

By Senator Thrasher

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 17.28, 23.1231, 43.291, 110.118, 112.361, 119.0712,
 4 120.65, 201.165, 202.37, 207.021, 207.0281, 212.097,
 5 212.098, 215.61, 238.03, 258.0165, 288.1045, 288.108,
 6 288.706, 288.816, 316.0747, 316.525, 317.0005,
 7 320.0657, 320.0848, 322.161, 324.0221, 339.2817,
 8 339.55, 376.121, 376.317, 379.245, 380.0666, 391.304,
 9 391.305, 393.0641, 395.0185, 395.605, 397.99, 397.998,
 10 400.063, 400.176, 400.801, 402.22, 402.3025, 402.81,
 11 403.7191, 409.2576, 409.2578, 409.441, 409.9101,
 12 411.224, 414.158, 414.1585, 414.35, 415.1105,
 13 420.5091, 430.708, 430.902, 443.1312, 443.1313,
 14 455.2255, 456.053, 472.017, 489.146, 496.414, 497.381,
 15 501.0583, 509.036, 548.024, 559.10, 561.41, 578.26,
 16 582.055, 601.74, 601.76, 607.193, 624.487, 627.096,
 17 627.212, 627.917, 633.445, 641.316, 655.922, 658.995,
 18 668.704, 713.78, 713.785, 744.7021, 744.713, 766.304,
 19 865.09, 943.0543, 943.0544, 944.095, 945.73, 946.525,
 20 949.08, 985.66, 1011.48, 1011.51, 1011.765, 1012.467,
 21 and 1012.965, F.S.; and repealing ss. 112.358,
 22 199.1851, 220.1501, 328.44, 328.50, 403.0861,
 23 409.14511, 409.2675, 411.205, 553.897, 563.04, 564.04,
 24 601.75, 601.77, 601.78, 627.793, 634.289, 663.319, and
 25 984.05, F.S.; to conform to the directive of the
 26 Legislature in section 9 of chapter 2012-116, Laws of
 27 Florida, to prepare a reviser's bill to omit all
 28 statutes and laws, or parts thereof, which grant
 29 duplicative, redundant, or unused rulemaking

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30 authority; amending ss. 213.053, 400.518, 556.116,
31 564.06, and 601.80, F.S.; to conform to the changes
32 made in this act; providing an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 17.28, Florida Statutes, is amended to
37 read:

38 17.28 Chief Financial Officer may authorize biweekly salary
39 payments.—The Chief Financial Officer may permit biweekly salary
40 payments to personnel upon written request by a specific state
41 agency. ~~The Chief Financial Officer shall adopt reasonable rules~~
42 ~~to carry out the intent of this section.~~

43 Section 2. Paragraph (c) of subsection (3) of section
44 23.1231, Florida Statutes, is amended to read:

45 23.1231 Florida Mutual Aid Plan; powers and duties.—

46 (3) The department may:

47 ~~(c) Draft rules for mutual aid agreements;~~

48 Section 3. Subsection (7) of section 43.291, Florida
49 Statutes, is amended to read:

50 43.291 Judicial nominating commissions.—

51 (7) The Executive Office of the Governor shall provide all
52 administrative support for each judicial nominating commission.
53 ~~The Executive Office of the Governor shall adopt rules necessary~~
54 ~~to administer this section.~~

55 Section 4. Subsection (3) of section 110.118, Florida
56 Statutes, is amended to read:

57 110.118 Administrative leave for certain athletic
58 competition.—

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59 ~~(3) The department may adopt any rule necessary to carry~~
60 ~~out the purposes of this section.~~

61 Section 5. Section 112.358, Florida Statutes, is repealed.

62 Section 6. Subsection (8) of section 112.361, Florida
63 Statutes, is amended to read:

64 112.361 Additional and updated supplemental retirement
65 benefits.—

66 ~~(8) ADMINISTRATION OF SYSTEM. The department shall make~~
67 ~~such rules as are necessary for the effective and efficient~~
68 ~~administration of this section, and the cost to pay the expenses~~
69 ~~of such administration is hereby appropriated out of the~~
70 ~~appropriate fund pursuant to subsection (7).~~

71 Section 7. Paragraph (d) of subsection (2) of section
72 119.0712, Florida Statutes, is amended to read:

73 119.0712 Executive branch agency-specific exemptions from
74 inspection or copying of public records.—

75 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

76 ~~(d) The department may adopt rules to carry out the~~
77 ~~purposes of this subsection and the federal Driver's Privacy~~
78 ~~Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Rules adopted~~
79 ~~by the department may provide for the payment of applicable fees~~
80 ~~and, prior to the disclosure of personal information pursuant to~~
81 ~~this subsection or the federal Driver's Privacy Protection Act~~
82 ~~of 1994, 18 U.S.C. ss. 2721 et seq., may require the meeting of~~
83 ~~conditions by the requesting person for the purposes of~~
84 ~~obtaining reasonable assurance concerning the identity of such~~
85 ~~requesting person, and, to the extent required, assurance that~~
86 ~~the use will be only as authorized or that the consent of the~~
87 ~~person who is the subject of the personal information has been~~

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88 ~~obtained. Such conditions may include, but need not be limited~~
89 ~~to, the making and filing of a written application in such form~~
90 ~~and containing such information and certification requirements~~
91 ~~as the department requires.~~

92 Section 8. Subsections (6) and (8) of section 120.65,
93 Florida Statutes, are amended to read:

94 120.65 Administrative law judges.—

95 ~~(6) By rule, the division may establish:~~

96 ~~(a) Further qualifications for administrative law judges~~
97 ~~and shall establish procedures by which candidates will be~~
98 ~~considered for employment or contract.~~

99 ~~(b) The manner in which public notice will be given of~~
100 ~~vacancies in the staff of administrative law judges.~~

101 ~~(c) Procedures for the assignment of administrative law~~
102 ~~judges.~~

103 ~~(8) The division shall have the authority to adopt~~
104 ~~reasonable rules to carry out the provisions of this act.~~

105 Section 9. Section 199.1851, Florida Statutes, is repealed.

106 Section 10. Subsection (1) of section 201.165, Florida
107 Statutes, is amended to read:

108 201.165 Credit for tax paid to other states.—

109 (1) For a tax imposed by any section of this chapter, a
110 credit against the specific tax imposed by that section is
111 allowed in an amount equal to a like tax lawfully imposed and
112 paid on the same document or instrument in another state,
113 territory of the United States, or the District of Columbia. For
114 purposes of this subsection, "like tax" means an excise tax on
115 documents that is in substance identical to the tax imposed by
116 this chapter on the same document. The credit may not exceed the

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117 tax imposed by this chapter on the document. Proof of
118 entitlement to such a credit must be provided to the department.
119 ~~The department may adopt rules to implement this credit and~~
120 ~~designate forms that establish what proof is required.~~

121 Section 11. Paragraph (c) of subsection (1) of section
122 202.37, Florida Statutes, is amended to read:

123 202.37 Special rules for administration of local
124 communications services tax.-

125 (1)

126 (c) Notwithstanding any other provision of law to the
127 contrary, if a dealer of communications services provides
128 communications services solely within a single county, that
129 county or any municipality located therein may perform an audit
130 of such dealer with respect to communications services provided
131 by such dealer within such county, including both the state and
132 local components of the communications services tax imposed and
133 any other tax administered pursuant to this chapter.

134 1. Prior to the exercise of such authority, and for
135 purposes of determining whether a dealer operates solely within
136 one county, a local government may presume such localized
137 operation if the dealer reports sales in a single county. Upon
138 notice by the local government to the department of an intent to
139 audit a dealer, the department shall notify the local government
140 within 60 days if the department has issued a notice of intent
141 to audit the dealer, or it shall notify the dealer of the local
142 government's request to audit.

143 2. The dealer may, within 30 days, rebut the single-county-
144 operation presumption by providing evidence to the department
145 that it provides communication services in more than one county

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146 in the state or that it is part of an affiliated group members
147 of which provide communications services in more than one county
148 in the state. An affiliated group is defined as one or more
149 chains of includable corporations or partnerships connected
150 through ownership with a common parent corporation or other
151 partnership which is an includable corporation or partnership
152 when the common parent corporation or partnership has ownership
153 in at least one other includable corporation or partnership
154 which generally satisfies the requirements of Internal Revenue
155 Code s. 267 or Internal Revenue Code s. 707. If a dealer or a
156 member of an affiliated group provides communications services
157 in more than one county in the state, the department will notify
158 the local government that no audit may be performed.

159 3. If, during the course of an audit conducted pursuant to
160 this paragraph, a local government determines that a dealer
161 provided communications services in more than one county during
162 the period under audit, the local government shall terminate the
163 audit and notify the department of its findings.

164 4. Local governments conducting audits shall be bound by
165 department rules and technical assistance advisements issued
166 during the course of an audit conducted pursuant to this
167 paragraph. Local governments conducting communications services
168 tax audits pursuant to this subparagraph, or taxpayers being
169 audited pursuant to this subparagraph, may request and the
170 department may issue technical assistance advisements pursuant
171 to s. 213.22 regarding a pending audit issue. When the
172 department is requested to issue a technical assistance
173 advisement hereunder, it shall notify the affected local
174 government or taxpayer of the request.

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175 5. Any audit performed hereunder shall obligate the local
176 government to extend situsing work performed during such audit
177 to include all addresses within the county. Such audit results
178 shall be performed on behalf of and computed for each local
179 government and unincorporated county area inside the subject
180 county, and they shall be bound thereby.

181 6. The review, protest, and collection of amounts due as
182 the results of an audit performed hereunder shall be the
183 responsibility of the local jurisdiction and shall be governed
184 by s. 166.234 to the extent not inconsistent with this chapter.

185 7. No fee or any portion of a fee for audits conducted on
186 behalf of a municipality or county pursuant to this paragraph
187 shall be based upon the amount assessed or collected as a result
188 of the audit, and no determination based upon an audit conducted
189 in violation of this prohibition shall be valid.

