopted by the  
3673 Department of Citrus for determining the amount of such bonds.  
3674 Upon failure to file such increased bond within the time fixed  
3675 by the Department of Agriculture, the Department of Agriculture  
3676 may publish the facts and circumstances and by order suspend the  
3677 license of such citrus fruit dealer until such bond is increased  
3678 as ordered.

3679 Reviser's note.—Amended to confirm reinsertion of the word "to"  
3680 by the editors to provide clarity; the words "is  
3681 authorized" were added and the words "shall have the right  
3682 to" preceding the word "inspect" were deleted by s. 48, ch.  
3683 2012-182, Laws of Florida.

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3684 Section 98. Paragraph (d) of subsection (1) of section  
3685 601.9910, Florida Statutes, is amended to read:

3686 601.9910 Legislative findings of fact; strict enforcement  
3687 of maturity standard in public interest.—

3688 (1) FINDINGS.—

3689 (d) The Legislature finds and determines and so declares  
3690 that the enforcement of the maturity standards, authorized by  
3691 this chapter and set forth in department rule, will not result  
3692 in preventing any grower from marketing her or his fruit at some  
3693 time during the marketing season, whenever nature has removed  
3694 the raw, immature flavor, and if there is a delay in such  
3695 marketing, it will result in higher prices for the entire  
3696 season, bringing additional millions of dollars to the state's  
3697 growers ~~of~~ and resulting in benefit to all growers, including  
3698 the grower or growers who were delayed a short time in the  
3699 shipment of their fruit.

3700 Reviser's note.—Amended to confirm deletion of the word "of" by  
3701 the editors.

3702 Section 99. Subsection (11) of section 610.109, Florida  
3703 Statutes, is amended to read:

3704 610.109 Public, educational, and governmental access  
3705 channels.—

3706 ~~(11) A municipality or county that has activated at least~~  
3707 ~~one public, educational, or governmental access channel pursuant~~  
3708 ~~to this section may require cable or video service providers to~~  
3709 ~~remit public, educational, and governmental support~~  
3710 ~~contributions in an amount equal to a lump sum or recurring per-~~  
3711 ~~subscriber funding obligation to support public, educational,~~  
3712 ~~and governmental access channels, or other related costs as~~



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3713 ~~provided for in the incumbent's franchise that exists prior to~~  
3714 ~~July 1, 2007, until the expiration date of the incumbent cable~~  
3715 ~~or video service provider's franchise agreement. Any prospective~~  
3716 ~~lump-sum payment shall be made on an equivalent per-subscriber~~  
3717 ~~basis calculated as follows: the amount of prospective funding~~  
3718 ~~obligations divided by the number of subscribers being served by~~  
3719 ~~the incumbent cable or video service provider at the time of~~  
3720 ~~payment, divided by the number of months remaining in the~~  
3721 ~~incumbent cable or video service provider's franchise equals the~~  
3722 ~~monthly per-subscriber amount to be paid by the~~  
3723 ~~certificateholder. The obligations set forth in this subsection~~  
3724 ~~apply until the earlier of the expiration date of the incumbent~~  
3725 ~~cable or video service provider's franchise agreement or July 1,~~  
3726 ~~2012. For purposes of this subsection, an incumbent cable or~~  
3727 ~~video service provider is the service provider serving the~~  
3728 ~~largest number of subscribers as of July 1, 2007.~~

3729 Reviser's note.—Amended to delete an obsolete provision.

3730 Section 100. Paragraph (a) of subsection (9) of section  
3731 624.402, Florida Statutes, is amended to read:

3732 624.402 Exceptions, certificate of authority required.—A  
3733 certificate of authority shall not be required of an insurer  
3734 with respect to:

3735 (9) (a) Life insurance policies or annuity contracts may be  
3736 solicited, sold, or issued in this state by an insurer domiciled  
3737 outside the United States, covering only persons who, at the  
3738 time of issuance are nonresidents of the United States, provided  
3739 that:

3740 1. The insurer is currently an authorized insurer in his or  
3741 her country of domicile as to the kind or kinds of insurance

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3742 proposed to be offered and must have been such an insurer for  
3743 not fewer than the immediately preceding 3 years, or must be the  
3744 wholly owned subsidiary of such authorized insurer or must be  
3745 the wholly owned subsidiary of an already eligible authorized  
3746 insurer as to the kind or kinds of insurance proposed for a  
3747 period of not fewer than the immediately preceding 3 years.  
3748 However, the office may waive the 3-year requirement if the  
3749 insurer has operated successfully for a period of at least the  
3750 immediately preceding year and has capital and surplus of not  
3751 less than \$25 million.

3752       2. Before the office may grant eligibility, the requesting  
3753 insurer furnishes the office with a duly authenticated copy of  
3754 its current annual financial statement, in English, and with all  
3755 monetary values therein expressed in United States dollars, at  
3756 an exchange rate then-current and shown in the statement, in the  
3757 case of statements originally made in the currencies of other  
3758 countries, and with such additional information relative to the  
3759 insurer as the office may request.

3760       3. The insurer has and maintains surplus as to  
3761 policyholders of not less than \$15 million. Any such surplus as  
3762 to policyholders shall be represented by investments consisting  
3763 of eligible investments for like funds of like domestic insurers  
3764 under part II of chapter 625; however, any such surplus as to  
3765 policyholders may be represented by investments permitted by the  
3766 domestic regulator of such alien insurance company if such  
3767 investments are substantially similar in terms of quality,  
3768 liquidity, and security to eligible investments for like funds  
3769 of like domestic insurers under part II of chapter 625.

3770       4. The insurer has a ~~of~~ good reputation as to providing

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3771 service to its policyholders and the payment of losses and  
3772 claims.

3773         5. To maintain eligibility, the insurer furnishes the  
3774 office within the time period specified in s. 624.424(1), a duly  
3775 authenticated copy of its current annual and quarterly financial  
3776 statements, in English, and with all monetary values therein  
3777 expressed in United States dollars, at an exchange rate then-  
3778 current and shown in the statement, in the case of statements  
3779 originally made in the currencies of other countries, and with  
3780 such additional information relative to the insurer as the  
3781 office may request.

