

2014934er

1
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 17.20, 20.60, 27.5112, 27.7081, 28.22205,
4 39.701, 104.0616, 106.011, 106.0703, 110.131, 112.19,
5 112.191, 112.1915, 112.3215, 112.324, 117.05, 120.74,
6 120.81, 122.01, 122.22, 122.28, 163.3187, 163.3246,
7 196.075, 206.414, 206.606, 215.618, 215.89, 243.52,
8 253.034, 253.66, 255.60, 259.037, 259.105, 265.601,
9 265.603, 285.18, 287.064, 287.135, 288.001, 288.11621,
10 288.7015, 288.9918, 290.00726, 290.00727, 290.00728,
11 290.00729, 290.00731, 290.0074, 316.305, 318.14,
12 318.1451, 319.21, 319.30, 322.12, 322.143, 322.21,
13 322.292, 326.004, 334.065, 339.135, 366.04, 366.11,
14 366.80, 366.81, 366.82, 366.83, 366.94, 373.036,
15 373.0363, 373.4145, 373.4592, 373.59, 375.313,
16 376.011, 376.3078, 379.333, 379.3511, 381.911,
17 382.009, 383.16, 383.17, 383.18, 383.19, 391.025,
18 394.9084, 400.471, 400.960, 401.27, 403.061, 403.804,
19 403.9338, 409.1451, 409.907, 409.9082, 409.981,
20 411.203, 420.5087, 420.622, 429.14, 430.207, 443.091,
21 443.1216, 443.131, 443.141, 445.007, 455.2274,
22 456.001, 456.056, 458.3115, 464.0196, 475.617,
23 497.005, 499.001, 499.0121, 509.302, 513.1115, 553.79,
24 553.80, 562.45, 565.03, 570.964, 590.02, 605.0109,
25 605.04092, 605.0711, 605.0714, 605.0904, 605.0905,
26 605.0907, 605.0912, 605.1006, 605.1033, 605.1041,
27 605.1103, 610.108, 610.119, 617.0601, 620.8503,
28 624.91, 627.351, 627.3518, 627.642, 627.6515,
29 627.6562, 627.657, 627.6686, 633.102, 633.216,

2014934er

30 633.316, 633.408, 634.283, 641.31098, 658.27, 658.995,
31 713.78, 871.015, 893.055, 893.1495, 943.0585, 943.059,
32 945.091, 951.23, 1002.20, 1002.34, 1002.41, 1002.45,
33 1002.83, 1002.84, 1002.89, 1003.49, 1003.52, 1006.15,
34 1006.282, 1006.73, 1008.44, 1011.61, 1011.80, and
35 1013.12, F.S.; reenacting ss. 323.002 and 718.301,
36 F.S.; reenacting and amending s. 1009.22, F.S.; and
37 repealing ss. 408.914, 408.915, 408.916, and 420.151,
38 F.S.; deleting provisions that have expired, have
39 become obsolete, have had their effect, have served
40 their purpose, or have been impliedly repealed or
41 superseded; replacing incorrect cross-references and
42 citations; correcting grammatical, typographical, and
43 like errors; removing inconsistencies, redundancies,
44 and unnecessary repetition in the statutes; improving
45 the clarity of the statutes and facilitating their
46 correct interpretation; and confirming the restoration
47 of provisions unintentionally omitted from
48 republication in the acts of the Legislature during
49 the amendatory process; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraph (i) of subsection (7) of section
54 11.45, Florida Statutes, is amended to read:

55 11.45 Definitions; duties; authorities; reports; rules.—

56 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

57 (i) ~~Beginning in 2012,~~ The Auditor General shall annually
58 transmit by July 15, to the President of the Senate, the Speaker

2014934er

59 of the House of Representatives, and the Department of Financial
60 Services, a list of all school districts, charter schools,
61 charter technical career centers, Florida College System
62 institutions, state universities, and water management districts
63 that have failed to comply with the transparency requirements as
64 identified in the audit reports reviewed pursuant to paragraph
65 (b) and those conducted pursuant to subsection (2).

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

67 Section 2. Subsections (4) and (5) of section 17.20,
68 Florida Statutes, are amended to read:

69 17.20 Assignment of claims for collection.—

70 (4) ~~Beginning October 1, 2010, and~~ Each October 1
71 ~~thereafter~~, each agency shall submit a report to the President
72 of the Senate, the Speaker of the House of Representatives, and
73 the Chief Financial Officer which includes:

74 (a) A detailed list and total of all accounts that were
75 referred for collection and the status of such accounts,
76 including the date referred, any amounts collected, and the
77 total that remains uncollected.

78 (b) A list and total of all delinquent accounts that were
79 not referred to a collection agency, the reasons for not
80 referring those accounts, and the actions taken by the agency to
81 collect.

82 (c) A list of all accounts or claims, including a
83 description and the total amount of each account or claim, which
84 were written off or waived by the agency for any reason during
85 the prior fiscal year, the reason for being written off, and
86 whether any of those accounts continue to be pursued by a
87 collection agent.

2014934er

88 (5) ~~Beginning December 1, 2010, and~~ Each December 1
89 ~~thereafter,~~ the Chief Financial Officer shall provide to the
90 Governor, the President of the Senate, and the Speaker of the
91 House of Representatives a report that details the following
92 information for any contracted collection agent:

93 (a) The amount of claims referred for collection by each
94 agency, cumulatively and annually.

95 (b) The number of accounts by age and amount.

96 (c) A listing of those agencies that failed to report known
97 claims to the Chief Financial Officer in a timely manner as
98 prescribed in subsection (3).

99 (d) The total amount of claims collected, cumulatively and
100 annually.

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

102 Section 3. Paragraph (c) of subsection (5) of section
103 20.60, Florida Statutes, is amended to read:

104 20.60 Department of Economic Opportunity; creation; powers
105 and duties.—

106 (5) The divisions within the department have specific
107 responsibilities to achieve the duties, responsibilities, and
108 goals of the department. Specifically:

109 (c) The Division of Workforce Services shall:

110 1. Prepare and submit a unified budget request for
111 workforce development in accordance with chapter 216 for, and in
112 conjunction with, Workforce Florida, Inc., and its board.

113 2. Ensure that the state appropriately administers federal
114 and state workforce funding by administering plans and policies
115 of Workforce Florida, Inc., under contract with Workforce
116 Florida, Inc. The operating budget and midyear amendments

2014934er

117 thereto must be part of such contract.

118 a. All program and fiscal instructions to regional
119 workforce boards shall emanate from the Department of Economic
120 Opportunity pursuant to plans and policies of Workforce Florida,
121 Inc., which shall be responsible for all policy directions to
122 the regional workforce boards.

123 b. Unless otherwise provided by agreement with Workforce
124 Florida, Inc., administrative and personnel policies of the
125 Department of Economic Opportunity shall apply.

126 3. Implement the state's reemployment assistance program.
127 The Department of Economic Opportunity shall ensure that the
128 state appropriately administers the reemployment assistance
129 program pursuant to state and federal law.

130 4. Assist in developing the 5-year statewide strategic plan
131 required by this section.

132 Reviser's note.—The word "development" was inserted to conform
133 to the language which was derived from s. 20.50(2)(b),
134 Florida Statutes 2010, in the 2011 reorganization bill.

135 Section 4. Subsection (3) of section 27.5112, Florida
136 Statutes, is amended to read:

137 27.5112 Electronic filing and receipt of court documents.—

138 ~~(3) The Florida Public Defender Association shall file a~~
139 ~~report with the President of the Senate and the Speaker of the~~
140 ~~House of Representatives by March 1, 2012, describing the~~
141 ~~progress that each office of the public defender has made to use~~
142 ~~the Florida Courts E-Portal or, if the case type is not approved~~
143 ~~for the Florida Courts E-Portal, separate clerks' offices~~
144 ~~portals for purposes of electronic filing and documenting~~
145 ~~receipt of court documents. For any office of the public~~

2014934er

146 ~~defender that has not fully implemented an electronic filing and~~
147 ~~receipt system by March 1, 2012, the report must also include a~~
148 ~~description of the additional activities that are needed to~~
149 ~~complete the system for that office and the projected time~~
150 ~~necessary to complete the additional activities.~~

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

152 Section 5. Paragraph (e) of subsection (6) of section
153 27.7081, Florida Statutes, is amended to read:

154 27.7081 Capital postconviction public records production.—

155 (6) ACTION UPON RECEIPT OF NOTICE OF MANDATE.—

156 (e) Within 90 days after receipt of written notification of
157 the mandate from the Attorney General, each additional person or
158 agency identified pursuant to paragraph (5) (b) or paragraph
159 (5) (c) shall copy, index, and deliver to the records repository
160 all public records which were produced during the prosecution of
161 the case. The person or agency shall bear the costs. The person
162 or agency shall provide written notification to the Attorney
163 General of compliance with this paragraph ~~subdivision~~ and shall
164 certify, to the best of the person or agency's knowledge and
165 belief, all such public records in the possession of the person
166 or agency have been copied, indexed, and delivered to the
167 records repository.

168 Reviser's note.—Amended to confirm the editorial substitution of
169 the word "paragraph" for the word "subdivision" to improve
170 clarity.

171 Section 6. Section 28.22205, Florida Statutes, is amended
172 to read:

173 28.22205 Electronic filing process.—Each clerk of court
174 shall implement an electronic filing process. The purpose of the

2014934er

175 electronic filing process is to reduce judicial costs in the
176 office of the clerk and the judiciary, increase timeliness in
177 the processing of cases, and provide the judiciary with case-
178 related information to allow for improved judicial case
179 management. The Legislature requests that, no later than July 1,
180 2009, the Supreme Court set statewide standards for electronic
181 filing to be used by the clerks of court to implement electronic
182 filing. The standards should specify the required information
183 for the duties of the clerks of court and the judiciary for case
184 management. The clerks of court shall begin implementation no
185 later than October 1, 2009. ~~The Florida Clerks of Court~~
186 ~~Operations Corporation shall report to the President of the~~
187 ~~Senate and the Speaker of the House of Representatives by March~~
188 ~~1, 2010, on the status of implementing electronic filing. The~~
189 ~~report shall include the detailed status of each clerk office's~~
190 ~~implementation of an electronic filing process, and for those~~
191 ~~clerks who have not fully implemented electronic filing by March~~
192 ~~1, 2010, a description of the additional steps needed and a~~
193 ~~projected timeline for full implementation.~~ Revenues provided to
194 counties and the clerk of court under s. 28.24(12)(e) for
195 information technology may also be used to implement electronic
196 filing processes.

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

198 Section 7. Paragraph (c) of subsection (3) of section
199 39.701, Florida Statutes, is amended to read:

200 39.701 Judicial review.—

201 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

202 (c) If the court finds at the judicial review hearing that
203 the department has not met ~~with~~ its obligations to the child as

2014934er

204 stated in the written case plan or in the provision of
205 independent living services, the court may issue an order
206 directing the department to show cause as to why it has not done
207 so. If the department cannot justify its noncompliance, the
208 court may give the department 30 days within which to comply. If
209 the department fails to comply within 30 days, the court may
210 hold the department in contempt.

211 Reviser's note.—Amended to confirm the editorial deletion of the
212 word "with."

213 Section 8. Subsection (2) of section 104.0616, Florida
214 Statutes, is amended to read:

215 104.0616 Absentee ballots and voting; violations.—

216 (2) Any person who provides or offers to provide, and any
217 person who accepts, a pecuniary or other benefit in exchange for
218 distributing, ordering, requesting, collecting, delivering, or
219 otherwise physically possessing more than two absentee ballots
220 per election in addition to his or her own ballot or a ballot
221 belonging to an immediate family member, except as provided in
222 ss. 101.6105-101.694 ~~101.6105-101.695~~, commits a misdemeanor of
223 the first degree, punishable as provided in s. 775.082, s.
224 775.083, or s. 775.084.

225 Reviser's note.—Amended to conform to the transfer of s. 101.695
226 to s. 97.065 by s. 42, ch. 65-380, Laws of Florida, and the
227 further transfer of s. 97.065 to s. 101.665 by s. 17, ch.
228 94-224, Laws of Florida.

229 Section 9. Subsection (15) of section 106.011, Florida
230 Statutes, is amended to read:

231 106.011 Definitions.—As used in this chapter, the following
232 terms have the following meanings unless the context clearly

2014934er

233 indicates otherwise:

234 (15) "Political advertisement" means a paid expression in a
235 communications medium ~~media~~ prescribed in subsection (4),
236 whether radio, television, newspaper, magazine, periodical,
237 campaign literature, direct mail, or display or by means other
238 than the spoken word in direct conversation, which expressly
239 advocates the election or defeat of a candidate or the approval
240 or rejection of an issue. However, political advertisement does
241 not include:

242 (a) A statement by an organization, in existence before the
243 time during which a candidate qualifies or an issue is placed on
244 the ballot for that election, in support of or opposition to a
245 candidate or issue, in that organization's newsletter, which
246 newsletter is distributed only to the members of that
247 organization.

248 (b) Editorial endorsements by a newspaper, a radio or
249 television station, or any other recognized news medium.
250 Reviser's note.—Amended to confirm the editorial substitution of
251 the word "medium" for the word "media" to conform to
252 context.

253 Section 10. Paragraph (a) of subsection (2) of section
254 106.0703, Florida Statutes, is amended to read:

255 106.0703 Electioneering communications organizations;
256 reporting requirements; certification and filing; penalties.—

257 (2) (a) Except as provided in s. 106.0705, the reports
258 required of an electioneering communications organization shall
259 be filed with the filing officer not later than 5 p.m. of the
260 day designated. However, any report postmarked by the United
261 States Postal Service no later than midnight of the day

2014934er

262 designated is deemed to have been filed in a timely manner. Any
263 report received by the filing officer within 5 days after the
264 designated due date that was delivered by the United States
265 Postal Service is ~~be~~ deemed timely filed unless it has a
266 postmark that indicates that the report was mailed after the
267 designated due date. A certificate of mailing obtained from and
268 dated by the United States Postal Service at the time of
269 mailing, or a receipt from an established courier company, which
270 bears a date on or before the date on which the report is due,
271 suffices as proof of mailing in a timely manner. Reports other
272 than daily reports must contain information on all previously
273 unreported contributions received and expenditures made as of
274 the preceding Friday, except that the report filed on the Friday
275 immediately preceding the election must contain information on
276 all previously unreported contributions received and
277 expenditures made as of the day preceding the designated due
278 date; daily reports must contain information on all previously
279 unreported contributions received as of the preceding day. All
280 such reports are open to public inspection.

281 Reviser's note.—Amended to confirm the editorial deletion of the
282 word "be."

283 Section 11. Subsection (4) of section 110.131, Florida
284 Statutes, is amended to read:

285 110.131 Other-personal-services employment.—

286 (4) ~~Beginning August 15, 2012, and~~ Each August 15
287 ~~thereafter~~, each agency employing an individual in other-
288 personal-services employment shall submit a report to the
289 Executive Office of the Governor and to the chairs of the
290 legislative appropriations committees containing the following

2014934er

291 information for the previous fiscal year ending June 30, ~~2012,~~
292 and each June 30 thereafter:

293 (a) The total number of individuals serving in other-
294 personal-services employment.

295 (b) The type of employment, average pay, and total number
296 of hours worked for each individual serving in other-personal-
297 services employment.

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

299 Section 12. Subsection (3) of section 112.19, Florida
300 Statutes, as amended by section 1 of chapter 2002-191, Laws of
301 Florida, as amended by section 14 of chapter 2004-357, Laws of
302 Florida, as reenacted by section 5 of chapter 2005-100, Laws of
303 Florida, is amended to read:

304 112.19 Law enforcement, correctional, and correctional
305 probation officers; death benefits.—

306 (3) If a law enforcement, correctional, or correctional
307 probation officer is accidentally killed as specified in
308 paragraph (2) (b) on or after June 22, 1990, or unlawfully and
309 intentionally killed as specified in paragraph (2) (c) on or
310 after July 1, 1980, the state shall waive certain educational
311 expenses that the child or spouse of the deceased officer incurs
312 while obtaining a career certificate, an undergraduate
313 education, or a postgraduate education. The amount waived by the
314 state shall be an amount equal to the cost of tuition and
315 matriculation and registration fees for a total of 120 credit
316 hours. The child or spouse may attend a state career center, a
317 Florida College System institution ~~state community college~~, or a
318 state university. The child or spouse may attend any or all of
319 the institutions specified in this subsection, on either a full-

2014934er

320 time or part-time basis. The benefits provided to a child under
321 this subsection shall continue until the child's 25th birthday.
322 The benefits provided to a spouse under this subsection must
323 commence within 5 years after the death occurs, and entitlement
324 thereto shall continue until the 10th anniversary of that death.

325 (a) Upon failure of any child or spouse benefited by the
326 provisions of this subsection to comply with the ordinary and
327 minimum requirements of the institution attended, both as to
328 discipline and scholarship, the benefits shall be withdrawn as
329 to the child or spouse and no further moneys may be expended for
330 the child's or spouse's benefits so long as such failure or
331 delinquency continues.

332 (b) Only a student in good standing in his or her
333 respective institution may receive the benefits thereof.

334 (c) A child or spouse receiving benefits under this
335 subsection must be enrolled according to the customary rules and
336 requirements of the institution attended.

337 Reviser's note.—Amended to conform a reference to a state
338 community college to changes in chs. 2008-52 and 2009-228,
339 Laws of Florida, transitioning references from community
340 colleges to Florida College System institutions.

341 Section 13. Subsection (3) of section 112.19, Florida
342 Statutes, as amended by section 1 of chapter 2002-232, Laws of
343 Florida, as amended by section 9 of chapter 2003-1, Laws of
344 Florida, as amended by section 15 of chapter 2004-357, Laws of
345 Florida, as reenacted by section 6 of chapter 2005-100, Laws of
346 Florida, is amended to read:

347 112.19 Law enforcement, correctional, and correctional
348 probation officers; death benefits.—

2014934er

349 (3) If a law enforcement, correctional, or correctional
350 probation officer is accidentally killed as specified in
351 paragraph (2)(b) on or after June 22, 1990, or unlawfully and
352 intentionally killed as specified in paragraph (2)(c) on or
353 after July 1, 1980, the state shall waive certain educational
354 expenses that children of the deceased officer incur while
355 obtaining a career certificate, an undergraduate education, or a
356 graduate or postbaccalaureate professional degree. The amount
357 waived by the state shall be an amount equal to the cost of
358 tuition, matriculation, and other statutorily authorized fees
359 for a total of 120 credit hours for a career certificate or an
360 undergraduate education. For a child pursuing a graduate or
361 postbaccalaureate professional degree, the amount waived shall
362 equal the cost of matriculation and other statutorily authorized
363 fees incurred while the child continues to fulfill the
364 professional requirements associated with the graduate or
365 postbaccalaureate professional degree program, and eligibility
366 continues until the child's 29th birthday. The child may attend
367 a state career center, a Florida College System institution
368 ~~state community college~~, or a state university. The child may
369 attend any or all of the institutions specified in this
370 subsection, on either a full-time or part-time basis. For a
371 child pursuing a career certificate or an undergraduate
372 education, the benefits provided under this subsection shall
373 continue to the child until the child's 25th birthday. To be
374 eligible for the benefits provided under this subsection for
375 enrollment in a graduate or postbaccalaureate professional
376 degree program, the child must be a state resident, as defined
377 in s. 1009.21, at the time of enrollment.

2014934er

378 (a) Upon failure of any child benefited by the provisions
379 of this section to comply with the ordinary and minimum
380 requirements of the institution attended, both as to discipline
381 and scholarship, the benefits shall be withdrawn as to the child
382 and no further moneys may be expended for the child's benefits
383 so long as such failure or delinquency continues.

384 (b) Only a student in good standing in his or her
385 respective institution may receive the benefits thereof.

386 (c) A child receiving benefits under this section must be
387 enrolled according to the customary rules and requirements of
388 the institution attended.

389 Reviser's note.—Amended to conform a reference to a state
390 community college to changes in chs. 2008-52 and 2009-228,
391 Laws of Florida, transitioning references from community
392 colleges to Florida College System institutions.

393 Section 14. Subsection (3) of section 112.191, Florida
394 Statutes, as amended by section 2 of chapter 2002-191, Laws of
395 Florida, as amended by section 16 of chapter 2004-357, Laws of
396 Florida, is amended to read:

397 112.191 Firefighters; death benefits.—

398 (3) If a firefighter is accidentally killed as specified in
399 paragraph (2)(b) on or after June 22, 1990, or unlawfully and
400 intentionally killed as specified in paragraph (2)(c), on or
401 after July 1, 1980, the state shall waive certain educational
402 expenses that the child or spouse of the deceased firefighter
403 incurs while obtaining a career certificate, an undergraduate
404 education, or a postgraduate education. The amount waived by the
405 state shall be an amount equal to the cost of tuition and
406 matriculation and registration fees for a total of 120 credit

2014934er

407 hours. The child or spouse may attend a state career center, a
408 Florida College System institution ~~state community college~~, or a
409 state university. The child or spouse may attend any or all of
410 the institutions specified in this subsection, on either a full-
411 time or part-time basis. The benefits provided to a child under
412 this subsection shall continue until the child's 25th birthday.
413 The benefits provided to a spouse under this subsection must
414 commence within 5 years after the death occurs, and entitlement
415 thereto shall continue until the 10th anniversary of that death.

416 (a) Upon failure of any child or spouse benefited by the
417 provisions of this subsection to comply with the ordinary and
418 minimum requirements of the institution attended, both as to
419 discipline and scholarship, the benefits thereof shall be
420 withdrawn as to the child or spouse and no further moneys
421 expended for the child's or spouse's benefits so long as such
422 failure or delinquency continues.

423 (b) Only students in good standing in their respective
424 institutions shall receive the benefits thereof.

425 (c) A child or spouse receiving benefits under this
426 subsection must be enrolled according to the customary rules and
427 requirements of the institution attended.

428 Reviser's note.—Amended to conform a reference to a state
429 community college to changes in chs. 2008-52 and 2009-228,
430 Laws of Florida, transitioning references from community
431 colleges to Florida College System institutions.

432 Section 15. Subsection (3) of section 112.191, Florida
433 Statutes, as amended by section 2 of chapter 2002-232, Laws of
434 Florida, as amended by section 10 of chapter 2003-1, Laws of
435 Florida, as amended by section 17 of chapter 2004-357, Laws of

2014934er

436 Florida, is amended to read:

437 112.191 Firefighters; death benefits.—

438 (3) If a firefighter is accidentally killed as specified in
439 paragraph (2) (b) on or after June 22, 1990, or unlawfully and
440 intentionally killed as specified in paragraph (2) (c), on or
441 after July 1, 1980, the state shall waive certain educational
442 expenses that children of the deceased firefighter incur while
443 obtaining a career certificate, an undergraduate education, or a
444 graduate or postbaccalaureate professional degree. The amount
445 waived by the state shall be an amount equal to the cost of
446 tuition, matriculation, and other statutorily authorized fees
447 for a total of 120 credit hours for a career certificate or an
448 undergraduate education. For a child pursuing a graduate or
449 postbaccalaureate professional degree, the amount waived shall
450 equal the cost of matriculation and other statutorily authorized
451 fees incurred while the child continues to fulfill the
452 professional requirements associated with the graduate or
453 postbaccalaureate professional degree program, and eligibility
454 continues until the child's 29th birthday. The child may attend
455 a state career center, a Florida College System institution
456 ~~state community college~~, or a state university. The child may
457 attend any or all of the institutions specified in this
458 subsection, on either a full-time or part-time basis. For a
459 child pursuing a career certificate or an undergraduate
460 education, the benefits provided under this subsection shall
461 continue to such a child until the child's 25th birthday. To be
462 eligible for the benefits provided under this subsection for
463 enrollment in a graduate or postbaccalaureate professional
464 degree program, the child must be a state resident, as defined

2014934er

465 in s. 1009.21, at the time of enrollment.

466 (a) Upon failure of any child benefited by the provisions
467 of this section to comply with the ordinary and minimum
468 requirements of the institution attended, both as to discipline
469 and scholarship, the benefits thereof shall be withdrawn as to
470 the child and no further moneys expended for the child's
471 benefits so long as such failure or delinquency continues.

472 (b) Only students in good standing in their respective
473 institutions shall receive the benefits thereof.

474 (c) All children receiving benefits under this section
475 shall be enrolled according to the customary rules and
476 requirements of the institution attended.

477 Reviser's note.—Amended to conform a reference to a state
478 community college to changes in chs. 2008-52 and 2009-228,
479 Laws of Florida, transitioning references from community
480 colleges to Florida College System institutions.

481 Section 16. Paragraph (d) of subsection (3) of section
482 112.1915, Florida Statutes, is amended to read:

483 112.1915 Teachers and school administrators; death
484 benefits.—Any other provision of law to the contrary
485 notwithstanding:

486 (3) If a teacher or school administrator dies under the
487 conditions in subsection (2), benefits shall be provided as
488 follows:

489 (d) Waiver of certain educational expenses which children
490 of the deceased teacher or school administrator incur while
491 obtaining a career certificate or an undergraduate education
492 shall be according to conditions set forth in this paragraph.

493 The amount waived by the state shall be an amount equal to the

2014934er

494 cost of tuition and matriculation and registration fees for a
495 total of 120 credit hours at a university. The child may attend
496 a state career center, a Florida College System institution
497 ~~state community college~~, or a state university. The child may
498 attend any or all of the institutions specified in this
499 paragraph, on either a full-time or part-time basis. The
500 benefits provided under this paragraph shall continue to the
501 child until the child's 25th birthday.

502 1. Upon failure of any child benefited by the provisions of
503 this paragraph to comply with the ordinary and minimum
504 requirements of the institution attended, both as to discipline
505 and scholarship, the benefits shall be withdrawn as to the child
506 and no further moneys may be expended for the child's benefits
507 so long as such failure or delinquency continues.

508 2. A student who becomes eligible for benefits under the
509 provisions of this paragraph while enrolled in an institution
510 must be in good standing with the institution to receive the
511 benefits provided herein.

512 3. A child receiving benefits under this paragraph must be
513 enrolled according to the customary rules and requirements of
514 the institution attended.

515 Reviser's note.—Amended to conform a reference to a state
516 community college to changes in chs. 2008-52 and 2009-228,
517 Laws of Florida, transitioning references from community
518 colleges to Florida College System institutions.

519 Section 17. Subsection (10) of section 112.3215, Florida
520 Statutes, is amended to read:

521 112.3215 Lobbying before the executive branch or the
522 Constitution Revision Commission; registration and reporting;

2014934er

523 investigation by commission.—

524 (10) If the Governor and Cabinet find that a violation
525 occurred, the Governor and Cabinet ~~it~~ may reprimand the
526 violator, censure the violator, or prohibit the violator from
527 lobbying all agencies for a period not to exceed 2 years. If the
528 violator is a lobbying firm, lobbyist, or principal, the
529 Governor and Cabinet may also assess a fine of not more than
530 \$5,000 to be deposited in the Executive Branch Lobby
531 Registration Trust Fund.

532 Reviser's note.—Amended to confirm the editorial substitution of
533 the words "the Governor and Cabinet" for the word "it" to
534 improve clarity.

535 Section 18. Paragraph (a) of subsection (1) of section
536 112.324, Florida Statutes, is amended to read:

537 112.324 Procedures on complaints of violations and
538 referrals; public records and meeting exemptions.—

539 (1) The commission shall investigate an alleged violation
540 of this part or other alleged breach of the public trust within
541 the jurisdiction of the commission as provided in s. 8(f), Art.
542 II of the State Constitution:

543 (a) Upon a written complaint executed on a form prescribed
544 by the commission and signed under oath or ~~of~~ affirmation by any
545 person; or

546
547 Within 5 days after receipt of a complaint by the commission or
548 a determination by at least six members of the commission that
549 the referral received is deemed sufficient, a copy shall be
550 transmitted to the alleged violator.

551 Reviser's note.—Amended to confirm the editorial substitution of

2014934er

552 the word "or" for the word "of" to conform to context.

553 Section 19. Paragraph (b) of subsection (3) of section
554 117.05, Florida Statutes, is amended to read:

555 117.05 Use of notary commission; unlawful use; notary fee;
556 seal; duties; employer liability; name change; advertising;
557 photocopies; penalties.—

558 (3)

559 ~~(b) Any notary public whose term of appointment extends~~
560 ~~beyond January 1, 1992, is required to use a rubber stamp type~~
561 ~~notary public seal on paper documents only upon reappointment on~~
562 ~~or after January 1, 1992.~~

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

564 Section 20. Subsections (2), (3), and (4) of section
565 120.74, Florida Statutes, are amended to read:

566 120.74 Agency review, revision, and report.—

567 (2) ~~Beginning October 1, 1997, and~~ By October 1 of every
568 other year ~~thereafter~~, the head of each agency shall file a
569 report with the President of the Senate, the Speaker of the
570 House of Representatives, and the committee, with a copy to each
571 appropriate standing committee of the Legislature, which
572 certifies that the agency has complied with the requirements of
573 this section. The report must specify any changes made to its
574 rules as a result of the review and, when appropriate, recommend
575 statutory changes that will promote efficiency, reduce
576 paperwork, or decrease costs to government and the private
577 sector. The report must specifically address the economic impact
578 of the rules on small business. The report must identify the
579 types of cases or disputes in which the agency is involved which
580 should be conducted under the summary hearing process described

2014934er

581 in s. 120.574.

582 (3) ~~Beginning in 2012,~~ and No later than July 1 of each
583 year, each agency shall file with the President of the Senate,
584 the Speaker of the House of Representatives, and the committee a
585 regulatory plan identifying and describing each rule the agency
586 proposes to adopt for the 12-month period beginning on the July
587 1 reporting date and ending on the subsequent June 30, excluding
588 emergency rules.

589 (4) ~~For the year 2011, the certification required in~~
590 ~~subsection (2) may omit any information included in the reports~~
591 ~~provided under s. 120.745.~~ Reporting under subsections (1) and
592 (2) shall be suspended for the year 2013, but required reporting
593 under those subsections shall resume in 2015 and biennially
594 thereafter.

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

596 Section 21. Paragraph (c) of subsection (1) of section
597 120.81, Florida Statutes, is amended to read:

598 120.81 Exceptions and special requirements; general areas.—

599 (1) EDUCATIONAL UNITS.—

600 (c) Notwithstanding s. 120.52(16), any tests, test scoring
601 criteria, or testing procedures relating to student assessment
602 which are developed or administered by the Department of
603 Education pursuant to s. 1003.428, ~~s. 1003.429,~~ s. 1003.438, s.
604 1008.22, or s. 1008.25, or any other statewide educational tests
605 required by law, are not rules.

606 Reviser's note.—Amended to conform to the repeal of s. 1003.429
607 by s. 20, ch. 2013-27, Laws of Florida.

608 Section 22. Paragraph (a) of subsection (4) of section
609 122.01, Florida Statutes, is amended to read:

2014934er

610 122.01 State and County Officers and Employees' Retirement
611 System; consolidation; divisions.—

612 (4) (a) The State and County Officers and Employees'
613 Retirement System shall be deemed to be divided into two
614 divisions to be designated division A and division B.