190 8. All audits performed pursuant to this paragraph shall be
191 in accordance with standards promulgated by the American
192 Institute of Certified Public Accountants, the Institute of
193 Internal Auditors, or the Comptroller General of the United
194 States insofar as those standards are not inconsistent with
195 rules of the Department of Revenue.

196 9. Results of audits performed pursuant to this paragraph
197 shall be valid for all jurisdictions within the subject county.
198 The assessment, review, and collection of any amounts ultimately
199 determined to be due as the result of such an audit will be the
200 responsibility of the auditing jurisdiction, and any such
201 collections from the dealer shall be remitted to the Department
202 of Revenue along with appropriate instructions for distribution
203 of such amounts. No entity subject to audit hereunder can be

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204 audited by any local jurisdiction for compliance with this
205 chapter more frequently than once every 3 years.

206 ~~10. The department may adopt rules for the notification and~~
207 ~~determination processes established in this paragraph as well as~~
208 ~~for the information to be provided by a local government~~
209 ~~conducting an audit.~~

210 Section 12. Subsection (1) of section 207.021, Florida
211 Statutes, is amended to read:

212 207.021 Informal conferences; settlement or compromise of
213 taxes, penalties, or interest.—

214 (1) (a) The department may establish ~~adopt rules for~~
215 ~~establishing~~ informal conferences for the resolution of disputes
216 arising from the assessment of taxes, penalties, or interest or
217 the denial of refunds under chapter 120.

218 (b) During any proceeding arising under this section, the
219 motor carrier has the right to be represented and to record all
220 procedures at the motor carrier's expense.

221 Section 13. Subsection (6) of section 207.0281, Florida
222 Statutes, is amended to read:

223 207.0281 Registration; cooperative reciprocal agreements
224 between states.—

225 ~~(6) The department may adopt rules for the administration~~
226 ~~and enforcement of the agreements.~~

227 Section 14. Subsection (16) of section 212.097, Florida
228 Statutes, is amended to read:

229 212.097 Urban High-Crime Area Job Tax Credit Program.—

230 ~~(16) The Department of Revenue shall adopt rules governing~~
231 ~~the manner and form of applications for credit and may establish~~
232 ~~guidelines concerning the requisites for an affirmative showing~~

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233 ~~of qualification for the credit under this section.~~

234 Section 15. Subsection (12) of section 212.098, Florida
235 Statutes, is amended to read:

236 212.098 Rural Job Tax Credit Program.—

237 ~~(12) The department shall adopt rules governing the manner~~
238 ~~and form of applications for credit and may establish guidelines~~
239 ~~as to the requisites for an affirmative showing of qualification~~
240 ~~for the credit under this section.~~

241 Section 16. Subsection (5) of section 215.61, Florida
242 Statutes, is amended to read:

243 215.61 State system of public education capital outlay
244 bonds.—

245 ~~(5) The State Board of Education shall have the power to~~
246 ~~make and enforce all rules and regulations necessary to the full~~
247 ~~exercise of the powers herein granted.~~

248 Section 17. Section 220.1501, Florida Statutes, is
249 repealed.

250 Section 18. Subsection (1) of section 238.03, Florida
251 Statutes, is amended to read:

252 238.03 Administration.—

253 (1) The general administration and the responsibility for
254 the proper operation of the retirement system and for making
255 effective the provisions of this chapter are vested in the
256 Department of Management Services. ~~Subject to the limitation of~~
257 ~~this chapter, the department shall, from time to time, establish~~
258 ~~rules and regulations for the administration and transaction of~~
259 ~~the business of the retirement system and shall perform such~~
260 ~~other functions as are required for the execution of this~~
261 ~~chapter.~~

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262 Section 19. Subsection (5) of section 258.0165, Florida
263 Statutes, is amended to read:

264 258.0165 Defibrillators in state parks.—

265 ~~(5) The Division of Recreation and Parks may adopt rules~~
266 ~~pursuant to ss. 120.536(1) and 120.54 to implement the~~
267 ~~provisions of this section.~~

268 Section 20. Paragraph (a) of subsection (6) of section
269 288.1045, Florida Statutes, is amended to read:

270 288.1045 Qualified defense contractor and space flight
271 business tax refund program.—

272 (6) ADMINISTRATION.—

273 ~~(a) The department may adopt rules pursuant to chapter 120~~
274 ~~for the administration of this section.~~

275 Section 21. Subsection (7) of section 288.108, Florida
276 Statutes, is amended to read:

277 288.108 High-impact business.—

278 ~~(7) RULEMAKING. The department may adopt rules necessary to~~
279 ~~carry out the provisions of this section.~~

280 Section 22. Subsection (10) of section 288.706, Florida
281 Statutes, is amended to read:

282 288.706 Florida Minority Business Loan Mobilization
283 Program.—

284 ~~(10) The Department of Management Services may adopt rules~~
285 ~~to implement the provisions of this section.~~

286 Section 23. Subsection (2) of section 288.816, Florida
287 Statutes, is amended to read:

288 288.816 Intergovernmental relations.—

289 (2) The state protocol officer shall be responsible for all
290 consular relations between the state and all foreign governments

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291 doing business in Florida. The state protocol officer shall
292 monitor United States laws and directives to ensure that all
293 federal treaties regarding foreign privileges and immunities are
294 properly observed. The state protocol officer ~~shall promulgate~~
295 ~~rules which~~ shall:

296 (a) Establish a viable system of registration for foreign
297 government officials residing or having jurisdiction in the
298 state. Emphasis shall be placed on maintaining active
299 communication between the state protocol officer and the United
300 States Department of State in order to be currently informed
301 regarding foreign governmental personnel stationed in, or with
302 official responsibilities for, Florida. Active dialogue shall
303 also be maintained with foreign countries which historically
304 have had dealings with Florida in order to keep them informed of
305 the proper procedure for registering with the state.

306 (b) Maintain and systematically update a current and
307 accurate list of all such foreign governmental officials,
308 consuls, or consulates.

309 (c) Issue certificates to such foreign governmental
310 officials after verification pursuant to proper investigations
311 through United States Department of State sources and the
312 appropriate foreign government.

313 (d) Verify entitlement to sales and use tax exemptions
314 pursuant to United States Department of State guidelines and
315 identification methods.

316 (e) Verify entitlement to issuance of special motor vehicle
317 license plates by the Department of Highway Safety and Motor
318 Vehicles to honorary consuls or such other officials
319 representing foreign governments who are not entitled to

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320 issuance of special Consul Corps license plates by the United
321 States Government.

322 (f) Establish a system of communication to provide all
323 state and local law enforcement agencies with information
324 regarding proper procedures relating to the arrest or
325 incarceration of a foreign citizen.

326 (g) Request the Department of Law Enforcement to provide
327 transportation and protection services when necessary pursuant
328 to s. 943.68.

329 (h) Coordinate, when necessary, special activities between
330 foreign governments and Florida state and local governments.
331 These may include Consular Corps Day, Consular Corps
332 conferences, and various other social, cultural, or educational
333 activities.

334 (i) Notify all newly arrived foreign governmental officials
335 of the services offered by the state protocol officer.

336 Section 24. Subsection (2) of section 316.0747, Florida
337 Statutes, is amended to read:

338 316.0747 Sale or purchase of traffic control devices by
339 nongovernmental entities; prohibitions.—

340 (2) Nongovernmental entities to which the general public is
341 invited to travel shall install and maintain uniform traffic
342 control devices at appropriate locations pursuant to the
343 standards set forth by the Manual on Uniform Traffic Control
344 Devices as adopted by the Department of Transportation pursuant
345 to s. 316.0745. Businesses the parking lots of which do not
346 provide intersecting lanes of traffic and businesses having
347 fewer than 25 parking spaces are exempt from the provisions of
348 this subsection. ~~The Department of Transportation shall adopt~~

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349 ~~rules to implement this section.~~

350 Section 25. Subsection (2) of section 316.525, Florida
351 Statutes, is amended to read:

352 316.525 Requirements for vehicles hauling loads.—

353 ~~(2) The Department of Transportation shall promulgate rules~~
354 ~~with respect to the type and suitability of nylon strapping to~~
355 ~~be used in compliance with this section.~~

356 Section 26. Section 317.0005, Florida Statutes, is amended
357 to read:

358 317.0005 Rules, Forms, and notices.—

359 ~~(1) The department may adopt rules pursuant to ss.~~
360 ~~120.536(1) and 120.54, which pertain to off-highway vehicle~~
361 ~~titling, in order to implement the provisions of this chapter~~
362 ~~conferring duties upon it.~~

363 ~~(2) The department shall prescribe and provide suitable~~
364 ~~forms for applications and other notices and forms necessary to~~
365 ~~administer the provisions of this chapter.~~

366 Section 27. Subsection (5) of section 320.0657, Florida
367 Statutes, is amended to read:

368 320.0657 Permanent registration; fleet license plates.—

369 ~~(5) The department may adopt rules to comply with this~~
370 ~~section.~~

371 Section 28. Subsection (12) of section 320.0848, Florida
372 Statutes, is amended to read:

373 320.0848 Persons who have disabilities; issuance of
374 disabled parking permits; temporary permits; permits for certain
375 providers of transportation services to persons who have
376 disabilities.—

377 ~~(12) The Department of Highway Safety and Motor Vehicles~~

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378 ~~shall adopt rules to administer this section.~~

379 Section 29. Subsection (3) of section 322.161, Florida
380 Statutes, is amended to read:

381 322.161 High-risk drivers; restricted licenses.-

382 ~~(3) The department shall adopt rules to carry out the~~
383 ~~purposes of this section.~~

384 Section 30. Paragraph (a) of subsection (1) of section
385 324.0221, Florida Statutes, is amended to read:

386 324.0221 Reports by insurers to the department; suspension
387 of driver's license and vehicle registrations; reinstatement.-

388 (1) (a) Each insurer that has issued a policy providing
389 personal injury protection coverage or property damage liability
390 coverage shall report the renewal, cancellation, or nonrenewal
391 thereof to the department within 45 days after the effective
392 date of each renewal, cancellation, or nonrenewal. Upon the
393 issuance of a policy providing personal injury protection
394 coverage or property damage liability coverage to a named
395 insured not previously insured by the insurer during that
396 calendar year, the insurer shall report the issuance of the new
397 policy to the department within 30 days. The report shall be in
398 the form and format and contain any information required by the
399 department and must be provided in a format that is compatible
400 with the data processing capabilities of the department. ~~The~~
401 ~~department may adopt rules regarding the form and documentation~~
402 ~~required.~~ Failure by an insurer to file proper reports with the
403 department as required by this subsection ~~or rules adopted with~~
404 ~~respect to the requirements of this subsection~~ constitutes a
405 violation of the Florida Insurance Code. These records shall be
406 used by the department only for enforcement and regulatory

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407 purposes, including the generation by the department of data
408 regarding compliance by owners of motor vehicles with the
409 requirements for financial responsibility coverage.