3782         6. An insurer receiving eligibility under this subsection  
3783 agrees to make its books and records pertaining to its  
3784 operations in this state available for inspection during normal  
3785 business hours upon request of the office.

3786         7. The insurer notifies the applicant in clear and  
3787 conspicuous language:

3788             a. The date of organization of the insurer.

3789             b. The identity of and rating assigned by each recognized  
3790 insurance company rating organization that has rated the insurer  
3791 or, if applicable, that the insurer is unrated.

3792             c. That the insurer does not hold a certificate of  
3793 authority issued in this state and that the office does not  
3794 exercise regulatory oversight over the insurer.

3795             d. The identity and address of the regulatory authority  
3796 exercising oversight of the insurer. This paragraph does not  
3797 impose upon the office any duty or responsibility to determine  
3798 the actual financial condition or claims practices of any  
3799 unauthorized insurer, and the status of eligibility, if granted

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3800 by the office, indicates only that the insurer appears to be  
3801 financially sound and to have satisfactory claims practices and  
3802 that the office has no credible evidence to the contrary.

3803 Reviser's note.—Amended to confirm substitution of the word "a"  
3804 for the word "of" by the editors to improve clarity.

3805 Section 101. Paragraph (h) of subsection (3) of section  
3806 626.2815, Florida Statutes, is amended to read:

3807 626.2815 Continuing education requirements.—

3808 (3) Each licensee subject to this section must, except as  
3809 set forth in paragraphs (b), (c), (d), and (f), complete a  
3810 minimum of 24 hours of continuing education courses every 2  
3811 years in basic or higher-level courses prescribed by this  
3812 section or in other courses approved by the department.

3813 (h) An individual teaching an approved course of  
3814 instruction or lecturing at any approved seminar and attending  
3815 the entire course or seminar qualifies for the same number of  
3816 classroom hours as would be granted to a person taking and  
3817 successfully completing such course or seminar. Credit is  
3818 limited to the number of hours actually taught unless a person  
3819 attends the entire course or seminar. An individual who is an  
3820 official of or employed by a governmental entity in this state  
3821 and serves as a professor, instructor, or in another ~~other~~  
3822 position or office, the duties and responsibilities of which are  
3823 determined by the department to require monitoring and review of  
3824 insurance laws or insurance regulations and practices, is exempt  
3825 from this section.

3826 Reviser's note.—Amended to confirm substitution of the words "in  
3827 another" for the word "other" by the editors to improve  
3828 clarity.

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3829 Section 102. Paragraph (h) of subsection (3) of section  
3830 626.2815, Florida Statutes, as amended by section 11 of chapter  
3831 2012-209, effective October 1, 2014, is amended to read:

3832 (3) Each licensee except a title insurance agent must  
3833 complete a 5-hour update course every 2 years which is specific  
3834 to the license held by the licensee. The course must be  
3835 developed and offered by providers and approved by the  
3836 department. The content of the course must address all lines of  
3837 insurance for which examination and licensure are required and  
3838 include the following subject areas: insurance law updates,  
3839 ethics for insurance professionals, disciplinary trends and case  
3840 studies, industry trends, premium discounts, determining  
3841 suitability of products and services, and other similar  
3842 insurance-related topics the department determines are relevant  
3843 to legally and ethically carrying out the responsibilities of  
3844 the license granted. A licensee who holds multiple insurance  
3845 licenses must complete an update course that is specific to at  
3846 least one of the licenses held. Except as otherwise specified,  
3847 any remaining required hours of continuing education are  
3848 elective and may consist of any continuing education course  
3849 approved by the department under this section.

3850 (h) An individual teaching an approved course of  
3851 instruction or lecturing at any approved seminar and attending  
3852 the entire course or seminar qualifies for the same number of  
3853 classroom hours as would be granted to a person taking and  
3854 successfully completing such course or seminar. Credit is  
3855 limited to the number of hours actually taught unless a person  
3856 attends the entire course or seminar. An individual who is an  
3857 official of or employed by a governmental entity in this state

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3858 and serves as a professor, instructor, or in another ~~other~~  
3859 position or office, the duties and responsibilities of which are  
3860 determined by the department to require monitoring and review of  
3861 insurance laws or insurance regulations and practices, is exempt  
3862 from this section.

3863 Reviser's note.—Amended to confirm substitution of the words "in  
3864 another" for the word "other" by the editors to improve  
3865 clarity.

3866 Section 103. Paragraph (c) of subsection (1) of section  
3867 626.8734, Florida Statutes, is amended to read:

3868 626.8734 Nonresident all-lines adjuster license  
3869 qualifications.—

3870 (1) The department shall issue a license to an applicant  
3871 for a nonresident all-lines adjuster license upon determining  
3872 that the applicant has paid the applicable license fees required  
3873 under s. 624.501 and:

3874 (c) Is licensed as an all-lines adjuster and is self  
3875 appointed, or appointed and employed by an independent adjusting  
3876 firm or other independent adjuster, or is an employee of an  
3877 insurer admitted to do business in this state, a wholly owned  
3878 subsidiary of an insurer admitted to do business in this state,  
3879 or other insurers under the common control or ownership of such  
3880 insurers. Applicants licensed as nonresident all-lines adjusters  
3881 under this section must be appointed as an independent adjuster  
3882 or company employee adjuster in accordance with ss. 626.112 and  
3883 626.451. Appointment fees as specified in s. 624.501 must be  
3884 paid to the department in advance. The appointment of a  
3885 nonresident independent adjuster continues in force until  
3886 suspended, revoked, or otherwise terminated, but is subject to

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3887 biennial renewal or continuation by the licensee in accordance  
3888 with s. 626.381 for licensees in general.  
3889 Reviser's note.—Amended to confirm insertion of the word "do" by  
3890 the editors.