615 1. Division A of this system shall consist of those members
616 of the system who were employed prior to July 1, 1963, who did
617 not elect to become members of division B; and ss. 122.01-122.12
618 ~~122.01-122.13~~, 122.15, 122.16, 122.18 to 122.20, inclusive and
619 ss. 122.34 to 122.35, inclusive shall control with respect to
620 division A and membership therein.

621 2. Division B of this system, established for the purposes
622 and within the contemplation of s. 218(d)(6) of the federal
623 Social Security Act [42 U.S.C.A. s. 418(d)(6)] for the purpose
624 of affording to the members of said division B the opportunity
625 to obtain federal social security coverage, shall consist of
626 those members of the system who elected to or were required to
627 become members of division B, as hereinafter provided, and ss.
628 122.21-122.24, 122.26 to 122.32 shall control with respect to
629 division B and membership therein.

630 Reviser's note.—Amended to conform to the repeal of s. 122.13 by
631 s. 12, ch. 2004-234, Laws of Florida.

632 Section 23. Section 122.22, Florida Statutes, is amended to
633 read:

634 122.22 Applicable law.—Sections 122.01-122.12 ~~122.01-~~
635 ~~122.13~~, 122.15, 122.16, 122.18 to 122.20, inclusive, in relation
636 to administration of division B and to duties, rights,
637 privileges and benefits of members of this division under this
638 system, shall apply to said division B and membership therein,

2014934er

639 except to the extent that the provisions of ss. 122.21-122.24,
640 122.26 to 122.321, inclusive, may be at variance or in conflict
641 therewith.

642 Reviser's note.—Amended to conform to the repeal of s. 122.13 by
643 s. 12, ch. 2004-234, Laws of Florida.

644 Section 24. Section 122.28, Florida Statutes, is amended to
645 read:

646 122.28 Benefits.—The relevant provisions of ss. 122.01-
647 122.12 ~~122.01-122.13~~, 122.15, 122.16, 122.18 to 122.20,
648 inclusive, fixing or relating to eligibility for retirement,
649 retirement compensation, and other benefits payable to members
650 or for the account of members of this system in relation to
651 members in division A hereof, shall apply with equal force and
652 effect to members of division B, with the following exceptions:

653 (1) For the period of service of the member prior to the
654 effective date of his or her social security coverage hereunder,
655 retirement benefits shall be computed on average final
656 compensation at the rate of 2 percent for each year of service
657 rendered prior to such effective date and as provided in s.
658 122.08. For the period of membership in division B the member's
659 retirement compensation shall be computed on average final
660 compensation at the rate of 1.5 percent for each year of service
661 rendered after the effective date of said social security
662 coverage.

663 (2) Members of division B retiring under the disability
664 provisions of this chapter shall receive not less than 20
665 percent of their average final compensation.

666 (3) For those persons who become members of the retirement
667 system on or after July 1, 1963, the amount of such retirement

2014934er

668 compensation shall not exceed that amount which when added to
669 the member's estimated annual primary insurance amount under
670 social security coverage equals 80 percent of his or her average
671 final compensation. The estimated annual primary insurance
672 amount of the member shall be determined by the administrator on
673 the basis of the social security coverage in effect on the
674 member's retirement date, assuming that payment of such primary
675 insurance amount shall commence at the later of the member's
676 65th birthday or actual age of retirement, and that the member
677 earned his or her average final compensation in each year
678 between the date of retirement and his or her 65th birthday for
679 those members retiring prior to age 65.

680 Reviser's note.—Amended to conform to the repeal of s. 122.13 by
681 s. 12, ch. 2004-234, Laws of Florida.

682 Section 25. Subsection (3) of section 163.3187, Florida
683 Statutes, is amended to read:

684 163.3187 Process for adoption of small-scale comprehensive
685 plan amendment.—

686 (3) If the small scale development amendment involves a
687 site within a rural area of critical economic concern as defined
688 under s. 288.0656(2) (d) for the duration of such designation,
689 the 10-acre limit listed in subsection (1) shall be increased by
690 100 percent to 20 acres. The local government approving the
691 small scale plan amendment shall certify to the state land
692 planning agency ~~Office of Tourism, Trade, and Economic~~
693 ~~Development~~ that the plan amendment furthers the economic
694 objectives set forth in the executive order issued under s.
695 288.0656(7), and the property subject to the plan amendment
696 shall undergo public review to ensure that all concurrency

2014934er

697 requirements and federal, state, and local environmental permit
698 requirements are met.

699 Reviser's note.—Amended to conform to the repeal of s. 14.2015,
700 which created the Office of Tourism, Trade, and Economic
701 Development, by s. 477, ch. 2011-142, Laws of Florida, and
702 the transfer of the duties of that office to the Department
703 of Economic Opportunity by s. 4, ch. 2011-142. Section
704 163.3164, the definitions section for this material,
705 defines "state land planning agency" as the Department of
706 Economic Opportunity.

707 Section 26. Subsection (12) of section 163.3246, Florida
708 Statutes, is amended to read:

709 163.3246 Local government comprehensive planning
710 certification program.—

711 (12) A local government's certification shall be reviewed
712 by the local government and the state land planning agency as
713 part of the evaluation and appraisal process pursuant to s.
714 163.3191. Within 1 year after the deadline for the local
715 government to update its comprehensive plan based on the
716 evaluation and appraisal ~~report~~, the state land planning agency
717 shall renew or revoke the certification. The local government's
718 failure to timely adopt necessary amendments to update its
719 comprehensive plan based on an evaluation and appraisal, which
720 are found to be in compliance by the state land planning agency,
721 shall be cause for revoking the certification agreement. The
722 state land planning agency's decision to renew or revoke shall
723 be considered agency action subject to challenge under s.
724 120.569.

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

2014934er

726 evaluation and report requirement was deleted from s.
727 163.3191 by s. 20, ch. 2011-139, Laws of Florida; s.
728 163.3191 continues to reference evaluation and appraisal.
729 Section 27. Subsection (2) of section 196.075, Florida
730 Statutes, is amended to read:

731 196.075 Additional homestead exemption for persons 65 and
732 older.—

733 (2) In accordance with s. 6(d), Art. VII of the State
734 Constitution, the board of county commissioners of any county or
735 the governing authority of any municipality may adopt an
736 ordinance to allow either or both of the following ~~an~~ additional
737 homestead exemptions:

738 (a) Up to \$50,000 for any person who has the legal or
739 equitable title to real estate and maintains thereon the
740 permanent residence of the owner, who has attained age 65, and
741 whose household income does not exceed \$20,000; or

742 (b) The amount of the assessed value of the property for
743 any person who has the legal or equitable title to real estate
744 with a just value less than \$250,000 and has maintained thereon
745 the permanent residence of the owner for at least 25 years, who
746 has attained age 65, and whose household income does not exceed
747 the income limitation prescribed in paragraph (a), as calculated
748 in subsection (3).

749 Reviser's note.—Amended to confirm the editorial deletion of the
750 word "an."

751 Section 28. Paragraph (b) of subsection (1) of section
752 206.414, Florida Statutes, is amended to read:

753 206.414 Collection of certain taxes; prohibited credits and
754 refunds.—

2014934er

755 (1) Notwithstanding s. 206.41, which requires the
756 collection of taxes due when motor fuel is removed through the
757 terminal loading rack, the taxes imposed by s. 206.41(1)(d),
758 (e), and (f) shall be collected in the following manner:

759 (b) The minimum tax imposed by s. 206.41(1)(d), (e), and
760 (f) shall be collected in the same manner as the taxes imposed
761 under s. 206.41(1)(a), (b), and (c) ~~206.41(a), (b), and (c)~~; at
762 the point of removal through the terminal loading rack; or as
763 provided in paragraph (c). All taxes collected, refunded, or
764 credited shall be distributed based on the current applied
765 period.

766 Reviser's note.—Amended to substitute a reference to s.
767 206.41(1)(a), (b), and (c) for a reference to s. 206.41(a),
768 (b), and (c) to conform to the complete citation of the
769 provisions in s. 206.41 providing for the imposition of
770 specified motor fuel taxes.

771 Section 29. Paragraph (d) of subsection (1) of section
772 206.606, Florida Statutes, is amended to read:

773 206.606 Distribution of certain proceeds.—

774 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
775 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
776 Fund. Such moneys, after deducting the service charges imposed
777 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
778 administrative costs incurred by the department in collecting,
779 administering, enforcing, and distributing the tax, which
780 administrative costs may not exceed 2 percent of collections,
781 shall be distributed monthly to the State Transportation Trust
782 Fund, except that:

783 (d) \$13.4 million in fiscal year 2007-2008 and each fiscal

2014934er

784 year thereafter ~~A portion~~ of the moneys attributable to the sale
785 of motor and diesel fuel at marinas shall be transferred from
786 the Fuel Tax Collection Trust Fund to the Marine Resources
787 Conservation Trust Fund in the Fish and Wildlife Conservation
788 Commission ~~as follows:~~

- 789 ~~1. \$2.5 million in fiscal year 2003-2004;~~
790 ~~2. \$5.0 million in fiscal year 2004-2005;~~
791 ~~3. \$8.5 million in fiscal year 2005-2006;~~
792 ~~4. \$10.9 million in fiscal year 2006-2007; and~~
793 ~~5. \$13.4 million in fiscal year 2007-2008 and each fiscal~~
794 ~~year thereafter.~~

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

796 Section 30. Paragraph (c) of subsection (1) of section
797 215.618, Florida Statutes, is amended to read:

798 215.618 Bonds for acquisition and improvement of land,
799 water areas, and related property interests and resources.—

800 (1)

801 ~~(c) By February 1, 2010, the Legislature shall complete an~~
802 ~~analysis of potential revenue sources for the Florida Forever~~
803 ~~program.~~

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

805 Section 31. Paragraph (a) of subsection (3) of section
806 215.89, Florida Statutes, is amended to read:

807 215.89 Charts of account.—

808 (3) REPORTING STRUCTURE.—

809 ~~(a) Beginning October 1, 2011, the Chief Financial Officer~~
810 ~~shall conduct workshops with state agencies, local governments,~~
811 ~~educational entities, and entities of higher education to gather~~
812 ~~information pertaining to uniform statewide reporting~~

2014934er

813 ~~requirements to be used to develop charts of account by the~~
814 ~~Chief Financial Officer. A draft proposed charts of account~~
815 ~~shall be provided by July 1, 2013, to the state agencies, local~~
816 ~~governments, educational entities, and entities of higher~~
817 ~~education.~~

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

819 Section 32. Subsection (6) of section 243.52, Florida
820 Statutes, is amended to read:

821 243.52 Definitions.—As used in ss. 243.50-243.77, the term:

822 (6) "Institution of higher education" means an independent
823 nonprofit college or university which is located in and
824 chartered by the state; which is accredited by the Commission on
825 Colleges of the Southern Association of Colleges and Schools;
826 which grants baccalaureate degrees; and which is not a state
827 university or Florida College System institution ~~state community~~
828 ~~college.~~

829 Reviser's note.—Amended to conform a reference to a state
830 community college to changes in chs. 2008-52 and 2009-228,
831 Laws of Florida, transitioning references from community
832 colleges to Florida College System institutions.

833 Section 33. Paragraph (a) of subsection (8) and subsections
834 (10) and (13) of section 253.034, Florida Statutes, are amended
835 to read:

836 253.034 State-owned lands; uses.—

837 (8) (a) The Legislature recognizes the value of the state's
838 conservation lands as water recharge areas and air filters ~~and,~~
839 ~~in an effort to better understand the scientific underpinnings~~
840 ~~of carbon sequestration, carbon capture, and greenhouse gas~~
841 ~~mitigation, to inform policymakers and decisionmakers, and to~~

2014934er

842 ~~provide the infrastructure for landowners, the Division of State~~
843 ~~Lands shall contract with an organization experienced and~~
844 ~~specialized in carbon sinks and emission budgets to conduct an~~
845 ~~inventory of all lands that were acquired pursuant to~~
846 ~~Preservation 2000 and Florida Forever and that were titled in~~
847 ~~the name of the Board of Trustees of the Internal Improvement~~
848 ~~Trust Fund. The inventory shall determine the value of carbon~~
849 ~~capture and carbon sequestration. Such inventory shall consider~~
850 ~~potential carbon offset values of changes in land management~~
851 ~~practices, including, but not limited to, replanting of trees,~~
852 ~~routine prescribed burns, and land use conversion. Such an~~
853 ~~inventory shall be completed and presented to the board of~~
854 ~~trustees by July 1, 2009.~~

855 (10) The following additional uses of conservation lands
856 acquired pursuant to the Florida Forever program and other
857 state-funded conservation land purchase programs shall be
858 authorized, upon a finding by the board of trustees, if they
859 meet the criteria specified in paragraphs (a)-(e): water
860 resource development projects, water supply development
861 projects, stormwater management projects, linear facilities, and
862 sustainable agriculture and forestry. Such additional uses are
863 authorized where:

864 (a) Not inconsistent with the management plan for such
865 lands;

866 (b) Compatible with the natural ecosystem and resource
867 values of such lands;

868 (c) The proposed use is appropriately located on such lands
869 and where due consideration is given to the use of other
870 available lands;

2014934er

871 (d) The using entity reasonably compensates the titleholder
872 for such use based upon an appropriate measure of value; and

873 (e) The use is consistent with the public interest.

874

875 A decision by the board of trustees pursuant to this section
876 shall be given a presumption of correctness. Moneys received
877 from the use of state lands pursuant to this section shall be
878 returned to the lead managing entity in accordance with the
879 provisions of s. 259.032(11)(c) ~~259.032(11)(d)~~.

880 ~~(13) By February 1, 2010, the commission shall submit a~~
881 ~~report to the President of the Senate and the Speaker of the~~
882 ~~House of Representatives on the efficacy of using state-owned~~
883 ~~lands to protect, manage, or restore habitat for native or~~
884 ~~imperiled species. This subsection expires July 1, 2014.~~

885 Reviser's note.—Paragraph (8)(a) and subsection (13) are amended
886 to delete obsolete provisions. Subsection (10) is amended
887 to conform to the redesignation of s. 259.032(11)(d) as s.
888 259.032(11)(c) as a result of the repeal of former s.
889 259.032(11)(c) by s. 36, ch. 2013-15, Laws of Florida.
890 Section 34. Subsection (1) of section 253.66, Florida
891 Statutes, is amended to read:

892 253.66 Change in bulkhead lines, Pinellas County.—

893 (1) As soon as a county bulkhead line as provided in s.
894 253.1221 ~~253.122~~ has been fixed by the water and navigation
895 control authority of Pinellas County around the mainland of the
896 county and the offshore islands therein, and the bulkhead line
897 has been formally approved by the Board of Trustees of the
898 Internal Improvement Trust Fund of the state, all in accordance
899 with the provisions of s. 253.1221 ~~253.122~~, no further change in

2014934er

900 said bulkhead line shall be made notwithstanding the provisions
901 of s. 253.1221 ~~253.122~~.

902 Reviser's note.—Amended to confirm the editorial substitution of
903 a reference to s. 253.1221 for a reference to s. 253.122,
904 which was repealed by s. 26, ch. 75-22, Laws of Florida.
905 Section 253.1221 deals with the reestablishment of bulkhead
906 lines that were previously established by s. 253.122.

907 Section 35. Subsection (2) of section 255.60, Florida
908 Statutes, is amended to read:

909 255.60 Special contracts with charitable or not-for-profit
910 organizations.—The state, the governing body of any political
911 subdivision of the state, or a public-private partnership is
912 authorized, but not required, to contract for public service
913 work with a not-for-profit organization or charitable youth
914 organization, notwithstanding competitive sealed bid procedures
915 required under this chapter, chapter 287, or any municipal or
916 county charter, upon compliance with this section.

917 (2) The contract, if approved by authorized agency
918 personnel of the state, ~~or~~ the governing body of a political
919 subdivision, or the public-private partnership, as appropriate,
920 must provide at a minimum that:

921 (a) For youth organizations, labor shall be performed
922 exclusively by at-risk youth and their direct supervisors; and
923 shall not be subject to subcontracting.

924 (b) For the preservation, maintenance, and improvement of
925 park land, the property must be at least 20 acres with
926 contiguous public facilities that are capable of seating at
927 least 5,000 people in a permanent structure.

928 (c) For public education buildings, the building must be at

2014934er

929 least 90,000 square feet.

930 (d) Payment must be production-based.

931 (e) The contract will terminate should the contractor or
932 supplier no longer qualify under subsection (1).

933 (f) The supplier or contractor has instituted a drug-free
934 workplace program substantially in compliance with the
935 provisions of s. 287.087.

936 (g) The contractor or supplier agrees to be subject to
937 review and audit at the discretion of the Auditor General in
938 order to ensure that the contractor or supplier has complied
939 with this section.

940 Reviser's note.—Amended to confirm the editorial deletion of the
941 word "or."

942 Section 36. Paragraph (b) of subsection (3) of section
943 259.037, Florida Statutes, is amended to read:

944 259.037 Land Management Uniform Accounting Council.—

945 (3)

946 (b) Each reporting agency shall also:

947 1. Include a report of the available public use
948 opportunities for each management unit of state land, the total
949 management cost for public access and public use, and the cost
950 associated with each use option.

951 2. List the acres of land requiring minimal management
952 effort, moderate management effort, and significant management
953 effort pursuant to former s. 259.032(11)(c). For each category
954 created in paragraph (a), the reporting agency shall include the
955 amount of funds requested, the amount of funds received, and the
956 amount of funds expended for land management.

957 3. List acres managed and cost of management for each park,

2014934er

958 preserve, forest, reserve, or management area.

959 4. List acres managed, cost of management, and lead manager
960 for each state lands management unit for which secondary
961 management activities were provided.

962 5. Include a report of the estimated calculable financial
963 benefits to the public for the ecosystem services provided by
964 conservation lands, based on the best readily available
965 information or science that provides a standard measurement
966 methodology to be consistently applied by the land managing
967 agencies. Such information may include, but need not be limited
968 to, the value of natural lands for protecting the quality and
969 quantity of drinking water through natural water filtration and
970 recharge, contributions to protecting and improving air quality,
971 benefits to agriculture through increased soil productivity and
972 preservation of biodiversity, and savings to property and lives
973 through flood control.

974 Reviser's note.—Amended to conform to the repeal of s.

975 259.032(11)(c) by s. 36, ch. 2013-15, Laws of Florida.

976 Section 37. Paragraph (a) of subsection (2) of section
977 259.105, Florida Statutes, is amended to read:

978 259.105 The Florida Forever Act.—

979 (2)(a) The Legislature finds and declares that:

980 1. Land acquisition programs have provided tremendous
981 financial resources for purchasing environmentally significant
982 lands to protect those lands from imminent development or
983 alteration, thereby ensuring present and future generations'
984 access to important waterways, open spaces, and recreation and
985 conservation lands.

986 2. The continued alteration and development of Florida's

2014934er

987 natural and rural areas to accommodate the state's growing
988 population have contributed to the degradation of water
989 resources, the fragmentation and destruction of wildlife
990 habitats, the loss of outdoor recreation space, and the
991 diminishment of wetlands, forests, working landscapes, and
992 coastal open space.

993 3. The potential development of Florida's remaining natural
994 areas and escalation of land values require government efforts
995 to restore, bring under public protection, or acquire lands and
996 water areas to preserve the state's essential ecological
997 functions and invaluable quality of life.

998 4. It is essential to protect the state's ecosystems by
999 promoting a more efficient use of land, to ensure opportunities
1000 for viable agricultural activities on working lands, and to
1001 promote vital rural and urban communities that support and
1002 produce development patterns consistent with natural resource
1003 protection.

1004 5. Florida's groundwater, surface waters, and springs are
1005 under tremendous pressure due to population growth and economic
1006 expansion and require special protection and restoration
1007 efforts, including the protection of uplands and springsheds
1008 that provide vital recharge to aquifer systems and are critical
1009 to the protection of water quality and water quantity of the
1010 aquifers and springs. To ensure that sufficient quantities of
1011 water are available to meet the current and future needs of the
1012 natural systems and citizens of the state, and assist in
1013 achieving the planning goals of the department and the water
1014 management districts, water resource development projects on
1015 public lands, where compatible with the resource values of and

2014934er

1016 management objectives for the lands, are appropriate.

1017 6. The needs of urban, suburban, and small communities in
1018 Florida for high-quality outdoor recreational opportunities,
1019 greenways, trails, and open space have not been fully met by
1020 previous acquisition programs. Through such programs as the
1021 Florida Communities Trust and the Florida Recreation Development
1022 Assistance Program, the state shall place additional emphasis on
1023 acquiring, protecting, preserving, and restoring open space,
1024 ecological greenways, and recreation properties within urban,
1025 suburban, and rural areas where pristine natural communities or
1026 water bodies no longer exist because of the proximity of
1027 developed property.

1028 7. Many of Florida's unique ecosystems, such as the Florida
1029 Everglades, are facing ecological collapse due to Florida's
1030 burgeoning population growth and other economic activities. To
1031 preserve these valuable ecosystems for future generations,
1032 essential parcels of land must be acquired to facilitate
1033 ecosystem restoration.

1034 8. Access to public lands to support a broad range of
1035 outdoor recreational opportunities and the development of
1036 necessary infrastructure, where compatible with the resource
1037 values of and management objectives for such lands, promotes an
1038 appreciation for Florida's natural assets and improves the
1039 quality of life.

1040 9. Acquisition of lands, in fee simple, less-than-fee
1041 interest, or other techniques shall be based on a comprehensive
1042 science-based assessment of Florida's natural resources which
1043 targets essential conservation lands by prioritizing all current
1044 and future acquisitions based on a uniform set of data and

2014934er

1045 planned so as to protect the integrity and function of
1046 ecological systems and working landscapes, and provide multiple
1047 benefits, including preservation of fish and wildlife habitat,
1048 recreation space for urban and rural areas, and the restoration
1049 of natural water storage, flow, and recharge.

1050 10. The state has embraced performance-based program
1051 budgeting as a tool to evaluate the achievements of publicly
1052 funded agencies, build in accountability, and reward those
1053 agencies which are able to consistently achieve quantifiable
1054 goals. While previous and existing state environmental programs
1055 have achieved varying degrees of success, few of these programs
1056 can be evaluated as to the extent of their achievements,
1057 primarily because performance measures, standards, outcomes, and
1058 goals were not established at the outset. Therefore, the Florida
1059 Forever program shall be developed and implemented in the
1060 context of measurable state goals and objectives.

1061 11. The state must play a major role in the recovery and
1062 management of its imperiled species through the acquisition,
1063 restoration, enhancement, and management of ecosystems that can
1064 support the major life functions of such species. It is the
1065 intent of the Legislature to support local, state, and federal
1066 programs that result in net benefit to imperiled species habitat
1067 by providing public and private land owners meaningful
1068 incentives for acquiring, restoring, managing, and repopulating
1069 habitats for imperiled species. It is the further intent of the
1070 Legislature that public lands, both existing and to be acquired,
1071 identified by the lead land managing agency, in consultation
1072 with the Florida Fish and Wildlife Conservation Commission for
1073 animals or the Department of Agriculture and Consumer Services

2014934er

1074 for plants, as habitat or potentially restorable habitat for
1075 imperiled species, be restored, enhanced, managed, and
1076 repopulated as habitat for such species to advance the goals and
1077 objectives of imperiled species management consistent with the
1078 purposes for which such lands are acquired without restricting
1079 other uses identified in the management plan. It is also the
1080 intent of the Legislature that of the proceeds distributed
1081 pursuant to subsection (3), additional consideration be given to
1082 acquisitions that achieve a combination of conservation goals,
1083 including the restoration, enhancement, management, or
1084 repopulation of habitat for imperiled species. The Acquisition
1085 and Restoration Council, in addition to the criteria in
1086 subsection (9), shall give weight to projects that include
1087 acquisition, restoration, management, or repopulation of habitat
1088 for imperiled species. The term "imperiled species" as used in
1089 this chapter and chapter 253, means plants and animals that are
1090 federally listed under the Endangered Species Act, or state-
1091 listed by the Fish and Wildlife Conservation Commission or the
1092 Department of Agriculture and Consumer Services.

1093 a. As part of the state's role, all state lands that have
1094 imperiled species habitat shall include as a consideration in
1095 management plan development the restoration, enhancement,
1096 management, and repopulation of such habitats. In addition, the
1097 lead land managing agency of such state lands may use fees
1098 received from public or private entities for projects to offset
1099 adverse impacts to imperiled species or their habitat in order
1100 to restore, enhance, manage, repopulate, or acquire land and to
1101 implement land management plans developed under s. 253.034 or a
1102 land management prospectus developed and implemented under this

2014934er

1103 chapter. Such fees shall be deposited into a foundation or fund
1104 created by each land management agency under s. 379.223, s.
1105 589.012, or s. 259.032(11)(c) ~~259.032(11)(d)~~, to be used solely
1106 to restore, manage, enhance, repopulate, or acquire imperiled
1107 species habitat.

1108 b. Where habitat or potentially restorable habitat for
1109 imperiled species is located on state lands, the Fish and
1110 Wildlife Conservation Commission and the Department of
1111 Agriculture and Consumer Services shall be included on any
1112 advisory group required under chapter 253, and the short-term
1113 and long-term management goals required under chapter 253 must
1114 advance the goals and objectives of imperiled species management
1115 consistent with the purposes for which the land was acquired
1116 without restricting other uses identified in the management
1117 plan.

1118 12. There is a need to change the focus and direction of
1119 the state's major land acquisition programs and to extend
1120 funding and bonding capabilities, so that future generations may
1121 enjoy the natural resources of this state.

1122 Reviser's note.—Amended to conform to the redesignation of s.
1123 259.032(11)(d) as s. 259.032(11)(c) as a result of the
1124 repeal of former s. 259.032(11)(c) by s. 36, ch. 2013-15,
1125 Laws of Florida.

1126 Section 38. Section 265.601, Florida Statutes, is amended
1127 to read:

1128 265.601 Cultural Endowment Program; short title.—Sections
1129 265.601-265.606 ~~265.601-265.607~~ may be cited as the "Cultural
1130 Endowment Program."

1131 Reviser's note.—Amended to conform to the repeal of s. 265.607

2014934er

1132 by s. 141, ch. 2001-266, Laws of Florida.
1133 Section 39. Section 265.603, Florida Statutes, is amended
1134 to read:
1135 265.603 Definitions relating to Cultural Endowment
1136 Program.—The following terms and phrases when used in ss.
1137 265.601-265.606 ~~265.601-265.607~~ shall have the meaning ascribed
1138 to them in this section, except where the context clearly
1139 indicates a different meaning:
1140 (1) "Department" means the Department of State.
1141 (2) "Division" means the Division of Cultural Affairs of
1142 the Department of State.
1143 (3) "Cultural" means the disciplines of dance, music,
1144 theater, visual arts, literature, media arts, interdisciplinary
1145 and multidisciplinary, and programs of museums.
1146 (4) "Secretary" means the Secretary of State.
1147 (5) "Sponsoring organization" means a cultural organization
1148 which:
1149 (a) Is designated as not for profit pursuant to s.
1150 501(c)(3) or (4) of the Internal Revenue Code of 1954;
1151 (b) Is described in, and allowed to receive contributions
1152 pursuant to, the provisions of s. 170 of the Internal Revenue
1153 Code of 1954;
1154 (c) Is a corporation not for profit incorporated pursuant
1155 to chapter 617; and
1156 (d) Is primarily and directly responsible for conducting,
1157 creating, producing, presenting, staging, or sponsoring a
1158 cultural exhibit, performance, or event. This provision includes
1159 museums owned and operated by political subdivisions of the
1160 state, except those constituted pursuant to s. 1004.67.

2014934er

1161 Reviser's note.—Amended to conform to the repeal of s. 265.607
1162 by s. 141, ch. 2001-266, Laws of Florida.

1163 Section 40. Subsection (3) of section 285.18, Florida
1164 Statutes, is amended to read:

1165 285.18 Tribal council as governing body; powers and
1166 duties.—

1167 (3) The law enforcement agencies of the Seminole Tribe of
1168 Florida and the Miccosukee Tribe of Indians of Florida shall
1169 have the authority of "criminal justice agencies" as defined in
1170 s. 943.045(11)(e) ~~945.045(11)(e)~~ and shall have the specific
1171 authority to negotiate agreements with the Department of Law
1172 Enforcement, the United States Department of Justice, and other
1173 federal law enforcement agencies for access to criminal history
1174 records for the purpose of conducting ongoing criminal
1175 investigations and for the following governmental purposes:

1176 (a) Background investigations, which are required for
1177 employment by a tribal education program, tribal Head Start
1178 program, or tribal day care program as may be required by state
1179 or federal law.

1180 (b) Background investigations, which are required for
1181 employment by tribal law enforcement agencies.

1182 (c) Background investigations, which are required for
1183 employment by a tribal government.

1184 (d) Background investigations with respect to all
1185 employees, primary management officials, and all persons having
1186 a financial interest in a class II Indian tribal gaming
1187 enterprise to ensure eligibility as provided in the Indian
1188 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1189

2014934er

1190 With regard to those investigations authorized in paragraphs
1191 (a), (c), and (d), each such individual shall file a complete
1192 set of his or her fingerprints that have been taken by an
1193 authorized law enforcement officer, which set of fingerprints
1194 shall be submitted to the Department of Law Enforcement for
1195 state processing and to the Federal Bureau of Investigation for
1196 federal processing. The cost of processing shall be borne by the
1197 applicant.

1198 Reviser's note.—Amended to correct an apparent typographical
1199 error. Section 945.045 was transferred to s. 946.001 in
1200 1983 and repealed by s. 27, ch. 85-288, Laws of Florida.
1201 Section 14, ch. 2013-116, Laws of Florida, amended s.
1202 943.045, including redesignating subsection (10) as
1203 subsection (11); that subsection defines "criminal justice
1204 agency" and contains paragraphs, including paragraph (e).
1205 Section 37, ch. 2013-116, revised the reference in s.
1206 285.18 from "s. 943.045(10) (e)" to "s. 945.045(11) (e)" in
1207 an attempt to conform the changes in s. 14, ch. 2013-116.
1208 Section 41. Subsection (1) of section 287.064, Florida
1209 Statutes, is amended to read:

1210 287.064 Consolidated financing of deferred-payment
1211 purchases.—

1212 (1) The Division of Bond Finance of the State Board of
1213 Administration and the Chief Financial Officer shall plan and
1214 coordinate deferred-payment purchases made by or on behalf of
1215 the state or its agencies or by or on behalf of state
1216 universities or Florida College System institutions ~~state~~
1217 ~~community colleges~~ participating under this section pursuant to
1218 s. 1001.706(7) or s. 1001.64(26), respectively. The Division of

2014934er

1219 Bond Finance shall negotiate and the Chief Financial Officer
1220 shall execute agreements and contracts to establish master
1221 equipment financing agreements for consolidated financing of
1222 deferred-payment, installment sale, or lease purchases with a
1223 financial institution or a consortium of financial institutions.
1224 As used in this act, the term "deferred-payment" includes
1225 installment sale and lease-purchase.