410 Section 31. Section 328.44, Florida Statutes, is repealed.

411 Section 32. Section 328.50, Florida Statutes, is repealed.

412 Section 33. Subsection (5) of section 339.2817, Florida
413 Statutes, is amended to read:

414 339.2817 County Incentive Grant Program.—

415 ~~(5) The department is authorized to adopt rules to
416 administer the County Incentive Grant Program.~~

417 Section 34. Subsection (9) of section 339.55, Florida
418 Statutes, is amended to read:

419 339.55 State-funded infrastructure bank.—

420 ~~(9) The department is authorized to adopt rules to
421 implement the state-funded infrastructure bank.~~

422 Section 35. Paragraph (b) of subsection (2) and subsection
423 (14) of section 376.121, Florida Statutes, are amended to read:

424 376.121 Liability for damage to natural resources.—The
425 Legislature finds that extensive damage to the state's natural
426 resources is the likely result of a pollutant discharge and that
427 it is essential that the state adequately assess and recover the
428 cost of such damage from responsible parties. It is the state's
429 goal to recover the costs of restoration from the responsible
430 parties and to restore damaged natural resources to their
431 predischarge condition. In many instances, however, restoration
432 is not technically feasible. In such instances, the state has
433 the responsibility to its citizens to recover the cost of all
434 damage to natural resources. To ensure that the public does not
435 bear a substantial loss as a result of the destruction of

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436 natural resources, the procedures set out in this section shall
437 be used to assess the cost of damage to such resources. Natural
438 resources include coastal waters, wetlands, estuaries, tidal
439 flats, beaches, lands adjoining the seacoasts of the state, and
440 all living things except human beings. The Legislature
441 recognizes the difficulty historically encountered in
442 calculating the value of damaged natural resources. The value of
443 certain qualities of the state's natural resources is not
444 readily quantifiable, yet the resources and their qualities have
445 an intrinsic value to the residents of the state, and any damage
446 to natural resources and their qualities should not be dismissed
447 as nonrecoverable merely because of the difficulty in
448 quantifying their value. In order to avoid unnecessary
449 speculation and expenditure of limited resources to determine
450 these values, the Legislature hereby establishes a schedule for
451 compensation for damage to the state's natural resources and the
452 quality of said resources. As an alternative to the compensation
453 schedule described in subsections (4), (5), (6), and (9), the
454 department, when no responsible party is identified, when a
455 responsible party opts out of the formula pursuant to paragraph
456 (10) (a), or when the department conducts a cooperative damage
457 assessment with federal agencies, may use methods of calculating
458 natural resources damages in accordance with federal rules
459 implementing the Oil Pollution Act of 1990, as amended.

460 (2) The compensation schedule for damage to natural
461 resources is based upon the cost of restoration and the loss of
462 ecological, consumptive, intrinsic, recreational, scientific,
463 economic, aesthetic, and educational values of such injured or
464 destroyed resources. The compensation schedule takes into

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465 account:

466 (b) The characteristics of the pollutant discharged. The
467 toxicity, dispersibility, solubility, and persistence
468 characteristics of a pollutant as affects the severity of the
469 effects on the receiving environment, living things, and
470 recreational and aesthetic resources. Pollutants have varying
471 propensities to injure natural resources based upon their
472 potential exposure and effects. Exposure to natural resources is
473 determined by the dispersibility and degradability of the
474 pollutant. Effects to natural resources result from mechanical
475 injury and toxicity and include physical contamination,
476 smothering, feeding prevention, immobilization, respiratory
477 distress, direct mortality, lost recruitment of larvae and
478 juveniles killed, changes in the food web, and chronic effects
479 of sublethal levels of contaminates in tissues or the
480 environment. For purposes of the compensation schedule,
481 pollutants have been ranked for their propensity to cause injury
482 to natural resources based upon a combination of their acute
483 toxicity, mechanical injury, degradability, and dispersibility
484 characteristics on a 1-to-3 relative scale with Category 1
485 containing the pollutants with the greatest propensity to cause
486 injury to natural resources. The following pollutants are
487 categorized:

- 488 1. Category 1: bunker and residual fuel.
- 489 2. Category 2: waste oils, crude oil, lubricating oil,
490 asphalt, and tars.
- 491 3. Category 3: hydraulic fluids, numbers 1 and 2 diesel
492 fuels, heating oil, jet aviation fuels, motor gasoline,
493 including aviation gasoline, kerosene, stationary turbine fuels,

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494 ammonia and its derivatives, and chlorine and its derivatives.

495
496 ~~The department shall adopt rules establishing the pollutant~~
497 ~~category of pesticides and other pollutants as defined in s.~~
498 ~~376.031 and not listed in this paragraph.~~

499 ~~(14) The department shall adopt rules necessary or~~
500 ~~convenient for carrying out the duties, obligations, powers, and~~
501 ~~responsibilities set forth in this section.~~

502 Section 36. Subsection (5) of section 376.317, Florida
503 Statutes, is amended to read:

504 376.317 Superseded laws; state preemption.-

505 (5) The department is authorized to ~~adopt rules that~~ permit
506 any county government to establish, in accordance with s.
507 403.182, a program regulating underground storage tanks, which
508 program is more stringent or extensive than that established by
509 any state law or rule regulating underground storage tanks. The
510 department shall approve or deny a request by a county for
511 approval of an ordinance establishing such a program according
512 to the procedures and time limits of s. 120.60. ~~When adopting~~
513 ~~the rules,~~ The department shall consider local conditions that
514 warrant such more stringent or extensive regulation of
515 underground storage tanks, including, but not limited to, the
516 proximity of the county to a sole or single-source aquifer, the
517 potential threat to the public water supply because of the
518 proximity of underground storage tanks to public wells or
519 groundwater, or the detection of petroleum products in public or
520 private water supplies.

521 Section 37. Subsection (6) of section 379.245, Florida
522 Statutes, is amended to read:

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523 379.245 Spiny lobster reports by dealers during closed
524 season required.—

525 ~~(6) The Fish and Wildlife Conservation Commission may adopt~~
526 ~~rules incorporating by reference such forms as are necessary to~~
527 ~~administer this section.~~

528 Section 38. Subsection (9) of section 380.0666, Florida
529 Statutes, is amended to read:

530 380.0666 Powers of land authority.—The land authority shall
531 have all the powers necessary or convenient to carry out and
532 effectuate the purposes and provisions of this act, including
533 the following powers, which are in addition to all other powers
534 granted by other provisions of this act:

535 ~~(9) To make rules pursuant to the provisions of chapter 120~~
536 ~~necessary to carry out the purposes of this act and to exercise~~
537 ~~any power granted in this act.~~

538 Section 39. Subsection (1) of section 391.304, Florida
539 Statutes, is amended to read:

540 391.304 Program coordination.—

541 (1) The Department of Health shall:

542 (a) develop a plan for statewide implementation of the
543 developmental evaluation and intervention program.

544 (b) Develop ~~rules,~~ procedures, and contracts to implement
545 the developmental evaluation and intervention program.

546 Section 40. Section 391.305, Florida Statutes, is amended
547 to read:

548 391.305 Program standards; ~~rules.~~—The Department of Health
549 shall ~~adopt rules for the administration of the developmental~~
550 ~~evaluation and intervention program. The rules shall specify~~
551 standards for the development and operation of the program,

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552 including, but not limited to:

553 (1) Standards governing the eligibility for program
554 services and the requirements of the population to be served.

555 (2) Criteria for determining an infant's or a toddler's
556 need for developmental evaluation and intervention program
557 services.

558 (3) Minimum developmental evaluation and intervention and
559 support services.

560 (4) Program staff requirements and personnel
561 qualifications.

562 (5) Reporting and program evaluation procedures.

563 Section 41. Subsection (5) of section 393.0641, Florida
564 Statutes, is amended to read:

565 393.0641 Program for the prevention and treatment of severe
566 self-injurious behavior.—

567 (5) The agency may license this program ~~and adopt rules to~~
568 ~~administer the program.~~

569 Section 42. Section 395.0185, Florida Statutes, is amended
570 to read:

571 395.0185 Rebates prohibited; penalties.—

572 (1) It is unlawful for any person to pay or receive any
573 commission, bonus, kickback, or rebate or engage in any split-
574 fee arrangement, in any form whatsoever, with any physician,
575 surgeon, organization, or person, either directly or indirectly,
576 for patients referred to a licensed facility.

577 (2) The agency shall enforce ~~adopt rules which assess~~
578 ~~administrative penalties for acts prohibited in~~ subsection (1).
579 ~~In the case of an entity licensed by the agency, such penalties~~
580 ~~may include any disciplinary action available to the agency~~

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581 ~~under the appropriate licensing laws.~~ In the case of an entity
582 not licensed by the agency, administrative ~~such~~ penalties may
583 include:

584 (a) A fine not to exceed \$1,000.

585 (b) If applicable, a recommendation by the agency to the
586 appropriate licensing board that disciplinary action be taken.

587 Section 43. Subsections (8) and (9) of section 395.605,
588 Florida Statutes, are amended to read:

589 395.605 Emergency care hospitals.—

590 (8) ~~The agency shall adopt rules for facility licensure~~
591 ~~that conform to s. 395.1055. Rules shall include the following~~
592 ~~provisions:~~

593 (a) Emergency care hospitals shall have agreements with
594 other hospitals, skilled nursing facilities, home health
595 agencies, and with providers of diagnostic-imaging and
596 laboratory services that are not provided on site but are needed
597 by patients.