3891 Section 104. Subsection (7) of section 626.9362, Florida  
3892 Statutes, is amended to read:

3893 626.9362 Cooperative reciprocal agreement authorized for  
3894 collection and allocation of certain nonadmitted insurance  
3895 taxes.—

3896 ~~(7) Following the negotiation and execution of any~~  
3897 ~~cooperative reciprocal agreement entered into by the Department~~  
3898 ~~of Financial Services and the Office of Insurance Regulation~~  
3899 ~~with another state or group of states, the department shall~~  
3900 ~~prepare and submit a report to the President of the Senate and~~  
3901 ~~the Speaker of the House of Representatives by January 1, 2012.~~  
3902 ~~In addition to describing in detail the terms of any agreement~~  
3903 ~~entered into with another state or group of states pursuant to~~  
3904 ~~this section, the report must include, but need not be limited~~  
3905 ~~to:~~

3906 ~~(a) The actual and projected collections and allocation of~~  
3907 ~~nonadmitted insurance premium taxes for multistate risk of each~~  
3908 ~~state participating in the agreement;~~

3909 ~~(b) A detailed description of the administrative structure~~  
3910 ~~supporting any agreement, including any clearinghouse created by~~  
3911 ~~an agreement and the fees charged to support administration of~~  
3912 ~~the agreement;~~

3913 ~~(c) The insurance tax rates of any state participating in~~  
3914 ~~the agreement; and~~

3915 ~~(d) The status of any other cooperative reciprocal~~

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3916 ~~agreements established throughout the country, including a~~  
3917 ~~state-by-state listing of passed or pending legislation~~  
3918 ~~responding to changes made by the federal Nonadmitted and~~  
3919 ~~Reinsurance Reform Act of 2010.~~

3920 Reviser's note.—Amended to delete an obsolete provision.

3921 Section 105. Subsection (9) of section 626.989, Florida  
3922 Statutes, is amended to read:

3923 626.989 Investigation by department or Division of  
3924 Insurance Fraud; compliance; immunity; confidential information;  
3925 reports to division; division investigator's power of arrest.—

3926 (9) In recognition of the complementary roles of  
3927 investigating instances of workers' compensation fraud and  
3928 enforcing compliance with the workers' compensation coverage  
3929 requirements under chapter 440, the Department of Financial  
3930 Services shall prepare and submit a joint performance report to  
3931 the President of the Senate and the Speaker of the House of  
3932 Representatives ~~by November 1, 2003, and then by January 1 of~~  
3933 ~~each year.~~ The annual report must include, but need not be  
3934 limited to:

3935 (a) The total number of initial referrals received, cases  
3936 opened, cases presented for prosecution, cases closed, and  
3937 convictions resulting from cases presented for prosecution by  
3938 the Bureau of Workers' Compensation Insurance Fraud by type of  
3939 workers' compensation fraud and circuit.

3940 (b) The number of referrals received from insurers and the  
3941 Division of Workers' Compensation and the outcome of those  
3942 referrals.

3943 (c) The number of investigations undertaken by the Bureau  
3944 of Workers' Compensation Insurance Fraud which were not the



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3945 result of a referral from an insurer or the Division of Workers'  
3946 Compensation.

3947 (d) The number of investigations that resulted in a  
3948 referral to a regulatory agency and the disposition of those  
3949 referrals.

3950 (e) The number and reasons provided by local prosecutors or  
3951 the statewide prosecutor for declining prosecution of a case  
3952 presented by the Bureau of Workers' Compensation Insurance Fraud  
3953 by circuit.

3954 (f) The total number of employees assigned to the Bureau of  
3955 Workers' Compensation Insurance Fraud and the Division of  
3956 Workers' Compensation Bureau of Compliance delineated by  
3957 location of staff assigned; and the number and location of  
3958 employees assigned to the Bureau of Workers' Compensation  
3959 Insurance Fraud who were assigned to work other types of fraud  
3960 cases.

3961 (g) The average caseload and turnaround time by type of  
3962 case for each investigator and division compliance employee.

3963 (h) The training provided during the year to workers'  
3964 compensation fraud investigators and the division's compliance  
3965 employees.

3966 Reviser's note.—Amended to delete an obsolete provision.

3967 Section 106. Paragraph (a) of subsection (4) of section  
3968 626.9895, Florida Statutes, is amended to read:

3969 626.9895 Motor vehicle insurance fraud direct-support  
3970 organization.—

3971 (4) BOARD OF DIRECTORS.—

3972 (a) The board of directors of the organization shall  
3973 consist of the following 11 members:

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3974 1. The Chief Financial Officer, or designee, who shall  
3975 serve as chair.

3976 2. Two state attorneys, one of whom shall be appointed by  
3977 the Chief Financial Officer and one of whom shall be appointed  
3978 by the Attorney General.

3979 3. Two representatives of motor vehicle insurers appointed  
3980 by the Chief Financial Officer.

3981 4. Two representatives of local law enforcement agencies,  
3982 one of whom shall be appointed by the Chief Financial Officer  
3983 and one of whom shall be appointed by the Attorney General.

3984 5. Two representatives of the types of health care  
3985 providers who regularly make claims for benefits under ss.  
3986 627.730-627.7405, one of whom shall be appointed by the  
3987 President of the Senate and one of whom shall be appointed by  
3988 the Speaker of the House of Representatives. The appointees may  
3989 not represent the same type of health care provider.

3990 6. A private attorney who ~~that~~ has experience in  
3991 representing claimants in actions for benefits under ss.  
3992 627.730-627.7405, who shall be appointed by the President of the  
3993 Senate.

3994 7. A private attorney who has experience in representing  
3995 insurers in actions for benefits under ss. 627.730-627.7405, who  
3996 shall be appointed by the Speaker of the House of  
3997 Representatives.

3998 Reviser's note.—Amended to confirm substitution of the word  
3999 "who" for the word "that" by the editors.

4000 Section 107. Paragraphs (b) and (c) of subsection (3) and  
4001 paragraphs (d), (e), and (f) of subsection (6) of section  
4002 627.3511, Florida Statutes, are amended to read:

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4003           627.3511 Depopulation of Citizens Property Insurance  
4004 Corporation.—

4005           (3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

4006           (b) An insurer that first wrote personal lines residential  
4007 property coverage in this state on or after July 1, 1994, is  
4008 exempt from regular deficit assessments imposed pursuant to s.  
4009 627.351(6)(b)3.a., but not emergency assessments collected from  
4010 policyholders pursuant to s. 627.351(6)(b)3.d.