1226 (a) The period during which equipment may be acquired under
1227 any one master equipment financing agreement shall be limited to
1228 not more than 3 years.

1229 (b) Repayment of the whole or a part of the funds drawn
1230 pursuant to the master equipment financing agreement may
1231 continue beyond the period established pursuant to paragraph
1232 (a).

1233 (c) The interest rate component of any master equipment
1234 financing agreement shall be deemed to comply with the interest
1235 rate limitation imposed in s. 287.063 so long as the interest
1236 rate component of every interagency, state university, or
1237 community college agreement entered into under such master
1238 equipment financing agreement complies with the interest rate
1239 limitation imposed in s. 287.063. Such interest rate limitation
1240 does not apply when the payment obligation under the master
1241 equipment financing agreement is rated by a nationally
1242 recognized rating service in any one of the three highest
1243 classifications, which rating services and classifications are
1244 determined pursuant to rules adopted by the Chief Financial
1245 Officer.

1246 Reviser's note.—Amended to conform a reference to state
1247 community colleges to changes in chs. 2008-52 and 2009-228,

2014934er

1248 Laws of Florida, transitioning references from community
1249 colleges to Florida College System institutions.

1250 Section 42. Subsection (8) of section 287.135, Florida
1251 Statutes, is amended to read:

1252 287.135 Prohibition against contracting with scrutinized
1253 companies.—

1254 ~~(8) The department shall submit to the Attorney General of~~
1255 ~~the United States a written notice:~~

1256 ~~(a) Describing this section within 30 days after July 1,~~
1257 ~~2011.~~

1258 ~~(b) Within 30 days after July 1, 2012, apprising the~~
1259 ~~Attorney General of the United States of the inclusion of~~
1260 ~~companies with business operations in Cuba or Syria within the~~
1261 ~~provisions of this section.~~

1262 Reviser's note.—Amended to delete an obsolete provision.

1263 Section 43. Subsection (2) of section 288.001, Florida
1264 Statutes, is amended to read:

1265 288.001 The Florida Small Business Development Center
1266 Network—

1267 (2) DEFINITIONS.—As used in this section, the term:

1268 (a) "Board of Governors" means ~~is~~ the Board of Governors of
1269 the State University System.

1270 (b) "Host institution" means ~~is~~ the university designated
1271 by the Board of Governors to be the recipient organization in
1272 accordance with 13 C.F.R. s. 130.200.

1273 Reviser's note.—Amended to confirm the editorial substitution of
1274 the word "means" for the word "is" to conform to context.

1275 Section 44. Paragraph (b) of subsection (7) of section
1276 288.11621, Florida Statutes, is amended to read:

2014934er

1277 288.11621 Spring training baseball franchises.—

1278 (7) STRATEGIC PLANNING.—

1279 ~~(b) The department shall submit a copy of the strategic~~
1280 ~~plan to the Governor, the President of the Senate, and the~~
1281 ~~Speaker of the House of Representatives by December 31, 2010.~~

1282 Reviser's note.—Amended to delete an obsolete provision.

1283 Section 45. Subsection (1) of section 288.7015, Florida
1284 Statutes, is amended to read:

1285 288.7015 Appointment of rules ombudsman; duties.—The
1286 Governor shall appoint a rules ombudsman, as defined in s.
1287 288.703, in the Executive Office of the Governor, for
1288 considering the impact of agency rules on the state's citizens
1289 and businesses. In carrying out duties as provided by law, the
1290 ombudsman shall consult with Enterprise Florida, Inc., at which
1291 point the department may recommend to improve the regulatory
1292 environment of this state. The duties of the rules ombudsman are
1293 to:

1294 (1) Carry out the responsibility provided in s.

1295 120.54(3)(b) ~~120.54(2)~~, with respect to small businesses.

1296 Reviser's note.—Amended to correct an apparent error and to

1297 conform to context. Section 120.54(2) relates to rule
1298 development; s. 120.54(3)(b) references responsibility in
1299 relation to small businesses.

1300 Section 46. Subsection (1) of section 288.9918, Florida
1301 Statutes, is amended to read:

1302 288.9918 Annual reporting by a community development
1303 entity.—

1304 (1) A community development entity that has issued a
1305 qualified investment shall submit an annual report to the

2014934er

1306 department by January 31 after the end of each year which
1307 includes a credit allowance date. The report shall include
1308 information on investments made in the preceding calendar year
1309 to include but not be limited to the following:

1310 (a) The identity of the types of industries, identified by
1311 the North American Industry Classification System Code, in which
1312 qualified low-income community investments were made.

1313 (b) The names of the counties in which the qualified active
1314 low-income businesses are located which received qualified low-
1315 income community investments.

1316 (c) The number of jobs created and retained by qualified
1317 active low-income community businesses receiving qualified low-
1318 income community investments, including verification that the
1319 average wages paid meet or exceed 115 percent of the federal
1320 poverty income guidelines for a family of four.

1321 (d) A description of the relationships that the entity has
1322 established with community-based organizations and local
1323 community development offices and organizations and a summary of
1324 the outcomes resulting from those relationships.

1325 (e) Other information and documentation required by the
1326 department to verify continued certification as a qualified
1327 community development entity under 26 U.S.C. s. 45D.

1328 Reviser's note.—Amended to confirm the editorial insertion of
1329 the word "be" to improve clarity.

1330 Section 47. Section 290.00726, Florida Statutes, is amended
1331 to read:

1332 290.00726 Enterprise zone designation for Martin County.—
1333 Martin County may apply to the department for designation of one
1334 enterprise zone for an area within Martin County, which zone

2014934er

1335 shall encompass an area of up to 10 square miles consisting of
1336 land within the primary urban services boundary and focusing on
1337 Indiantown, but excluding property owned by Florida Power and
1338 Light to the west, two areas to the north designated as estate
1339 residential, and the county-owned Timer Powers Recreational
1340 Area. Within the designated enterprise zone, Martin County shall
1341 exempt residential condominiums from benefiting from state
1342 enterprise zone incentives, unless prohibited by law. ~~The~~
1343 ~~application must have been submitted by December 31, 2011, and~~
1344 ~~must comply with the requirements of s. 290.0055.~~

1345 Notwithstanding s. 290.0065 limiting the total number of
1346 enterprise zones designated and the number of enterprise zones
1347 within a population category, the department may designate one
1348 enterprise zone under this section. The department shall
1349 establish the initial effective date of the enterprise zone
1350 designated under this section.

1351 Reviser's note.—Amended to delete an obsolete provision.

1352 Section 48. Section 290.00727, Florida Statutes, is amended
1353 to read:

1354 290.00727 Enterprise zone designation for the City of Palm
1355 Bay.—The City of Palm Bay may apply to the department for
1356 designation of one enterprise zone for an area within the
1357 northeast portion of the city, which zone shall encompass an
1358 area of up to 5 square miles. ~~The application must have been~~
1359 ~~submitted by December 31, 2011, and must comply with the~~
1360 ~~requirements of s. 290.0055.~~ Notwithstanding s. 290.0065
1361 limiting the total number of enterprise zones designated and the
1362 number of enterprise zones within a population category, the
1363 department may designate one enterprise zone under this section.

2014934er

1364 The department shall establish the initial effective date of the
1365 enterprise zone designated under this section.

1366 Reviser's note.—Amended to delete an obsolete provision.

1367 Section 49. Section 290.00728, Florida Statutes, is amended
1368 to read:

1369 290.00728 Enterprise zone designation for Lake County.—Lake
1370 County may apply to the department for designation of one
1371 enterprise zone, which zone shall encompass an area of up to 10
1372 square miles within Lake County. ~~The application must have been~~
1373 ~~submitted by December 31, 2011, and must comply with the~~
1374 ~~requirements of s. 290.0055.~~ Notwithstanding s. 290.0065
1375 limiting the total number of enterprise zones designated and the
1376 number of enterprise zones within a population category, the
1377 department may designate one enterprise zone under this section.
1378 The department shall establish the initial effective date of the
1379 enterprise zone designated under this section.

1380 Reviser's note.—Amended to delete an obsolete provision.

1381 Section 50. Section 290.00729, Florida Statutes, is amended
1382 to read:

1383 290.00729 Enterprise zone designation for Charlotte
1384 County.—Charlotte County may apply to the Department of Economic
1385 Opportunity for designation of one enterprise zone encompassing
1386 an area not to exceed 20 square miles within Charlotte County.
1387 ~~The application must be submitted by December 31, 2012, and must~~
1388 ~~comply with the requirements in s. 290.0055.~~ Notwithstanding s.
1389 290.0065 limiting the total number of enterprise zones
1390 designated and the number of enterprise zones within a
1391 population category, the department may designate one enterprise
1392 zone under this section. The department shall establish the

2014934er

1393 initial effective date of the enterprise zone designated under
1394 this section.

1395 Reviser's note.—Amended to delete an obsolete provision.

1396 Section 51. Section 290.00731, Florida Statutes, is amended
1397 to read:

1398 290.00731 Enterprise zone designation for Citrus County.—
1399 Citrus County may apply to the department for designation of one
1400 enterprise zone for an area within Citrus County. ~~The~~
1401 ~~application must be submitted by December 31, 2012, and must~~
1402 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.
1403 290.0065 limiting the total number of enterprise zones
1404 designated and the number of enterprise zones within a
1405 population category, the department may designate one enterprise
1406 zone under this section. The department shall establish the
1407 initial effective date of the enterprise zone designated under
1408 this section.

1409 Reviser's note.—Amended to delete an obsolete provision.

1410 Section 52. Section 290.0074, Florida Statutes, is amended
1411 to read:

1412 290.0074 Enterprise zone designation for Sumter County.—
1413 Sumter County may apply to the department for designation of one
1414 enterprise zone encompassing an area not to exceed 10 square
1415 miles. ~~The application must be submitted by December 31, 2005.~~
1416 Notwithstanding the provisions of s. 290.0065 limiting the total
1417 number of enterprise zones designated and the number of
1418 enterprise zones within a population category, the department
1419 may designate one enterprise zone under this section. The
1420 department shall establish the initial effective date of the
1421 enterprise zone designated pursuant to this section.

2014934er

1422 Reviser's note.—Amended to delete an obsolete provision.

1423 Section 53. Paragraph (a) of subsection (3) of section
1424 316.305, Florida Statutes, is amended to read:

1425 316.305 Wireless communications devices; prohibition.—

1426 (3) (a) A person may not operate a motor vehicle while
1427 manually typing or entering multiple letters, numbers, symbols,
1428 or other characters into a wireless communications device or
1429 while sending or reading data on ~~in~~ such a device for the
1430 purpose of nonvoice interpersonal communication, including, but
1431 not limited to, communication methods known as texting, e-
1432 mailing, and instant messaging. As used in this section, the
1433 term "wireless communications device" means any handheld device
1434 used or capable of being used in a handheld manner, that is
1435 designed or intended to receive or transmit text or character-
1436 based messages, access or store data, or connect to the Internet
1437 or any communications service as defined in s. 812.15 and that
1438 allows text communications. For the purposes of this paragraph,
1439 a motor vehicle that is stationary is not being operated and is
1440 not subject to the prohibition in this paragraph.

1441 Reviser's note.—Amended to confirm the editorial substitution of
1442 the word "on" for the word "in."

1443 Section 54. Subsection (12) of section 318.14, Florida
1444 Statutes, is amended to read:

1445 318.14 Noncriminal traffic infractions; exception;
1446 procedures.—

1447 (12) Any person cited for a violation of s. 316.1001 may,
1448 in lieu of making an election as set forth in subsection (4) ~~or~~
1449 ~~s. 318.18(7)~~, elect to pay a fine of \$25, or such other amount
1450 as imposed by the governmental entity owning the applicable toll

2014934er

1451 facility, plus the amount of the unpaid toll that is shown on
1452 the traffic citation directly to the governmental entity that
1453 issued the citation, or on whose behalf the citation was issued,
1454 within 30 days after the date of issuance of the citation. Any
1455 person cited for a violation of s. 316.1001 who does not elect
1456 to pay the fine imposed by the governmental entity owning the
1457 applicable toll facility plus the amount of the unpaid toll that
1458 is shown on the traffic citation directly to the governmental
1459 entity that issued the citation, or on whose behalf the citation
1460 was issued, as described in this subsection shall have an
1461 additional 45 days after the date of the issuance of the
1462 citation in which to request a court hearing or to pay the civil
1463 penalty and delinquent fee, if applicable, as provided in s.
1464 318.18(7), either by mail or in person, in accordance with
1465 subsection (4).

1466 Reviser's note.—Amended to conform to the deletion of language
1467 pertaining to making an election from s. 318.18(7) by s.
1468 21, ch. 2007-196, Laws of Florida.

1469 Section 55. Paragraph (h) of subsection (6) of section
1470 318.1451, Florida Statutes, is amended to read:

1471 318.1451 Driver improvement schools.—

1472 (6) The department shall adopt rules establishing and
1473 maintaining policies and procedures to implement the
1474 requirements of this section. These policies and procedures may
1475 include, but shall not be limited to, the following:

1476 (h) *Miscellaneous requirements.*—The department shall
1477 require that all course providers:

1478 1. Disclose all fees associated with courses offered by the
1479 provider and associated driver improvement schools and not

2014934er

1480 charge any fees that are not disclosed during registration.

1481 2. Provide proof of ownership, copyright, or written
1482 permission from the course owner to use the course in this
1483 state.

1484 3. Ensure that any course that is offered in a classroom
1485 setting, by the provider or a school authorized by the provider
1486 to teach the course, is offered ~~the course~~ at locations that are
1487 free from distractions and reasonably accessible to most
1488 applicants.

1489 4. Issue a certificate to persons who successfully complete
1490 the course.

1491 Reviser's note.—Amended to confirm the editorial deletion of the
1492 words "the course" to improve clarity.

1493 Section 56. Paragraph (a) of subsection (3) of section
1494 319.21, Florida Statutes, is amended to read:

1495 319.21 Necessity of manufacturer's statement of origin and
1496 certificate of title.—

1497 (3) Except as provided in s. 320.27(7), no person shall
1498 sell or otherwise dispose of a motor vehicle or mobile home
1499 without delivering to the purchaser or transferee thereof a
1500 certificate of title with such assignment thereon as may be
1501 necessary to show title in the name of the purchaser. No person
1502 shall purchase or otherwise acquire or bring into the state a
1503 motor vehicle or mobile home, except for a surviving spouse as
1504 provided by s. 319.28 or except for temporary use, unless such
1505 person obtains a certificate of title for it in his or her name
1506 in accordance with the provisions of this chapter. However, any
1507 licensed dealer may, in lieu of having a certificate of title
1508 issued in the dealer's name, reassign any existing certificate

2014934er

1509 of title, except as provided in s. 319.225. It shall not be
1510 necessary for any licensed dealer to obtain a certificate of
1511 title on any new motor vehicle or new mobile home which he or
1512 she is selling or which he or she acquires for sale if the
1513 dealer obtains a manufacturer's statement of origin as provided
1514 in subsection (1); however, the dealer shall attach the
1515 manufacturer's statement of origin to the separate application
1516 for initial certificate of title which is made by the purchaser
1517 and certify on the face of such application that the vehicle is
1518 a new motor vehicle or new mobile home and shall also disclose
1519 the name and address of the manufacturer, distributor, or other
1520 person from whom the dealer acquired such motor vehicle or
1521 mobile home. In no event shall a manufacturer's statement of
1522 origin be issued or reissued to any distributor, licensed
1523 dealer, or other person for the purpose of updating any motor
1524 vehicle or mobile home for sale. As used in this subsection, the
1525 term "updating" means:

1526 (a) Modification of the motor vehicle or mobile home in
1527 such a manner that it resembles in appearance the current year's
1528 model ~~as defined in s. 319.14(3);~~

1529 Reviser's note.—Amended to conform to the deletion of the
1530 definition of "current year's model" from s. 319.14(3) by
1531 s. 3, ch. 89-333, Laws of Florida.

1532 Section 57. Paragraph (a) of subsection (7) of section
1533 319.30, Florida Statutes, is amended to read:

1534 319.30 Definitions; dismantling, destruction, change of
1535 identity of motor vehicle or mobile home; salvage.—

1536 (7) (a) In the event of a purchase by a secondary metals
1537 recycler, that has been issued a certificate of registration

2014934er

1538 number, of:

1539 1. Materials, prepared materials, or parts from any seller
1540 for purposes other than the processing of such materials,
1541 prepared materials, or parts, the purchaser shall obtain such
1542 documentation as may be required by this section and shall
1543 record the seller's name and address, date of purchase, and the
1544 personal identification card number of the person delivering
1545 such items.

1546 2. Parts or prepared materials from any seller for purposes
1547 of the processing of such parts or prepared materials, the
1548 purchaser shall record the seller's name and address and date of
1549 purchase and, in the event of a purchase transaction consisting
1550 primarily of parts or prepared materials, the personal
1551 identification card number of the person delivering such items.

1552 3. Materials from another secondary metals recycler for
1553 purposes of the processing of such materials, the purchaser
1554 shall record the seller's name and address and date of purchase.

1555 4.a. Motor vehicles, recreational vehicles, mobile homes,
1556 or derelict motor vehicles from other than a secondary metals
1557 recycler for purposes of the processing of such motor vehicles,
1558 recreational vehicles, mobile homes, or derelict motor vehicles,
1559 the purchaser shall make the required notification to the
1560 National Motor Vehicle Title Information System and record the
1561 date of purchase and the name, address, and personal
1562 identification card number of the person selling such items and
1563 shall obtain the following documentation from the seller with
1564 respect to each item purchased:

1565 (I) A valid certificate of title issued in the name of the
1566 seller or properly endorsed, as required in s. 319.22, over to

2014934er

1567 the seller;

1568 (II) A valid salvage certificate of title issued in the
1569 name of the seller or properly endorsed, as required in s.
1570 319.22, over to the seller;

1571 (III) A valid certificate of destruction issued in the name
1572 of the seller or properly endorsed over to the seller; or

1573 (IV) A valid derelict motor vehicle certificate obtained
1574 from the department by a licensed salvage motor vehicle dealer
1575 and properly reassigned to the secondary metals recycler.

1576 b. If a valid certificate of title, salvage certificate of
1577 title, certificate of destruction, or derelict motor vehicle
1578 certificate is not available and the motor vehicle or mobile
1579 home is a derelict motor vehicle, a derelict motor vehicle
1580 certificate application shall be completed by the seller or
1581 owner of the motor vehicle or mobile home, the seller's or
1582 owner's authorized transporter, and the registered secondary
1583 metals recycler at the time of sale, transport, or delivery to
1584 the registered secondary metals recycler to obtain a derelict
1585 motor vehicle certificate from the department. The derelict
1586 motor vehicle certificate application must be accompanied by a
1587 legible copy of the seller's or owner's valid Florida driver
1588 license or Florida identification card, or a valid driver
1589 license or identification card from another state. If the seller
1590 is not the owner of record of the vehicle being sold, the
1591 recycler shall, at the time of sale, ensure that a smudge-free
1592 right thumbprint, or other digit if the seller has no right
1593 thumb, of the seller is imprinted upon the derelict motor
1594 vehicle certificate application and that the legible copy of the
1595 seller's driver license or identification card is affixed to the

2014934er

1596 application and transmitted to the department. The derelict
1597 motor vehicle certificate shall be used by the owner, the
1598 owner's authorized transporter, and the registered secondary
1599 metals recycler. The registered secondary metals recycler shall
1600 make the required notification of the derelict motor vehicle to
1601 the National Motor Vehicle Title Information System and shall
1602 secure the derelict motor vehicle for 3 full business days,
1603 excluding weekends and holidays, if there is no active lien or a
1604 lien of 3 years or more on the department's records before
1605 destroying or dismantling the derelict motor vehicle and shall
1606 follow all reporting procedures established by the department,
1607 including electronic notification to the department or delivery
1608 of the original derelict motor vehicle certificate application
1609 to an agent of the department within 24 hours after receiving
1610 the derelict motor vehicle. If there is an active lien of less
1611 than 3 years on the derelict motor vehicle, the registered
1612 secondary metals recycler shall secure the derelict motor
1613 vehicle for 10 days. The department shall notify the lienholder
1614 of the application for a derelict motor vehicle certificate and
1615 shall notify the lienholder of its intention to remove the lien.
1616 Ten days after receipt of the motor vehicle derelict
1617 application, the department may remove the lien from its records
1618 if a written statement protesting removal of the lien is not
1619 received by the department from the lienholder within the 10-day
1620 period. However, if the lienholder files with the department and
1621 the registered secondary metals recycler within the 10-day
1622 period a written statement that the lien is still outstanding,
1623 the department shall not remove the lien and shall place an
1624 administrative hold on the record for 30 days to allow the

2014934er

1625 lienholder to apply for title to the vehicle or a repossession
1626 certificate under s. 319.28. The registered secondary metals
1627 recycler must secure the derelict motor vehicle until the
1628 department's administrative stop is removed, the lienholder
1629 submits a lien satisfaction, or the lienholder takes possession
1630 of the vehicle.

1631 c. Any person who knowingly violates this subparagraph by
1632 selling, transporting, delivering, purchasing, or receiving a
1633 motor vehicle, recreational motor vehicle, mobile home, or
1634 derelict motor vehicle without obtaining a certificate of title,
1635 salvage certificate of title, certificate of destruction, or
1636 derelict motor vehicle certificate; enters false or fictitious
1637 information on a derelict motor vehicle certificate application;
1638 does not complete the derelict motor vehicle certificate
1639 application as required or does not make the required
1640 notification to the department; does not make the required
1641 notification to the National Motor Vehicle Title Information
1642 System; does not obtain a legible copy of the seller's or
1643 owner's driver license or identification card when required; or
1644 destroys or dismantles a derelict motor vehicle without waiting
1645 the required time as set forth in sub-subparagraph b. commits a
1646 felony of the third degree, punishable as provided in s.
1647 775.082, s. 775.083, or s. 775.084.

1648 5. Major parts from other than a secondary metals recycler
1649 for purposes of the processing of such major parts, the
1650 purchaser shall record the seller's name, address, date of
1651 purchase, and the personal identification card number of the
1652 person delivering such items, as well as the vehicle
1653 identification number, if available, of each major part

2014934er

1654 purchased.
1655 Reviser's note.—Amended to confirm the editorial insertion of
1656 the words "System and" to conform to context.
1657 Section 58. Subsection (1) and paragraph (b) of subsection
1658 (4) of section 322.12, Florida Statutes, are amended to read:
1659 322.12 Examination of applicants.—
1660 (1) It is the intent of the Legislature that every
1661 applicant for an original driver's license in this state be
1662 required to pass an examination pursuant to this section.
1663 However, the department may waive the knowledge, endorsement,
1664 and skills tests for an applicant who is otherwise qualified and
1665 who surrenders a valid driver's license from another state or a
1666 province of Canada, or a valid driver's license issued by the
1667 United States Armed Forces, if the driver applies for a Florida
1668 license of an equal or lesser classification. Any applicant who
1669 fails to pass the initial knowledge test incurs a \$10 fee for
1670 each subsequent test, to be deposited into the Highway Safety
1671 Operating Trust Fund. Any applicant who fails to pass the
1672 initial skills test incurs a \$20 fee for each subsequent test,
1673 to be deposited into the Highway Safety Operating Trust Fund. A
1674 person who seeks to retain a hazardous-materials endorsement,
1675 pursuant to s. 322.57(1)(e) ~~322.57(1)(d)~~, must pass the
1676 hazardous-materials test, upon surrendering his or her
1677 commercial driver's license, if the person has not taken and
1678 passed the hazardous-materials test within 2 years before
1679 applying for a commercial driver's license in this state.
1680 (4) The examination for an applicant for a commercial
1681 driver's license shall include a test of the applicant's
1682 eyesight given by a driver's license examiner designated by the

2014934er

1683 department or by a licensed ophthalmologist, optometrist, or
1684 physician and a test of the applicant's hearing given by a
1685 driver's license examiner or a licensed physician. The
1686 examination shall also include a test of the applicant's ability
1687 to read and understand highway signs regulating, warning, and
1688 directing traffic; his or her knowledge of the traffic laws of
1689 this state pertaining to the class of motor vehicle which he or
1690 she is applying to be licensed to operate, including laws
1691 regulating driving under the influence of alcohol or controlled
1692 substances, driving with an unlawful blood-alcohol level, and
1693 driving while intoxicated; his or her knowledge of the effects
1694 of alcohol and controlled substances and the dangers of driving
1695 a motor vehicle after having consumed alcohol or controlled
1696 substances; and his or her knowledge of any special skills,
1697 requirements, or precautions necessary for the safe operation of
1698 the class of vehicle which he or she is applying to be licensed
1699 to operate. In addition, the examination shall include an actual
1700 demonstration of the applicant's ability to exercise ordinary
1701 and reasonable control in the safe operation of a motor vehicle
1702 or combination of vehicles of the type covered by the license
1703 classification which the applicant is seeking, including an
1704 examination of the applicant's ability to perform an inspection
1705 of his or her vehicle.

1706 (b) A person who seeks to retain a hazardous-materials
1707 endorsement must, upon renewal, pass the test for such
1708 endorsement as specified in s. 322.57(1)(e) ~~322.57(1)(d)~~, if the
1709 person has not taken and passed the hazardous-materials test
1710 within 2 years preceding his or her application for a commercial
1711 driver's license in this state.

2014934er

1712 Reviser's note.—Amended to conform to the redesignation of s.
1713 322.57(1)(d) as s. 322.57(1)(e) by s. 90, ch. 2005-164,
1714 Laws of Florida.

1715 Section 59. Subsection (9) of section 322.143, Florida
1716 Statutes, is amended to read:

1717 322.143 Use of a driver license or identification card.—

1718 (9) This section does not apply to a financial institution
1719 as defined in s. 655.005(1)(i) ~~655.005(i)~~.

1720 Reviser's note.—Amended to confirm the editorial substitution of
1721 a reference to s. 655.005(1)(i) for a reference to s.
1722 655.005(i) to conform to the complete citation for the
1723 provision in s. 655.005 that defines "financial
1724 institution."

1725 Section 60. Paragraph (h) of subsection (1) of section
1726 322.21, Florida Statutes, is amended to read:

1727 322.21 License fees; procedure for handling and collecting
1728 fees.—

1729 (1) Except as otherwise provided herein, the fee for:

1730 (h) A hazardous-materials endorsement, as required by s.
1731 322.57(1)(e) ~~322.57(1)(d)~~, shall be set by the department by
1732 rule and must reflect the cost of the required criminal history
1733 check, including the cost of the state and federal fingerprint
1734 check, and the cost to the department of providing and issuing
1735 the license. The fee shall not exceed \$100. This fee shall be
1736 deposited in the Highway Safety Operating Trust Fund. The
1737 department may adopt rules to administer this section.

1738 Reviser's note.—Amended to conform to the redesignation of s.
1739 322.57(1)(d) as s. 322.57(1)(e) by s. 90, ch. 2005-164,
1740 Laws of Florida.

2014934er

1741 Section 61. Paragraph (a) of subsection (2) of section
1742 322.292, Florida Statutes, is amended to read:

1743 322.292 DUI programs supervision; powers and duties of the
1744 department.—

1745 (2) The department shall adopt rules to implement its
1746 supervisory authority over DUI programs in accordance with the
1747 procedures of chapter 120, including the establishment of
1748 uniform standards of operation for DUI programs and the method
1749 for setting and approving fees, as follows:

1750 (a) Adopt rules for statutorily required education,
1751 evaluation, and supervision of DUI offenders. ~~Such rules~~
1752 ~~previously adopted by the Traffic Court Review Committee of the~~
1753 ~~Supreme Court of Florida shall remain in effect unless modified~~
1754 ~~by the department.~~

1755 Reviser's note.—Amended to conform to the deletion of this
1756 sentence by s. 9, ch. 99-234, Laws of Florida; s. 322.292
1757 was also amended by s. 294, ch. 99-248, Laws of Florida,
1758 and the word "rules" was substituted for the term "minimum
1759 standards" throughout the section, including in the
1760 sentence repealed by s. 9, ch. 99-234.

1761 Section 62. Subsection (2) of section 323.002, Florida
1762 Statutes, is reenacted to read:

1763 323.002 County and municipal wrecker operator systems;
1764 penalties for operation outside of system.—

1765 (2) In any county or municipality that operates a wrecker
1766 operator system:

1767 (a) It is unlawful for an unauthorized wrecker operator or
1768 its employees or agents to monitor police radio for
1769 communications between patrol field units and the dispatcher in

2014934er

1770 order to determine the location of a wrecked or disabled vehicle
1771 for the purpose of driving by the scene of such vehicle in a
1772 manner described in paragraph (b) or paragraph (c). Any person
1773 who violates this paragraph commits a noncriminal violation,
1774 punishable as provided in s. 775.083.

1775 (b) It is unlawful for an unauthorized wrecker operator to
1776 drive by the scene of a wrecked or disabled vehicle before the
1777 arrival of an authorized wrecker operator, initiate contact with
1778 the owner or operator of such vehicle by soliciting or offering
1779 towing services, and tow such vehicle. Any person who violates
1780 this paragraph commits a misdemeanor of the second degree,
1781 punishable as provided in s. 775.082 or s. 775.083.

1782 (c) When an unauthorized wrecker operator drives by the
1783 scene of a wrecked or disabled vehicle and the owner or operator
1784 initiates contact by signaling the wrecker operator to stop and
1785 provide towing services, the unauthorized wrecker operator must
1786 disclose in writing to the owner or operator of the vehicle his
1787 or her full name and driver license number, that he or she is
1788 not the authorized wrecker operator who has been designated as
1789 part of the wrecker operator system, that the motor vehicle is
1790 not being towed for the owner's or operator's insurance company
1791 or lienholder, whether he or she has in effect an insurance
1792 policy providing at least \$300,000 of liability insurance and at
1793 least \$50,000 of on-hook cargo insurance, and the maximum
1794 charges for towing and storage which will apply before the
1795 vehicle is connected to the towing apparatus. Any person who
1796 violates this paragraph commits a misdemeanor of the second
1797 degree, punishable as provided in s. 775.082 or s. 775.083.

1798 (d) At the scene of a wrecked or disabled vehicle, it is

2014934er

1799 unlawful for a wrecker operator to falsely identify himself or
1800 herself as being part of the wrecker operator system. Any person
1801 who violates this paragraph is guilty of a misdemeanor of the
1802 first degree, punishable as provided in s. 775.082 or s.
1803 775.083.

1804 Reviser's note.—Section 65, ch. 2013-160, Laws of Florida,
1805 purported to amend subsection (2) but did not publish
1806 paragraph (d). Absent affirmative evidence of legislative
1807 intent to repeal it, subsection (2) is reenacted to confirm
1808 that the omission was not intended.

1809 Section 63. Subsection (8) of section 326.004, Florida
1810 Statutes, is amended to read:

1811 326.004 Licensing.—

1812 (8) A person may not be licensed as a broker unless he or
1813 she has been a salesperson for at least 2 consecutive years, and
1814 may not be licensed as a broker ~~after October 1, 1990,~~ unless he
1815 or she has been licensed as a salesperson for at least 2
1816 consecutive years.