598 (b) All patients shall be under the care of a physician or
599 under the care of a nurse practitioner or physician assistant
600 supervised by a physician.

601 (c) A physician, nurse practitioner, or physician assistant
602 shall be on duty at all times, or a physician shall be on call
603 and available within 30 minutes at all times.

604 (d) All compounding, packaging, and dispensing of drugs and
605 biologicals shall be under the supervision of a pharmacist.

606 (e) Diagnostic radiologic services and clinical laboratory
607 services shall be maintained at the facility or shall be
608 available to meet the needs of its patients.

609 (f) Clinical laboratory services provided by the facility

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610 shall, at a minimum, include:

611 1. Chemical examinations of urine by stick or tablet
612 methods, or both (including urine ketones).

613 2. Microscopic examinations of urine sediment.

614 3. Hemoglobin or hematocrit.

615 4. Blood sugar.

616 5. Gram stain.

617 6. Examination of stool specimens for occult blood.

618 7. Pregnancy tests.

619 8. Primary culturing for transmittal to a certified
620 laboratory.

621 9. Sediment rate, CBC.

622 (9) The agency may use specific diagnosis-related groups,
623 ICD-9 codes, or similar patient illness-severity classification
624 schemes to define the scope of inpatient care in emergency care
625 hospitals in lieu of the 96-hour inpatient care limitation. ~~The~~
626 ~~methodology used for determining the scope of inpatient care~~
627 ~~permitted in emergency care hospitals shall be included in rule.~~

628 Section 44. Subsection (5) of section 397.99, Florida
629 Statutes, is amended to read:

630 397.99 School substance abuse prevention partnership
631 grants.—

632 ~~(5) The department shall establish rules as necessary to~~
633 ~~implement this section.~~

634 Section 45. Subsection (6) of section 397.998, Florida
635 Statutes, is amended to read:

636 397.998 Drug-free communities support match grants.—

637 ~~(6) RULES. The department is authorized to adopt rules~~
638 ~~specifically to address procedures necessary to administer the~~

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639 ~~drug-free communities match grants as provided in this section.~~

640 Section 46. Subsection (4) of section 400.063, Florida
641 Statutes, is amended to read:

642 400.063 Resident protection.—

643 ~~(4) The agency is authorized to adopt rules necessary to~~
644 ~~implement this section.~~

645 Section 47. Section 400.176, Florida Statutes, is amended
646 to read:

647 400.176 Rebates prohibited; penalties.—

648 (1) It is unlawful for any person to pay or receive any
649 commission, bonus, kickback, or rebate or engage in any split-
650 fee arrangement in any form whatsoever with any physician,
651 surgeon, organization, agency, or person, either directly or
652 indirectly, for residents referred to a nursing home licensed
653 under this part.

654 (2) The agency shall enforce ~~adopt rules which assess~~
655 ~~administrative penalties for acts prohibited by subsection (1).~~
656 ~~In the case of an entity licensed by the agency, such penalties~~
657 ~~may include any disciplinary action available to the agency~~
658 ~~under the appropriate licensing laws.~~ In the case of an entity
659 not licensed by the agency, administrative ~~such~~ penalties may
660 include:

661 (a) A fine not to exceed \$5,000; and

662 (b) If applicable, a recommendation by the agency to the
663 appropriate licensing board that disciplinary action be taken.

664 Section 48. Subsection (4) of section 400.801, Florida
665 Statutes, is amended to read:

666 400.801 Homes for special services.—

667 ~~(4) The agency may adopt rules for implementing and~~

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668 ~~enforcing this section and part II of chapter 408.~~

669 Section 49. Subsections (5) and (6) of section 402.22,
670 Florida Statutes, are amended to read:

671 402.22 Education program for students who reside in
672 residential care facilities operated by the Department of
673 Children and Family Services or the Agency for Persons with
674 Disabilities.—

675 (5) Instructional and special educational services that are
676 provided to clients with mental illness or developmental
677 disabilities of the department's or agency's residential care
678 facilities by local school districts shall not be less than 180
679 days or 900 hours; however, the 900 hours may be distributed
680 over a 12-month period, ~~unless otherwise stated in rules~~
681 ~~developed by the State Board of Education, with the concurrence~~
682 ~~of the department or agency and adopted pursuant to subsection~~
683 ~~(6).~~

684 ~~(6) The State Board of Education, the Department of~~
685 ~~Children and Family Services, and the Agency for Persons with~~
686 ~~Disabilities may adopt rules to assist in the orderly transfer~~
687 ~~of the instruction of students from department or agency~~
688 ~~residential care facilities to the district school system or to~~
689 ~~the public education agency and which shall assist in~~
690 ~~implementing the specific intent as stated in this act.~~

691 Section 50. Paragraph (c) of subsection (1) and subsection
692 (3) of section 402.3025, Florida Statutes, are amended to read:

693 402.3025 Public and nonpublic schools.—For the purposes of
694 ss. 402.301-402.319, the following shall apply:

695 (1) PUBLIC SCHOOLS.—

696 ~~(c) The State Board of Education shall adopt rules to~~

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697 ~~implement this subsection, including standards for programs in~~
698 ~~subparagraphs (a)2. and 3., which recognize the vulnerability of~~
699 ~~children under 5 years of age and make special provisions to~~
700 ~~ensure their health and safety. Such rules shall include, but~~
701 ~~not be limited to, facilities, personnel staffing and~~
702 ~~qualifications, transportation, and health and safety practices.~~
703 ~~In preparing such rules, the Commissioner of Education shall~~
704 ~~review the standards already existing in the state and the~~
705 ~~recommendations of appropriate professional and accreditation~~
706 ~~agencies.~~

707 (3) INSPECTION FEE.—The department shall establish ~~by rule~~
708 a fee for inspection activities performed pursuant to this
709 section, in an amount sufficient to cover costs. However, the
710 amount of such fee for the inspection of a school shall not
711 exceed the fee imposed for child care licensure pursuant to s.
712 402.315.

713 Section 51. Subsection (4) of section 402.81, Florida
714 Statutes, is amended to read:

715 402.81 Pharmaceutical expense assistance.—

716 (4) ADMINISTRATION.—The pharmaceutical expense assistance
717 program shall be administered by the agency, in collaboration
718 with the Department of Elderly Affairs and the Department of
719 Children and Family Services.

720 ~~(a) The agency may adopt rules pursuant to ss. 120.536(1)~~
721 ~~and 120.54 to implement the provisions of this section.~~

722 ~~(b)~~ By January 1 of each year, the agency shall report to
723 the Legislature on the operation of the program. The report
724 shall include information on the number of individuals served,
725 use rates, and expenditures under the program.

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726 Section 52. Section 403.0861, Florida Statutes, is
727 repealed.

728 Section 53. Subsection (8) of section 403.7191, Florida
729 Statutes, is amended to read:

730 403.7191 Toxics in packaging.—

731 ~~(8) RULES.—The department is authorized to adopt rules to~~
732 ~~implement the provisions of this section.~~

733 Section 54. Section 409.14511, Florida Statutes, is
734 repealed.

735 Section 55. Subsection (10) of section 409.2576, Florida
736 Statutes, is amended to read:

737 409.2576 State Directory of New Hires.—

738 ~~(10) RULEMAKING AUTHORITY.—The Department of Revenue shall~~
739 ~~have the authority to adopt rules to implement this section.~~

740 Section 56. Subsection (4) of section 409.2578, Florida
741 Statutes, is amended to read:

742 409.2578 Access to employment information; administrative
743 fine.—

744 ~~(4) The Title IV-D agency has the authority to adopt rules~~
745 ~~and procedures to implement this section.~~

746 Section 57. Section 409.2675, Florida Statutes, is
747 repealed.

748 Section 58. Subsection (3) of section 409.441, Florida
749 Statutes, is amended to read:

750 409.441 Runaway youth programs and centers.—

751 (3) CRITERIA FOR LICENSING OF CENTERS; STANDARD SERVICES.—

752 ~~(a) No later than September 1, 1984, the department shall~~
753 ~~adopt rules pertaining to uniform licensing criteria for runaway~~
754 ~~youth centers.~~

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755 ~~(b)~~ The department shall establish standard services for
756 runaway youth centers which can be monitored and evaluated, and
757 the establishment of these services shall be a prerequisite to
758 receiving state funds. Such services shall include, but are not
759 limited to:

760 (a)1. Programs for outreach and prevention for troubled
761 youths and runaway youths and their families.

762 (b)2. Early intervention counseling services for troubled
763 youths and runaway youths and their families, with 24-hour
764 access geared toward crisis or time-of-need intervention.

765 (c)3. Temporary or short-term shelter, food, and clothing.

766 (d)4. Uniform and confidential intake and records systems.

767 (e)5. Provision for aftercare including individual and
768 family counseling services.

769 (f)6. Programs for advocacy for client population and
770 community support.

771 (g)7. Provisions for case management and referral from
772 service to service.

773 Section 59. Subsection (11) of section 409.9101, Florida
774 Statutes, is amended to read:

775 409.9101 Recovery for payments made on behalf of Medicaid-
776 eligible persons.—

777 ~~(11) The agency is authorized to adopt rules to implement
778 the provisions of this section.~~

779 Section 60. Section 411.205, Florida Statutes, is repealed.

780 Section 61. Subsection (10) of section 411.224, Florida
781 Statutes, is amended to read:

782 411.224 Family support planning process.—The Legislature
783 establishes a family support planning process to be used by the

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784 Department of Children and Family Services as the service
785 planning process for targeted individuals, children, and
786 families under its purview.