4011 ~~627.351(6)(b)3.e.~~, of the Citizens Property Insurance  
4012 Corporation until the earlier of the following:

4013           1. The end of the calendar year in which it first wrote 0.5  
4014 percent or more of the statewide aggregate direct written  
4015 premium for any line of residential property coverage; or

4016           2. December 31, 1997, or December 31 of the third year in  
4017 which it wrote such coverage in this state, whichever is later.

4018           (c) Other than an insurer that is exempt under paragraph  
4019 (b), an insurer that in any calendar year increases its total  
4020 structure exposure subject to wind coverage by 25 percent or  
4021 more over its exposure for the preceding calendar year is, with  
4022 respect to that year, exempt from deficit assessments imposed  
4023 pursuant to s. 627.351(6)(b)3.a., but not emergency assessments  
4024 collected from policyholders pursuant to s. 627.351(6)(b)3.d.

4025 ~~627.351(6)(b)3.e.~~, of the Citizens Property Insurance  
4026 Corporation attributable to such increase in exposure.

4027           (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—

4028           (d) The calculation of an insurer's regular assessment  
4029 liability under s. 627.351(6)(b)3.a., but not emergency  
4030 assessments collected from policyholders pursuant to s.  
4031 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, shall, with respect to

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4032 commercial residential policies removed from the corporation  
4033 under an approved take-out plan, exclude such removed policies  
4034 for the succeeding 3 years, as follows:

4035 1. In the first year following removal of the policies, the  
4036 policies are excluded from the calculation to the extent of 100  
4037 percent.

4038 2. In the second year following removal of the policies,  
4039 the policies are excluded from the calculation to the extent of  
4040 75 percent.

4041 3. In the third year following removal of the policies, the  
4042 policies are excluded from the calculation to the extent of 50  
4043 percent.

4044 (e) An insurer that first wrote commercial residential  
4045 property coverage in this state on or after June 1, 1996, is  
4046 exempt from regular assessments under s. 627.351(6)(b)3.a., but  
4047 not emergency assessments collected from policyholders pursuant  
4048 to s. 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, with respect to  
4049 commercial residential policies until the earlier of:

4050 1. The end of the calendar year in which such insurer first  
4051 wrote 0.5 percent or more of the statewide aggregate direct  
4052 written premium for commercial residential property coverage; or

4053 2. December 31 of the third year in which such insurer  
4054 wrote commercial residential property coverage in this state.

4055 (f) An insurer that is not otherwise exempt from regular  
4056 assessments under s. 627.351(6)(b)3.a. with respect to  
4057 commercial residential policies is, for any calendar year in  
4058 which such insurer increased its total commercial residential  
4059 hurricane exposure by 25 percent or more over its exposure for  
4060 the preceding calendar year, exempt from regular assessments

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4061 under s. 627.351(6)(b)3.a., but not emergency assessments  
4062 collected from policyholders pursuant to s. 627.351(6)(b)3.d.  
4063 ~~627.351(6)(b)3.e.~~, attributable to such increased exposure.  
4064 Reviser's note.—Amended to conform to the redesignation of s.  
4065 627.351(6)(b)3.c. as s. 627.351(6)(b)3.d. by s. 1, ch.  
4066 2012-80, Laws of Florida.  
4067 Section 108. Section 641.312, Florida Statutes, is amended  
4068 to read:  
4069 641.312 Scope.—The Office of Insurance Regulation may adopt  
4070 rules to administer the provisions of the National Association  
4071 of Insurance Commissioners' Uniform Health Carrier External  
4072 Review Model Act, issued by the National Association of  
4073 Insurance Commissioners and dated April 2010. This section does  
4074 not apply to a health maintenance contract that is subject to  
4075 the subscriber assistance program under s. 408.7056 or to the  
4076 types of benefits or coverages provided under s. 627.6561(5)(b)-  
4077 (e) ~~625.6561(5)(b)-(e)~~ issued in any market.  
4078 Reviser's note.—Amended to substitute a reference to s.  
4079 627.6561(5)(b)-(e) for a reference to s. 625.6561(5)(b)-  
4080 (e). Section 627.6561(5)(b)-(e) references creditable  
4081 coverages. Section 625.6561 does not exist.  
4082 Section 109. Subsection (13) of section 651.118, Florida  
4083 Statutes, is amended to read:  
4084 651.118 Agency for Health Care Administration; certificates  
4085 of need; sheltered beds; community beds.—  
4086 (13) Residents, as defined in this chapter, are not  
4087 considered new admissions for the purpose of s. 400.141(1)(n)1.  
4088 ~~400.141(1)(e)1.d.~~  
4089 Reviser's note.—Amended to conform to the redesignation of s.

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4090 400.141(1)(o) added as s. 400.141(1)(n)1. by s. 6, ch. 2012-  
 4091 160, Laws of Florida.

4092 Section 110. Paragraph (c) of subsection (7) of section  
 4093 817.234, Florida Statutes, is amended to read:

4094 817.234 False and fraudulent insurance claims.—  
 4095 (7)

4096 (c) An insurer, or any person acting at the direction of or  
 4097 on behalf of an insurer, may not change an opinion in a mental  
 4098 or physical report prepared under s. 627.736(7) ~~627.736(8)~~ or  
 4099 direct the physician preparing the report to change such  
 4100 opinion; however, this provision does not preclude the insurer  
 4101 from calling to the attention of the physician errors of fact in  
 4102 the report based upon information in the claim file. Any person  
 4103 who violates this paragraph commits a felony of the third  
 4104 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 4105 775.084.

4106 Reviser's note.—Amended to substitute a reference to s.  
 4107 627.736(7) for a reference to s. 627.736(8). Section  
 4108 627.736(7) references mental and physical examination and  
 4109 related reports; subsection (8) relates to attorney fees.

4110 Section 111. Subsection (5) of section 877.101, Florida  
 4111 Statutes, is amended to read:

4112 877.101 Escrow business by unauthorized persons; use of  
 4113 name.—

4114 (5) Any person who willfully violates this section commits  
 4115 a misdemeanor of the first degree, punishable as provided in s.  
 4116 775.082, or s. 775.083, ~~or s. 775.084.~~

4117 Reviser's note.—Amended to delete an erroneous reference.

4118 Section 775.084 does not relate to misdemeanors; it relates

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4119 to violent career criminals, habitual felony offenders, and  
 4120 habitual violent felony offenders.