1817 Reviser's note.—Amended to delete an obsolete provision.

1818 Section 64. Subsection (3) of section 334.065, Florida
1819 Statutes, is amended to read:

1820 334.065 Center for Urban Transportation Research.—

1821 (3) An advisory board shall be created to periodically and
1822 objectively review and advise the center concerning its research
1823 program. Except for projects mandated by law, state-funded base
1824 projects shall not be undertaken without approval of the
1825 advisory board. The membership of the board shall consist of
1826 nine experts in transportation-related areas, including the
1827 secretaries of the Florida Departments of Transportation~~7~~

2014934er

1828 ~~Community Affairs,~~ and Environmental Protection, the executive
1829 director of the Department of Economic Opportunity, or their
1830 designees, and a member of the Florida Transportation
1831 Commission. The nomination of the remaining members of the board
1832 shall be made to the President of the University of South
1833 Florida by the College of Engineering at the University of South
1834 Florida, and the appointment of these members must be reviewed
1835 and approved by the Florida Transportation Commission and
1836 confirmed by the Board of Governors.

1837 Reviser's note.—Amended to substitute a reference to the
1838 executive director of the Department of Economic
1839 Opportunity for a reference to the secretary of the
1840 Department of Community Affairs. The Department of
1841 Community Affairs was abolished by s. 3, ch. 2011-142, Laws
1842 of Florida, and functions of the department relating to
1843 community planning were transferred to the Department of
1844 Economic Opportunity.

1845 Section 65. Paragraph (f) of subsection (7) of section
1846 339.135, Florida Statutes, is amended to read:

1847 339.135 Work program; legislative budget request;
1848 definitions; preparation, adoption, execution, and amendment.—

1849 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1850 (f) The department may authorize the investment of the
1851 earnings accrued and collected upon the investment of the
1852 minimum balance of funds required to be maintained in the State
1853 Transportation Trust Fund pursuant to paragraph (6) (b) ~~former~~
1854 ~~paragraph (b)~~.

1855 Reviser's note.—Amended to conform to the repeal of paragraph

1856 (7) (b) by s. 5, ch. 2012-6, Laws of Florida. Minimum

2014934er

1857 balances are referenced in paragraph (6) (b) .

1858 Section 66. Paragraph (e) of subsection (7) of section
1859 366.04, Florida Statutes, is amended to read:

1860 366.04 Jurisdiction of commission.—

1861 (7)

1862 ~~(e) If a majority of the affected municipal electric~~
1863 ~~utility's retail electric customers vote in favor of creating a~~
1864 ~~separate electric utility authority, the affected municipal~~
1865 ~~electric utility shall, no later than January 15, 2009, provide~~
1866 ~~to each member of the Legislature whose district includes any~~
1867 ~~portion of the electric service territory of the affected~~
1868 ~~municipal electric utility a proposed charter that transfers~~
1869 ~~operations of its electric, water, and sewer utility businesses~~
1870 ~~to a duly created authority, the governing board of which shall~~
1871 ~~proportionally represent the number of county and city~~
1872 ~~ratepayers of the electric utility.~~

1873 Reviser's note.—Amended to delete a provision that has served
1874 its purpose.

1875 Section 67. Subsection (1) of section 366.11, Florida
1876 Statutes, is amended to read:

1877 366.11 Certain exemptions.—

1878 (1) No provision of this chapter shall apply in any manner,
1879 other than as specified in ss. 366.04, 366.05(7) and (8),
1880 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.83
1881 ~~366.80-366.85~~, and 366.91, to utilities owned and operated by
1882 municipalities, whether within or without any municipality, or
1883 by cooperatives organized and existing under the Rural Electric
1884 Cooperative Law of the state, or to the sale of electricity,
1885 manufactured gas, or natural gas at wholesale by any public

2014934er

1886 utility to, and the purchase by, any municipality or cooperative
1887 under and pursuant to any contracts now in effect or which may
1888 be entered into in the future, when such municipality or
1889 cooperative is engaged in the sale and distribution of
1890 electricity or manufactured or natural gas, or to the rates
1891 provided for in such contracts.

1892 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
1893 s. 14, ch. 95-372, Laws of Florida; the repeal was
1894 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
1895 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
1896 Section 68. Section 366.80, Florida Statutes, is amended to
1897 read:

1898 366.80 Short title.—Sections 366.80-366.83 ~~366.80-366.85~~
1899 and 403.519 shall be known and may be cited as the "Florida
1900 Energy Efficiency and Conservation Act."

1901 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
1902 s. 14, ch. 95-372, Laws of Florida; the repeal was
1903 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
1904 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
1905 Section 69. Section 366.81, Florida Statutes, is amended to
1906 read:

1907 366.81 Legislative findings and intent.—The Legislature
1908 finds and declares that it is critical to utilize the most
1909 efficient and cost-effective demand-side renewable energy
1910 systems and conservation systems in order to protect the health,
1911 prosperity, and general welfare of the state and its citizens.
1912 Reduction in, and control of, the growth rates of electric
1913 consumption and of weather-sensitive peak demand are of
1914 particular importance. The Legislature further finds that the

2014934er

1915 Florida Public Service Commission is the appropriate agency to
1916 adopt goals and approve plans related to the promotion of
1917 demand-side renewable energy systems and the conservation of
1918 electric energy and natural gas usage. The Legislature directs
1919 the commission to develop and adopt overall goals and authorizes
1920 the commission to require each utility to develop plans and
1921 implement programs for increasing energy efficiency and
1922 conservation and demand-side renewable energy systems within its
1923 service area, subject to the approval of the commission. Since
1924 solutions to our energy problems are complex, the Legislature
1925 intends that the use of solar energy, renewable energy sources,
1926 highly efficient systems, cogeneration, and load-control systems
1927 be encouraged. Accordingly, in exercising its jurisdiction, the
1928 commission shall not approve any rate or rate structure which
1929 discriminates against any class of customers on account of the
1930 use of such facilities, systems, or devices. This expression of
1931 legislative intent shall not be construed to preclude
1932 experimental rates, rate structures, or programs. The
1933 Legislature further finds and declares that ss. 366.80-366.83
1934 ~~366.80-366.85~~ and 403.519 are to be liberally construed in order
1935 to meet the complex problems of reducing and controlling the
1936 growth rates of electric consumption and reducing the growth
1937 rates of weather-sensitive peak demand; increasing the overall
1938 efficiency and cost-effectiveness of electricity and natural gas
1939 production and use; encouraging further development of demand-
1940 side renewable energy systems; and conserving expensive
1941 resources, particularly petroleum fuels.
1942 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
1943 s. 14, ch. 95-372, Laws of Florida; the repeal was

2014934er

1944 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
1945 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
1946 Section 70. Subsections (1) and (10) of section 366.82,
1947 Florida Statutes, are amended to read:
1948 366.82 Definition; goals; plans; programs; annual reports;
1949 energy audits.—
1950 (1) For the purposes of ss. 366.80-366.83 ~~366.80-366.85~~ and
1951 403.519:
1952 (a) "Utility" means any person or entity of whatever form
1953 which provides electricity or natural gas at retail to the
1954 public, specifically including municipalities or
1955 instrumentalities thereof and cooperatives organized under the
1956 Rural Electric Cooperative Law and specifically excluding any
1957 municipality or instrumentality thereof, any cooperative
1958 organized under the Rural Electric Cooperative Law, or any other
1959 person or entity providing natural gas at retail to the public
1960 whose annual sales volume is less than 100 million therms or any
1961 municipality or instrumentality thereof and any cooperative
1962 organized under the Rural Electric Cooperative Law providing
1963 electricity at retail to the public whose annual sales as of
1964 July 1, 1993, to end-use customers is less than 2,000 gigawatt
1965 hours.
1966 (b) "Demand-side renewable energy" means a system located
1967 on a customer's premises generating thermal or electric energy
1968 using Florida renewable energy resources and primarily intended
1969 to offset all or part of the customer's electricity requirements
1970 provided such system does not exceed 2 megawatts.
1971 (10) The commission shall require periodic reports from
1972 each utility and shall provide the Legislature and the Governor

2014934er

1973 with an annual report by March 1 of the goals it has adopted and
1974 its progress toward meeting those goals. The commission shall
1975 also consider the performance of each utility pursuant to ss.
1976 366.80-366.83 ~~366.80-366.85~~ and 403.519 when establishing rates
1977 for those utilities over which the commission has ratesetting
1978 authority.

1979 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
1980 s. 14, ch. 95-372, Laws of Florida; the repeal was
1981 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
1982 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
1983 Section 71. Section 366.83, Florida Statutes, is amended to
1984 read:

1985 366.83 Certain laws not applicable; saving clause.—No
1986 utility shall be held liable for the acts or omissions of any
1987 person in implementing or attempting to implement those measures
1988 found cost-effective by, or recommended as a result of, an
1989 energy audit. The findings and recommendations of an energy
1990 audit shall not be construed to be a warranty or guarantee of
1991 any kind, nor shall such findings or recommendations subject the
1992 utility to liability of any kind. Nothing in ss. 366.80-366.83
1993 ~~366.80-366.85~~ and 403.519 shall preempt or affect litigation
1994 pending on June 5, 1980, nor shall ss. 366.80-366.83 ~~366.80-~~
1995 ~~366.86~~ and 403.519 preempt federal law unless such preemption is
1996 expressly authorized by federal statute.

1997 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
1998 s. 14, ch. 95-372, Laws of Florida; the repeal was
1999 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
2000 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida,
2001 and the transfer of s. 366.86 to s. 403.519 in 1980.

2014934er

2002 Section 72. Subsection (4) of section 366.94, Florida
2003 Statutes, is amended to read:

2004 366.94 Electric vehicle charging stations.—

2005 ~~(4) The Public Service Commission is directed to conduct a~~
2006 ~~study of the potential effects of public charging stations and~~
2007 ~~privately owned electric vehicle charging on both energy~~
2008 ~~consumption and the impact on the electric grid in the state.~~
2009 ~~The Public Service Commission shall also investigate the~~
2010 ~~feasibility of using off-grid solar photovoltaic power as a~~
2011 ~~source of electricity for the electric vehicle charging~~
2012 ~~stations. The commission shall submit the results of the study~~
2013 ~~to the President of the Senate, the Speaker of the House of~~
2014 ~~Representatives, and the Executive Office of the Governor by~~
2015 ~~December 31, 2012.~~

2016 Reviser's note.—Amended to delete a provision that has served
2017 its purpose.

2018 Section 73. Paragraph (b) of subsection (2) of section
2019 373.036, Florida Statutes, is amended to read:

2020 373.036 Florida water plan; district water management
2021 plans.—

2022 (2) DISTRICT WATER MANAGEMENT PLANS.—

2023 (b) The district water management plan shall include, but
2024 not be limited to:

2025 1. The scientific methodologies for establishing minimum
2026 flows and levels under s. 373.042, and all established minimum
2027 flows and levels.

2028 2. Identification of one or more water supply planning
2029 regions that singly or together encompass the entire district.

2030 3. Technical data and information prepared under s.

2014934er

2031 373.711.

2032 4. A districtwide water supply assessment, ~~to be completed~~
2033 ~~no later than July 1, 1998,~~ which determines for each water
2034 supply planning region:

2035 a. Existing legal uses, reasonably anticipated future
2036 needs, and existing and reasonably anticipated sources of water
2037 and conservation efforts; and

2038 b. Whether existing and reasonably anticipated sources of
2039 water and conservation efforts are adequate to supply water for
2040 all existing legal uses and reasonably anticipated future needs
2041 and to sustain the water resources and related natural systems.

2042 5. Any completed regional water supply plans.

2043 Reviser's note.—Amended to delete language that has served its
2044 purpose.

2045 Section 74. Subsection (6) of section 373.0363, Florida
2046 Statutes, is amended to read:

2047 373.0363 Southern Water Use Caution Area Recovery
2048 Strategy.—

2049 ~~(6) The district shall submit the West Central Florida~~
2050 ~~Water Restoration Action Plan developed pursuant to subsection~~
2051 ~~(4) to the President of the Senate and the Speaker of the House~~
2052 ~~of Representatives prior to the 2010 regular legislative session~~
2053 ~~for review. If the Legislature takes no action on the plan~~
2054 ~~during the 2010 regular legislative session, the plan shall be~~
2055 ~~deemed approved.~~

2056 Reviser's note.—Amended to delete a provision that has served
2057 its purpose.

2058 Section 75. Subsections (2), (8), and (9) of section
2059 373.4145, Florida Statutes, are amended to read:

2014934er

2060 373.4145 Part IV permitting program within the geographical
2061 jurisdiction of the Northwest Florida Water Management
2062 District.—

2063 ~~(2) The department may implement chapter 40A-4, Florida~~
2064 ~~Administrative Code, in effect prior to July 1, 1994, pursuant~~
2065 ~~to an interagency agreement with the Northwest Florida Water~~
2066 ~~Management District adopted under s. 373.046(4).~~

2067 ~~(8) Within the geographical jurisdiction of the Northwest~~
2068 ~~Florida Water Management District, the methodology for~~
2069 ~~determining the landward extent of surface waters of the state~~
2070 ~~under chapter 403 in effect prior to the effective date of the~~
2071 ~~methodology ratified in s. 373.4211 shall apply to:~~

2072 ~~(a) Activities permitted under the rules adopted pursuant~~
2073 ~~to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes~~
2074 ~~1983, as amended, or that were exempted from regulation under~~
2075 ~~such rules, prior to July 1, 1994, and that were permitted under~~
2076 ~~chapter 62-25, Florida Administrative Code, or exempt from~~
2077 ~~chapter 62-25, Florida Administrative Code, prior to July 1,~~
2078 ~~1994, provided:~~

2079 ~~1. An activity authorized by such permits is conducted in~~
2080 ~~accordance with the plans, terms, and conditions of such~~
2081 ~~permits.~~

2082 ~~2. An activity exempted from the permitting requirements of~~
2083 ~~the rules adopted pursuant to ss. 403.91-403.929, 1984~~
2084 ~~Supplement to the Florida Statutes 1983, as amended, or chapter~~
2085 ~~62-25, Florida Administrative Code, is:~~

2086 ~~a. Commenced prior to July 1, 1994, and completed by July~~
2087 ~~1, 1999;~~

2088 ~~b. Conducted in accordance with a plan depicting the~~

2014934er

2089 ~~activity that has been submitted to and approved for~~
2090 ~~construction by the department, the appropriate local~~
2091 ~~government, the United States Army Corps of Engineers, or the~~
2092 ~~Northwest Florida Water Management District; and~~

2093 ~~e. Conducted in accordance with the terms of the exemption.~~

2094 ~~(b) An activity within the boundaries of a valid~~
2095 ~~jurisdictional declaratory statement issued pursuant to s.~~
2096 ~~403.914, 1984 Supplement to the Florida Statutes 1983, as~~
2097 ~~amended, or the rules adopted thereunder, in response to a~~
2098 ~~petition received prior to June 1, 1994.~~

2099 ~~(c) Any modification of a permitted or exempt activity as~~
2100 ~~described in paragraph (a) that does not constitute a~~
2101 ~~substantial modification or that lessens the environmental~~
2102 ~~impact of such permitted or exempt activity. For the purposes of~~
2103 ~~this section, a substantial modification is one that is~~
2104 ~~reasonably expected to lead to substantially different~~
2105 ~~environmental impacts.~~

2106 ~~(d) Applications for activities permitted under the rules~~
2107 ~~adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the~~
2108 ~~1983 Florida Statutes, as amended, that were pending on June 15,~~
2109 ~~1994, unless the application elects to have applied the~~
2110 ~~delineation methodology ratified in s. 373.4211.~~

2111 ~~(9) Subsections (2) and (8) are repealed on the effective~~
2112 ~~date of the rules adopted under subsection (1).~~

2113 Reviser's note.—Amended to delete repealed provisions; the rules
2114 required to be adopted by s. 373.4145(1) have been adopted,
2115 and the repeal of subsections (2) and (8) by subsection (9)
2116 has taken effect.

2117 Section 76. Paragraph (a) of subsection (3) of section

2014934er

2118 373.4592, Florida Statutes, is amended to read:
2119 373.4592 Everglades improvement and management.—
2120 (3) EVERGLADES LONG-TERM PLAN.—
2121 (a) The Legislature finds that the Everglades Program
2122 required by this section establishes more extensive and
2123 comprehensive requirements for surface water improvement and
2124 management within the Everglades than the SWIM plan requirements
2125 provided in ss. 373.451 and 373.453 ~~373.451-373.456~~. In order to
2126 avoid duplicative requirements, and in order to conserve the
2127 resources available to the district, the SWIM plan requirements
2128 of those sections shall not apply to the Everglades Protection
2129 Area and the EAA during the term of the Everglades Program, and
2130 the district will neither propose, nor take final agency action
2131 on, any Everglades SWIM plan for those areas until the
2132 Everglades Program is fully implemented. Funds under s.
2133 259.101(3)(b) may be used for acquisition of lands necessary to
2134 implement the Everglades Construction Project, to the extent
2135 these funds are identified in the Statement of Principles of
2136 July 1993. The district's actions in implementing the Everglades
2137 Construction Project relating to the responsibilities of the EAA
2138 and C-139 Basin for funding and water quality compliance in the
2139 EAA and the Everglades Protection Area shall be governed by this
2140 section. Other strategies or activities in the March 1992
2141 Everglades SWIM plan may be implemented if otherwise authorized
2142 by law.
2143 Reviser's note.—Amended to conform to the repeal of ss. 373.455
2144 and 373.456 by s. 7, ch. 2003-265, Laws of Florida.
2145 Section 77. Paragraphs (a), (b), and (c) of subsection (8)
2146 of section 373.59, Florida Statutes, are amended to read:

2014934er

2147 373.59 Water Management Lands Trust Fund.—

2148 (8) Moneys from the Water Management Lands Trust Fund shall
2149 be allocated as follows:

2150 (a) ~~Through the 2008-2009 fiscal year, thirty percent to~~
2151 ~~the South Florida Water Management District.~~ Beginning with the
2152 2009-2010 fiscal year, thirty percent shall be used first to pay
2153 debt service on bonds issued before February 1, 2009, by the
2154 South Florida Water Management District which are secured by
2155 revenues provided by this section or to fund debt service
2156 reserve funds, rebate obligations, or other amounts payable with
2157 respect to such bonds, then to transfer \$3,000,000 to the credit
2158 of the General Revenue Fund in each fiscal year, and lastly to
2159 distribute the remainder to the South Florida Water Management
2160 District.

2161 (b) ~~Through the 2008-2009 fiscal year, twenty-five percent~~
2162 ~~to the Southwest Florida Water Management District.~~ Beginning
2163 with the 2009-2010 fiscal year, twenty-five percent shall be
2164 used first to transfer \$2,500,000 to the credit of the General
2165 Revenue Fund in each fiscal year and then to distribute the
2166 remainder to the Southwest Florida Water Management District.

2167 (c) ~~Through the 2008-2009 fiscal year, twenty-five percent~~
2168 ~~to the St. Johns River Water Management District.~~ Beginning with
2169 the 2009-2010 fiscal year, twenty-five percent shall be used
2170 first to pay debt service on bonds issued before February 1,
2171 2009, by the St. Johns River Water Management District which are
2172 secured by revenues provided by this section or to fund debt
2173 service reserve funds, rebate obligations, or other amounts
2174 payable with respect to such bonds, then to transfer \$2,500,000
2175 to the credit of the General Revenue Fund in each fiscal year,

2014934er

2176 and to distribute the remainder to the St. Johns River Water
2177 Management District.

2178 Reviser's note.—Amended to delete obsolete provisions.

2179 Section 78. Subsection (2) of section 375.313, Florida
2180 Statutes, is amended to read:

2181 375.313 Commission powers and duties.—The commission shall:

2182 (2) Adopt and promulgate such reasonable rules as deemed
2183 necessary to administer the provisions of ss. 375.311-375.314
2184 ~~375.311-375.315~~, except that, before any such rules are adopted,
2185 the commission shall obtain the consent and agreement, in
2186 writing, of the owner, in the case of privately owned lands, or
2187 the owner or primary custodian, in the case of publicly owned
2188 lands.

2189 Reviser's note.—Amended to conform to the repeal of s. 375.315
2190 by s. 69, ch. 2002-295, Laws of Florida.

2191 Section 79. Section 376.011, Florida Statutes, is amended
2192 to read:

2193 376.011 Pollutant Discharge Prevention and Control Act;
2194 short title.—Sections 376.011-376.21 ~~376.011-376.165, 376.19-~~
2195 ~~376.21~~ shall be known as the "Pollutant Discharge Prevention and
2196 Control Act."

2197 Reviser's note.—Amended to conform to the repeal of s. 376.17 by
2198 s. 85, ch. 2010-102, Laws of Florida, s. 376.18 by s. 83,
2199 ch. 83-310, Laws of Florida, and s. 376.185 by s. 4, ch.
2200 2000-211, Laws of Florida.

2201 Section 80. Subsections (4) and (10) of section 376.3078,
2202 Florida Statutes, are amended to read:

2203 376.3078 Drycleaning facility restoration; funds; uses;
2204 liability; recovery of expenditures.—

2014934er

2205 (4) REHABILITATION CRITERIA.—It is the intent of the
2206 Legislature to protect the health of all people under actual
2207 circumstances of exposure. ~~By July 1, 1999,~~ The secretary of the
2208 department shall establish criteria by rule for the purpose of
2209 determining, on a site-specific basis, the rehabilitation
2210 program tasks that comprise a site rehabilitation program,
2211 including a voluntary site rehabilitation program, and the level
2212 at which a rehabilitation program task and a site rehabilitation
2213 program may be deemed completed. In establishing the rule, the
2214 department shall incorporate, to the maximum extent feasible,
2215 risk-based corrective action principles to achieve protection of
2216 human health and safety and the environment in a cost-effective
2217 manner as provided in this subsection. The rule shall also
2218 include protocols for the use of natural attenuation and the
2219 issuance of “no further action” letters. The criteria for
2220 determining what constitutes a rehabilitation program task or
2221 completion of a site rehabilitation program task or site
2222 rehabilitation program, including a voluntary site
2223 rehabilitation program, must:

2224 (a) Consider the current exposure and potential risk of
2225 exposure to humans and the environment, including multiple
2226 pathways of exposure. The physical, chemical, and biological
2227 characteristics of each contaminant must be considered in order
2228 to determine the feasibility of risk-based corrective action
2229 assessment.

2230 (b) Establish the point of compliance at the source of the
2231 contamination. However, the department is authorized to
2232 temporarily move the point of compliance to the boundary of the
2233 property, or to the edge of the plume when the plume is within

2014934er

2234 the property boundary, while cleanup, including cleanup through
2235 natural attenuation processes in conjunction with appropriate
2236 monitoring, is proceeding. The department also is authorized,
2237 pursuant to criteria provided for in this section, to
2238 temporarily extend the point of compliance beyond the property
2239 boundary with appropriate monitoring, if such extension is
2240 needed to facilitate natural attenuation or to address the
2241 current conditions of the plume, provided human health, public
2242 safety, and the environment are protected. When temporarily
2243 extending the point of compliance beyond the property boundary,
2244 it cannot be extended further than the lateral extent of the
2245 plume at the time of execution of the voluntary cleanup
2246 agreement, if known, or the lateral extent of the plume as
2247 defined at the time of site assessment. Temporary extension of
2248 the point of compliance beyond the property boundary, as
2249 provided in this paragraph, must include actual notice by the
2250 person responsible for site rehabilitation to local governments
2251 and the owners of any property into which the point of
2252 compliance is allowed to extend and constructive notice to
2253 residents and business tenants of the property into which the
2254 point of compliance is allowed to extend. Persons receiving
2255 notice pursuant to this paragraph shall have the opportunity to
2256 comment within 30 days of receipt of the notice.

2257 (c) Ensure that the site-specific cleanup goal is that all
2258 sites contaminated with drycleaning solvents ultimately achieve
2259 the applicable cleanup target levels provided in this section.
2260 In the circumstances provided below, and after constructive
2261 notice and opportunity to comment within 30 days from receipt of
2262 the notice to local government, to owners of any property into

2014934er

2263 which the point of compliance is allowed to extend, and to
2264 residents on any property into which the point of compliance is
2265 allowed to extend, the department may allow concentrations of
2266 contaminants to temporarily exceed the applicable cleanup target
2267 levels while cleanup, including cleanup through natural
2268 attenuation processes in conjunction with appropriate
2269 monitoring, is proceeding, if human health, public safety, and
2270 the environment are protected.

2271 (d) Allow the use of institutional or engineering controls
2272 at sites contaminated with drycleaning solvents, where
2273 appropriate, to eliminate or control the potential exposure to
2274 contaminants of humans or the environment. The use of controls
2275 must be preapproved by the department and only after
2276 constructive notice and opportunity to comment within 30 days
2277 from receipt of notice is provided to local governments, to
2278 owners of any property into which the point of compliance is
2279 allowed to extend, and to residents on any property into which
2280 the point of compliance is allowed to extend. When institutional
2281 or engineering controls are implemented to control exposure, the
2282 removal of the controls must have prior department approval and
2283 must be accompanied by the resumption of active cleanup, or
2284 other approved controls, unless cleanup target levels under this
2285 section have been achieved.

2286 (e) Consider the additive effects of contaminants. The
2287 synergistic and antagonistic effects shall also be considered
2288 when the scientific data become available.

2289 (f) Take into consideration individual site
2290 characteristics, which shall include, but not be limited to, the
2291 current and projected use of the affected groundwater and

2014934er

2292 surface water in the vicinity of the site, current and projected
2293 land uses of the area affected by the contamination, the exposed
2294 population, the degree and extent of contamination, the rate of
2295 contaminant migration, the apparent or potential rate of
2296 contaminant degradation through natural attenuation processes,
2297 the location of the plume, and the potential for further
2298 migration in relation to site property boundaries.

2299 (g) Apply state water quality standards as follows:

2300 1. Cleanup target levels for each contaminant found in
2301 groundwater shall be the applicable state water quality
2302 standards. Where such standards do not exist, the cleanup target
2303 levels for groundwater shall be based on the minimum criteria
2304 specified in department rule. The department shall consider the
2305 following, as appropriate, in establishing the applicable
2306 minimum criteria: calculations using a lifetime cancer risk
2307 level of 1.0E-6; a hazard index of 1 or less; the best
2308 achievable detection limit; the naturally occurring background
2309 concentration; or nuisance, organoleptic, and aesthetic
2310 considerations.

2311 2. Where surface waters are exposed to contaminated
2312 groundwater, the cleanup target levels for the contaminants
2313 shall be based on the lower of the groundwater or surface water
2314 standards as established by department rule. The point of
2315 measuring compliance with the surface water standards shall be
2316 in the groundwater immediately adjacent to the surface water
2317 body.

2318 3. The department may set alternative cleanup target levels
2319 based upon the person responsible for site rehabilitation
2320 demonstrating, using site-specific modeling and risk assessment

2014934er

2321 studies, that human health, public safety, and the environment
2322 are protected to the same degree as provided in subparagraphs 1.
2323 and 2. Where a state water quality standard is applicable, a
2324 deviation may not result in the application of cleanup target
2325 levels more stringent than the standard. In determining whether
2326 it is appropriate to establish alternative cleanup target levels
2327 at a site, the department must consider the effectiveness of
2328 source removal that has been completed at the site and the
2329 practical likelihood of the use of low yield or poor quality
2330 groundwater, the use of groundwater near marine surface water
2331 bodies, the current and projected use of the affected
2332 groundwater in the vicinity of the site, or the use of
2333 groundwater in the immediate vicinity of the contaminated area,
2334 where it has been demonstrated that the groundwater
2335 contamination is not migrating away from such localized source,
2336 provided human health, public safety, and the environment are
2337 protected.

2338 (h) Provide for the department to issue a "no further
2339 action order," with conditions where appropriate, when
2340 alternative cleanup target levels established pursuant to
2341 subparagraph (g)3. have been achieved, or when the person
2342 responsible for site rehabilitation can demonstrate that the
2343 cleanup target level is unachievable within available
2344 technologies. Prior to issuing such an order, the department
2345 shall consider the feasibility of an alternative site
2346 rehabilitation technology in the area.

2347 (i) Establish appropriate cleanup target levels for soils.

2348 1. In establishing soil cleanup target levels for human
2349 exposure to each contaminant found in soils from the land

2014934er

2350 surface to 2 feet below land surface, the department shall
2351 consider the following, as appropriate: calculations using a
2352 lifetime cancer risk level of 1.0E-6; a hazard index of 1 or
2353 less; the best achievable detection limit; or the naturally
2354 occurring background concentration. Institutional controls or
2355 other methods shall be used to prevent human exposure to
2356 contaminated soils more than 2 feet below the land surface. Any
2357 removal of such institutional controls shall require such
2358 contaminated soils to be remediated.

2359 2. Leachability-based soil target levels shall be based on
2360 protection of the groundwater cleanup target levels or the
2361 alternate cleanup target levels for groundwater established
2362 pursuant to this paragraph, as appropriate. Source removal and
2363 other cost-effective alternatives that are technologically
2364 feasible shall be considered in achieving the leachability soil
2365 target levels established by the department. The leachability
2366 goals shall not be applicable if the department determines,
2367 based upon individual site characteristics, that contaminants
2368 will not leach into the groundwater at levels which pose a
2369 threat to human health, public safety, and the environment.

2370 3. Using risk-based corrective action principles, the
2371 department shall approve alternative cleanup target levels based
2372 upon the person responsible for site rehabilitation
2373 demonstrating, using site-specific modeling and risk assessment
2374 studies, that human health, public safety, and the environment
2375 are protected.

2376
2377 The department shall require source removal, as a risk reduction
2378 measure, if warranted and cost-effective. Once source removal at

2014934er

2379 a site is complete, the department shall reevaluate the site to
2380 determine the degree of active cleanup needed to continue.
2381 Further, the department shall determine if the reevaluated site
2382 qualifies for monitoring only or if no further action is
2383 required to rehabilitate the site. If additional site
2384 rehabilitation is necessary to reach "no further action" status,
2385 the department is encouraged to utilize natural attenuation and
2386 monitoring where site conditions warrant.

2387 (10) INSURANCE REQUIREMENTS.—The owner or operator of an
2388 operating drycleaning facility or wholesale supply facility
2389 shall, ~~by January 1, 1999,~~ have purchased third-party liability
2390 insurance for \$1 million of coverage for each operating
2391 facility. The owner or operator shall maintain such insurance
2392 while operating as a drycleaning facility or wholesale supply
2393 facility and provide proof of such insurance to the department
2394 upon registration renewal each year thereafter. Such requirement
2395 applies only if such insurance becomes available to the owner or
2396 operator at a reasonable rate and covers liability for
2397 contamination subsequent to the effective date of the policy and
2398 prior to the effective date, retroactive to the commencement of
2399 operations at the drycleaning facility or wholesale supply
2400 facility. Such insurance may be offered in group coverage
2401 policies with a minimum coverage of \$1 million for each member
2402 of the group per year. For the purposes of this subsection,
2403 reasonable rate means the rate developed based on exposure to
2404 loss and underwriting and administrative costs as determined by
2405 the Office of Insurance Regulation of the Financial Services
2406 Commission, in consultation with representatives of the
2407 drycleaning industry.