787 ~~(10) The Department of Children and Family Services, the~~
788 ~~Department of Health, and the Department of Education shall~~
789 ~~adopt rules necessary to implement this act.~~

790 Section 62. Subsection (4) of section 414.158, Florida
791 Statutes, is amended to read:

792 414.158 Diversion program to prevent or reduce child abuse
793 and neglect.—

794 (4) The department, in consultation with Healthy Families
795 Florida, may establish additional requirements related to
796 services or one-time payments, ~~and the department is authorized~~
797 ~~to adopt rules relating to~~ maximum amounts of such one-time
798 payments.

799 Section 63. Subsection (4) of section 414.1585, Florida
800 Statutes, is amended to read:

801 414.1585 Diversion program for families at risk of welfare
802 dependency due to substance abuse or mental illness.—

803 (4) ~~The department is authorized to adopt rules governing~~
804 ~~the administration of this section and~~ may establish additional
805 criteria related to services, client need, or one-time payments.
806 The department may establish maximum amounts of one-time
807 payments ~~in rule.~~

808 Section 64. Section 414.35, Florida Statutes, is amended to
809 read:

810 414.35 Emergency relief.—

811 ~~(1) The department shall adopt rules for the administration~~
812 ~~of emergency assistance programs delegated to the department~~

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813 ~~either by executive order in accordance with the Disaster Relief~~
814 ~~Act of 1974 or pursuant to the Food and Nutrition Act of 2008.~~

815 ~~(2) In promulgating the rules required in this section, the~~
816 ~~department shall give particular consideration to the prevention~~
817 ~~of fraud in emergency assistance programs. Such rules shall, at~~
818 ~~a minimum, provide for:~~

819 ~~(a) Verification of an applicant's identity and address.~~

820 ~~(b) Determination of an applicant's need for assistance and~~
821 ~~verification of an applicant's need in accordance with~~
822 ~~appropriate federal law and regulations.~~

823 ~~(c) The timely and adequate dissemination of accurate~~
824 ~~certification information to local emergency management~~
825 ~~agencies.~~

826 ~~(3) In administering emergency food assistance and other~~
827 ~~emergency assistance programs, the department shall cooperate~~
828 ~~fully with the United States Government and with other~~
829 ~~departments, instrumentalities, and agencies of this state.~~

830 Section 65. Subsection (1) of section 415.1105, Florida
831 Statutes, is amended to read:

832 415.1105 Training programs.—

833 (1) The department shall ~~develop rules governing preservice~~
834 ~~and inservice training for adult protective investigation staff~~
835 ~~and, within available resources, shall provide appropriate~~
836 ~~preservice and inservice training~~ for adult protective
837 investigation ~~to such~~ staff.

838 Section 66. Subsection (1) of section 420.5091, Florida
839 Statutes, is amended to read:

840 420.5091 HOPE Program.—

841 (1) The corporation may ~~adopt rules to~~ implement the HOPE

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842 Program, created by the 1990 National Affordable Housing Act, to
843 make loans and grants, foreclose on any mortgage or security
844 interest, or commence any legal action to protect the interest
845 of the corporation and recover the amount of the unpaid
846 principal, accrued interest, and fees. The corporation may
847 acquire real and personal property or any interest in the
848 property if that acquisition is necessary to protect any loan;
849 sell, transfer, and convey any such property to a buyer without
850 regard to the provisions of chapters 253 and 270; and, if that
851 sale, transfer, or conveyance cannot be effected within a
852 reasonable time, lease such property for occupancy by eligible
853 persons. All sums recovered from the sale, transfer, conveyance,
854 or lease of such property shall be deposited into the HOME
855 Investment Partnership Fund.

856 Section 67. Subsection (3) of section 430.708, Florida
857 Statutes, is amended to read:

858 430.708 Certificate of need.—To ensure that Medicaid
859 community diversion pilot projects result in a reduction in the
860 projected average monthly nursing home caseload, the agency
861 shall, in accordance with the provisions of s. 408.034(5):

862 ~~(3) Adopt rules to reduce the number of beds in Medicaid-~~
863 ~~participating nursing homes eligible for Medicaid, through a~~
864 ~~Medicaid selective contracting process or some other appropriate~~
865 ~~method.~~

866 Section 68. Subsection (4) of section 430.902, Florida
867 Statutes, is amended to read:

868 430.902 Multiservice senior center.—

869 ~~(4) The department may adopt rules to implement the~~
870 ~~provisions of this section.~~

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871 Section 69. Subsection (6) of section 443.1312, Florida
872 Statutes, is amended to read:

873 443.1312 Reimbursements; nonprofit organizations.—Benefits
874 paid to employees of nonprofit organizations shall be financed
875 in accordance with this section.

876 (6) GROUP EMPLOYMENT RECORDS.—Two or more employers that
877 become reimbursing employers under subsection (2) and s.
878 443.121(3) may file a joint application with the tax collection
879 service provider for the establishment of a group employment
880 record for the purpose of sharing the cost of benefits paid that
881 are attributable to service in the employ of the employers. Each
882 application must identify and authorize a group representative
883 to act as the group's agent for the purposes of this subsection.
884 Upon its approval of the application, the tax collection service
885 provider shall establish a group employment record for the
886 employers which is effective at the beginning of the calendar
887 year in which the service provider receives the application and
888 shall notify the group's representative of the effective date of
889 the employment record. Each group employment record remains in
890 effect until terminated and must remain in effect at least 2
891 calendar years before it may be terminated. A group employment
892 record may be terminated by the tax collection service provider
893 on its own motion or upon application by the group. Upon
894 establishment of a group employment record, the amount of
895 benefits payable by each member of the group for a calendar
896 quarter is a proportionate share of the total benefits paid
897 during the quarter which are attributable to service performed
898 in the employ of all members of the group in the same ratio as
899 the total wages paid for service in employment by the member

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900 during the quarter, as compared to the total wages paid during
 901 the quarter for service performed in the employ of all members
 902 of the group. ~~The state agency providing tax collection services~~
 903 ~~may adopt rules prescribing applications and procedures for~~
 904 ~~establishing, maintaining, and terminating group employment~~
 905 ~~records authorized by this subsection; for adding of new members~~
 906 ~~to, and withdrawal of active members from, group employment~~
 907 ~~records; and for determining the amounts that are payable under~~
 908 ~~this subsection by members of the group and the time and manner~~
 909 ~~of those payments.~~

910 Section 70. Subsection (3) of section 443.1313, Florida
 911 Statutes, is amended to read:

912 443.1313 Public employers; reimbursements; election to pay
 913 contributions.—Benefits paid to employees of a public employer,
 914 as defined in s. 443.036, based on service described in s.
 915 443.1216(2) shall be financed in accordance with this section.

916 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
 917 or contributing employer under this section, a public employer
 918 may not change this election for at least 2 calendar years. This
 919 subsection does not prevent a public employer subject to this
 920 subsection from changing its election after completing 2
 921 calendar years under another financing method if the new
 922 election is timely filed. ~~The state agency providing~~
 923 ~~reemployment assistance tax collection services may adopt rules~~
 924 ~~prescribing procedures for changing methods of reporting.~~

925 Section 71. Subsection (2) of section 455.2255, Florida
 926 Statutes, is amended to read:

927 455.2255 Classification of disciplinary actions.—

928 (2) The department may establish a schedule classifying

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929 violations according to the severity of the violation. After the
930 expiration of set periods of time, the department may provide
931 for such disciplinary records to become inactive, according to
932 their classification. After the disciplinary record has become
933 inactive, the department may clear the violation from the
934 disciplinary record and the subject person or business may
935 lawfully deny or fail to acknowledge such disciplinary actions.
936 ~~The department may adopt rules to implement this subsection.~~

937 Section 72. Paragraphs (b) and (g) of subsection (5) of
938 section 456.053, Florida Statutes, are amended to read:

939 456.053 Financial arrangements between referring health
940 care providers and providers of health care services.—

941 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
942 provided in this section:

943 (b) A health care provider may not refer a patient for the
944 provision of any other health care item or service to an entity
945 in which the health care provider is an investor unless:

946 1. The provider's investment interest is in registered
947 securities purchased on a national exchange or over-the-counter
948 market and issued by a publicly held corporation:

949 a. Whose shares are traded on a national exchange or on the
950 over-the-counter market; and

951 b. Whose total assets at the end of the corporation's most
952 recent fiscal quarter exceeded \$50 million; or

953 2. With respect to an entity other than a publicly held
954 corporation described in subparagraph 1., and a referring
955 provider's investment interest in such entity, each of the
956 following requirements are met:

957 a. No more than 50 percent of the value of the investment

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958 interests are held by investors who are in a position to make
959 referrals to the entity.

960 b. The terms under which an investment interest is offered
961 to an investor who is in a position to make referrals to the
962 entity are no different from the terms offered to investors who
963 are not in a position to make such referrals.

964 c. The terms under which an investment interest is offered
965 to an investor who is in a position to make referrals to the
966 entity are not related to the previous or expected volume of
967 referrals from that investor to the entity.

968 d. There is no requirement that an investor make referrals
969 or be in a position to make referrals to the entity as a
970 condition for becoming or remaining an investor.

971 3. With respect to either such entity or publicly held
972 corporation:

973 a. The entity or corporation does not loan funds to or
974 guarantee a loan for an investor who is in a position to make
975 referrals to the entity or corporation if the investor uses any
976 part of such loan to obtain the investment interest.

977 b. The amount distributed to an investor representing a
978 return on the investment interest is directly proportional to
979 the amount of the capital investment, including the fair market
980 value of any preoperational services rendered, invested in the
981 entity or corporation by that investor.

982 4. Each board and, in the case of hospitals, the Agency for
983 Health Care Administration, shall encourage the use by licensees
984 of the declaratory statement procedure to determine the
985 applicability of this section or any rule adopted pursuant to
986 this section as it applies solely to the licensee. Boards shall

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987 submit to the Agency for Health Care Administration the name of
988 any entity in which a provider investment interest has been
989 approved pursuant to this section, ~~and the Agency for Health~~
990 ~~Care Administration shall adopt rules providing for periodic~~
991 ~~quality assurance and utilization review of such entities.~~

992 (g) A violation of this section by a health care provider
993 shall constitute grounds for disciplinary action to be taken by
994 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
995 s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2).
996 Any hospital licensed under chapter 395 found in violation of
997 this section shall be subject to ~~the rules adopted by the Agency~~
998 ~~for Health Care Administration pursuant to s. 395.0185(2).~~

999 Section 73. Section 472.017, Florida Statutes, is amended
1000 to read:

1001 472.017 Renewal of license.—

1002 ~~(1)~~ The department shall renew a license upon receipt of
1003 the renewal application and fee, upon proof of compliance with
1004 the continuing education requirement of s. 472.018, and, if a
1005 demonstration of competency is required by law or rule, upon
1006 certification by the board that the licensee has satisfactorily
1007 demonstrated his or her competence in surveying and mapping.