4121 Section 112. Paragraph (b) of subsection (3) of section  
 4122 921.0022, Florida Statutes, is amended to read:

4123 921.0022 Criminal Punishment Code; offense severity ranking  
 4124 chart.—

4125 (3) OFFENSE SEVERITY RANKING CHART

4126 (b) LEVEL 2

4127

Florida	Felony	
Statute	Degree	Description

4128

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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4129

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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4130

<u>403.413 (6) (c)</u> <del>403.413 (5) (e)</del>	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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4131

517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
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4132

590.28 (1)	3rd	Intentional burning of lands.
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4133

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

4134

787.04(1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

4135

806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

4136

810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

4137

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

4138

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.

4139

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

4140

812.015(7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.



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4141	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
4142	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4143	817.52(3)	3rd	Failure to redeliver hired vehicle.
4144	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
4145	817.60(5)	3rd	Dealing in credit cards of another.
4146	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
4147	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4148	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
4149	831.01	3rd	Forgery.
4150	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.

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4151 831.07 3rd Forging bank bills, checks, drafts, or  
promissory notes.

4152 831.08 3rd Possessing 10 or more forged notes,  
bills, checks, or drafts.

4153 831.09 3rd Uttering forged notes, bills, checks,  
drafts, or promissory notes.

4154 831.11 3rd Bringing into the state forged bank  
bills, checks, drafts, or notes.

4155 832.05(3)(a) 3rd Cashing or depositing item with intent  
to defraud.

4156 843.08 3rd Falsely impersonating an officer.

4157 893.13(2)(a)2. 3rd Purchase of any s. 893.03(1)(c),  
(2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.,  
(3), or (4) drugs other than cannabis.

4158 893.147(2) 3rd Manufacture or delivery of drug  
paraphernalia.

4159  
4160 Reviser's note.—Amended to correct an apparent error. Section 1,  
4161 ch. 90-76, Laws of Florida, redesignated s. 403.413(5)(c),  
4162 relating to dumping litter exceeding 500 pounds in weight

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4163 or 100 cubic feet in volume or any quantity for commercial  
4164 purposes or hazardous waste, as subsection (6)(c); s.  
4165 403.413(5) does not contain paragraphs.

4166 Section 113. Subsections (2) and (4) of section 945.355,  
4167 Florida Statutes, are amended to read:

4168 945.355 HIV testing of inmates prior to release.—

4169 (2) If an inmate's HIV status is unknown to the department,  
4170 the department shall, pursuant to s. 381.004(2) ~~381.004(3)~~,  
4171 perform an HIV test on the inmate not less than 60 days prior to  
4172 the inmate's presumptive release date from prison by reason of  
4173 parole, accumulation of gain-time credits, or expiration of  
4174 sentence. An inmate who is known to the department to be HIV  
4175 positive or who has been tested within the previous year and  
4176 does not request retesting need not be tested under this section  
4177 but is subject to subsections (4) and (5). However, an inmate  
4178 who is released due to an emergency is exempt from the  
4179 provisions of this section.

4180 (4) Pursuant to ss. 381.004(2) ~~381.004(3)~~ and 945.10, the  
4181 department shall notify the Department of Health and the county  
4182 health department where the inmate plans to reside regarding an  
4183 inmate who is known to be HIV positive or has received an HIV  
4184 positive test result under this section prior to the release of  
4185 that inmate.

4186 Reviser's note.—Amended to conform to the redesignation of s.

4187 381.004(3) as s. 381.004(2) by s. 21, ch. 2012-184, Laws of  
4188 Florida.

4189 Section 114. Paragraph (b) of subsection (7) of section  
4190 948.08, Florida Statutes, is amended to read:

4191 948.08 Pretrial intervention program.—

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4192 (7)

4193 (b) While enrolled in a pretrial intervention program

4194 authorized by this subsection, the participant shall be subject

4195 to a coordinated strategy developed by a veterans' treatment

4196 intervention team. The coordinated strategy should be modeled

4197 after the therapeutic jurisprudence principles and key

4198 components in s. 397.334(4), with treatment specific to the

4199 needs of servicemembers and veterans. The coordinated strategy

4200 may include a protocol of sanctions that may be imposed upon the

4201 participant for noncompliance with program rules. The protocol

4202 of sanctions may include, but need not be limited to, placement

4203 in a treatment program offered by a licensed service provider or

4204 in a jail-based treatment program or serving a period of

4205 incarceration within the time limits established for contempt of

4206 court. The coordinated strategy must be provided in writing to

4207 the participant before the participant agrees to enter into a

4208 pretrial veterans' treatment intervention program or other

4209 pretrial intervention program. Any person whose charges are

4210 dismissed after successful completion of the pretrial veterans'

4211 treatment intervention program, if otherwise eligible, may have

4212 his or her arrest record of ~~to~~ the dismissed charges expunged

4213 under s. 943.0585.

4214 Reviser's note.—Amended to confirm substitution of the word "of"

4215 for the word "to" by the editors to conform to context.

4216 Section 115. Paragraph (b) of subsection (2) of section

4217 948.16, Florida Statutes, is amended to read:

4218 948.16 Misdemeanor pretrial substance abuse education and

4219 treatment intervention program; misdemeanor pretrial veterans'

4220 treatment intervention program.—

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4221 (2)

4222 (b) While enrolled in a pretrial intervention program

4223 authorized by this section, the participant shall be subject to

4224 a coordinated strategy developed by a veterans' treatment

4225 intervention team. The coordinated strategy should be modeled

4226 after the therapeutic jurisprudence principles and key

4227 components in s. 397.334(4), with treatment specific to the

4228 needs of veterans and servicemembers. The coordinated strategy

4229 may include a protocol of sanctions that may be imposed upon the

4230 participant for noncompliance with program rules. The protocol

4231 of sanctions may include, but need not be limited to, placement

4232 in a treatment program offered by a licensed service provider or

4233 in a jail-based treatment program or serving a period of

4234 incarceration within the time limits established for contempt of

4235 court. The coordinated strategy must be provided in writing to

4236 the participant before the participant agrees to enter into a

4237 misdemeanor pretrial veterans' treatment intervention program or

4238 other pretrial intervention program. Any person whose charges

4239 are dismissed after successful completion of the misdemeanor

4240 pretrial veterans' treatment intervention program, if otherwise

4241 eligible, may have his or her arrest record of ~~to~~ the dismissed

4242 charges expunged under s. 943.0585.