2014934er

2408 Reviser's note.—Amended to delete obsolete provisions.

2409 Section 81. Subsection (1) of section 379.333, Florida
2410 Statutes, is amended to read:

2411 379.333 Arrest by officers of the commission; recognizance;
2412 cash bond; citation.—

2413 (1) In all cases of arrest by officers of the commission,
2414 the person arrested shall be delivered forthwith by such officer
2415 to the sheriff of the county, or the officer shall obtain from
2416 such person arrested a recognizance or, if deemed necessary, a
2417 cash bond or other sufficient security conditioned for her or
2418 his appearance before the proper tribunal of such county to
2419 answer the charge for which the person has been arrested.

2420 Reviser's note.—Amended to confirm the editorial insertion of
2421 the words "the officer" to facilitate correct
2422 interpretation.

2423 Section 82. Subsection (3) of section 379.3511, Florida
2424 Statutes, is amended to read:

2425 379.3511 Appointment of subagents for the sale of hunting,
2426 fishing, and trapping licenses and permits.—

2427 (3) All social security numbers that are provided pursuant
2428 to s. 379.352 ~~ss. 379.352 and 379.354~~ and are contained in
2429 records of any subagent appointed under this section are
2430 confidential as provided in those sections.

2431 Reviser's note.—Amended to conform to the fact that s. 379.352
2432 references social security numbers; s. 379.354 does not.

2433 Section 16, ch. 2002-46, Laws of Florida, dropped the
2434 social security requirement from s. 372.57, which was
2435 transferred to s. 379.354 by s. 139, ch. 2008-247, Laws of
2436 Florida.

2014934er

2437 Section 83. Paragraph (f) of subsection (3) of section
2438 381.911, Florida Statutes, is amended to read:

2439 381.911 Prostate Cancer Awareness Program.—

2440 (3) The University of Florida Prostate Disease Center
2441 (UFPDC) shall establish the UFPDC Prostate Cancer Advisory
2442 Council and lead the advisory council in developing and
2443 implementing strategies to improve outreach and education and
2444 thereby reduce the number of patients who develop prostate
2445 cancer.

2446 (f) The advisory council shall:

2447 1. Present prostate-cancer-related policy recommendations
2448 to the Department of Health and other appropriate governmental
2449 entities.

2450 2. Assess the accuracy of prostate cancer information
2451 disseminated to the public.

2452 3. Develop effective communication channels among all
2453 private and public entities in the state involved in prostate
2454 cancer education, research, treatment, and patient advocacy.

2455 4. Plan, develop, and implement activities designed to
2456 heighten awareness and educate residents of the state,
2457 especially those in underserved areas, regarding the importance
2458 of prostate cancer awareness.

2459 5. Disseminate information about recent progress in
2460 prostate cancer research and the availability of clinical
2461 trials.

2462 6. Minimize health disparities through outreach and
2463 education.

2464 7. Communicate best practices principles to physicians
2465 involved in the care of patients with prostate cancer.

2014934er

2466 8. Establish a communication platform for patients and
2467 their advocates.

2468 9. Solicit private grants or philanthropic funding to
2469 conduct an annual prostate cancer symposium that brings
2470 physicians, researchers, community leaders, prostate cancer
2471 survivors, and prostate cancer advocates together to highlight
2472 recent advances in prostate cancer research, clinical trials,
2473 and best practices used for the prevention of prostate cancer
2474 and to promote strategies for successful rural and urban
2475 outreach, community education, and increased awareness.

2476 10. Submit and present an annual report to the Governor,
2477 the President of the Senate, the Speaker of the House of
2478 Representatives, and the State Surgeon General by ~~January 15,~~
2479 ~~2012, and by~~ January 15 of each following year, which contains
2480 recommendations for legislative changes necessary to decrease
2481 the incidence of prostate cancer, decrease racial and ethnic
2482 disparities among persons diagnosed with prostate cancer, and
2483 promote increased community education and awareness regarding
2484 this disease.

2485 Reviser's note.—Amended to delete an obsolete provision.

2486 Section 84. Subsection (4) of section 382.009, Florida
2487 Statutes, is amended to read:

2488 382.009 Recognition of brain death under certain
2489 circumstances.—

2490 (4) No recovery shall be allowed nor shall criminal
2491 proceedings be instituted in any court in this state against a
2492 physician or licensed medical facility that makes a
2493 determination of death in accordance with this section or which
2494 acts in reliance thereon, if such determination is made in

2014934er

2495 accordance with the accepted standard of care for such physician
2496 or facility set forth in s. 766.102 ~~768.45~~. Except for a
2497 diagnosis of brain death, the standard set forth in this section
2498 is not the exclusive standard for determining death or for the
2499 withdrawal of life support systems.

2500 Reviser's note.—Amended to confirm the editorial substitution of
2501 a reference to s. 766.102 for a reference to s. 768.45.
2502 Section 768.45 was transferred to s. 766.102 by the reviser
2503 incident to compiling the 1988 Supplement to the Florida
2504 Statutes 1987.

2505 Section 85. Section 383.16, Florida Statutes, is amended to
2506 read:

2507 383.16 Definitions; ss. 383.15-383.19 ~~383.15-383.21~~.—As
2508 used in ss. 383.15-383.19 ~~383.15-383.21~~, the term:

2509 (1) "Department" means the Department of Health.

2510 (2) "Regional perinatal intensive care center" or "center"
2511 means a unit designated by the department, located within a
2512 hospital, and specifically designed to provide a full range of
2513 health services to its patients.

2514 (3) "Patient" means a woman who is experiencing a high-risk
2515 pregnancy and who has been declared financially and medically
2516 eligible or a newborn infant who needs intensive care and who is
2517 declared financially and medically eligible.

2518 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
2519 s. 98, ch. 2010-102, Laws of Florida.

2520 Section 86. Section 383.17, Florida Statutes, is amended to
2521 read:

2522 383.17 Regional perinatal intensive care centers program;
2523 authority.—The department may contract with health care

2014934er

2524 providers in establishing and maintaining centers in accordance
2525 with ss. 383.15-383.19 ~~383.15-383.21~~. The cost of administering
2526 the regional perinatal intensive care centers program shall be
2527 paid by the department from funds appropriated for this purpose.
2528 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
2529 s. 98, ch. 2010-102, Laws of Florida.

2530 Section 87. Section 383.18, Florida Statutes, is amended to
2531 read:

2532 383.18 Contracts; conditions.—Participation in the regional
2533 perinatal intensive care centers program under ss. 383.15-383.19
2534 ~~383.15-383.21~~ is contingent upon the department entering into a
2535 contract with a provider. The contract shall provide that
2536 patients will receive services from the center and that parents
2537 or guardians of patients who participate in the program and who
2538 are in compliance with Medicaid eligibility requirements as
2539 determined by the department are not additionally charged for
2540 treatment and care which has been contracted for by the
2541 department. Financial eligibility for the program is based on
2542 the Medicaid income guidelines for pregnant women and for
2543 children under 1 year of age. Funding shall be provided in
2544 accordance with ss. 383.19 and 409.908.

2545 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
2546 s. 98, ch. 2010-102, Laws of Florida.

2547 Section 88. Subsections (5) and (6) of section 383.19,
2548 Florida Statutes, are amended to read:

2549 383.19 Standards; funding; ineligibility.—

2550 (5) A private, for-profit hospital that does not accept
2551 county, state, or federal funds or indigent patients is not
2552 eligible to participate under ss. 383.15-383.19 ~~383.15-383.21~~.

2014934er

2553 (6) Each hospital that contracts with the department to
2554 provide services under the terms of ss. 383.15-383.19 ~~383.15-~~
2555 ~~383.21~~ shall prepare and submit to the department an annual
2556 report that includes, but is not limited to, the number of
2557 clients served and the costs of services in the center. The
2558 department shall annually conduct a programmatic and financial
2559 evaluation of each center.

2560 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
2561 s. 98, ch. 2010-102, Laws of Florida.

2562 Section 89. Paragraph (b) of subsection (1) of section
2563 391.025, Florida Statutes, is amended to read:

2564 391.025 Applicability and scope.—

2565 (1) The Children's Medical Services program consists of the
2566 following components:

2567 (b) The regional perinatal intensive care centers program
2568 established in ss. 383.15-383.19 ~~383.15-383.21~~.

2569 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
2570 s. 98, ch. 2010-102, Laws of Florida.

2571 Section 90. Subsection (9) of section 394.9084, Florida
2572 Statutes, is amended to read:

2573 394.9084 Florida Self-Directed Care program.—

2574 ~~(9) By December 31, 2009, the Office of Program Policy~~
2575 ~~Analysis and Government Accountability shall evaluate the~~
2576 ~~effectiveness of the Florida Self-Directed Care program. The~~
2577 ~~evaluation shall include an assessment of participant choice and~~
2578 ~~access to services, cost savings, coordination and quality of~~
2579 ~~care, adherence to principles of self-directed care, barriers to~~
2580 ~~implementation, progress toward expansion of the program~~
2581 ~~statewide, and recommendations for improvement in the program.~~

2014934er

2582 Reviser's note.—Amended to delete a provision that has served
2583 its purpose.

2584 Section 91. Subsection (11) of section 400.471, Florida
2585 Statutes, as created by section 5 of chapter 2009-223, Laws of
2586 Florida, and as created as subsection (10) by section 5 of
2587 chapter 2009-193, Laws of Florida, is repealed.

2588 Reviser's note.—The cited subsection, which provides that an
2589 initial or change of ownership license for a home health
2590 agency in counties meeting specified requirements for
2591 opening a new home health agency may not be issued until
2592 July 1, 2010, is obsolete.

2593 Section 92. Paragraph (a) of subsection (7) of section
2594 400.960, Florida Statutes, is amended to read:

2595 400.960 Definitions.—As used in this part, the term:

2596 (7) "Restraint" means a physical device, method, or drug
2597 used to control behavior.

2598 (a) A physical restraint is any manual method or physical
2599 or mechanical device, material, or equipment attached or
2600 adjacent to the individual's body so that he or she cannot
2601 easily remove the restraint and which restricts freedom of
2602 movement or normal access to the individual's body ~~one's body~~.

2603 Reviser's note.—Amended to conform to context and improve
2604 clarity.

2605 Section 93. Paragraph (g) of subsection (4) and subsection
2606 (8) of section 401.27, Florida Statutes, are amended to read:

2607 401.27 Personnel; standards and certification.—

2608 (4) An applicant for certification or recertification as an
2609 emergency medical technician or paramedic must:

2610 (g) Submit a completed application to the department, which

2014934er

2611 application documents compliance with paragraphs (a), (b), (c),
2612 (e), (f), and this paragraph ~~(g)~~, and, if applicable, paragraph
2613 (d). The application must be submitted so as to be received by
2614 the department at least 30 calendar days before the next
2615 regularly scheduled examination for which the applicant desires
2616 to be scheduled.

2617 (8) Each emergency medical technician certificate and each
2618 paramedic certificate will expire automatically and may be
2619 renewed if the holder meets the qualifications for renewal as
2620 established by the department. A certificate that is not renewed
2621 at the end of the 2-year period will automatically revert to an
2622 inactive status for a period not to exceed 180 days. Such
2623 certificate may be reactivated and renewed within the 180 days
2624 if the certificateholder meets all other qualifications for
2625 renewal and pays a \$25 late fee. Reactivation shall be in a
2626 manner and on forms prescribed by department rule. ~~The holder of~~
2627 ~~a certificate that expired on December 1, 1996, has until~~
2628 ~~September 30, 1997, to reactivate the certificate in accordance~~
2629 ~~with this subsection.~~

2630 Reviser's note.—Paragraph (4) (g) is amended to conform to

2631 Florida Statutes cite style. Subsection (8) is amended to
2632 delete an obsolete provision.

2633 Section 94. Paragraph (a) of subsection (24) of section
2634 403.061, Florida Statutes, is amended to read:

2635 403.061 Department; powers and duties.—The department shall
2636 have the power and the duty to control and prohibit pollution of
2637 air and water in accordance with the law and rules adopted and
2638 promulgated by it and, for this purpose, to:

2639 (24) (a) Establish a permit system to provide for spoil site

2014934er

2640 approval, as may be requested and required by local governmental
2641 agencies as defined in s. 403.1835(2)(c) ~~403.1822(3)~~, or
2642 mosquito control districts as defined in s. 388.011(5), to
2643 facilitate these agencies in providing spoil sites for the
2644 deposit of spoil from maintenance dredging of navigation
2645 channels, port harbors, turning basins, and harbor berths, as
2646 part of a federal project, when the agency is acting as sponsor
2647 of a contemplated dredge and fill operation involving an
2648 established navigation channel, harbor, turning basin, or harbor
2649 berth. A spoil site approval granted to the agency shall be
2650 granted for a period of 10 to 25 years when such site is not
2651 inconsistent with an adopted local governmental comprehensive
2652 plan and the requirements of this chapter. The department shall
2653 periodically review each permit to determine compliance with the
2654 terms and conditions of the permit. Such review shall be
2655 conducted at least once every 10 years.

2656
2657 The department shall implement such programs in conjunction with
2658 its other powers and duties and shall place special emphasis on
2659 reducing and eliminating contamination that presents a threat to
2660 humans, animals or plants, or to the environment.

2661 Reviser's note.—Amended to conform to the repeal of s. 403.1822
2662 by s. 18, ch. 2001-270, Laws of Florida. The term "local
2663 government agencies" was added to s. 403.1835(2)(a), by
2664 s.15, 2001-270, Laws of Florida, in response to the repeal
2665 of s. 403.1822. The section was further amended by s. 40,
2666 ch. 2010-205, Laws of Florida, which reordered the
2667 paragraphs so that the definition currently appears at
2668 paragraph (2)(c).

2014934er

2669 Section 95. Subsection (1) of section 403.804, Florida
2670 Statutes, is amended to read:

2671 403.804 Environmental Regulation Commission; powers and
2672 duties.—

2673 (1) Except as provided in subsection (2) and s. 120.54(4),
2674 the commission, pursuant to s. 403.805(1), shall exercise the
2675 standard-setting authority of the department under this chapter;
2676 part II of chapter 373 ~~376~~; and ss. 373.309(1)(e), 373.414(4)
2677 and (10), 373.4145(1)(a), 373.421(1), and 373.4592(4)(d)4. and
2678 (e). The commission, in exercising its authority, shall consider
2679 scientific and technical validity, economic impacts, and
2680 relative risks and benefits to the public and the environment.
2681 The commission shall not establish department policies,
2682 priorities, plans, or directives. The commission may adopt
2683 procedural rules governing the conduct of its meetings and
2684 hearings.

2685 Reviser's note.—Amended to correct an apparent typographical
2686 error. The referenced part II of chapter 376 does not
2687 exist.

2688 Section 96. Paragraph (b) of subsection (1) of section
2689 403.9338, Florida Statutes, is amended to read:

2690 403.9338 Training.—

2691 (1) The department, in cooperation with the Institute of
2692 Food and Agricultural Sciences, shall:

2693 (b) Approve training and testing programs that are
2694 equivalent to or more comprehensive than the training provided
2695 by the department under paragraph (a). Such programs must be
2696 reviewed and reapproved by the department if significant changes
2697 are made. ~~Currently approved programs must be reapproved by July~~

2014934er

2698 ~~1, 2010.~~

2699 Reviser's note.—Amended to delete an obsolete provision.

2700 Section 97. Section 408.914, Florida Statutes, is repealed.

2701 Reviser's note.—Section 408.914 is repealed to remove a
2702 provision that has served its purpose. The section required
2703 that the Agency for Health Care Administration, in
2704 consultation with the steering committee established in s.
2705 408.916, phase in the Comprehensive Health and Human
2706 Services Eligibility Access System. The authorization for
2707 the steering committee ended on June 30, 2004.

2708 Section 98. Section 408.915, Florida Statutes, is repealed.

2709 Reviser's note.—Section 408.915 is repealed to remove a
2710 provision that has served its purpose. The section required
2711 that the Agency for Health Care Administration, in
2712 consultation with the steering committee established in s.
2713 408.916, develop and implement a pilot program to integrate
2714 the determination of eligibility for health care services
2715 with information and referral services. The authorization
2716 for the steering committee ended on June 30, 2004.

2717 Section 99. Section 408.916, Florida Statutes, is repealed.

2718 Reviser's note.—Section 408.916 is repealed to remove a
2719 provision that has served its purpose. The section created
2720 a steering committee to guide the implementation of the
2721 pilot project in s. 408.915. The authorization for the
2722 committee ended on June 30, 2004, and its activities were
2723 to be completed by that date.

2724 Section 100. Paragraph (a) of subsection (2) and subsection
2725 (7) of section 409.1451, Florida Statutes, are amended to read:
2726 409.1451 The Road-to-Independence Program.—

2014934er

2727 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—
2728 (a) A young adult is eligible for services and support
2729 under this subsection if he or she:
2730 1. Was living in licensed care on his or her 18th birthday
2731 or is currently living in licensed care; or was at least 16
2732 years of age and was adopted from foster care or placed with a
2733 court-approved dependency guardian after spending at least 6
2734 months in licensed care within the 12 months immediately
2735 preceding such placement or adoption;
2736 2. Spent at least 6 months in licensed care before reaching
2737 his or her 18th birthday;
2738 3. Earned a standard high school diploma or its equivalent
2739 pursuant to s. 1003.428, s. 1003.4281, former s. 1003.429, s.
2740 1003.435, or s. 1003.438;
2741 4. Has been admitted for enrollment as a full-time student
2742 or its equivalent in an eligible postsecondary educational
2743 institution as provided in s. 1009.533. For purposes of this
2744 section, the term "full-time" means 9 credit hours or the
2745 vocational school equivalent. A student may enroll part-time if
2746 he or she has a recognized disability or is faced with another
2747 challenge or circumstance that would prevent full-time
2748 attendance. A student needing to enroll part-time for any reason
2749 other than having a recognized disability must get approval from
2750 his or her academic advisor;
2751 5. Has reached 18 years of age but is not yet 23 years of
2752 age;
2753 6. Has applied, with assistance from the young adult's
2754 caregiver and the community-based lead agency, for any other
2755 grants and scholarships for which he or she may qualify;

2014934er

2756 7. Submitted a Free Application for Federal Student Aid
2757 which is complete and error free; and

2758 8. Signed an agreement to allow the department and the
2759 community-based care lead agency access to school records.

2760 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
2761 secretary shall establish the Independent Living Services
2762 Advisory Council for the purpose of reviewing and making
2763 recommendations concerning the implementation and operation of
2764 the provisions of s. 39.6251 ~~39.6015~~ and the Road-to-
2765 Independence Program. The advisory council shall function as
2766 specified in this subsection until the Legislature determines
2767 that the advisory council can no longer provide a valuable
2768 contribution to the department's efforts to achieve the goals of
2769 the services designed to enable a young adult to live
2770 independently.

2771 (a) The advisory council shall assess the implementation
2772 and operation of the Road-to-Independence Program and advise the
2773 department on actions that would improve the ability of these
2774 Road-to-Independence Program services to meet the established
2775 goals. The advisory council shall keep the department informed
2776 of problems being experienced with the services, barriers to the
2777 effective and efficient integration of services and support
2778 across systems, and successes that the system of services has
2779 achieved. The department shall consider, but is not required to
2780 implement, the recommendations of the advisory council.

2781 (b) The advisory council shall report to the secretary on
2782 the status of the implementation of the Road-to-Independence
2783 Program, efforts to publicize the availability of the Road-to-
2784 Independence Program, the success of the services, problems

2014934er

2785 identified, recommendations for department or legislative
2786 action, and the department's implementation of the
2787 recommendations contained in the Independent Living Services
2788 Integration Workgroup Report submitted to the appropriate
2789 substantive committees of the Legislature by December 31, 2013.
2790 The department shall submit a report by December 31 of each year
2791 to the Governor, the President of the Senate, and the Speaker of
2792 the House of Representatives which includes a summary of the
2793 factors reported on by the council and identifies the
2794 recommendations of the advisory council and either describes the
2795 department's actions to implement the recommendations or
2796 provides the department's rationale for not implementing the
2797 recommendations.

2798 (c) Members of the advisory council shall be appointed by
2799 the secretary of the department. The membership of the advisory
2800 council must include, at a minimum, representatives from the
2801 headquarters and regional offices of the Department of Children
2802 and Families, community-based care lead agencies, the Department
2803 of Juvenile Justice, the Department of Economic Opportunity, the
2804 Department of Education, the Agency for Health Care
2805 Administration, the State Youth Advisory Board, Workforce
2806 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
2807 parents, recipients of services and funding through the Road-to-
2808 Independence Program, and advocates for children in care. The
2809 secretary shall determine the length of the term to be served by
2810 each member appointed to the advisory council, which may not
2811 exceed 4 years.

2812 (d) The department shall provide administrative support to
2813 the Independent Living Services Advisory Council to accomplish

2014934er

2814 its assigned tasks. The advisory council shall be afforded
2815 access to all appropriate data from the department, each
2816 community-based care lead agency, and other relevant agencies in
2817 order to accomplish the tasks set forth in this section. The
2818 data collected may not include any information that would
2819 identify a specific child or young adult.

2820 (e) The advisory council report required under paragraph
2821 (b) must include an analysis of the system of independent living
2822 transition services for young adults who reach 18 years of age
2823 while in foster care before completing high school or its
2824 equivalent and recommendations for department or legislative
2825 action. The council shall assess and report on the most
2826 effective method of assisting these young adults to complete
2827 high school or its equivalent by examining the practices of
2828 other states.

2829 Reviser's note.—Paragraph (2) (a) is amended to conform to the
2830 repeal of s. 1003.429, by s. 20, ch. 2013-27, Laws of
2831 Florida. Subsection (7) is amended to correct an apparent
2832 error. Section 39.6015 does not exist. The intended
2833 reference is to s. 39.6251 which relates to continuing care
2834 of young adults.

2835 Section 101. Paragraph (b) of subsection (5) of section
2836 409.907, Florida Statutes, is amended to read:

2837 409.907 Medicaid provider agreements.—The agency may make
2838 payments for medical assistance and related services rendered to
2839 Medicaid recipients only to an individual or entity who has a
2840 provider agreement in effect with the agency, who is performing
2841 services or supplying goods in accordance with federal, state,
2842 and local law, and who agrees that no person shall, on the

2014934er

2843 grounds of handicap, race, color, or national origin, or for any
2844 other reason, be subjected to discrimination under any program
2845 or activity for which the provider receives payment from the
2846 agency.

2847 (5) The agency:

2848 (b) Is prohibited from demanding repayment from the
2849 provider in any instance in which the Medicaid overpayment is
2850 attributable to agency error ~~of the department~~ in the
2851 determination of eligibility of a recipient.

2852 Reviser's note.—Amended to conform to context. Paragraph (5) (b)
2853 was amended by s. 5, ch. 96-417, Laws of Florida, which
2854 used the words "error of the department." The paragraph was
2855 also amended by s. 2, ch. 96-387, Laws of Florida, which
2856 used the words "agency error"; ch. 96-387 conformed
2857 provisions in the Florida Statutes to the transfer of
2858 responsibilities from the Department of Health and
2859 Rehabilitative Services to the Agency for Health Care
2860 Administration. Paragraph (5) (b) is amended here to resolve
2861 the conflict based on context. The section contains
2862 numerous references to the agency and no other references
2863 to the department.

2864 Section 102. Subsection (2) and paragraph (d) of subsection
2865 (3) of section 409.9082, Florida Statutes, are amended to read:
2866 409.9082 Quality assessment on nursing home facility
2867 providers; exemptions; purpose; federal approval required;
2868 remedies.—

2869 (2) ~~Effective April 1, 2009,~~ A quality assessment is
2870 imposed upon each nursing home facility. The aggregated amount
2871 of assessments for all nursing home facilities in a given year

2014934er

2872 shall be an amount not exceeding the maximum percentage allowed
2873 under federal law of the total aggregate net patient service
2874 revenue of assessed facilities. The agency shall calculate the
2875 quality assessment rate annually on a per-resident-day basis,
2876 exclusive of those resident days funded by the Medicare program,
2877 as reported by the facilities. The per-resident-day assessment
2878 rate must be uniform except as prescribed in subsection (3).
2879 Each facility shall report monthly to the agency its total
2880 number of resident days, exclusive of Medicare Part A resident
2881 days, and remit an amount equal to the assessment rate times the
2882 reported number of days. The agency shall collect, and each
2883 facility shall pay, the quality assessment each month. The
2884 agency shall collect the assessment from nursing home facility
2885 providers by the 15th day of the next succeeding calendar month.
2886 The agency shall notify providers of the quality assessment and
2887 provide a standardized form to complete and submit with
2888 payments. The collection of the nursing home facility quality
2889 assessment shall commence no sooner than 5 days after the
2890 agency's initial payment of the Medicaid rates containing the
2891 elements prescribed in subsection (4). Nursing home facilities
2892 may not create a separate line-item charge for the purpose of
2893 passing the assessment through to residents.

2894 (3)

2895 (d) ~~Effective July 1, 2011,~~ The agency may exempt from the
2896 quality assessment or apply a lower quality assessment rate to a
2897 qualified public, nonstate-owned or operated nursing home
2898 facility whose total annual indigent census days are greater
2899 than 20 percent of the facility's total annual census days.

2900 Reviser's note.—Amended to delete obsolete provisions.

2014934er

2901 Section 103. Subsection (2) of section 409.981, Florida
2902 Statutes, is amended to read:

2903 409.981 Eligible long-term care plans.—

2904 (2) ELIGIBLE PLAN SELECTION.—The agency shall select
2905 eligible plans through the procurement process described in s.
2906 409.966. ~~The agency shall provide notice of invitations to~~
2907 ~~negotiate by July 1, 2012.~~ The agency shall procure:

2908 (a) Two plans for Region 1. At least one plan must be a
2909 provider service network if any provider service networks submit
2910 a responsive bid.

2911 (b) Two plans for Region 2. At least one plan must be a
2912 provider service network if any provider service networks submit
2913 a responsive bid.

2914 (c) At least three plans and up to five plans for Region 3.
2915 At least one plan must be a provider service network if any
2916 provider service networks submit a responsive bid.

2917 (d) At least three plans and up to five plans for Region 4.
2918 At least one plan must be a provider service network if any
2919 provider service network submits a responsive bid.

2920 (e) At least two plans and up to four plans for Region 5.
2921 At least one plan must be a provider service network if any
2922 provider service networks submit a responsive bid.

2923 (f) At least four plans and up to seven plans for Region 6.
2924 At least one plan must be a provider service network if any
2925 provider service networks submit a responsive bid.

2926 (g) At least three plans and up to six plans for Region 7.
2927 At least one plan must be a provider service network if any
2928 provider service networks submit a responsive bid.

2929 (h) At least two plans and up to four plans for Region 8.

2014934er

2930 At least one plan must be a provider service network if any
2931 provider service networks submit a responsive bid.

2932 (i) At least two plans and up to four plans for Region 9.

2933 At least one plan must be a provider service network if any
2934 provider service networks submit a responsive bid.

2935 (j) At least two plans and up to four plans for Region 10.

2936 At least one plan must be a provider service network if any
2937 provider service networks submit a responsive bid.

2938 (k) At least five plans and up to 10 plans for Region 11.

2939 At least one plan must be a provider service network if any
2940 provider service networks submit a responsive bid.

2941
2942 If no provider service network submits a responsive bid in a
2943 region other than Region 1 or Region 2, the agency shall procure
2944 no more than one less than the maximum number of eligible plans
2945 permitted in that region. Within 12 months after the initial
2946 invitation to negotiate, the agency shall attempt to procure a
2947 provider service network. The agency shall notice another
2948 invitation to negotiate only with provider service networks in
2949 regions where no provider service network has been selected.

2950 Reviser's note.—Amended to delete an obsolete provision.

2951 Section 104. Paragraph (d) of subsection (9) of section
2952 411.203, Florida Statutes, is amended to read:

2953 411.203 Continuum of comprehensive services.—The Department
2954 of Education and the Department of Health shall utilize the
2955 continuum of prevention and early assistance services for high-
2956 risk pregnant women and for high-risk and handicapped children
2957 and their families, as outlined in this section, as a basis for
2958 the intraagency and interagency program coordination,

2014934er

2959 monitoring, and analysis required in this chapter. The continuum
2960 shall be the guide for the comprehensive statewide approach for
2961 services for high-risk pregnant women and for high-risk and
2962 handicapped children and their families, and may be expanded or
2963 reduced as necessary for the enhancement of those services.
2964 Expansion or reduction of the continuum shall be determined by
2965 intraagency or interagency findings and agreement, whichever is
2966 applicable. Implementation of the continuum shall be based upon
2967 applicable eligibility criteria, availability of resources, and
2968 interagency prioritization when programs impact both agencies,
2969 or upon single agency prioritization when programs impact only
2970 one agency. The continuum shall include, but not be limited to:

2971 (9) MANAGEMENT SYSTEMS AND PROCEDURES.—

2972 (d) Information sharing system among the Department of
2973 Health ~~and Rehabilitative Services~~, the Department of Education,
2974 local education agencies, and other appropriate entities, on
2975 children eligible for services. Information may be shared when
2976 parental or guardian permission has been given for release.

2977 Reviser's note.—Amended to substitute a reference to the

2978 Department of Health for a reference to the Department of
2979 Health and Rehabilitative Services to conform to context.

2980 Section 6, ch. 96-403, Laws of Florida, transferred all
2981 duties of the Department of Health and Rehabilitative
2982 Services relating to public health to the Department of
2983 Health as created by s. 8, ch. 96-403.

2984 Section 105. Section 420.151, Florida Statutes, is
2985 repealed.

2986 Reviser's note.—The cited section stipulated that the first
2987 meeting of the Housing Development Corporation would be

2014934er

2988 called by a notice by incorporators and set an agenda for
2989 the meeting. The section was created by s. 1, ch. 72-172,
2990 Laws of Florida, and has not been amended since its
2991 creation.

2992 Section 106. Paragraph (c) of subsection (6) of section
2993 420.5087, Florida Statutes, is amended to read:

2994 420.5087 State Apartment Incentive Loan Program.—There is
2995 hereby created the State Apartment Incentive Loan Program for
2996 the purpose of providing first, second, or other subordinated
2997 mortgage loans or loan guarantees to sponsors, including for-
2998 profit, nonprofit, and public entities, to provide housing
2999 affordable to very-low-income persons.

3000 (6) On all state apartment incentive loans, except loans
3001 made to housing communities for the elderly to provide for
3002 lifesafety, building preservation, health, sanitation, or
3003 security-related repairs or improvements, the following
3004 provisions shall apply:

3005 (c) The corporation shall provide by rule for the
3006 establishment of a review committee for the competitive
3007 evaluation and selection of applications submitted in this
3008 program, including, but not limited to, the following criteria:

3009 1. Tenant income and demographic targeting objectives of
3010 the corporation.