1008 ~~(2) The department shall adopt rules establishing a~~
1009 ~~procedure for the biennial renewal of licenses.~~

1010 Section 74. Section 489.146, Florida Statutes, is amended
1011 to read:

1012 489.146 Privatization of services.—Notwithstanding any
1013 other provision of this part relating to the review of licensure
1014 applications, issuance of licenses and renewals, collection of
1015 revenues, fees, and fines, service of documents, publications,

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1016 and printing, and other ministerial functions of the department
1017 relating to the regulation of contractors, the department shall
1018 make all reasonable efforts to contract with one or more private
1019 entities for provision of such services, when such services can
1020 be provided in a more efficient manner by private entities. The
1021 department or the board shall retain final authority for
1022 licensure decisions and rulemaking, including all appeals or
1023 other legal action resulting from such licensure decisions or
1024 rulemaking. ~~The department and the board shall adopt rules to~~
1025 ~~implement the provisions of this section.~~

1026 Section 75. Subsection (2) of section 496.414, Florida
1027 Statutes, is amended to read:

1028 496.414 Duties of commercial co-venturers.-

1029 ~~(2) If determined to be essential to protect the public~~
1030 ~~from fraudulent or deceptive advertising, the department may, in~~
1031 ~~accordance with chapter 120, adopt rules requiring disclosure in~~
1032 ~~advertising for a charitable or sponsor sales promotion of~~
1033 ~~information relating to the portion or amount that will benefit~~
1034 ~~the charitable organization or sponsor or the charitable purpose~~
1035 ~~or sponsor purpose.~~

1036 Section 76. Subsections (1) and (3) of section 497.381,
1037 Florida Statutes, are amended to read:

1038 497.381 Solicitation of goods or services.-

1039 ~~(1) The licensing authority shall adopt rules regulating~~
1040 ~~the solicitation of goods or services by licensees.~~

1041 (2)~~(3)~~ The licensing authority shall regulate such
1042 solicitation which comprises an uninvited invasion of personal
1043 privacy. It is the express finding of the Legislature that the
1044 public has a high expectation of privacy in one's personal

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1045 residence, and the licensing authority ~~by rule~~ may restrict the
1046 hours or otherwise regulate such solicitation in the personal
1047 residence of a person unless the solicitation has been
1048 previously and expressly requested by the person solicited.

1049 Section 77. Subsection (4) of section 501.0583, Florida
1050 Statutes, is amended to read:

1051 501.0583 Selling, delivering, bartering, furnishing, or
1052 giving weight-loss pills to persons under age 18; penalties;
1053 defense.—

1054 ~~(4) The Department of Agriculture and Consumer Services is~~
1055 ~~authorized to adopt rules to implement this section.~~

1056 Section 78. Subsection (3) of section 509.036, Florida
1057 Statutes, is amended to read:

1058 509.036 Public food service inspector standardization.—

1059 ~~(3) The division and its agent shall adopt rules in~~
1060 ~~accordance with the provisions of chapter 120 to provide for~~
1061 ~~disciplinary action in cases of inspector negligence. An~~
1062 ~~inspector may be subject to suspension or dismissal for cause as~~
1063 ~~set forth in s. 110.227.~~

1064 Section 79. Section 548.024, Florida Statutes, is amended
1065 to read:

1066 548.024 Background investigation of applicants for
1067 licensure.—

1068 ~~(1) The commission is authorized to adopt rules pursuant to~~
1069 ~~ss. 120.536(1) and 120.54 which provide for background~~
1070 ~~investigations of applicants for licensure under this chapter~~
1071 ~~for the purpose of ensuring the accuracy of the information~~
1072 ~~provided in the application; ensuring that there are no active~~
1073 ~~or pending criminal or civil indictments against the applicant;~~

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1074 and ensuring satisfaction of all other requirements of this
1075 chapter. The background investigation may include, but is not
1076 limited to, the criminal and financial history of the applicant.

1077 ~~(2)~~ If the commission requires a background criminal
1078 history investigation of any applicant, it shall require the
1079 applicant to submit to the department a fingerprint card for
1080 this purpose. The fingerprint card shall be forwarded to the
1081 Division of Criminal Justice Information Systems within the
1082 Department of Law Enforcement and the Federal Bureau of
1083 Investigation for purposes of processing the fingerprint card to
1084 determine if the applicant has a criminal history record. The
1085 information obtained by the processing of the fingerprint card
1086 by the Department of Law Enforcement and the Federal Bureau of
1087 Investigation shall be sent to the department for the purpose of
1088 determining if the applicant is statutorily qualified for
1089 licensure.

1090 Section 80. Section 553.897, Florida Statutes, is repealed.

1091 Section 81. Subsection (3) of section 559.10, Florida
1092 Statutes, is amended to read:

1093 559.10 Definition; "budget planning."—

1094 ~~(3) The Financial Services Commission may adopt rules as
1095 necessary to implement and enforce this part.~~

1096 Section 82. Section 561.41, Florida Statutes, is amended to
1097 read:

1098 561.41 Maintenance and designation of principal office by
1099 manufacturers, distributors, importers, and exporters.—Each
1100 licensed manufacturer, distributor, and importer and each
1101 registered exporter must have within this state an office
1102 designated as its principal office within this state and may

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1103 maintain branch offices within or without this state. The
1104 principal and branch offices of each manufacturer, distributor,
1105 and importer within this state must, during regular defined
1106 business hours, be kept open for the inspection of authorized
1107 employees of the division. Each registered exporter must provide
1108 access to authorized employees of the division to all business
1109 premises, inventories, and records, including all records of
1110 transporters, warehouses, and exporters required by the Federal
1111 Government, for the purpose of conducting semiannual audits and
1112 inventories. ~~The division may adopt rules to carry out the~~
1113 ~~purposes of this section.~~

1114 Section 83. Section 563.04, Florida Statutes, is repealed.

1115 Section 84. Section 564.04, Florida Statutes, is repealed.

1116 Section 85. Subsection (4) of section 578.26, Florida
1117 Statutes, is amended to read:

1118 578.26 Complaint, investigation, hearings, findings, and
1119 recommendation prerequisite to legal action.—

1120 (4) The department shall provide administrative support for
1121 the seed investigation and conciliation council ~~and shall adopt~~
1122 ~~rules to govern investigations and hearings. A copy of the rules~~
1123 ~~shall be mailed to each party, upon receipt of a complaint by~~
1124 ~~the department.~~

1125 Section 86. Subsection (2) of section 582.055, Florida
1126 Statutes, is amended to read:

1127 582.055 Powers and duties of the Department of Agriculture
1128 and Consumer Services; ~~rules.—~~

1129 ~~(2) The department is authorized to adopt rules to~~
1130 ~~implement, make specific, and interpret the provisions of this~~
1131 ~~chapter.~~

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1132 Section 87. Section 601.74, Florida Statutes, is amended to
1133 read:

1134 601.74 ~~Adoption of rules;~~ Fees for licensing and analysis
1135 of processing materials.—The Department of Agriculture may ~~adopt~~
1136 ~~rules and~~ set fees with respect to the licensing and analysis of
1137 materials and composition used on or in the packing of citrus
1138 fruits. ~~Such rules may include fees for permitting dyes and~~
1139 ~~coloring matter.~~ Fees shall be not less than \$30 nor more than
1140 \$100 for each manufacturer applying to the Department of
1141 Agriculture. All such license fees collected under this section
1142 shall be paid monthly by the Department of Agriculture into the
1143 State Treasury to the credit of the General Inspection Trust
1144 Fund and shall be appropriated and made available for defraying
1145 the expenses incurred in the administration of this law.

1146 Section 88. Section 601.75, Florida Statutes, is repealed.

1147 Section 89. Section 601.76, Florida Statutes, is amended to
1148 read:

1149 601.76 Manufacturer to furnish formula and other
1150 information.—~~The Department of Agriculture may adopt rules with~~
1151 ~~respect to requirements for information that must be furnished~~
1152 ~~by manufacturers of coloring matter for use on citrus fruit.~~
1153 ~~Such information may include product formulas.~~ Any formula
1154 required to be filed with the Department of Agriculture shall be
1155 deemed a trade secret as defined in s. 812.081, is confidential
1156 and exempt from s. 119.07(1), and shall only be divulged to the
1157 Department of Agriculture or to its duly authorized
1158 representatives or upon orders of a court of competent
1159 jurisdiction when necessary in the enforcement of this law. A
1160 person who receives such a formula from the Department of

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1161 Agriculture under this section shall maintain the
1162 confidentiality of the formula.