4243 Reviser's note.—Amended to confirm substitution of the word "of"

4244 for the word "to" by the editors to conform to context.

4245 Section 116. Paragraph (a) of subsection (5) of section

4246 960.003, Florida Statutes, is amended to read:

4247 960.003 Hepatitis and HIV testing for persons charged with

4248 or alleged by petition for delinquency to have committed certain

4249 offenses; disclosure of results to victims.—

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4250 (5) EXCEPTIONS.— Subsections (2) and (4) do not apply if:  
4251 (a) The person charged with or convicted of or alleged by  
4252 petition for delinquency to have committed or been adjudicated  
4253 delinquent for an offense described in subsection (2) has  
4254 undergone hepatitis and HIV testing voluntarily or pursuant to  
4255 procedures established in s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or  
4256 s. 951.27, or any other applicable law or rule providing for  
4257 hepatitis and HIV testing of criminal defendants, inmates, or  
4258 juvenile offenders, subsequent to his or her arrest, conviction,  
4259 or delinquency adjudication for the offense for which he or she  
4260 was charged or alleged by petition for delinquency to have  
4261 committed; and  
4262 Reviser's note.—Amended to conform to the redesignation of s.  
4263 381.004(3)(h)6. as s. 381.004(2)(h)6. by s. 21, ch. 2012-  
4264 184, Laws of Florida.  
4265 Section 117. Subsection (37) of section 985.03, Florida  
4266 Statutes, is amended to read:  
4267 985.03 Definitions.—As used in this chapter, the term:  
4268 (37) "Mother-infant program" means a residential program  
4269 designed to serve the needs of juvenile mothers or expectant  
4270 juvenile mothers who are committed as delinquents, which is  
4271 operated or contracted by the department. A mother-infant  
4272 program facility must be licensed as a child care facility under  
4273 s. 402.308 and must provide the services and support necessary  
4274 to enable each juvenile mother committed to the facility to  
4275 provide for the needs of her infants who, upon agreement of the  
4276 mother, may accompany her ~~them~~ in the program.  
4277 Reviser's note.—Amended to confirm substitution of the word  
4278 "her" for the word "them" by the editors to conform to

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4279 context.

4280 Section 118. Subsection (1) of section 1003.43, Florida  
4281 Statutes, is amended to read:

4282 1003.43 General requirements for high school graduation.—

4283 (1) Graduation requires successful completion of either a  
4284 minimum of 24 academic credits in grades 9 through 12 or an  
4285 International Baccalaureate curriculum. The 24 credits shall be  
4286 distributed as follows:

4287 (a) Four credits in English, with major concentration in  
4288 composition and literature.

4289 (b) Three credits in mathematics. Effective for students  
4290 entering the 9th grade in the 1997-1998 school year and  
4291 thereafter, one of these credits must be Algebra I, a series of  
4292 courses equivalent to Algebra I, or a higher-level mathematics  
4293 course.

4294 (c) Three credits in science, two of which must have a  
4295 laboratory component. Agriscience Foundations I, the core course  
4296 in secondary Agriscience and Natural Resources programs, counts  
4297 as one of the science credits.

4298 (d) One credit in American history.

4299 (e) One credit in world history, including a comparative  
4300 study of the history, doctrines, and objectives of all major  
4301 political systems.

4302 (f) One-half credit in economics, including a comparative  
4303 study of the history, doctrines, and objectives of all major  
4304 economic systems. The Florida Council on Economic Education  
4305 shall provide technical assistance to the department and  
4306 district school boards in developing curriculum materials for  
4307 the study of economics.

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4308 (g) One-half credit in American government, including study  
4309 of the Constitution of the United States. For students entering  
4310 the 9th grade in the 1997-1998 school year and thereafter, the  
4311 study of Florida government, including study of the State  
4312 Constitution, the three branches of state government, and  
4313 municipal and county government, shall be included as part of  
4314 the required study of American government.

4315 (h)1. One credit in practical arts career education or  
4316 exploratory career education. Any career education course as  
4317 defined in s. 1003.01 may be taken to satisfy the high school  
4318 graduation requirement for one credit in practical arts or  
4319 exploratory career education provided in this subparagraph;

4320 2. One credit in performing fine arts to be selected from  
4321 music, dance, drama, painting, or sculpture. A course in any art  
4322 form, in addition to painting or sculpture, that requires manual  
4323 dexterity, or a course in speech and debate, may be taken to  
4324 satisfy the high school graduation requirement for one credit in  
4325 performing arts pursuant to this subparagraph; or

4326 3. One-half credit each in practical arts career education  
4327 or exploratory career education and performing fine arts, as  
4328 defined in this paragraph.

4329  
4330 Such credit for practical arts career education or exploratory  
4331 career education or for performing fine arts shall be made  
4332 available in the 9th grade, and students shall be scheduled into  
4333 a 9th grade course as a priority.

4334 (i) One-half credit in life management skills to include  
4335 consumer education, positive emotional development, marriage and  
4336 relationship skill-based education, nutrition, parenting skills,



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4337 prevention of human immunodeficiency virus infection and  
4338 acquired immune deficiency syndrome and other sexually  
4339 transmissible diseases, benefits of sexual abstinence and  
4340 consequences of teenage pregnancy, information and instruction  
4341 on breast cancer detection and breast self-examination,  
4342 cardiopulmonary resuscitation, drug education, and the hazards  
4343 of smoking.

4344 (j) One credit in physical education to include assessment,  
4345 improvement, and maintenance of personal fitness. Participation  
4346 in an interscholastic sport at the junior varsity or varsity  
4347 level, for two full seasons, shall satisfy the one-credit  
4348 requirement in physical education if the student passes a  
4349 competency test on personal fitness with a score of "C" or  
4350 better. The competency test on personal fitness must be  
4351 developed by the Department of Education. A district school  
4352 board may not require that the one credit in physical education  
4353 be taken during the 9th grade year. Completion of one semester  
4354 with a grade of "C" or better in a marching band class, in a  
4355 physical activity class that requires participation in marching  
4356 band activities as an extracurricular activity, or in a Reserve  
4357 Officer Training Corps (R.O.T.C.) class a significant component  
4358 of which is drills shall satisfy a one-half credit requirement  
4359 in physical education. This one-half credit may not be used to  
4360 satisfy the personal fitness requirement or the requirement for  
4361 adaptive physical education under an individual educational plan  
4362 (IEP) or 504 plan.