3011 2. Targeting objectives of the corporation which will
3012 ensure an equitable distribution of loans between rural and
3013 urban areas.

3014 3. Sponsor's agreement to reserve the units for persons or
3015 families who have incomes below 50 percent of the state or local
3016 median income, whichever is higher, for a time period that

2014934er

- 3017 exceeds the minimum required by federal law or ~~the~~ this part.
- 3018 4. Sponsor's agreement to reserve more than:
- 3019 a. Twenty percent of the units in the project for persons
- 3020 or families who have incomes that do not exceed 50 percent of
- 3021 the state or local median income, whichever is higher; or
- 3022 b. Forty percent of the units in the project for persons or
- 3023 families who have incomes that do not exceed 60 percent of the
- 3024 state or local median income, whichever is higher, without
- 3025 requiring a greater amount of the loans as provided in this
- 3026 section.
- 3027 5. Provision for tenant counseling.
- 3028 6. Sponsor's agreement to accept rental assistance
- 3029 certificates or vouchers as payment for rent.
- 3030 7. Projects requiring the least amount of a state apartment
- 3031 incentive loan compared to overall project cost, except that the
- 3032 share of the loan attributable to units serving extremely-low-
- 3033 income persons must be excluded from this requirement.
- 3034 8. Local government contributions and local government
- 3035 comprehensive planning and activities that promote affordable
- 3036 housing.
- 3037 9. Project feasibility.
- 3038 10. Economic viability of the project.
- 3039 11. Commitment of first mortgage financing.
- 3040 12. Sponsor's prior experience.
- 3041 13. Sponsor's ability to proceed with construction.
- 3042 14. Projects that directly implement or assist welfare-to-
- 3043 work transitioning.
- 3044 15. Projects that reserve units for extremely-low-income
- 3045 persons.

2014934er

3046 16. Projects that include green building principles, storm-
3047 resistant construction, or other elements that reduce long-term
3048 costs relating to maintenance, utilities, or insurance.

3049 17. Job-creation rate of the developer and general
3050 contractor, as provided in s. 420.507(47).

3051 Reviser's note.—Amended to confirm the editorial deletion of the
3052 word "the" following the word "or."

3053 Section 107. Subsection (9) of section 420.622, Florida
3054 Statutes, is amended to read:

3055 420.622 State Office on Homelessness; Council on
3056 Homelessness.—

3057 (9) The council shall, by June 30 of each year, ~~beginning~~
3058 ~~in 2010~~, provide to the Governor, the Legislature, and the
3059 Secretary of Children and Family Services a report summarizing
3060 the extent of homelessness in the state and the council's
3061 recommendations for reducing homelessness in this state.

3062 Reviser's note.—Amended to delete an obsolete provision.

3063 Section 108. Subsection (5) of section 429.14, Florida
3064 Statutes, is amended to read:

3065 429.14 Administrative penalties.—

3066 (5) An action taken by the agency to suspend, deny, or
3067 revoke a facility's license under this part or part II of
3068 chapter 408, in which the agency claims that the facility owner
3069 or an employee of the facility has threatened the health,
3070 safety, or welfare of a resident of the facility, shall be heard
3071 by the Division of Administrative Hearings of the Department of
3072 Management Services within 120 days after receipt of the
3073 facility's request for a hearing, unless that time limitation is
3074 waived by both parties. The administrative law judge must render

2014934er

3075 a decision within 30 days after receipt of a proposed
3076 recommended order.

3077 Reviser's note.—Amended to insert the word "shall" following the
3078 word "facility" to facilitate correct interpretation and
3079 improve clarity.

3080 Section 109. Section 430.207, Florida Statutes, is amended
3081 to read:

3082 430.207 Confidentiality of information.—Information about
3083 functionally impaired elderly persons who receive services under
3084 ss. 430.201-430.2053 and 430.902 ~~430.201-430.206~~ which is
3085 received through files, reports, inspections, or otherwise, by
3086 the department or by authorized departmental employees, by
3087 persons who volunteer services, or by persons who provide
3088 services to functionally impaired elderly persons under ss.
3089 430.201-430.2053 and 430.902 ~~430.201-430.206~~ through contracts
3090 with the department is confidential and exempt from the
3091 provisions of s. 119.07(1). Such information may not be
3092 disclosed publicly in such a manner as to identify a
3093 functionally impaired elderly person, unless that person or his
3094 or her legal guardian provides written consent.

3095 Reviser's note.—Amended to conform to the transfer of s. 430.206
3096 to s. 430.902 by s. 2 , ch. 2005-223, Laws of Florida.

3097 Section 110. Paragraph (c) of subsection (1) of section
3098 443.091, Florida Statutes, is amended to read:

3099 443.091 Benefit eligibility conditions.—

3100 (1) An unemployed individual is eligible to receive
3101 benefits for any week only if the Department of Economic
3102 Opportunity finds that:

3103 (c) To make continued claims for benefits, she or he is

2014934er

3104 reporting to the department in accordance with this paragraph
3105 and department rules, and participating in an initial skills
3106 review, as directed by the department. Department rules may not
3107 conflict with s. 443.111(1)(b), which requires that each
3108 claimant continue to report regardless of any pending appeal
3109 relating to her or his eligibility or disqualification for
3110 benefits.

3111 1. For each week of unemployment claimed, each report must,
3112 at a minimum, include the name, address, and telephone number of
3113 each prospective employer contacted, or the date the claimant
3114 reported to a one-stop career center, pursuant to paragraph (d).

3115 2. The administrator or operator of the initial skills
3116 review shall notify the department when the individual completes
3117 the initial skills review and report the results of the review
3118 to the regional workforce board or the one-stop career center as
3119 directed by the workforce board. The department shall prescribe
3120 a numeric score on the initial skills review that demonstrates a
3121 minimal proficiency in workforce skills. The department,
3122 workforce board, or one-stop career center shall use the initial
3123 skills review to develop a plan for referring individuals to
3124 training and employment opportunities. The failure of the
3125 individual to comply with this requirement will result in the
3126 individual being determined ineligible for benefits for the week
3127 in which the noncompliance occurred and for any subsequent week
3128 of unemployment until the requirement is satisfied. However,
3129 this requirement does not apply if the individual is exempt from
3130 the work registration requirement as set forth in paragraph (b).

3131 3. Any individual who falls below the minimal proficiency
3132 score prescribed by the department in subparagraph 2. on the

2014934er

3133 initial skills review shall be offered training opportunities
3134 and encouraged to participate in such training at no cost to the
3135 individual in order to improve his or her workforce skills to
3136 the minimal proficiency level.

3137 4. The department shall coordinate with Workforce Florida,
3138 Inc., the workforce boards, and the one-stop career centers to
3139 identify, develop, and utilize best practices for improving the
3140 skills of individuals who choose to participate in training
3141 opportunities and who have a minimal proficiency score below the
3142 score prescribed in subparagraph 2.

3143 ~~5. The department, in coordination with Workforce Florida,~~
3144 ~~Inc., the workforce boards, and the one-stop career centers,~~
3145 ~~shall evaluate the use, effectiveness, and costs associated with~~
3146 ~~the training prescribed in subparagraph 3. and report its~~
3147 ~~findings and recommendations for training and the use of best~~
3148 ~~practices to the Governor, the President of the Senate, and the~~
3149 ~~Speaker of the House of Representatives by January 1, 2013.~~
3150 Reviser's note.—Amended to delete a provision that has served
3151 its purpose.

3152 Section 111. Paragraph (a) of subsection (1) of section
3153 443.1216, Florida Statutes, is amended to read:

3154 443.1216 Employment.—Employment, as defined in s. 443.036,
3155 is subject to this chapter under the following conditions:

3156 (1) (a) The employment subject to this chapter includes a
3157 service performed, including a service performed in interstate
3158 commerce, by:

3159 1. An officer of a corporation.

3160 2. An individual who, under the usual common-law rules
3161 applicable in determining the employer-employee relationship, is

2014934er

3162 an employee. However, whenever a client, as defined in s.
3163 443.036(18), which would otherwise be designated as an employing
3164 unit has contracted with an employee leasing company to supply
3165 it with workers, those workers are considered employees of the
3166 employee leasing company. An employee leasing company may lease
3167 corporate officers of the client to the client and other workers
3168 to the client, except as prohibited by regulations of the
3169 Internal Revenue Service. Employees of an employee leasing
3170 company must be reported under the employee leasing company's
3171 tax identification number and contribution rate for work
3172 performed for the employee leasing company.

3173 a. However, except for the internal employees of an
3174 employee leasing company, each employee leasing company may make
3175 a separate one-time election to report and pay contributions
3176 under the tax identification number and contribution rate for
3177 each client of the employee leasing company. Under the client
3178 method, an employee leasing company choosing this option must
3179 assign leased employees to the client company that is leasing
3180 the employees. The client method is solely a method to report
3181 and pay unemployment contributions, and, whichever method is
3182 chosen, such election may not impact any other aspect of state
3183 law. An employee leasing company that elects the client method
3184 must pay contributions at the rates assigned to each client
3185 company.

3186 (I) The election applies to all of the employee leasing
3187 company's current and future clients.

3188 (II) The employee leasing company must notify the
3189 Department of Revenue of its election by July 1, 2012, and such
3190 election applies to reports and contributions for the first

2014934er

3191 quarter of the following calendar year. The notification must
3192 include:

3193 (A) A list of each client company and the unemployment
3194 account number or, if one has not yet been issued, the federal
3195 employment identification number, as established by the employee
3196 leasing company upon the election to file by client method;

3197 (B) A list of each client company's current and previous
3198 employees and their respective social security numbers for the
3199 prior 3 state fiscal years or, if the client company has not
3200 been a client for the prior 3 state fiscal years, such portion
3201 of the prior 3 state fiscal years that the client company has
3202 been a client must be supplied;

3203 (C) The wage data and benefit charges associated with each
3204 client company for the prior 3 state fiscal years or, if the
3205 client company has not been a client for the prior 3 state
3206 fiscal years, such portion of the prior 3 state fiscal years
3207 that the client company has been a client must be supplied. If
3208 the client company's employment record is chargeable with
3209 benefits for less than 8 calendar quarters while being a client
3210 of the employee leasing company, the client company must pay
3211 contributions at the initial rate of 2.7 percent; and

3212 (D) The wage data and benefit charges for the prior 3 state
3213 fiscal years that cannot be associated with a client company
3214 must be reported and charged to the employee leasing company.

3215 (III) Subsequent to choosing the client method, the
3216 employee leasing company may not change its reporting method.

3217 (IV) The employee leasing company shall file a Florida
3218 Department of Revenue Employer's Quarterly Report for each
3219 client company by approved electronic means, and pay all

2014934er

3220 contributions by approved electronic means.

3221 (V) For the purposes of calculating experience rates when
3222 the client method is chosen, each client's own benefit charges
3223 and wage data experience while with the employee leasing company
3224 determines each client's tax rate where the client has been a
3225 client of the employee leasing company for at least 8 calendar
3226 quarters before the election. The client company shall continue
3227 to report the nonleased employees under its tax rate.

3228 (VI) The election is binding on each client of the employee
3229 leasing company for as long as a written agreement is in effect
3230 between the client and the employee leasing company pursuant to
3231 s. 468.525(3) (a). If the relationship between the employee
3232 leasing company and the client terminates, the client retains
3233 the wage and benefit history experienced under the employee
3234 leasing company.

3235 (VII) Notwithstanding which election method the employee
3236 leasing company chooses, the applicable client company is an
3237 employing unit for purposes of s. 443.071. The employee leasing
3238 company or any of its officers or agents are liable for any
3239 violation of s. 443.071 engaged in by such persons or entities.
3240 The applicable client company or any of its officers or agents
3241 are liable for any violation of s. 443.071 engaged in by such
3242 persons or entities. The employee leasing company or its
3243 applicable client company is not liable for any violation of s.
3244 443.071 engaged in by the other party or by the other party's
3245 officers or agents.

3246 (VIII) If an employee leasing company fails to select the
3247 client method of reporting not later than July 1, 2012, the
3248 entity is required to report under the employee leasing

2014934er

3249 company's tax identification number and contribution rate.

3250 (IX) After an employee leasing company is licensed pursuant
3251 to part XI of chapter 468, each newly licensed entity has 30
3252 days after the date the license is granted to notify the tax
3253 collection service provider in writing of their selection of the
3254 client method. A newly licensed employee leasing company that
3255 fails to timely select reporting pursuant to the client method
3256 of reporting must report under the employee leasing company's
3257 tax identification number and contribution rate.

3258 (X) Irrespective of the election, each transfer of trade or
3259 business, including workforce, or a portion thereof, between
3260 employee leasing companies is subject to the provisions of s.
3261 443.131(3)(g) if, at the time of the transfer, there is common
3262 ownership, management, or control between the entities.

3263 b. In addition to any other report required to be filed by
3264 law, an employee leasing company shall submit a report to the
3265 Labor Market Statistics Center within the Department of Economic
3266 Opportunity which includes each client establishment and each
3267 establishment of the leasing company, or as otherwise directed
3268 by the department. The report must include the following
3269 information for each establishment:

3270 (I) The trade or establishment name;

3271 (II) The former reemployment assistance account number, if
3272 available;

3273 (III) The former federal employer's identification number,
3274 if available;

3275 (IV) The industry code recognized and published by the
3276 United States Office of Management and Budget, if available;

3277 (V) A description of the client's primary business activity

2014934er

3278 in order to verify or assign an industry code;
3279 (VI) The address of the physical location;
3280 (VII) The number of full-time and part-time employees who
3281 worked during, or received pay that was subject to reemployment
3282 assistance taxes for, the pay period including the 12th of the
3283 month for each month of the quarter;
3284 (VIII) The total wages subject to reemployment assistance
3285 taxes paid during the calendar quarter;
3286 (IX) An internal identification code to uniquely identify
3287 each establishment of each client;
3288 (X) The month and year that the client entered into the
3289 contract for services; and
3290 (XI) The month and year that the client terminated the
3291 contract for services.
3292 c. The report must be submitted electronically or in a
3293 manner otherwise prescribed by the Department of Economic
3294 Opportunity in the format specified by the Bureau of Labor
3295 Statistics of the United States Department of Labor for its
3296 Multiple Worksite Report for Professional Employer
3297 Organizations. The report must be provided quarterly to the
3298 Labor Market Statistics Center within the department, or as
3299 otherwise directed by the department, and must be filed by the
3300 last day of the month immediately after the end of the calendar
3301 quarter. The information required in sub-sub-subparagraphs b. (X)
3302 and (XI) need be provided only in the quarter in which the
3303 contract to which it relates was entered into or terminated. The
3304 sum of the employment data and the sum of the wage data in this
3305 report must match the employment and wages reported in the
3306 reemployment assistance quarterly tax and wage report. ~~A report~~

2014934er

3307 ~~is not required for any calendar quarter preceding the third~~
3308 ~~calendar quarter of 2010.~~

3309 d. The department shall adopt rules as necessary to
3310 administer this subparagraph, and may administer, collect,
3311 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
3312 the report required by this subparagraph.

3313 e. For the purposes of this subparagraph, the term
3314 "establishment" means any location where business is conducted
3315 or where services or industrial operations are performed.

3316 3. An individual other than an individual who is an
3317 employee under subparagraph 1. or subparagraph 2., who performs
3318 services for remuneration for any person:

3319 a. As an agent-driver or commission-driver engaged in
3320 distributing meat products, vegetable products, fruit products,
3321 bakery products, beverages other than milk, or laundry or
3322 drycleaning services for his or her principal.

3323 b. As a traveling or city salesperson engaged on a full-
3324 time basis in the solicitation on behalf of, and the
3325 transmission to, his or her principal of orders from
3326 wholesalers, retailers, contractors, or operators of hotels,
3327 restaurants, or other similar establishments for merchandise for
3328 resale or supplies for use in the business operations. This sub-
3329 subparagraph does not apply to an agent-driver or a commission-
3330 driver and does not apply to sideline sales activities performed
3331 on behalf of a person other than the salesperson's principal.

3332 4. The services described in subparagraph 3. are employment
3333 subject to this chapter only if:

3334 a. The contract of service contemplates that substantially
3335 all of the services are to be performed personally by the

2014934er

3336 individual;

3337 b. The individual does not have a substantial investment in
3338 facilities used in connection with the services, other than
3339 facilities used for transportation; and

3340 c. The services are not in the nature of a single
3341 transaction that is not part of a continuing relationship with
3342 the person for whom the services are performed.

3343 Reviser's note.—Amended to delete an obsolete provision.

3344 Section 112. Paragraph (g) of subsection (3) and paragraph
3345 (d) of subsection (5) of section 443.131, Florida Statutes, are
3346 amended to read:

3347 443.131 Contributions.—

3348 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
3349 EXPERIENCE.—

3350 (g) *Transfer of unemployment experience upon transfer or*
3351 *acquisition of a business.*—Notwithstanding any other provision
3352 of law, upon transfer or acquisition of a business, the
3353 following conditions apply to the assignment of rates and to
3354 transfers of unemployment experience:

3355 1.a. If an employer transfers its trade or business, or a
3356 portion thereof, to another employer and, at the time of the
3357 transfer, there is any common ownership, management, or control
3358 of the two employers, the unemployment experience attributable
3359 to the transferred trade or business shall be transferred to the
3360 employer to whom the business is so transferred. The rates of
3361 both employers shall be recalculated and made effective as of
3362 the beginning of the calendar quarter immediately following the
3363 date of the transfer of the trade or business unless the
3364 transfer occurred on the first day of a calendar quarter, in

2014934er

3365 which case the rate shall be recalculated as of that date.

3366 b. If, following a transfer of experience under sub-
3367 subparagraph a., the department or the tax collection service
3368 provider determines that a substantial purpose of the transfer
3369 of trade or business was to obtain a reduced liability for
3370 contributions, the experience rating account of the employers
3371 involved shall be combined into a single account and a single
3372 rate assigned to the account.

3373 2. Whenever a person ~~who~~ is not an employer under this
3374 chapter at the time it acquires the trade or business of an
3375 employer, the unemployment experience of the acquired business
3376 shall not be transferred to the person if the department or the
3377 tax collection service provider finds that such person acquired
3378 the business solely or primarily for the purpose of obtaining a
3379 lower rate of contributions. Instead, such person shall be
3380 assigned the new employer rate under paragraph (2) (a). In
3381 determining whether the business was acquired solely or
3382 primarily for the purpose of obtaining a lower rate of
3383 contributions, the tax collection service provider shall
3384 consider, but not be limited to, the following factors:

3385 a. Whether the person continued the business enterprise of
3386 the acquired business;

3387 b. How long such business enterprise was continued; or

3388 c. Whether a substantial number of new employees was hired
3389 for performance of duties unrelated to the business activity
3390 conducted before the acquisition.

3391 3. If a person knowingly violates or attempts to violate
3392 subparagraph 1. or subparagraph 2. or any other provision of
3393 this chapter related to determining the assignment of a

2014934er

3394 contribution rate, or if a person knowingly advises another
3395 person to violate the law, the person shall be subject to the
3396 following penalties:

3397 a. If the person is an employer, the employer shall be
3398 assigned the highest rate assignable under this chapter for the
3399 rate year during which such violation or attempted violation
3400 occurred and for the 3 rate years immediately following this
3401 rate year. However, if the person's business is already at the
3402 highest rate for any year, or if the amount of increase in the
3403 person's rate would be less than 2 percent for such year, then a
3404 penalty rate of contribution of 2 percent of taxable wages shall
3405 be imposed for such year and the following 3 rate years.

3406 b. If the person is not an employer, such person shall be
3407 subject to a civil money penalty of not more than \$5,000. The
3408 procedures for the assessment of a penalty shall be in
3409 accordance with the procedures set forth in s. 443.141(2), and
3410 the provisions of s. 443.141(3) shall apply to the collection of
3411 the penalty. Any such penalty shall be deposited in the penalty
3412 and interest account established under s. 443.211(2).

3413 4. For purposes of this paragraph, the term:

3414 a. "Knowingly" means having actual knowledge of or acting
3415 with deliberate ignorance or reckless disregard for the
3416 prohibition involved.

3417 b. "Violates or attempts to violate" includes, but is not
3418 limited to, intent to evade, misrepresent, or willfully
3419 nondisclose.

3420 5. In addition to the penalty imposed by subparagraph 3.,
3421 any person who violates this paragraph commits a felony of the
3422 third degree, punishable as provided in s. 775.082, s. 775.083,

2014934er

3423 or s. 775.084.

3424 6. The department and the tax collection service provider
3425 shall establish procedures to identify the transfer or
3426 acquisition of a business for the purposes of this paragraph and
3427 shall adopt any rules necessary to administer this paragraph.

3428 7. For purposes of this paragraph:

3429 a. "Person" has the meaning given to the term by s.
3430 7701(a)(1) of the Internal Revenue Code of 1986.

3431 b. "Trade or business" shall include the employer's
3432 workforce.

3433 8. This paragraph shall be interpreted and applied in such
3434 a manner as to meet the minimum requirements contained in any
3435 guidance or regulations issued by the United States Department
3436 of Labor.

3437 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

3438 (d) The tax collection service provider shall make a
3439 separate collection of such assessment, which may be collected
3440 at the time of employer contributions and subject to the same
3441 penalties for failure to file a report, imposition of the
3442 standard rate pursuant to paragraph (3)(h), and interest if the
3443 assessment is not received on or before June 30. ~~Section~~
3444 ~~443.141(1)(d) and (e) does not apply to this separately~~
3445 ~~collected assessment.~~ The tax collection service provider shall
3446 maintain those funds in the tax collection service provider's
3447 Audit and Warrant Clearing Trust Fund until the provider is
3448 directed by the Governor or the Governor's designee to make the
3449 interest payment to the Federal Government. Assessments on
3450 deposit must be available to pay the interest on advances
3451 received from the Federal Government under 42 U.S.C. s. 1321.

2014934er

3452 Assessments on deposit may be invested and any interest earned
3453 shall be part of the balance available to pay the interest on
3454 advances received from the Federal Government under 42 U.S.C. s.
3455 1321.

3456 Reviser's note.—Paragraph (3)(g) is amended to delete the word
3457 "who" to improve clarity. Paragraph (5)(d) is amended to
3458 delete an obsolete provision; referenced paragraphs (d) and
3459 (e) of s. 443.141(1) are repealed by this act.

3460 Section 113. Paragraphs (d) and (e) of subsection (1) of
3461 section 443.141, Florida Statutes, are amended to read:

3462 443.141 Collection of contributions and reimbursements.—

3463 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
3464 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

3465 ~~(d) Payments for 2010 Contributions. For an annual~~
3466 ~~administrative fee not to exceed \$5, a contributing employer may~~
3467 ~~pay its quarterly contributions due for wages paid in the first~~
3468 ~~three quarters of 2010 in equal installments if those~~
3469 ~~contributions are paid as follows:~~

3470 ~~1. For contributions due for wages paid in the first~~
3471 ~~quarter of 2010, one-fourth of the contributions due must be~~
3472 ~~paid on or before April 30, 2010, one-fourth must be paid on or~~
3473 ~~before July 31, 2010, one-fourth must be paid on or before~~
3474 ~~October 31, 2010, and the remaining one-fourth must be paid on~~
3475 ~~or before December 31, 2010.~~

3476 ~~2. In addition to the payments specified in subparagraph~~
3477 ~~1., for contributions due for wages paid in the second quarter~~
3478 ~~of 2010, one-third of the contributions due must be paid on or~~
3479 ~~before July 31, 2010, one-third must be paid on or before~~
3480 ~~October 31, 2010, and the remaining one-third must be paid on or~~

2014934er

3481 ~~before December 31, 2010.~~

3482 ~~3. In addition to the payments specified in subparagraphs~~
3483 ~~1. and 2., for contributions due for wages paid in the third~~
3484 ~~quarter of 2010, one half of the contributions due must be paid~~
3485 ~~on or before October 31, 2010, and the remaining one half must~~
3486 ~~be paid on or before December 31, 2010.~~

3487 ~~4. The annual administrative fee not to exceed \$5 for the~~
3488 ~~election to pay under the installment method shall be collected~~
3489 ~~at the time the employer makes the first installment payment.~~
3490 ~~The \$5 fee shall be segregated from the payment and shall be~~
3491 ~~deposited in the Operating Trust Fund within the Department of~~
3492 ~~Revenue.~~

3493 ~~5. Interest does not accrue on any contribution that~~
3494 ~~becomes due for wages paid in the first three quarters of 2010~~
3495 ~~if the employer pays the contribution in accordance with~~
3496 ~~subparagraphs 1. 4. Interest and fees continue to accrue on~~
3497 ~~prior delinquent contributions and commence accruing on all~~
3498 ~~contributions due for wages paid in the first three quarters of~~
3499 ~~2010 which are not paid in accordance with subparagraphs 1. 3.~~
3500 ~~Penalties may be assessed in accordance with this chapter. The~~
3501 ~~contributions due for wages paid in the fourth quarter of 2010~~
3502 ~~are not affected by this paragraph and are due and payable in~~
3503 ~~accordance with this chapter.~~

3504 ~~(c) *Payments for 2011 Contributions.* For an annual~~
3505 ~~administrative fee not to exceed \$5, a contributing employer may~~
3506 ~~pay its quarterly contributions due for wages paid in the first~~
3507 ~~three quarters of 2011 in equal installments if those~~
3508 ~~contributions are paid as follows:~~

3509 ~~1. For contributions due for wages paid in the first~~

2014934er

3510 ~~quarter of 2011, one-fourth of the contributions due must be~~
3511 ~~paid on or before April 30, 2011, one-fourth must be paid on or~~
3512 ~~before July 31, 2011, one-fourth must be paid on or before~~
3513 ~~October 31, 2011, and the remaining one-fourth must be paid on~~
3514 ~~or before December 31, 2011.~~

3515 ~~2. In addition to the payments specified in subparagraph~~
3516 ~~1., for contributions due for wages paid in the second quarter~~
3517 ~~of 2011, one-third of the contributions due must be paid on or~~
3518 ~~before July 31, 2011, one-third must be paid on or before~~
3519 ~~October 31, 2011, and the remaining one-third must be paid on or~~
3520 ~~before December 31, 2011.~~

3521 ~~3. In addition to the payments specified in subparagraphs~~
3522 ~~1. and 2., for contributions due for wages paid in the third~~
3523 ~~quarter of 2011, one-half of the contributions due must be paid~~
3524 ~~on or before October 31, 2011, and the remaining one-half must~~
3525 ~~be paid on or before December 31, 2011.~~

3526 ~~4. The annual administrative fee not to exceed \$5 for the~~
3527 ~~election to pay under the installment method shall be collected~~
3528 ~~at the time the employer makes the first installment payment.~~
3529 ~~The \$5 fee shall be segregated from the payment and shall be~~
3530 ~~deposited in the Operating Trust Fund within the Department of~~
3531 ~~Revenue.~~

3532 ~~5. Interest does not accrue on any contribution that~~
3533 ~~becomes due for wages paid in the first three quarters of 2011~~
3534 ~~if the employer pays the contribution in accordance with~~
3535 ~~subparagraphs 1.-4. Interest and fees continue to accrue on~~
3536 ~~prior delinquent contributions and commence accruing on all~~
3537 ~~contributions due for wages paid in the first three quarters of~~
3538 ~~2011 which are not paid in accordance with subparagraphs 1.-3.~~

2014934er

3539 ~~Penalties may be assessed in accordance with this chapter. The~~
3540 ~~contributions due for wages paid in the fourth quarter of 2011~~
3541 ~~are not affected by this paragraph and are due and payable in~~
3542 ~~accordance with this chapter.~~

3543 Reviser's note.—Amended to delete provisions that have served
3544 their purpose.

3545 Section 114. Subsection (13) of section 445.007, Florida
3546 Statutes, is amended to read:

3547 445.007 Regional workforce boards.—

3548 ~~(13) Workforce Florida, Inc., shall evaluate the means to~~
3549 ~~establish a single, statewide workforce system brand for the~~
3550 ~~state and shall submit its recommendations to the Governor by~~
3551 ~~November 1, 2012.~~

3552 Reviser's note.—Amended to delete a provision that has served
3553 its purpose.

3554 Section 115. Section 455.2274, Florida Statutes, is amended
3555 to read:

3556 455.2274 Criminal proceedings against licensees;
3557 appearances by department representatives.—A representative of
3558 the department may voluntarily appear in a criminal proceeding
3559 brought against a person licensed by the department to practice
3560 a profession regulated by the state. The department's
3561 representative is authorized to furnish pertinent information,
3562 make recommendations regarding specific conditions of probation,
3563 and provide other assistance to the court necessary to promote
3564 justice or protect the public. The court may order a
3565 representative of the department to appear in a criminal
3566 proceeding if the crime charged is substantially related to the
3567 qualifications, functions, or duties of a licensee ~~license~~

2014934er

3568 regulated by the department.

3569 Reviser's note.—Amended to confirm the editorial substitution of
3570 the word "licensee" for the word "license" to conform to
3571 context.

3572 Section 116. Subsection (1) of section 456.001, Florida
3573 Statutes, is amended to read:

3574 456.001 Definitions.—As used in this chapter, the term:

3575 (1) "Board" means any board or commission, or other
3576 statutorily created entity to the extent such entity is
3577 authorized to exercise regulatory or rulemaking functions,
3578 within the department, except that, for ss. 456.003-456.018,
3579 456.022, 456.023, 456.025-456.033 ~~456.025-456.034~~, and 456.039-
3580 456.082, "board" means only a board, or other statutorily
3581 created entity to the extent such entity is authorized to
3582 exercise regulatory or rulemaking functions, within the Division
3583 of Medical Quality Assurance.

3584 Reviser's note.—Amended to conform to the repeal of s. 456.034
3585 by s. 1, ch. 2012-115, Laws of Florida.

3586 Section 117. Subsection (3) of section 456.056, Florida
3587 Statutes, is amended to read:

3588 456.056 Treatment of Medicare beneficiaries; refusal,
3589 emergencies, consulting physicians.—

3590 (3) If treatment is provided to a beneficiary for an
3591 emergency medical condition as defined in s. 395.002(8)(a)
3592 ~~395.0142(2)(c)~~, the physician must accept Medicare assignment
3593 provided that the requirement to accept Medicare assignment for
3594 an emergency medical condition shall not apply to treatment
3595 rendered after the patient is stabilized, or the treatment is
3596 unrelated to the original emergency medical condition. For the

2014934er

3597 purpose of this subsection "stabilized" is defined to mean with
3598 respect to an emergency medical condition, that no material
3599 deterioration of the condition is likely within reasonable
3600 medical probability.