1163 Section 90. Section 601.77, Florida Statutes, is repealed.

1164 Section 91. Section 601.78, Florida Statutes, is repealed.

1165 Section 92. Subsection (3) of section 607.193, Florida
1166 Statutes, is amended to read:

1167 607.193 Supplemental corporate fee.—

1168 ~~(3) The Department of State shall adopt rules and prescribe~~
1169 ~~forms necessary to carry out the purposes of this section.~~

1170 Section 93. Section 624.487, Florida Statutes, is amended
1171 to read:

1172 624.487 Enforcement of specified insurance provisions,
1173 ~~adoption of rules.—~~The office may enforce, with respect to group
1174 self-insurance funds established or operated under s. 624.4621,
1175 the provisions of s. 624.316, s. 624.424, s. 625.091, or s.
1176 625.305 as they relate to workers' compensation insurers,
1177 ~~and the commission may adopt rules to implement the enforcement~~
1178 ~~authority granted by this section.~~

1179 Section 94. Subsection (1) of section 627.096, Florida
1180 Statutes, is amended to read:

1181 627.096 Workers' Compensation Rating Bureau.—

1182 (1) There is created within the office a Workers'
1183 Compensation Rating Bureau, which shall make an investigation
1184 and study of all insurers authorized to issue workers'
1185 compensation and employer's liability coverage in this state.
1186 Such bureau shall study the data, statistics, schedules, or
1187 other information as it may deem necessary to assist and advise
1188 the office in its review of filings made by or on behalf of
1189 workers' compensation and employer's liability insurers. ~~The~~

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1190 ~~commission may adopt rules requiring all workers' compensation~~
1191 ~~and employer's liability insurers to submit to the rating bureau~~
1192 ~~any data, statistics, schedules, and other information deemed~~
1193 ~~necessary to the rating bureau's study and advisement.~~

1194 Section 95. Section 627.212, Florida Statutes, is amended
1195 to read:

1196 627.212 Workplace safety program surcharge.—The office
1197 shall approve a rating plan for workers' compensation coverage
1198 insurance that provides for carriers voluntarily to impose a
1199 surcharge of no more than 10 percent on the premium of a
1200 policyholder or fund member if that policyholder or fund member
1201 has been identified by the department as having been required to
1202 implement a safety program and having failed to establish or
1203 maintain, either in whole or in part, a safety program. ~~The~~
1204 ~~department shall adopt rules prescribing the criteria for the~~
1205 ~~employee safety programs.~~

1206 Section 96. Section 627.793, Florida Statutes, is repealed.

1207 Section 97. Subsection (3) of section 627.917, Florida
1208 Statutes, is amended to read:

1209 627.917 Uniform risk classification reporting system for
1210 motor vehicle insurance.—

1211 ~~(3) The commission may adopt rules to require each insurer~~
1212 ~~to report its loss and expense experience by classification, in~~
1213 ~~such detail and as often as may be necessary to aid the office~~
1214 ~~in determining the reasonableness of rates, the validity of loss~~
1215 ~~projections, and the validity of the risk classification system.~~

1216 Section 98. Subsection (8) of section 633.445, Florida
1217 Statutes, is amended to read:

1218 633.445 State Fire Marshal Scholarship Grant Program.—

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1219 ~~(8) The department may adopt rules to implement this~~
1220 ~~section, including rules detailing the eligibility standards and~~
1221 ~~an approval rating system which are based on financial need,~~
1222 ~~need for additional certified firefighters from the applicant's~~
1223 ~~community, and the applicant's employment record.~~

1224 Section 99. Section 634.289, Florida Statutes, is repealed.

1225 Section 100. Subsection (7) of section 641.316, Florida
1226 Statutes, is amended to read:

1227 641.316 Fiscal intermediary services.—

1228 ~~(7) The commission shall adopt rules necessary to~~
1229 ~~administer this section.~~

1230 Section 101. Subsection (6) of section 655.922, Florida
1231 Statutes, is amended to read:

1232 655.922 Banking business by unauthorized persons; use of
1233 name.—

1234 ~~(6) The commission shall adopt rules to administer this~~
1235 ~~section.~~

1236 Section 102. Subsection (6) of section 658.995, Florida
1237 Statutes, is amended to read:

1238 658.995 Credit Card Bank Act.—

1239 ~~(6) The commission may adopt rules implementing the~~
1240 ~~provisions of this section.~~

1241 Section 103. Section 663.319, Florida Statutes, is
1242 repealed.

1243 Section 104. Subsection (12) of section 668.704, Florida
1244 Statutes, is amended to read:

1245 668.704 Remedies.—

1246 ~~(12) The Department of Legal Affairs may adopt rules~~
1247 ~~pursuant to ss. 120.536(1) and 120.54 to implement the~~

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1248 ~~provisions of this part.~~

1249 Section 105. Paragraph (c) of subsection (11) and paragraph
1250 (g) of subsection (13) of section 713.78, Florida Statutes, are
1251 amended to read:

1252 713.78 Liens for recovering, towing, or storing vehicles
1253 and vessels.—

1254 (11)

1255 ~~(c) The Department of Highway Safety and Motor Vehicles may~~
1256 ~~adopt such rules as it deems necessary or proper for the~~
1257 ~~administration of this subsection.~~

1258 (13)

1259 ~~(g) The Department of Highway Safety and Motor Vehicles may~~
1260 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to implement~~
1261 ~~this subsection.~~

1262 Section 106. Paragraph (c) of subsection (7) and paragraph
1263 (f) of subsection (8) of section 713.785, Florida Statutes, are
1264 amended to read:

1265 713.785 Liens for recovering, towing, or storing mobile
1266 homes.—

1267 (7)

1268 ~~(c) The Department of Highway Safety and Motor Vehicles may~~
1269 ~~adopt rules to administer this subsection.~~

1270 (8)

1271 ~~(f) The Department of Highway Safety and Motor Vehicles may~~
1272 ~~adopt rules to administer this subsection.~~

1273 Section 107. Subsection (4) of section 744.7021, Florida
1274 Statutes, is amended to read:

1275 744.7021 Statewide Public Guardianship Office.—There is
1276 hereby created the Statewide Public Guardianship Office within

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1277 the Department of Elderly Affairs.

1278 ~~(4) The Department of Elderly Affairs has authority to~~
1279 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out~~
1280 ~~the provisions of this section.~~

1281 Section 108. Subsection (7) of section 744.713, Florida
1282 Statutes, is amended to read:

1283 744.713 Program administration; duties of the Statewide
1284 Public Guardianship Office.—The Statewide Public Guardianship
1285 Office shall administer the grant program. The office shall:

1286 ~~(7) Adopt rules as necessary to administer the grant~~
1287 ~~program and this act.~~

1288 Section 109. Section 766.304, Florida Statutes, is amended
1289 to read:

1290 766.304 Administrative law judge to determine claims.—The
1291 administrative law judge shall hear and determine all claims
1292 filed pursuant to ss. 766.301-766.316 and shall exercise the
1293 full power and authority granted to her or him in chapter 120,
1294 as necessary, to carry out the purposes of such sections. The
1295 administrative law judge has exclusive jurisdiction to determine
1296 whether a claim filed under this act is compensable. No civil
1297 action may be brought until the determinations under s. 766.309
1298 have been made by the administrative law judge. If the
1299 administrative law judge determines that the claimant is
1300 entitled to compensation from the association, or if the
1301 claimant accepts an award issued under s. 766.31, no civil
1302 action may be brought or continued in violation of the
1303 exclusiveness of remedy provisions of s. 766.303. If it is
1304 determined that a claim filed under this act is not compensable,
1305 neither the doctrine of collateral estoppel nor res judicata

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1306 shall prohibit the claimant from pursuing any and all civil
1307 remedies available under common law and statutory law. The
1308 findings of fact and conclusions of law of the administrative
1309 law judge shall not be admissible in any subsequent proceeding;
1310 however, the sworn testimony of any person and the exhibits
1311 introduced into evidence in the administrative case are
1312 admissible as impeachment in any subsequent civil action only
1313 against a party to the administrative proceeding, subject to the
1314 Rules of Evidence. An award may not be made or paid under ss.
1315 766.301-766.316 if the claimant recovers under a settlement or a
1316 final judgment is entered in a civil action. ~~The division may~~
1317 ~~adopt rules to promote the efficient administration of, and to~~
1318 ~~minimize the cost associated with, the prosecution of claims.~~

1319 Section 110. Subsection (10) of section 865.09, Florida
1320 Statutes, is amended to read:

1321 865.09 Fictitious name registration.—

1322 (10) POWERS OF DEPARTMENT.—The Department of State is
1323 granted the power reasonably necessary to enable it to
1324 administer this section efficiently, to perform the duties
1325 herein imposed upon it, ~~and to adopt reasonable rules necessary~~
1326 ~~to carry out its duties and functions under this section.~~

1327 Section 111. Subsection (3) of section 943.0543, Florida
1328 Statutes, is amended to read:

1329 943.0543 National Crime Prevention and Privacy Compact;
1330 ratification and implementation.—

1331 (3) The executive director of the department, or the
1332 director's designee, is the state's compact officer and shall
1333 administer the compact within the state. The department may
1334 ~~adopt rules and~~ establish procedures for the cooperative

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1335 exchange of criminal history records between the state and
1336 Federal Government for use in noncriminal justice cases.

1337 Section 112. Subsection (6) of section 943.0544, Florida
1338 Statutes, is amended to read:

1339 943.0544 Criminal justice information network and
1340 information management.—

1341 ~~(6) The department may adopt rules to administer this~~
1342 ~~section.~~ Except as otherwise specified in this section, this
1343 section does not alter or limit the powers and duties of the
1344 department established under this chapter.

1345 Section 113. Subsection (8) of section 944.095, Florida
1346 Statutes, is amended to read:

1347 944.095 Siting of additional correctional facilities;
1348 procedure.—

1349 ~~(8) The Governor and Cabinet may adopt rules of procedure~~
1350 ~~to govern these proceedings in accordance with the provisions of~~
1351 ~~s. 120.54.~~

1352 Section 114. Subsection (2) of section 945.73, Florida
1353 Statutes, is amended to read:

1354 945.73 Inmate training program operation.—

1355 ~~(2) The department shall adopt rules establishing criteria~~
1356 ~~for placement in the training program and providing the~~
1357 ~~requirements for successful completion of the program. Only~~
1358 inmates eligible for control release pursuant to s. 947.146
1359 shall be permitted to participate in the training program. ~~The~~
1360 ~~rules shall further define the structured disciplinary program~~
1361 ~~and allow for restrictions on general inmate population~~
1362 ~~privileges.~~

1363 Section 115. Subsection (5) of section 946.525, Florida

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1364 Statutes, is amended to read:

1365 946.525 Participation by the corporation in the state group
1366 health insurance and prescription drug programs.—

1367 ~~(5) The Department of Management Services may adopt rules
1368 necessary to administer this section.~~

1369 Section 116. Subsection (1) of section 949.08, Florida
1370 Statutes, is amended to read:

1371 949.08 Department of Corrections may expend funds to enact
1372 ~~rules and regulations~~ relating to compacts; limitation on
1373 assessments.—

1374 (1) The Department of Corrections may ~~adopt rules and~~
1375 expend funds as necessary to carry out the terms, conditions,
1376 and intents of a compact entered into by the state pursuant to
1377 s. 949.07.