4363 (k) Eight and one-half elective credits.

4364

4365 District school boards may award a maximum of one-half credit in

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4366 social studies and one-half elective credit for student  
4367 completion of nonpaid voluntary community or school service  
4368 work. Students choosing this option must complete a minimum of  
4369 75 hours of service in order to earn the one-half credit in  
4370 either category of instruction. Credit may not be earned for  
4371 service provided as a result of court action. District school  
4372 boards that approve the award of credit for student volunteer  
4373 service shall develop guidelines regarding the award of the  
4374 credit, and school principals are responsible for approving  
4375 specific volunteer activities. A course designated in the Course  
4376 Code Directory as grade 9 through grade 12 that is taken below  
4377 the 9th grade may be used to satisfy high school graduation  
4378 requirements or Florida Academic Scholars award requirements as  
4379 specified in a district school board's student progression plan.  
4380 A student shall be granted credit toward meeting the  
4381 requirements of this subsection for equivalent courses, as  
4382 identified pursuant to s. 1007.271(9) ~~1007.271(6)~~, taken through  
4383 dual enrollment.

4384 Reviser's note.—Amended to conform to the redesignation of s.  
4385 1007.271(6) as s. 1007.271(9) by s. 20, ch. 2012-191, Laws  
4386 of Florida.

4387 Section 119. Paragraph (a) of subsection (12) of section  
4388 1003.52, Florida Statutes, is amended to read:

4389 1003.52 Educational services in Department of Juvenile  
4390 Justice programs.—

4391 (12) (a) Funding for eligible students enrolled in juvenile  
4392 justice education programs shall be provided through the Florida  
4393 Education Finance Program as provided in s. 1011.62 and the  
4394 General Appropriations Act. Funding shall include, at a minimum:

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4395 1. Weighted program funding or the basic amount for current  
4396 operation multiplied by the district cost differential as  
4397 provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);

4398 2. The supplemental allocation for juvenile justice  
4399 education as provided in s. 1011.62(10);

4400 3. A proportionate share of the district's exceptional  
4401 student education guaranteed allocation, the supplemental  
4402 academic instruction allocation, and the instructional materials  
4403 allocation;

4404 4. An amount equivalent to the proportionate share of the  
4405 state average potential discretionary local effort for  
4406 operations, which shall be determined as follows:

4407 a. If the district levies the maximum discretionary local  
4408 effort and the district's discretionary local effort per FTE is  
4409 less than the state average potential discretionary local effort  
4410 per FTE, the proportionate share shall include both the  
4411 discretionary local effort and the compression supplement per  
4412 FTE. If the district's discretionary local effort per FTE is  
4413 greater than the state average per FTE, the proportionate share  
4414 shall be equal to the state average; or

4415 b. If the district does not levy the maximum discretionary  
4416 local effort and the district's actual discretionary local  
4417 effort per FTE is less than the state average potential  
4418 discretionary local effort per FTE, the proportionate share  
4419 shall be equal to the district's actual discretionary local  
4420 effort per FTE. If the district's actual discretionary local  
4421 effort per FTE is greater than the state average per FTE, the  
4422 proportionate share shall be equal to the state average  
4423 potential local effort per FTE; and

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4424 5. A proportionate share of the district's proration to  
4425 funds available, if necessary.

4426 Reviser's note.—Amended to conform to the redesignation of s.  
4427 1011.62(1)(r) as s. 1011.62(1)(s) by s. 28, ch. 2012-191,  
4428 Laws of Florida.

4429 Section 120. Subsection (6) of section 1006.062, Florida  
4430 Statutes, is amended to read:

4431 1006.062 Administration of medication and provision of  
4432 medical services by district school board personnel.—

4433 (6) Each district school board shall establish emergency  
4434 procedures in accordance with s. 381.0056(4) ~~381.0056(5)~~ for  
4435 life-threatening emergencies.

4436 Reviser's note.—Amended to conform to the redesignation of s.  
4437 381.0056(5) as s. 381.0056(4) by s. 27, ch. 2012-184, Laws  
4438 of Florida.

4439 Section 121. Paragraphs (j), (k), (l), and (m) of  
4440 subsection (2) and subsection (3) of section 1006.20, Florida  
4441 Statutes, are amended to read:

4442 1006.20 Athletics in public K-12 schools.—

4443 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4444 (j) The FHSAA ~~organization~~ shall adopt guidelines to  
4445 educate athletic coaches, officials, administrators, and student  
4446 athletes and their parents of the nature and risk of concussion  
4447 and head injury.

4448 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies  
4449 that require the parent of a student who is participating in  
4450 interscholastic athletic competition or who is a candidate for  
4451 an interscholastic athletic team to sign and return an informed  
4452 consent that explains the nature and risk of concussion and head

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4453 injury, including the risk of continuing to play after  
4454 concussion or head injury, each year before participating in  
4455 interscholastic athletic competition or engaging in any  
4456 practice, tryout, workout, or other physical activity associated  
4457 with the student's candidacy for an interscholastic athletic  
4458 team.

4459 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies  
4460 that require each student athlete who is suspected of sustaining  
4461 a concussion or head injury in a practice or competition to be  
4462 immediately removed from the activity. A student athlete who has  
4463 been removed from an activity may not return to practice or  
4464 competition until the student submits to the school a written  
4465 medical clearance to return stating that the student athlete no  
4466 longer exhibits signs, symptoms, or behaviors consistent with a  
4467 concussion or other head injury. Medical clearance must be  
4468 authorized by the appropriate health care practitioner trained  
4469 in the diagnosis, evaluation, and management of concussions as  
4470 defined by the Sports Medicine Advisory Committee of the Florida  
4471 High School Athletic Association.