3601 Reviser's note.—Section 395.0142, which defined "emergency
3602 medical condition," was amended and transferred to s.
3603 395.1041 by s. 24, ch. 92-289, Laws of Florida, and the
3604 definition of "emergency medical condition" was deleted.
3605 The definition was added to s. 395.002 by s. 3, ch. 92-289.
3606 Section 118. Paragraph (a) of subsection (1) of section
3607 458.3115, Florida Statutes, is amended to read:

3608 458.3115 Restricted license; certain foreign-licensed
3609 physicians; examination; restrictions on practice; full
3610 licensure.—

3611 (1) (a) Notwithstanding any other provision of law, the
3612 department shall provide procedures under which certain
3613 physicians who are or were foreign-licensed and have practiced
3614 medicine no less than 2 years may take the USMLE or an
3615 examination developed by the department, in consultation with
3616 the board, to qualify for a restricted license to practice
3617 medicine in this state. The department-developed examination
3618 shall test the same areas of medical knowledge as the Federation
3619 of State Medical Boards of the United States, Inc. (FLEX)
3620 previously administered by the Florida Board of Medicine to
3621 grant medical licensure in Florida. ~~The department-developed~~
3622 ~~examination must be made available no later than December 31,~~
3623 ~~1998, to a physician who qualifies for licensure.~~ A person who
3624 is eligible to take and elects to take the department-developed
3625 examination, who has previously passed part 1 or part 2 of the

2014934er

3626 previously administered FLEX shall not be required to retake or
3627 pass the equivalent parts of the department-developed
3628 examination, and may sit for the department-developed
3629 examination five times within 5 years.

3630 Reviser's note.—Amended to delete an obsolete provision.

3631 Section 119. Paragraph (e) of subsection (1) of section
3632 464.0196, Florida Statutes, is amended to read:

3633 464.0196 Florida Center for Nursing; board of directors.—

3634 (1) The Florida Center for Nursing shall be governed by a
3635 policy-setting board of directors. The board shall consist of 16
3636 members, with a simple majority of the board being nurses
3637 representative of various practice areas. Other members shall
3638 include representatives of other health care professions,
3639 business and industry, health care providers, and consumers. The
3640 members of the board shall be appointed by the Governor as
3641 follows:

3642 (e) Three nurse educators recommended by the State Board of
3643 Education, one of whom must be a director of a nursing program
3644 at a Florida College System institution ~~state community college~~.

3645 Reviser's note.—Amended to conform a reference to "state
3646 community college" to changes in chs. 2008-52 and 2009-228,
3647 Laws of Florida, transitioning references to community
3648 colleges to Florida College System institutions.

3649 Section 120. Subsections (2) and (3) of section 475.617,
3650 Florida Statutes, are amended to read:

3651 475.617 Education and experience requirements.—

3652 (2) To be certified as a residential appraiser, an
3653 applicant must present satisfactory evidence to the board that
3654 she or he has met the minimum education and experience

2014934er

3655 requirements prescribed by rule of the board. The board shall
3656 prescribe by rule education and experience requirements that
3657 meet or exceed the following real property appraiser
3658 qualification criteria adopted on December 9, 2011, by the
3659 Appraiser Appraisal Qualifications Board of the Appraisal
3660 Foundation:

3661 (a) Has at least 2,500 hours of experience obtained over a
3662 24-month period in real property appraisal as defined by rule.

3663 (b) Has successfully completed at least 200 classroom
3664 hours, inclusive of examination, of approved qualifying
3665 education courses in subjects related to real estate appraisal,
3666 which must include a 15-hour National Uniform Standards of
3667 Professional Appraisal Practice course, or its equivalent, as
3668 established by rule of the board, from a nationally recognized
3669 or state-recognized appraisal organization, career center,
3670 accredited community college, college, or university, state or
3671 federal agency or commission, or proprietary real estate school
3672 that holds a permit pursuant to s. 475.451. All qualifying
3673 education courses may be completed through in-person classroom
3674 instruction or distance learning. A classroom hour is defined as
3675 50 minutes out of each 60-minute segment. Past courses may be
3676 approved by the board and substituted on an hour-for-hour basis.

3677 (3) To be certified as a general appraiser, an applicant
3678 must present evidence satisfactory to the board that she or he
3679 has met the minimum education and experience requirements
3680 prescribed by rule of the board. The board shall prescribe
3681 education and experience requirements that meet or exceed the
3682 following real property appraiser qualification criteria adopted
3683 on December 9, 2011, by the Appraiser Appraisal Qualifications

2014934er

3684 Board of the Appraisal Foundation:

3685 (a) Has at least 3,000 hours of experience obtained over a
3686 30-month period in real property appraisal as defined by rule.

3687 (b) Has successfully completed at least 300 classroom
3688 hours, inclusive of examination, of approved qualifying
3689 education courses in subjects related to real estate appraisal,
3690 which must include a 15-hour National Uniform Standards of
3691 Professional Appraisal Practice course, or its equivalent, as
3692 established by rule of the board, from a nationally recognized
3693 or state-recognized appraisal organization, career center,
3694 accredited community college, college, or university, state or
3695 federal agency or commission, or proprietary real estate school
3696 that holds a permit pursuant to s. 475.451. All qualifying
3697 education courses may be completed through in-person classroom
3698 instruction or distance learning. A classroom hour is defined as
3699 50 minutes out of each 60-minute segment. Past courses may be
3700 approved by the board and substituted on an hour-for-hour basis.

3701 Reviser's note.—Amended to confirm the editorial substitution of
3702 the word "Appraiser" for the word "Appraisal" to conform to
3703 the official title of the board.

3704 Section 121. Paragraph (b) of subsection (39) of section
3705 497.005, Florida Statutes, is amended to read:

3706 497.005 Definitions.—As used in this chapter, the term:

3707 (39) "Legally authorized person" means, in the priority
3708 listed:

3709 (b) The person designated by the decedent as authorized to
3710 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as
3711 listed on the decedent's United States Department of Defense
3712 Record of Emergency Data, DD Form 93, or its successor form, if

2014934er

3713 the decedent died while ~~serv~~ing in military service as described
3714 in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United
3715 States Armed Forces, United States Reserve Forces, or National
3716 Guard;

3717
3718 In addition, the term may include, if no family member exists or
3719 is available, the guardian of the dead person at the time of
3720 death; the personal representative of the deceased; the attorney
3721 in fact of the dead person at the time of death; the health
3722 surrogate of the dead person at the time of death; a public
3723 health officer; the medical examiner, county commission, or
3724 administrator acting under part II of chapter 406 or other
3725 public administrator; a representative of a nursing home or
3726 other health care institution in charge of final disposition; or
3727 a friend or other person not listed in this subsection who is
3728 willing to assume the responsibility as the legally authorized
3729 person. Where there is a person in any priority class listed in
3730 this subsection, the funeral establishment shall rely upon the
3731 authorization of any one legally authorized person of that class
3732 if that person represents that she or he is not aware of any
3733 objection to the cremation of the deceased's human remains by
3734 others in the same class of the person making the representation
3735 or of any person in a higher priority class.

3736 Reviser's note.—Amended to delete the word "serv

3737 ing" and to
insert the word "in" to provide clarity.

3738 Section 122. Section 499.001, Florida Statutes, is amended
3739 to read:

3740 499.001 Florida Drug and Cosmetic Act; short title.—

3741 Sections 499.001-499.067 ~~499.001-499.081~~ may be cited as the

2014934er

3742 "Florida Drug and Cosmetic Act."
3743 Reviser's note.—Amended to conform to the repeal of s. 499.068
3744 by s. 51, ch. 92-69, Laws of Florida, and the transfer of
3745 ss. 499.069, 499.0691, 499.07, 499.071, and 499.081 to
3746 locations within ss. 499.001-499.067 by ch. 2008-207, Laws
3747 of Florida.

3748 Section 123. Paragraph (d) of subsection (15) of section
3749 499.0121, Florida Statutes, is amended to read:

3750 499.0121 Storage and handling of prescription drugs;
3751 recordkeeping.—The department shall adopt rules to implement
3752 this section as necessary to protect the public health, safety,
3753 and welfare. Such rules shall include, but not be limited to,
3754 requirements for the storage and handling of prescription drugs
3755 and for the establishment and maintenance of prescription drug
3756 distribution records.

3757 (15) DUE DILIGENCE OF PURCHASERS.—

3758 ~~(d) The department shall assess national data from the~~
3759 ~~Automation of Reports and Consolidated Orders System of the~~
3760 ~~federal Drug Enforcement Administration, excluding Florida data,~~
3761 ~~and identify the national average of grams of hydrocodone,~~
3762 ~~morphine, oxycodone, and methadone distributed per pharmacy~~
3763 ~~registrant per month in the most recent year for which data is~~
3764 ~~available. The department shall report the average for each of~~
3765 ~~these drugs to the Governor, the President of the Senate, and~~
3766 ~~the Speaker of the House of Representatives by November 1, 2011.~~
3767 ~~The department shall assess the data reported pursuant to~~
3768 ~~subsection (14) and identify the statewide average of grams of~~
3769 ~~each benzodiazepine distributed per community pharmacy per~~
3770 ~~month. The department shall report the average for each~~

2014934er

3771 ~~benzodiazepine to the Governor, the President of the Senate, and~~
3772 ~~the Speaker of the House of Representatives by November 1, 2011.~~
3773 Reviser's note.—Amended to delete an obsolete provision.

3774 Section 124. Paragraph (b) of subsection (1) of section
3775 509.302, Florida Statutes, is amended to read:

3776 509.302 Hospitality Education Program.—

3777 (1)

3778 (b) The program may affiliate with Florida State
3779 University, Florida International University, and the University
3780 of Central Florida. The program may also affiliate with any
3781 other member of the State University System or Florida ~~Community~~
3782 College System, or with any privately funded college or
3783 university, which offers a program of hospitality administration
3784 and management.

3785 Reviser's note.—Amended to substitute a reference to the Florida
3786 College System for a reference to the Florida Community
3787 College System to conform to s. 2, ch. 2008-52, Laws of
3788 Florida, which enacted s. 1001.60, creating the Florida
3789 College System.

3790 Section 125. Subsection (3) of section 513.1115, Florida
3791 Statutes, is amended to read:

3792 513.1115 Placement of recreational vehicles on lots in
3793 permitted parks.—

3794 (3) This section does not limit the regulation of the
3795 uniform firesafety standards established under s. 633.206
3796 ~~633.022~~.

3797 Reviser's note.—Amended to conform to the redesignation of s.
3798 633.022 as s. 633.206 by s. 23, ch. 2013-183, Laws of
3799 Florida.

2014934er

3800 Section 126. Paragraph (b) of subsection (17) of section
3801 553.79, Florida Statutes, is amended to read:

3802 553.79 Permits; applications; issuance; inspections.—

3803 (17)

3804 (b) This subsection does not apply to a building permit
3805 sought for:

3806 1. A substantial improvement as defined in s. 161.54 or as
3807 defined in the Florida Building Code.

3808 2. A change of occupancy as defined in the Florida Building
3809 Code.

3810 3. A conversion from residential to nonresidential or mixed
3811 use pursuant to s. 553.507(3) ~~553.507(2)(a)~~ or as defined in the
3812 Florida Building Code.

3813 4. A historic building as defined in the Florida Building
3814 Code.

3815 Reviser's note.—Amended to conform to the repeal of s.

3816 553.507(2)(a), and the creation of s. 553.507(3), relating
3817 to similar subject matter, by s. 27, ch. 2011-222, Laws of
3818 Florida.

3819 Section 127. Paragraph (e) of subsection (1) and subsection
3820 (6) of section 553.80, Florida Statutes, are amended to read:

3821 553.80 Enforcement.—

3822 (1) Except as provided in paragraphs (a)-(g), each local
3823 government and each legally constituted enforcement district
3824 with statutory authority shall regulate building construction
3825 and, where authorized in the state agency's enabling
3826 legislation, each state agency shall enforce the Florida
3827 Building Code required by this part on all public or private
3828 buildings, structures, and facilities, unless such

2014934er

3829 responsibility has been delegated to another unit of government
3830 pursuant to s. 553.79(9).

3831 (e) Construction regulations governing public schools,
3832 state universities, and Florida College System institutions
3833 ~~community colleges~~ shall be enforced as provided in subsection
3834 (6).

3835
3836 The governing bodies of local governments may provide a schedule
3837 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
3838 section, for the enforcement of the provisions of this part.
3839 Such fees shall be used solely for carrying out the local
3840 government's responsibilities in enforcing the Florida Building
3841 Code. The authority of state enforcing agencies to set fees for
3842 enforcement shall be derived from authority existing on July 1,
3843 1998. However, nothing contained in this subsection shall
3844 operate to limit such agencies from adjusting their fee schedule
3845 in conformance with existing authority.

3846 (6) Notwithstanding any other law, state universities,
3847 Florida College System institutions ~~community colleges~~, and
3848 public school districts shall be subject to enforcement of the
3849 Florida Building Code under this part.

3850 (a)1. State universities, Florida College System
3851 institutions ~~state community colleges~~, or public school
3852 districts shall conduct plan review and construction inspections
3853 to enforce building code compliance for their building projects
3854 that are subject to the Florida Building Code. These entities
3855 must use personnel or contract providers appropriately certified
3856 under part XII of chapter 468 to perform the plan reviews and
3857 inspections required by the code. Under these arrangements, the

2014934er

3858 entities are not subject to local government permitting
3859 requirements, plans review, and inspection fees. State
3860 universities, Florida College System institutions ~~state~~
3861 ~~community colleges~~, and public school districts are liable and
3862 responsible for all of their buildings, structures, and
3863 facilities. This paragraph does not limit the authority of the
3864 county, municipality, or code enforcement district to ensure
3865 that buildings, structures, and facilities owned by these
3866 entities comply with the Florida Building Code or to limit the
3867 authority and responsibility of the fire official to conduct
3868 firesafety inspections under chapter 633.

3869 2. In order to enforce building code compliance independent
3870 of a county or municipality, a state university, Florida College
3871 System institution ~~community college~~, or public school district
3872 may create a board of adjustment and appeal to which a
3873 substantially affected party may appeal an interpretation of the
3874 Florida Building Code which relates to a specific project. The
3875 decisions of this board, or, in its absence, the decision of the
3876 building code administrator, may be reviewed under s. 553.775.

3877 (b) If a state university, Florida College System
3878 institution ~~state community college~~, or public school district
3879 elects to use a local government's code enforcement offices:

3880 1. Fees charged by counties and municipalities for
3881 enforcement of the Florida Building Code on buildings,
3882 structures, and facilities of state universities, state
3883 colleges, and public school districts may not be more than the
3884 actual labor and administrative costs incurred for plans review
3885 and inspections to ensure compliance with the code.

3886 2. Counties and municipalities shall expedite building

2014934er

3887 construction permitting, building plans review, and inspections
3888 of projects of state universities, Florida College System
3889 institutions ~~state community colleges~~, and public school
3890 districts that are subject to the Florida Building Code
3891 according to guidelines established by the Florida Building
3892 Commission.

3893 3. A party substantially affected by an interpretation of
3894 the Florida Building Code by the local government's code
3895 enforcement offices may appeal the interpretation to the local
3896 government's board of adjustment and appeal or to the commission
3897 under s. 553.775 if no local board exists. The decision of a
3898 local board is reviewable in accordance with s. 553.775.

3899 (c) The Florida Building Commission and code enforcement
3900 jurisdictions shall consider balancing code criteria and
3901 enforcement to unique functions, where they occur, of research
3902 institutions by application of performance criteria in lieu of
3903 prescriptive criteria.

3904 (d) School boards, Florida College System institution
3905 ~~community college~~ boards, and state universities may use annual
3906 facility maintenance permits to facilitate routine maintenance,
3907 emergency repairs, building refurbishment, and minor renovations
3908 of systems or equipment. The amount expended for maintenance
3909 projects may not exceed \$200,000 per project. A facility
3910 maintenance permit is valid for 1 year. A detailed log of
3911 alterations and inspections must be maintained and annually
3912 submitted to the building official. The building official
3913 retains the right to make inspections at the facility site as he
3914 or she considers necessary. Code compliance must be provided
3915 upon notification by the building official. If a pattern of code

2014934er

3916 violations is found, the building official may withhold the
3917 issuance of future annual facility maintenance permits.

3918
3919 This part may not be construed to authorize counties,
3920 municipalities, or code enforcement districts to conduct any
3921 permitting, plans review, or inspections not covered by the
3922 Florida Building Code. Any actions by counties or municipalities
3923 not in compliance with this part may be appealed to the Florida
3924 Building Commission. The commission, upon a determination that
3925 actions not in compliance with this part have delayed permitting
3926 or construction, may suspend the authority of a county,
3927 municipality, or code enforcement district to enforce the
3928 Florida Building Code on the buildings, structures, or
3929 facilities of a state university, Florida College System
3930 institution ~~state community college~~, or public school district
3931 and provide for code enforcement at the expense of the state
3932 university, Florida College System institution ~~state community~~
3933 ~~college~~, or public school district.

3934 Reviser's note.—Amended to conform references to community
3935 colleges to changes in chs. 2008-52 and 2009-228, Laws of
3936 Florida, transitioning references from community colleges
3937 to Florida College System institutions.

3938 Section 128. Subsection (1) of section 562.45, Florida
3939 Statutes, is amended to read:

3940 562.45 Penalties for violating Beverage Law; local
3941 ordinances; prohibiting regulation of certain activities or
3942 business transactions; requiring nondiscriminatory treatment;
3943 providing exceptions.—

3944 (1) Any person willfully and knowingly making any false

2014934er

3945 entries in any records required under the Beverage Law or
3946 willfully violating any of the provisions of the Beverage Law,
3947 concerning the excise tax herein provided for shall be guilty of
3948 a felony of the third degree, punishable as provided in s.
3949 775.082, s. 775.083, or s. 775.084. It is unlawful for any
3950 person to violate any provision of the Beverage Law, and any
3951 person who violates any provision of the Beverage Law for which
3952 no penalty has been provided shall be guilty of a misdemeanor of
3953 the second degree, punishable as provided in s. 775.082 or s.
3954 775.083; provided, that any person who shall have been convicted
3955 of a violation of any provision of the Beverage Law and shall
3956 thereafter be convicted of a further violation of the Beverage
3957 Law, shall, upon conviction of said further offense, be guilty
3958 of a felony of the third degree, punishable as provided in s.
3959 775.082, s. 775.083, or s. 775.084.

3960 Reviser's note.—Amended to insert the words "any person who
3961 violates" to conform to context.

3962 Section 129. Subsection (5) of section 565.03, Florida
3963 Statutes, is amended to read:

3964 565.03 License fees; manufacturers, distributors, brokers,
3965 sales agents, and importers of alcoholic beverages; vendor
3966 licenses and fees; craft distilleries.—

3967 (5) A craft distillery making sales under paragraph (2)(c)
3968 is responsible for submitting any excise taxes on beverages
3969 ~~beverages excise taxes~~ under the Beverage Law in its monthly
3970 report to the division with any tax payments due to the state.

3971 Reviser's note.—Amended to confirm the editorial substitution of
3972 the words "excise taxes on beverages" for the words
3973 "beverages excise taxes."

2014934er

3974 Section 130. Subsection (3) of section 570.964, Florida
3975 Statutes, is amended to read:

3976 570.964 Posting and notification.—

3977 (3) Failure to comply with the requirements of this section
3978 ~~subsection~~ prevents an agritourism operator, his or her employer
3979 or employee, or the owner of the underlying land on which the
3980 agritourism occurs from invoking the privileges of immunity
3981 provided by this section.

3982 Reviser's note.—Amended to correct an apparent error. No

3983 specific requirements are found in subsection (3); they are
3984 found elsewhere in the section.

3985 Section 131. Subsection (3) of section 590.02, Florida
3986 Statutes, is amended to read:

3987 590.02 Florida Forest Service; powers, authority, and
3988 duties; liability; building structures; Florida Center for
3989 Wildfire and Forest Resources Management Training.—

3990 (3) Employees of the Florida Forest Service and of federal,
3991 state, and local agencies, and all other persons and entities
3992 that are under contract or agreement with the Florida Forest
3993 Service to assist in firefighting operations as well as those
3994 entities, called upon by the Florida Forest Service to assist in
3995 firefighting may, in the performance of their duties, set
3996 counterfires, remove fences and other obstacles, dig trenches,
3997 cut firelines, use water from public and private sources, and
3998 carry on all other customary activities in the fighting of
3999 wildfires without incurring liability to any person or entity.

4000 The manner in which the Florida Forest Service monitors a
4001 smoldering wildfire or smoldering prescribed fire or fights any
4002 wildfire are planning level activities for which sovereign

2014934er

4003 immunity applies and is not waived.
4004 Reviser's note.—Amended to confirm the editorial insertion of
4005 the word "or" to improve clarity.
4006 Section 132. Section 605.0109, Florida Statutes, is amended
4007 to read:
4008 605.0109 Powers.—A limited liability company has the
4009 powers, rights, and privileges granted by this chapter, by any
4010 other law, or by its operating agreement to do all things
4011 necessary or convenient to carry out its activities and affairs,
4012 including the power to do all of the following:
4013 (1) Sue, be sued, and defend in its name.
4014 (2) Purchase, receive, lease, or otherwise acquire, own,
4015 hold, improve, use, and otherwise deal with real or personal
4016 property or any legal or equitable interest in property,
4017 wherever located.
4018 (3) Sell, convey, mortgage, grant a security interest in,
4019 lease, exchange, and otherwise encumber or dispose of all or a
4020 part of its property.
4021 (4) Purchase, receive, subscribe for, or otherwise acquire,
4022 own, hold, vote, use, sell, mortgage, lend, grant a security
4023 interest in, or otherwise dispose of and deal in and with,
4024 shares or other interests in or obligations of another entity.
4025 (5) Make contracts or guarantees or incur liabilities;
4026 borrow money; issue notes, bonds, or other obligations, which
4027 may be convertible into or include the option to purchase other
4028 securities of the limited liability company; or make contracts
4029 of guaranty and suretyship which are necessary or convenient to
4030 the conduct, promotion, or attainment of the purposes,
4031 activities, and affairs of the limited liability company.

2014934er

4032 (6) Lend money, invest or reinvest its funds, and receive
4033 and hold real or personal property as security for repayment.

4034 (7) Conduct its business, locate offices, and exercise the
4035 powers granted by this chapter within or without this state.

4036 (8) Select managers and appoint officers, directors,
4037 employees, and agents of the limited liability company, define
4038 their duties, fix their compensation, and lend them money and
4039 credit.

4040 (9) Make donations for the public welfare or for
4041 charitable, scientific, or educational purposes.

4042 (10) Pay pensions and establish pension plans, pension
4043 trusts, profit-sharing plans, bonus plans, option plans, and
4044 benefit or incentive plans for any or all of its current or
4045 former managers, members, officers, agents, and employees.

4046 (11) Be a promoter, incorporator, shareholder, partner,
4047 member, associate, or manager of a corporation, partnership,
4048 joint venture, trust, or other entity.

4049 (12) Make payments or donations or conduct any other act
4050 not inconsistent with applicable law which furthers the business
4051 of the limited liability company.

4052 (13) Enter into interest rate, basis, currency, hedge or
4053 other swap agreements, or cap, floor, put, call, option,
4054 exchange or collar agreements, derivative agreements, or similar
4055 agreements.

4056 (14) Grant, hold, or exercise a power of attorney,
4057 including an irrevocable power of attorney.

4058 Reviser's note.—Amended to confirm the editorial insertion of
4059 the word "by" to conform to context.

4060 Section 133. Subsection (5) of section 605.04092, Florida

2014934er

4061 Statutes, is amended to read:

4062 605.04092 Conflict of interest transactions.—

4063 (5) The presence of or a vote cast by a manager or member
4064 with an interest in the transaction does not affect the validity
4065 of an action taken under paragraph (4) (a) if the transaction is
4066 otherwise authorized, approved, or ratified as provided in
4067 subsection (4) ~~that subsection~~, but the presence or vote of the
4068 manager or member may be counted for purposes of determining
4069 whether the transaction is approved under other sections of this
4070 chapter.

4071 Reviser's note.—Amended to confirm the editorial substitution of
4072 the reference to subsection (4) for the phrase "that
4073 subsection" to provide clarity.

4074 Section 134. Subsection (14) of section 605.0711, Florida
4075 Statutes, is amended to read:

4076 605.0711 Known claims against dissolved limited liability
4077 company.—

4078 (14) As used in this section and s. 605.0712 ~~605.0710~~, the
4079 term "successor entity" includes a trust, receivership, or other
4080 legal entity governed by the laws of this state to which the
4081 remaining assets and liabilities of a dissolved limited
4082 liability company are transferred and which exists solely for
4083 the purposes of prosecuting and defending suits by or against
4084 the dissolved limited liability company, thereby enabling the
4085 dissolved limited liability company to settle and close the
4086 activities and affairs of the dissolved limited liability
4087 company, to dispose of and convey the property of the dissolved
4088 limited liability company, to discharge the liabilities of the
4089 dissolved limited liability company, and to distribute to the

2014934er

4090 dissolved limited liability company's members or transferees any
4091 remaining assets, but not for the purpose of continuing the
4092 activities and affairs for which the dissolved limited liability
4093 company was organized.

4094 Reviser's note.—Amended to substitute a reference to s. 605.0712
4095 for a reference to s. 605.0710. The term "successor entity"
4096 is not used in s. 605.0710; the term is used in s.
4097 605.0712.

4098 Section 135. Paragraph (d) of subsection (1) of section
4099 605.0714, Florida Statutes, is amended to read:

4100 605.0714 Administrative dissolution.—

4101 (1) The department may dissolve a limited liability company
4102 administratively if the company does not:

4103 (d) Deliver for filing a statement of a change under s.
4104 605.0114 within 30 days after a change has occurred in the name
4105 or address of the agent unless, within 30 days after the change
4106 occurred:

4107 1. The agent filed a statement of change under s. 605.0116;
4108 or

4109 2. The change was made in accordance with s. 605.0114(4).

4110 Reviser's note.—Amended to confirm the editorial insertion of
4111 the word "in" to improve clarity.

4112 Section 136. Subsection (7) of section 605.0904, Florida
4113 Statutes, is amended to read:

4114 605.0904 Effect of failure to have certificate of
4115 authority.—

4116 (7) A foreign limited liability company that transacts
4117 business in this state without obtaining a certificate of
4118 authority is liable to this state for the years or parts thereof

2014934er

4119 during which it transacted business in this state without
4120 obtaining a certificate of authority in an amount equal to all
4121 fees and penalties that would have been imposed by this chapter
4122 upon the foreign limited liability company had it duly applied
4123 for and received a certificate of authority to transact business
4124 in this state as required under this chapter. In addition to the
4125 payments thus prescribed, the foreign limited liability company
4126 is liable for a civil penalty of at least \$500 but not more than
4127 \$1,000 for each year or part thereof during which it transacts
4128 business in this state without a certificate of authority. The
4129 department may collect all penalties due under this subsection.

4130 Reviser's note.—Amended to confirm the editorial insertion of
4131 the word "of" to conform to context.

4132 Section 137. Subsection (2) of section 605.0905, Florida
4133 Statutes, is amended to read:

4134 605.0905 Activities not constituting transacting business.—

4135 (2) The list of activities in subsection (1) is not an
4136 exhaustive list of activities that do not constitute transacting
4137 business within the meaning of s. 605.0902(1).

4138 Reviser's note.—Amended to confirm the editorial insertion of
4139 the words "do not" to conform to context.

4140 Section 138. Paragraph (c) of subsection (2) of section
4141 605.0907, Florida Statutes, is amended to read:

4142 605.0907 Amendment to certificate of authority.—

4143 (2) The amendment must be filed within 30 days after the
4144 occurrence of a change described in subsection (1), must be
4145 signed by an authorized representative of the foreign limited
4146 liability company, and must state the following:

4147 (c) The date the foreign limited liability company was

2014934er

4148 authorized to transact business in this state.

4149 Reviser's note.—Amended to confirm the editorial insertion of
4150 the word "in" to improve clarity.

4151 Section 139. Subsection (1) of section 605.0912, Florida
4152 Statutes, is amended to read:

4153 605.0912 Withdrawal on dissolution, merger, or conversion
4154 to nonfiling entity.—

4155 (1) A registered foreign limited liability company that has
4156 dissolved and completed winding up, has merged into a foreign
4157 entity that is not registered in this state, or has converted to
4158 a domestic or foreign entity that is not organized,
4159 incorporated, registered or otherwise formed through the public
4160 filing of a record, shall deliver a notice of withdrawal of
4161 certificate of authority to the department for filing in
4162 accordance with s. 605.0910.

4163 Reviser's note.—Amended to confirm the editorial insertion of
4164 the word "has" to conform to context.

4165 Section 140. Paragraph (a) of subsection (4) of section
4166 605.1006, Florida Statutes, is amended to read:

4167 605.1006 Appraisal rights.—

4168 (4) Notwithstanding subsection (1), the availability of
4169 appraisal rights must be limited in accordance with the
4170 following provisions:

4171 (a) Appraisal rights are not available for holders of a
4172 membership interest ~~interests~~ that is ~~are~~:

4173 1. A covered security under s. 18(b)(1)(A) or (B) of the
4174 Securities Act of 1933, as amended;

4175 2. Traded in an organized market and part of a class or
4176 series that has at least 2,000 members or other holders and a

2014934er

4177 market value of at least \$20 million, exclusive of the value of
4178 such class or series of membership interests held by the limited
4179 liability company's subsidiaries, senior executives, managers,
4180 and beneficial members owning more than 10 percent of such class
4181 or series of membership interests; or

4182 3. Issued by an open-end management investment company
4183 registered with the Securities and Exchange Commission under the
4184 Investment Company Act of 1940 and subject to being redeemed at
4185 the option of the holder at net asset value.

4186 Reviser's note.—Amended to correct subject-verb agreement.

4187 Section 141. Subsection (5) of section 605.1033, Florida
4188 Statutes, is amended to read:

4189 605.1033 Approval of interest exchange.—

4190 (5) All members of each domestic limited liability company
4191 that is a party to the interest exchange ~~and~~ who have a right to
4192 vote upon the interest exchange must be given written notice of
4193 any meeting with respect to the approval of a plan of interest
4194 exchange as provided in subsection (1) not less than 10 days and
4195 not more than 60 days before the date of the meeting at which
4196 the plan of interest exchange is submitted for approval by the
4197 members of such limited liability company. The notification
4198 required under this subsection may be waived in writing by the
4199 person entitled to such notification.

4200 Reviser's note.—Amended to confirm the editorial deletion of the
4201 word "and" to improve clarity and to conform to similar
4202 language in s. 605.1023, as created by s. 2, ch. 2013-180,
4203 Laws of Florida.

4204 Section 142. Subsection (3) of section 605.1041, Florida
4205 Statutes, is amended to read:

2014934er

4206 605.1041 Conversion authorized.—

4207 (3) By complying with the provisions of this section and
4208 ss. 605.1042-605.1046 ~~605.1042-608.1046~~ which are applicable to
4209 foreign entities, a foreign entity may become a domestic limited
4210 liability company if the conversion is authorized by the law of
4211 the foreign entity's jurisdiction of formation.

4212 Reviser's note.—Amended to substitute a reference to ss.

4213 605.1042-605.1046 for a reference to ss. 605.1042-608.1046
4214 to conform to context. Section 608.1046 does not exist.