1378 Section 117. Section 984.05, Florida Statutes, is repealed.

1379 Section 118. Subsections (6) and (7) of section 985.66,
1380 Florida Statutes, are amended to read:

1381 985.66 Juvenile justice training academies; staff
1382 development and training; Juvenile Justice Training Trust Fund.—

1383 (6) SCHOLARSHIPS AND STIPENDS.—

1384 ~~(a) By rule,~~ The department shall establish criteria to
1385 award scholarships or stipends to qualified juvenile justice
1386 personnel who are residents of the state who want to pursue a
1387 bachelor's or associate in arts degree in juvenile justice or a
1388 related field. The department shall handle the administration of
1389 the scholarship or stipend. The Department of Education shall
1390 handle the notes issued for the payment of the scholarships or
1391 stipends. All scholarship and stipend awards shall be paid from
1392 the Juvenile Justice Training Trust Fund upon vouchers approved

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1393 by the Department of Education and properly certified by the
1394 Chief Financial Officer. Prior to the award of a scholarship or
1395 stipend, the juvenile justice employee must agree in writing to
1396 practice her or his profession in juvenile justice or a related
1397 field for 1 month for each month of grant or to repay the full
1398 amount of the scholarship or stipend together with interest at
1399 the rate of 5 percent per annum over a period not to exceed 10
1400 years. Repayment shall be made payable to the state for deposit
1401 into the Juvenile Justice Training Trust Fund.

1402 ~~(b) The department may establish the scholarship program by~~
1403 ~~rule.~~

1404 ~~(7) ADOPTION OF RULES. The department shall adopt rules as~~
1405 ~~necessary to carry out the provisions of this section.~~

1406 Section 119. Subsections (4) and (5) of section 1011.48,
1407 Florida Statutes, are amended to read:

1408 1011.48 Establishment of educational research centers for
1409 child development.—

1410 ~~(4) The Board of Governors may adopt rules for the~~
1411 ~~establishment, operation, and supervision of educational~~
1412 ~~research centers for child development. Such rules shall~~
1413 ~~include, but need not be limited to: a defined method of~~
1414 ~~establishment of and participation in the operation of centers~~
1415 ~~by the appropriate student government associations; guidelines~~
1416 ~~for the establishment of an intern program in each center; and~~
1417 ~~guidelines for the receipt and monitoring of funds from grants~~
1418 ~~and other sources of funds consistent with existing laws.~~

1419 ~~(5) Each educational research center for child development~~
1420 ~~shall be funded by a portion of the Capital Improvement Trust~~
1421 ~~Fund fee established by the Board of Governors pursuant to s.~~

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1422 1009.24(8). Each university that establishes a center shall
1423 receive a portion of such fees collected from the students
1424 enrolled at that university, usable only at that university,
1425 equal to 22.5 cents per student per credit hour taken per term,
1426 based on the summer term and fall and spring semesters. This
1427 allocation shall be used by the university only for the
1428 establishment and operation of a center as provided by this
1429 section ~~and rules adopted hereunder~~. Said allocation may be made
1430 only after all bond obligations required to be paid from such
1431 fees have been met.

1432 Section 120. Subsection (7) of section 1011.51, Florida
1433 Statutes, is amended to read:

1434 1011.51 Independent postsecondary endowment grants.—

1435 ~~(7) The State Board of Education shall adopt rules
1436 necessary to implement this section.~~

1437 Section 121. Subsection (1) of section 1011.765, Florida
1438 Statutes, is amended to read:

1439 1011.765 Florida Academic Improvement Trust Fund matching
1440 grants.—

1441 (1) MATCHING GRANTS.—The Florida Academic Improvement Trust
1442 Fund shall be utilized to provide matching grants to the Florida
1443 School for the Deaf and the Blind Endowment Fund and to any
1444 public school district education foundation that meets the
1445 requirements of this section and is recognized by the local
1446 school district as its designated K-12 education foundation.

1447 ~~(a) The State Board of Education shall adopt rules for the
1448 administration, submission, documentation, evaluation, and
1449 approval of requests for matching funds and for maintaining
1450 accountability for matching funds.~~

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1451 ~~(b)~~ Donations, state matching funds, or proceeds from
1452 endowments established pursuant to this section shall be used at
1453 the discretion of the public school district education
1454 foundation or the Florida School for the Deaf and the Blind for
1455 academic achievement within the school district or school, and
1456 shall not be expended for the construction of facilities or for
1457 the support of interscholastic athletics. No public school
1458 district education foundation or the Florida School for the Deaf
1459 and the Blind shall accept or purchase facilities for which the
1460 state will be asked for operating funds unless the Legislature
1461 has granted prior approval for such acquisition.

1462 Section 122. Paragraph (a) of subsection (7) of section
1463 1012.467, Florida Statutes, is amended to read:

1464 1012.467 Noninstructional contractors who are permitted
1465 access to school grounds when students are present; background
1466 screening requirements.—

1467 (7) (a) The Department of Law Enforcement shall implement a
1468 system that allows for the results of a criminal history check
1469 provided to a school district to be shared with other school
1470 districts through a secure Internet website or other secure
1471 electronic means. ~~The Department of Law Enforcement may adopt~~
1472 ~~rules under ss. 120.536(1) and 120.54 to implement this~~
1473 ~~paragraph.~~ School districts must accept reciprocity of level 2
1474 screenings for Florida High School Athletic Association
1475 officials.

1476 Section 123. Subsection (2) of section 1012.965, Florida
1477 Statutes, is amended to read:

1478 1012.965 Payment of costs of civil action against
1479 employees.—

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1480 (2) All faculty physicians employed by a university board
1481 of trustees who are subject to the requirements of s. 456.013
1482 shall complete their risk management continuing education on
1483 issues specific to academic medicine. Such continuing education
1484 shall include instruction for the supervision of resident
1485 physicians as required by the Accreditation Council for Graduate
1486 Medical Education. ~~The boards described in s. 456.013 shall~~
1487 ~~adopt rules to implement the provisions of this subsection.~~

1488 Section 124. Paragraph (z) of subsection (8) of section
1489 213.053, Florida Statutes, is amended to read:

1490 213.053 Confidentiality and information sharing.—

1491 (8) Notwithstanding any other provision of this section,
1492 the department may provide:

1493 (z) Information relative to s. 215.61(5) ~~215.61(6)~~ to the
1494 State Board of Education, the Division of Bond Finance, and the
1495 Office of Economic and Demographic Research.

1496
1497 Disclosure of information under this subsection shall be
1498 pursuant to a written agreement between the executive director
1499 and the agency. Such agencies, governmental or nongovernmental,
1500 shall be bound by the same requirements of confidentiality as
1501 the Department of Revenue. Breach of confidentiality is a
1502 misdemeanor of the first degree, punishable as provided by s.
1503 775.082 or s. 775.083.

1504 Section 125. Paragraph (b) of subsection (3) of section
1505 400.518, Florida Statutes, is amended to read:

1506 400.518 Prohibited referrals to home health agencies.—

1507 (3)

1508 (b) A physician who violates this section is subject to

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1509 disciplinary action by the appropriate board under s. 458.331(2)
1510 or s. 459.015(2). A hospital or ambulatory surgical center that
1511 violates this section is subject to ~~the rules adopted by the~~
1512 ~~agency under~~ s. 395.0185(2).

1513 Section 126. Paragraph (b) of subsection (3) of section
1514 556.116, Florida Statutes, is amended to read:

1515 556.116 High-priority subsurface installations; special
1516 procedures.—

1517 (3)

1518 (b) Upon receipt of an allegation that an incident has
1519 occurred, the system shall transmit an incident report to the
1520 division and contract with the division so that the division may
1521 conduct a hearing to determine whether an incident has occurred,
1522 and, if so, whether a violation of s. 556.107(1)(a) was a
1523 proximate cause of the incident. The contract for services to be
1524 performed by the division must include provisions for the system
1525 to reimburse the division for any costs incurred by the division
1526 for court reporters, transcript preparation, travel, facility
1527 rental, and other customary hearing costs, in the manner set
1528 forth in s. 120.65(9) ~~120.65(11)~~.

1529 Section 127. Paragraph (b) of subsection (5) of section
1530 564.06, Florida Statutes, is amended to read:

1531 564.06 Excise taxes on wines and beverages.—

1532 (5)

1533 (b) All products however derived, distilled, mixed, or
1534 fermented and which contain less than 6 percent alcohol by
1535 volume which are taxed under this chapter shall be available for
1536 purchase and sale as provided in ss. 563.02 and, 564.02, ~~and~~
1537 ~~564.04~~ by any licensee holding a valid license to sell alcoholic

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1538 beverages for consumption either on or off premises, and nothing
1539 contained in chapter 562, chapter 563, chapter 565, or this
1540 chapter shall be construed to prevent such sales.

1541 Section 128. Section 601.80, Florida Statutes, is amended
1542 to read:

1543 601.80 Unlawful to use uncertified coloring matter.—It is
1544 unlawful for any person to use on oranges or citrus hybrids any
1545 coloring matter which has not first received the approval of the
1546 Department of Agriculture as provided ~~by rule adopted~~ under s.
1547 601.76.

1548 Reviser's note.—Amends or repeals provisions of the Florida
1549 Statutes pursuant to the directive of the Legislature in s.
1550 9, ch. 2012-116, Laws of Florida, to prepare a reviser's
1551 bill to omit all statutes and laws, or parts thereof, which
1552 grant duplicative, redundant, or unused rulemaking
1553 authority.

1554 Section 129. This act shall take effect on the 60th day
1555 after adjournment sine die of the session of the Legislature in
1556 which enacted.