4472 (m) The FHSAA ~~organization~~ shall adopt bylaws for the  
4473 establishment and duties of a sports medicine advisory committee  
4474 composed of the following members:

4475 1. Eight physicians licensed under chapter 458 or chapter  
4476 459 with at least one member licensed under chapter 459.

4477 2. One chiropractor licensed under chapter 460.

4478 3. One podiatrist licensed under chapter 461.

4479 4. One dentist licensed under chapter 466.

4480 5. Three athletic trainers licensed under part XIII of  
4481 chapter 468.

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4482           6. One member who is a current or retired head coach of a  
4483 high school in the state.

4484           (3) GOVERNING STRUCTURE OF THE FHSAA ~~ORGANIZATION~~.—

4485           (a) The FHSAA shall operate as a representative democracy  
4486 in which the sovereign authority is within its member schools.  
4487 Except as provided in this section, the FHSAA shall govern its  
4488 affairs through its bylaws.

4489           (b) Each member school, on its annual application for  
4490 membership, shall name its official representative to the FHSAA.  
4491 This representative must be either the school principal or his  
4492 or her designee. That designee must either be an assistant  
4493 principal or athletic director housed within that same school.

4494           (c) The FHSAA's membership shall be divided along existing  
4495 county lines into four contiguous and compact administrative  
4496 regions, each containing an equal or nearly equal number of  
4497 member schools to ensure equitable representation on the FHSAA's  
4498 board of directors, representative assembly, and appeals  
4499 committees.

4500 Reviser's note.—Amended to conform to s. 2, ch. 2012-188, Laws  
4501 of Florida, which changed the word "organization" to  
4502 "FHSAA" and used that terminology in newly added subunits.  
4503 Section 1006.20 was also amended by s. 2, ch. 2012-167,  
4504 Laws of Florida, and that law added four new paragraphs to  
4505 subsection (2) using the word "organization" that should  
4506 now be to "FHSAA." The amendment to subsection (3) updates  
4507 the one instance of the word "organization" in existing  
4508 text that was missed in the update by s. 2, ch. 2012-188.  
4509 Section 122. Paragraph (a) of subsection (3) of section  
4510 1006.282, Florida Statutes, is amended to read:

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4511 1006.282 Pilot program for the transition to electronic and  
4512 digital instructional materials.—

4513 (3) A school designated as a pilot program school by the  
4514 school board is exempt from:

4515 (a) Section 1006.40(2) ~~1006.40(2)(a)~~, if the school  
4516 provides comprehensive electronic or digital instructional  
4517 materials to all students; and

4518 Reviser's note.—Amended to conform to s. 31, ch. 2011-55, Laws  
4519 of Florida, which deleted all of s. 1006.40(2)(b) and a  
4520 portion of s. 1006(2)(a); the remaining portion of  
4521 paragraph (a) now constitutes all of s. 1006.40(2).

4522 Section 123. Subsection (3) of section 1009.67, Florida  
4523 Statutes, is amended to read:

4524 1009.67 Nursing scholarship program.—

4525 (3) A scholarship may be awarded for no more than 2 years,  
4526 in an amount not to exceed \$8,000 per year. However, registered  
4527 nurses pursuing a graduate degree for a faculty position or to  
4528 practice as an advanced registered nurse practitioner may  
4529 receive up to \$12,000 per year. These amounts shall be adjusted  
4530 by the amount of increase or decrease in the Consumer Price  
4531 Index for All Urban Consumers published by the United States  
4532 Department of Commerce.

4533 Reviser's note.—Amended to confirm insertion of the word "All"  
4534 by the editors to conform to the full name of the Consumer  
4535 Price Index for All Urban Consumers.

4536 Section 124. Subsection (2) of section 1009.971, Florida  
4537 Statutes, is amended to read:

4538 1009.971 Florida Prepaid College Board.—

4539 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board

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4540 shall consist of seven members to be composed of the Attorney  
4541 General, the Chief Financial Officer, the Chancellor of the  
4542 State University System, the Chancellor ~~Deputy Commissioner~~ of  
4543 the Division of Florida Community Colleges, and three members  
4544 appointed by the Governor and subject to confirmation by the  
4545 Senate. Each member appointed by the Governor shall possess  
4546 knowledge, skill, and experience in the areas of accounting,  
4547 actuary, risk management, or investment management. Each member  
4548 of the board not appointed by the Governor may name a designee  
4549 to serve on the board on behalf of the member; however, any  
4550 designee so named shall meet the qualifications required of  
4551 gubernatorial appointees to the board. Members appointed by the  
4552 Governor shall serve terms of 3 years. Any person appointed to  
4553 fill a vacancy on the board shall be appointed in a like manner  
4554 and shall serve for only the unexpired term. Any member shall be  
4555 eligible for reappointment and shall serve until a successor  
4556 qualifies. Members of the board shall serve without compensation  
4557 but shall be reimbursed for per diem and travel in accordance  
4558 with s. 112.061. Each member of the board shall file a full and  
4559 public disclosure of his or her financial interests pursuant to  
4560 s. 8, Art. II of the State Constitution and corresponding  
4561 statute.

4562 Reviser's note.—Amended to substitute a reference to the  
4563 Division of Florida Colleges for the Division of Community  
4564 Colleges within the Department of Education to conform to  
4565 the renaming of the division by s. 1, ch. 2009-228, Laws of  
4566 Florida. Section 20.15(4) provides that directors of  
4567 divisions within the department may be designated as  
4568 "Deputy Commissioner" or "Chancellor." The department uses



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4569 the chancellor designation.

4570 Section 125. Subsection (3) of section 1013.231, Florida  
4571 Statutes, is amended to read:

4572 1013.231 Florida College System institution and university  
4573 energy consumption; 10-percent reduction goal.—

4574 ~~(3) Each Florida College System institution and state~~  
4575 ~~university shall submit a report to the Governor, the Speaker of~~  
4576 ~~the House of Representatives, and the President of the Senate by~~  
4577 ~~January 1, 2011, describing how they have met or plan to meet~~  
4578 ~~the 10-percent energy consumption reduction goal.~~

4579 Reviser's note.—Amended to delete an obsolete provision.

4580 Section 126. This act shall take effect on the 60th day  
4581 after adjournment sine die of the session of the Legislature in  
4582 which enacted.