4215 Section 143. Subsection (2) of section 605.1103, Florida
4216 Statutes, is amended to read:

4217 605.1103 Tax exemption on income of certain limited
4218 liability companies.—

4219 (2) For purposes of taxation under chapter 220, a limited
4220 liability company formed in this state or a foreign limited
4221 liability company with a certificate of authority to transact
4222 business in this state shall be classified as a partnership or a
4223 limited liability company that has only one member shall be
4224 disregarded as an entity separate from its owner for federal
4225 income tax purposes, unless classified otherwise for federal
4226 income tax purposes, in which case the limited liability company
4227 shall be classified identically to its classification for
4228 federal income tax purposes. For purposes of taxation under
4229 chapter 220, a member or a transferee of a member of a limited
4230 liability company formed in this state or a foreign limited
4231 liability company with a certificate of authority to transact
4232 business in this state shall be treated as a resident or
4233 nonresident partner unless classified otherwise for federal
4234 income tax purposes, in which case the member or transferee of a

2014934er

4235 member has the same status as the member or transferee of a
4236 member ~~has~~ for federal income tax purposes.

4237 Reviser's note.—Amended to confirm the editorial deletion of the
4238 word "has" to improve clarity.

4239 Section 144. Subsection (2) of section 610.108, Florida
4240 Statutes, is amended to read:

4241 610.108 Customer service standards.—

4242 ~~(2) Any municipality or county that, as of January 1, 2007,~~
4243 ~~has an office or department dedicated to responding to cable or~~
4244 ~~video service customer complaints may continue to respond to~~
4245 ~~such complaints until July 1, 2009. Beginning July 1, 2009,~~ The
4246 Department of Agriculture and Consumer Services shall have the
4247 sole authority to respond to all cable or video service customer
4248 complaints. This provision does not permit the municipality,
4249 county, or department to impose customer service standards
4250 inconsistent with the requirements in 47 C.F.R. s. 76.309(c).

4251 Reviser's note.—Amended to delete an obsolete provision.

4252 Section 145. Section 610.119, Florida Statutes, is amended
4253 to read:

4254 610.119 Report ~~Reports~~ to the Legislature.—

4255 ~~(1)~~ The Office of Program Policy Analysis and Government
4256 Accountability shall submit to the President of the Senate, the
4257 Speaker of the House of Representatives, and the majority and
4258 minority leaders of the Senate and House of Representatives, by
4259 ~~December 1, 2009,~~ and December 1, 2014, a report on the status
4260 of competition in the cable and video service industry,
4261 including, by each municipality and county, the number of cable
4262 and video service providers, the number of cable and video
4263 subscribers served, the number of areas served by fewer than two

2014934er

4264 cable or video service providers, the trend in cable and video
4265 service prices, and the identification of any patterns of
4266 service as they impact demographic and income groups.

4267 ~~(2) By January 15, 2008, the Department of Agriculture and~~
4268 ~~Consumer Services shall make recommendations to the President of~~
4269 ~~the Senate, the Speaker of the House of Representatives, and the~~
4270 ~~majority and minority leaders of the Senate and House of~~
4271 ~~Representatives regarding the workload and staffing requirements~~
4272 ~~associated with consumer complaints related to video and cable~~
4273 ~~certificateholders. The Department of State shall provide to the~~
4274 ~~Department of Agriculture and Consumer Services, for inclusion~~
4275 ~~in the report, the workload requirements for processing the~~
4276 ~~certificates of franchise authority. In addition, the Department~~
4277 ~~of State shall provide the number of applications filed for~~
4278 ~~cable and video certificates of franchise authority and the~~
4279 ~~number of amendments received to original applications for~~
4280 ~~franchise certificate authority.~~

4281 Reviser's note.—Amended to delete obsolete provisions.

4282 Section 146. Paragraph (b) of subsection (1) of section
4283 617.0601, Florida Statutes, is amended to read:

4284 617.0601 Members, generally.—

4285 (1)

4286 (b) The articles of incorporation or bylaws of any
4287 corporation not for profit that maintains chapters or affiliates
4288 may grant representatives of such chapters or affiliates the
4289 right to vote in conjunction with the board of directors of the
4290 corporation notwithstanding applicable quorum or voting
4291 requirements of this chapter if the corporation is registered
4292 with the Department of Agriculture and Consumer Services

2014934er

4293 pursuant to ss. 496.401-496.424, the Solicitation of
4294 Contributions Act.

4295 Reviser's note.—Amended to substitute a reference to the
4296 Department of Agriculture and Consumer Services for a
4297 reference to the department to provide clarity. Section
4298 617.01401(6) defines "department," as used in chapter 617,
4299 as the Department of State; corporations registered
4300 pursuant to ss. 496.401-496.424, the Solicitation of
4301 Contributions Act, must register with the Department of
4302 Agriculture and Consumer Services.

4303 Section 147. Paragraph (c) of subsection (2) of section
4304 620.8503, Florida Statutes, is amended to read:

4305 620.8503 Transfer of partner's transferable interest.—

4306 (2) A transferee of a partner's transferable interest in
4307 the partnership has a right:

4308 (c) To seek, under s. 620.8801(6) ~~620.839(6)~~, a judicial
4309 determination that it is equitable to wind up the partnership
4310 business.

4311 Reviser's note.—Amended to correct an apparent error and
4312 facilitate correct interpretation. Section 620.8503,
4313 including the reference to s. 620.839(6) in paragraph
4314 (2)(c), was created by s. 13, ch. 95-242, Laws of Florida.
4315 Section 620.839 does not exist; the correct reference seems
4316 to be s. 620.8801(6), which relates to judicial
4317 determinations equitable to wind up partnership businesses.

4318 Section 148. Paragraph (b) of subsection (5) of section
4319 624.91, Florida Statutes, is amended to read:

4320 624.91 The Florida Healthy Kids Corporation Act.—

4321 (5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

2014934er

- 4322 (b) The Florida Healthy Kids Corporation shall:
- 4323 1. Arrange for the collection of any family, local
- 4324 contributions, or employer payment or premium, in an amount to
- 4325 be determined by the board of directors, to provide for payment
- 4326 of premiums for comprehensive insurance coverage and for the
- 4327 actual or estimated administrative expenses.
- 4328 2. Arrange for the collection of any voluntary
- 4329 contributions to provide for payment of Florida Kidcare program
- 4330 premiums for children who are not eligible for medical
- 4331 assistance under Title XIX or Title XXI of the Social Security
- 4332 Act.
- 4333 3. Subject to the provisions of s. 409.8134, accept
- 4334 voluntary supplemental local match contributions that comply
- 4335 with the requirements of Title XXI of the Social Security Act
- 4336 for the purpose of providing additional Florida Kidcare coverage
- 4337 in contributing counties under Title XXI.
- 4338 4. Establish the administrative and accounting procedures
- 4339 for the operation of the corporation.
- 4340 5. Establish, with consultation from appropriate
- 4341 professional organizations, standards for preventive health
- 4342 services and providers and comprehensive insurance benefits
- 4343 appropriate to children, provided that such standards for rural
- 4344 areas shall not limit primary care providers to board-certified
- 4345 pediatricians.
- 4346 6. Determine eligibility for children seeking to
- 4347 participate in the Title XXI-funded components of the Florida
- 4348 Kidcare program consistent with the requirements specified in s.
- 4349 409.814, as well as the non-Title-XXI-eligible children as
- 4350 provided in subsection (3).

2014934er

4351 7. Establish procedures under which providers of local
4352 match to, applicants to and participants in the program may have
4353 grievances reviewed by an impartial body and reported to the
4354 board of directors of the corporation.

4355 8. Establish participation criteria and, if appropriate,
4356 contract with an authorized insurer, health maintenance
4357 organization, or third-party administrator to provide
4358 administrative services to the corporation.

4359 9. Establish enrollment criteria that include penalties or
4360 waiting periods of 30 days for reinstatement of coverage upon
4361 voluntary cancellation for nonpayment of family premiums.

4362 10. Contract with authorized insurers or any provider of
4363 health care services, meeting standards established by the
4364 corporation, for the provision of comprehensive insurance
4365 coverage to participants. Such standards shall include criteria
4366 under which the corporation may contract with more than one
4367 provider of health care services in program sites. Health plans
4368 shall be selected through a competitive bid process. The Florida
4369 Healthy Kids Corporation shall purchase goods and services in
4370 the most cost-effective manner consistent with the delivery of
4371 quality medical care. The maximum administrative cost for a
4372 Florida Healthy Kids Corporation contract shall be 15 percent.
4373 For health care contracts, the minimum medical loss ratio for a
4374 Florida Healthy Kids Corporation contract shall be 85 percent.
4375 For dental contracts, the remaining compensation to be paid to
4376 the authorized insurer or provider under a Florida Healthy Kids
4377 Corporation contract shall be no less than an amount which is 85
4378 percent of premium; to the extent any contract provision does
4379 not provide for this minimum compensation, this section shall

2014934er

4380 prevail. The health plan selection criteria and scoring system,
4381 and the scoring results, shall be available upon request for
4382 inspection after the bids have been awarded.

4383 11. Establish disenrollment criteria in the event local
4384 matching funds are insufficient to cover enrollments.

4385 12. Develop and implement a plan to publicize the Florida
4386 Kidcare program, the eligibility requirements of the program,
4387 and the procedures for enrollment in the program and to maintain
4388 public awareness of the corporation and the program.

4389 13. Secure staff necessary to properly administer the
4390 corporation. Staff costs shall be funded from state and local
4391 matching funds and such other private or public funds as become
4392 available. The board of directors shall determine the number of
4393 staff members necessary to administer the corporation.

4394 14. In consultation with the partner agencies, provide a
4395 report on the Florida Kidcare program annually to the Governor,
4396 the Chief Financial Officer, the Commissioner of Education, the
4397 President of the Senate, the Speaker of the House of
4398 Representatives, and the Minority Leaders of the Senate and the
4399 House of Representatives.

4400 15. Provide information on a quarterly basis to the
4401 Legislature and the Governor which compares the costs and
4402 utilization of the full-pay enrolled population and the Title
4403 XXI-subsidized enrolled population in the Florida Kidcare
4404 program. The information, at a minimum, must include:

4405 a. The monthly enrollment and expenditure for full-pay
4406 enrollees in the Medikids and Florida Healthy Kids programs
4407 compared to the Title XXI-subsidized enrolled population; and

4408 b. The costs and utilization by service of the full-pay

2014934er

4409 enrollees in the Medikids and Florida Healthy Kids programs and
4410 the Title XXI-subsidized enrolled population.

4411
4412 ~~By February 1, 2010, the Florida Healthy Kids Corporation shall~~
4413 ~~provide a study to the Legislature and the Governor on premium~~
4414 ~~impacts to the subsidized portion of the program from the~~
4415 ~~inclusion of the full pay program, which shall include~~
4416 ~~recommendations on how to eliminate or mitigate possible impacts~~
4417 ~~to the subsidized premiums.~~

4418 16. Establish benefit packages that conform to the
4419 provisions of the Florida Kidcare program, as created in ss.
4420 409.810-409.821.

4421 Reviser's note.—Amended to delete an obsolete provision.

4422 Section 149. Paragraph (c) of subsection (6) of section
4423 627.351, Florida Statutes, is amended to read:

4424 627.351 Insurance risk apportionment plans.—

4425 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

4426 (c) The corporation's plan of operation:

4427 1. Must provide for adoption of residential property and
4428 casualty insurance policy forms and commercial residential and
4429 nonresidential property insurance forms, which must be approved
4430 by the office before use. The corporation shall adopt the
4431 following policy forms:

4432 a. Standard personal lines policy forms that are
4433 comprehensive multiperil policies providing full coverage of a
4434 residential property equivalent to the coverage provided in the
4435 private insurance market under an HO-3, HO-4, or HO-6 policy.

4436 b. Basic personal lines policy forms that are policies
4437 similar to an HO-8 policy or a dwelling fire policy that provide

2014934er

4438 coverage meeting the requirements of the secondary mortgage
4439 market, but which is more limited than the coverage under a
4440 standard policy.

4441 c. Commercial lines residential and nonresidential policy
4442 forms that are generally similar to the basic perils of full
4443 coverage obtainable for commercial residential structures and
4444 commercial nonresidential structures in the admitted voluntary
4445 market.

4446 d. Personal lines and commercial lines residential property
4447 insurance forms that cover the peril of wind only. The forms are
4448 applicable only to residential properties located in areas
4449 eligible for coverage under the coastal account referred to in
4450 sub-subparagraph (b)2.a.

4451 e. Commercial lines nonresidential property insurance forms
4452 that cover the peril of wind only. The forms are applicable only
4453 to nonresidential properties located in areas eligible for
4454 coverage under the coastal account referred to in sub-
4455 subparagraph (b)2.a.

4456 f. The corporation may adopt variations of the policy forms
4457 listed in sub-subparagraphs a.-e. which contain more restrictive
4458 coverage.

4459 g. Effective January 1, 2013, the corporation shall offer a
4460 basic personal lines policy similar to an HO-8 policy with
4461 dwelling repair based on common construction materials and
4462 methods.

4463 2. Must provide that the corporation adopt a program in
4464 which the corporation and authorized insurers enter into quota
4465 share primary insurance agreements for hurricane coverage, as
4466 defined in s. 627.4025(2)(a), for eligible risks, and adopt

2014934er

4467 property insurance forms for eligible risks which cover the
4468 peril of wind only.

4469 a. As used in this subsection, the term:

4470 (I) "Quota share primary insurance" means an arrangement in
4471 which the primary hurricane coverage of an eligible risk is
4472 provided in specified percentages by the corporation and an
4473 authorized insurer. The corporation and authorized insurer are
4474 each solely responsible for a specified percentage of hurricane
4475 coverage of an eligible risk as set forth in a quota share
4476 primary insurance agreement between the corporation and an
4477 authorized insurer and the insurance contract. The
4478 responsibility of the corporation or authorized insurer to pay
4479 its specified percentage of hurricane losses of an eligible
4480 risk, as set forth in the agreement, may not be altered by the
4481 inability of the other party to pay its specified percentage of
4482 losses. Eligible risks that are provided hurricane coverage
4483 through a quota share primary insurance arrangement must be
4484 provided policy forms that set forth the obligations of the
4485 corporation and authorized insurer under the arrangement,
4486 clearly specify the percentages of quota share primary insurance
4487 provided by the corporation and authorized insurer, and
4488 conspicuously and clearly state that the authorized insurer and
4489 the corporation may not be held responsible beyond their
4490 specified percentage of coverage of hurricane losses.

4491 (II) "Eligible risks" means personal lines residential and
4492 commercial lines residential risks that meet the underwriting
4493 criteria of the corporation and are located in areas that were
4494 eligible for coverage by the Florida Windstorm Underwriting
4495 Association on January 1, 2002.

2014934er

4496 b. The corporation may enter into quota share primary
4497 insurance agreements with authorized insurers at corporation
4498 coverage levels of 90 percent and 50 percent.

4499 c. If the corporation determines that additional coverage
4500 levels are necessary to maximize participation in quota share
4501 primary insurance agreements by authorized insurers, the
4502 corporation may establish additional coverage levels. However,
4503 the corporation's quota share primary insurance coverage level
4504 may not exceed 90 percent.

4505 d. Any quota share primary insurance agreement entered into
4506 between an authorized insurer and the corporation must provide
4507 for a uniform specified percentage of coverage of hurricane
4508 losses, by county or territory as set forth by the corporation
4509 board, for all eligible risks of the authorized insurer covered
4510 under the agreement.

4511 e. Any quota share primary insurance agreement entered into
4512 between an authorized insurer and the corporation is subject to
4513 review and approval by the office. However, such agreement shall
4514 be authorized only as to insurance contracts entered into
4515 between an authorized insurer and an insured who is already
4516 insured by the corporation for wind coverage.

4517 f. For all eligible risks covered under quota share primary
4518 insurance agreements, the exposure and coverage levels for both
4519 the corporation and authorized insurers shall be reported by the
4520 corporation to the Florida Hurricane Catastrophe Fund. For all
4521 policies of eligible risks covered under such agreements, the
4522 corporation and the authorized insurer must maintain complete
4523 and accurate records for the purpose of exposure and loss
4524 reimbursement audits as required by fund rules. The corporation

2014934er

4525 and the authorized insurer shall each maintain duplicate copies
4526 of policy declaration pages and supporting claims documents.

4527 g. The corporation board shall establish in its plan of
4528 operation standards for quota share agreements which ensure that
4529 there is no discriminatory application among insurers as to the
4530 terms of the agreements, pricing of the agreements, incentive
4531 provisions if any, and consideration paid for servicing policies
4532 or adjusting claims.

4533 h. The quota share primary insurance agreement between the
4534 corporation and an authorized insurer must set forth the
4535 specific terms under which coverage is provided, including, but
4536 not limited to, the sale and servicing of policies issued under
4537 the agreement by the insurance agent of the authorized insurer
4538 producing the business, the reporting of information concerning
4539 eligible risks, the payment of premium to the corporation, and
4540 arrangements for the adjustment and payment of hurricane claims
4541 incurred on eligible risks by the claims adjuster and personnel
4542 of the authorized insurer. Entering into a quota sharing
4543 insurance agreement between the corporation and an authorized
4544 insurer is voluntary and at the discretion of the authorized
4545 insurer.

4546 3.~~a~~. May provide that the corporation may employ or
4547 otherwise contract with individuals or other entities to provide
4548 administrative or professional services that may be appropriate
4549 to effectuate the plan. The corporation may borrow funds by
4550 issuing bonds or by incurring other indebtedness, and shall have
4551 other powers reasonably necessary to effectuate the requirements
4552 of this subsection, including, without limitation, the power to
4553 issue bonds and incur other indebtedness in order to refinance

2014934er

4554 outstanding bonds or other indebtedness. The corporation may
4555 seek judicial validation of its bonds or other indebtedness
4556 under chapter 75. The corporation may issue bonds or incur other
4557 indebtedness, or have bonds issued on its behalf by a unit of
4558 local government pursuant to subparagraph (q)2. in the absence
4559 of a hurricane or other weather-related event, upon a
4560 determination by the corporation, subject to approval by the
4561 office, that such action would enable it to efficiently meet the
4562 financial obligations of the corporation and that such
4563 financings are reasonably necessary to effectuate the
4564 requirements of this subsection. The corporation may take all
4565 actions needed to facilitate tax-free status for such bonds or
4566 indebtedness, including formation of trusts or other affiliated
4567 entities. The corporation may pledge assessments, projected
4568 recoveries from the Florida Hurricane Catastrophe Fund, other
4569 reinsurance recoverables, policyholder surcharges and other
4570 surcharges, and other funds available to the corporation as
4571 security for bonds or other indebtedness. In recognition of s.
4572 10, Art. I of the State Constitution, prohibiting the impairment
4573 of obligations of contracts, it is the intent of the Legislature
4574 that no action be taken whose purpose is to impair any bond
4575 indenture or financing agreement or any revenue source committed
4576 by contract to such bond or other indebtedness.

4577 ~~b. To ensure that the corporation is operating in an~~
4578 ~~efficient and economic manner while providing quality service to~~
4579 ~~policyholders, applicants, and agents, the board shall~~
4580 ~~commission an independent third-party consultant having~~
4581 ~~expertise in insurance company management or insurance company~~
4582 ~~management consulting to prepare a report and make~~

2014934er

4583 ~~recommendations on the relative costs and benefits of~~
4584 ~~outsourcing various policy issuance and service functions to~~
4585 ~~private servicing carriers or entities performing similar~~
4586 ~~functions in the private market for a fee, rather than~~
4587 ~~performing such functions in-house. In making such~~
4588 ~~recommendations, the consultant shall consider how other~~
4589 ~~residual markets, both in this state and around the country,~~
4590 ~~outsource appropriate functions or use servicing carriers to~~
4591 ~~better match expenses with revenues that fluctuate based on a~~
4592 ~~widely varying policy count. The report must be completed by~~
4593 ~~July 1, 2012. Upon receiving the report, the board shall develop~~
4594 ~~a plan to implement the report and submit the plan for review,~~
4595 ~~modification, and approval to the Financial Services Commission.~~
4596 ~~Upon the commission's approval of the plan, the board shall~~
4597 ~~begin implementing the plan by January 1, 2013.~~

4598 4. Must require that the corporation operate subject to the
4599 supervision and approval of a board of governors consisting of
4600 nine individuals who are residents of this state and who are
4601 from different geographical areas of the state, one of whom is
4602 appointed by the Governor and serves solely to advocate on
4603 behalf of the consumer. The appointment of a consumer
4604 representative by the Governor is in addition to the
4605 appointments authorized under sub-subparagraph a.

4606 a. The Governor, the Chief Financial Officer, the President
4607 of the Senate, and the Speaker of the House of Representatives
4608 shall each appoint two members of the board. At least one of the
4609 two members appointed by each appointing officer must have
4610 demonstrated expertise in insurance and be deemed to be within
4611 the scope of the exemption provided in s. 112.313(7)(b). The

2014934er

4612 Chief Financial Officer shall designate one of the appointees as
4613 chair. All board members serve at the pleasure of the appointing
4614 officer. All members of the board are subject to removal at will
4615 by the officers who appointed them. All board members, including
4616 the chair, must be appointed to serve for 3-year terms beginning
4617 annually on a date designated by the plan. However, for the
4618 first term beginning on or after July 1, 2009, each appointing
4619 officer shall appoint one member of the board for a 2-year term
4620 and one member for a 3-year term. A board vacancy shall be
4621 filled for the unexpired term by the appointing officer. The
4622 Chief Financial Officer shall appoint a technical advisory group
4623 to provide information and advice to the board in connection
4624 with the board's duties under this subsection. The executive
4625 director and senior managers of the corporation shall be engaged
4626 by the board and serve at the pleasure of the board. Any
4627 executive director appointed on or after July 1, 2006, is
4628 subject to confirmation by the Senate. The executive director is
4629 responsible for employing other staff as the corporation may
4630 require, subject to review and concurrence by the board.

4631 b. The board shall create a Market Accountability Advisory
4632 Committee to assist the corporation in developing awareness of
4633 its rates and its customer and agent service levels in
4634 relationship to the voluntary market insurers writing similar
4635 coverage.

4636 (I) The members of the advisory committee consist of the
4637 following 11 persons, one of whom must be elected chair by the
4638 members of the committee: four representatives, one appointed by
4639 the Florida Association of Insurance Agents, one by the Florida
4640 Association of Insurance and Financial Advisors, one by the

2014934er

4641 Professional Insurance Agents of Florida, and one by the Latin
4642 American Association of Insurance Agencies; three
4643 representatives appointed by the insurers with the three highest
4644 voluntary market share of residential property insurance
4645 business in the state; one representative from the Office of
4646 Insurance Regulation; one consumer appointed by the board who is
4647 insured by the corporation at the time of appointment to the
4648 committee; one representative appointed by the Florida
4649 Association of Realtors; and one representative appointed by the
4650 Florida Bankers Association. All members shall be appointed to
4651 3-year terms and may serve for consecutive terms.

4652 (II) The committee shall report to the corporation at each
4653 board meeting on insurance market issues which may include rates
4654 and rate competition with the voluntary market; service,
4655 including policy issuance, claims processing, and general
4656 responsiveness to policyholders, applicants, and agents; and
4657 matters relating to depopulation.

4658 5. Must provide a procedure for determining the eligibility
4659 of a risk for coverage, as follows:

4660 a. Subject to s. 627.3517, with respect to personal lines
4661 residential risks, if the risk is offered coverage from an
4662 authorized insurer at the insurer's approved rate under a
4663 standard policy including wind coverage or, if consistent with
4664 the insurer's underwriting rules as filed with the office, a
4665 basic policy including wind coverage, for a new application to
4666 the corporation for coverage, the risk is not eligible for any
4667 policy issued by the corporation unless the premium for coverage
4668 from the authorized insurer is more than 15 percent greater than
4669 the premium for comparable coverage from the corporation.

2014934er

4670 Whenever an offer of coverage for a personal lines residential
4671 risk is received for a policyholder of the corporation at
4672 renewal from an authorized insurer, if the offer is equal to or
4673 less than the corporation's renewal premium for comparable
4674 coverage, the risk is not eligible for coverage with the
4675 corporation. If the risk is not able to obtain such offer, the
4676 risk is eligible for a standard policy including wind coverage
4677 or a basic policy including wind coverage issued by the
4678 corporation; however, if the risk could not be insured under a
4679 standard policy including wind coverage regardless of market
4680 conditions, the risk is eligible for a basic policy including
4681 wind coverage unless rejected under subparagraph 8. However, a
4682 policyholder removed from the corporation through an assumption
4683 agreement remains eligible for coverage from the corporation
4684 until the end of the assumption period. The corporation shall
4685 determine the type of policy to be provided on the basis of
4686 objective standards specified in the underwriting manual and
4687 based on generally accepted underwriting practices.

4688 (I) If the risk accepts an offer of coverage through the
4689 market assistance plan or through a mechanism established by the
4690 corporation other than a plan established by s. 627.3518, before
4691 a policy is issued to the risk by the corporation or during the
4692 first 30 days of coverage by the corporation, and the producing
4693 agent who submitted the application to the plan or to the
4694 corporation is not currently appointed by the insurer, the
4695 insurer shall:

4696 (A) Pay to the producing agent of record of the policy for
4697 the first year, an amount that is the greater of the insurer's
4698 usual and customary commission for the type of policy written or

2014934er

4699 a fee equal to the usual and customary commission of the
4700 corporation; or

4701 (B) Offer to allow the producing agent of record of the
4702 policy to continue servicing the policy for at least 1 year and
4703 offer to pay the agent the greater of the insurer's or the
4704 corporation's usual and customary commission for the type of
4705 policy written.

4706
4707 If the producing agent is unwilling or unable to accept
4708 appointment, the new insurer shall pay the agent in accordance
4709 with sub-sub-sub-subparagraph (A).

4710 (II) If the corporation enters into a contractual agreement
4711 for a take-out plan, the producing agent of record of the
4712 corporation policy is entitled to retain any unearned commission
4713 on the policy, and the insurer shall:

4714 (A) Pay to the producing agent of record, for the first
4715 year, an amount that is the greater of the insurer's usual and
4716 customary commission for the type of policy written or a fee
4717 equal to the usual and customary commission of the corporation;
4718 or

4719 (B) Offer to allow the producing agent of record to
4720 continue servicing the policy for at least 1 year and offer to
4721 pay the agent the greater of the insurer's or the corporation's
4722 usual and customary commission for the type of policy written.

4723
4724 If the producing agent is unwilling or unable to accept
4725 appointment, the new insurer shall pay the agent in accordance
4726 with sub-sub-sub-subparagraph (A).

4727 b. With respect to commercial lines residential risks, for

2014934er

4728 a new application to the corporation for coverage, if the risk
4729 is offered coverage under a policy including wind coverage from
4730 an authorized insurer at its approved rate, the risk is not
4731 eligible for a policy issued by the corporation unless the
4732 premium for coverage from the authorized insurer is more than 15
4733 percent greater than the premium for comparable coverage from
4734 the corporation. Whenever an offer of coverage for a commercial
4735 lines residential risk is received for a policyholder of the
4736 corporation at renewal from an authorized insurer, if the offer
4737 is equal to or less than the corporation's renewal premium for
4738 comparable coverage, the risk is not eligible for coverage with
4739 the corporation. If the risk is not able to obtain any such
4740 offer, the risk is eligible for a policy including wind coverage
4741 issued by the corporation. However, a policyholder removed from
4742 the corporation through an assumption agreement remains eligible
4743 for coverage from the corporation until the end of the
4744 assumption period.

4745 (I) If the risk accepts an offer of coverage through the
4746 market assistance plan or through a mechanism established by the
4747 corporation other than a plan established by s. 627.3518, before
4748 a policy is issued to the risk by the corporation or during the
4749 first 30 days of coverage by the corporation, and the producing
4750 agent who submitted the application to the plan or the
4751 corporation is not currently appointed by the insurer, the
4752 insurer shall:

4753 (A) Pay to the producing agent of record of the policy, for
4754 the first year, an amount that is the greater of the insurer's
4755 usual and customary commission for the type of policy written or
4756 a fee equal to the usual and customary commission of the

2014934er

4757 corporation; or

4758 (B) Offer to allow the producing agent of record of the
4759 policy to continue servicing the policy for at least 1 year and
4760 offer to pay the agent the greater of the insurer's or the
4761 corporation's usual and customary commission for the type of
4762 policy written.

4763

4764 If the producing agent is unwilling or unable to accept
4765 appointment, the new insurer shall pay the agent in accordance
4766 with sub-sub-sub-subparagraph (A).

4767 (II) If the corporation enters into a contractual agreement
4768 for a take-out plan, the producing agent of record of the
4769 corporation policy is entitled to retain any unearned commission
4770 on the policy, and the insurer shall:

4771 (A) Pay to the producing agent of record, for the first
4772 year, an amount that is the greater of the insurer's usual and
4773 customary commission for the type of policy written or a fee
4774 equal to the usual and customary commission of the corporation;
4775 or

4776 (B) Offer to allow the producing agent of record to
4777 continue servicing the policy for at least 1 year and offer to
4778 pay the agent the greater of the insurer's or the corporation's
4779 usual and customary commission for the type of policy written.

4780

4781 If the producing agent is unwilling or unable to accept
4782 appointment, the new insurer shall pay the agent in accordance
4783 with sub-sub-sub-subparagraph (A).

4784 c. For purposes of determining comparable coverage under
4785 sub-subparagraphs a. and b., the comparison must be based on

2014934er

4786 those forms and coverages that are reasonably comparable. The
4787 corporation may rely on a determination of comparable coverage
4788 and premium made by the producing agent who submits the
4789 application to the corporation, made in the agent's capacity as
4790 the corporation's agent. A comparison may be made solely of the
4791 premium with respect to the main building or structure only on
4792 the following basis: the same coverage A or other building
4793 limits; the same percentage hurricane deductible that applies on
4794 an annual basis or that applies to each hurricane for commercial
4795 residential property; the same percentage of ordinance and law
4796 coverage, if the same limit is offered by both the corporation
4797 and the authorized insurer; the same mitigation credits, to the
4798 extent the same types of credits are offered both by the
4799 corporation and the authorized insurer; the same method for loss
4800 payment, such as replacement cost or actual cash value, if the
4801 same method is offered both by the corporation and the
4802 authorized insurer in accordance with underwriting rules; and
4803 any other form or coverage that is reasonably comparable as
4804 determined by the board. If an application is submitted to the
4805 corporation for wind-only coverage in the coastal account, the
4806 premium for the corporation's wind-only policy plus the premium
4807 for the ex-wind policy that is offered by an authorized insurer
4808 to the applicant must be compared to the premium for multiperil
4809 coverage offered by an authorized insurer, subject to the
4810 standards for comparison specified in this subparagraph. If the
4811 corporation or the applicant requests from the authorized
4812 insurer a breakdown of the premium of the offer by types of
4813 coverage so that a comparison may be made by the corporation or
4814 its agent and the authorized insurer refuses or is unable to

2014934er

4815 provide such information, the corporation may treat the offer as
4816 not being an offer of coverage from an authorized insurer at the
4817 insurer's approved rate.

4818 6. Must include rules for classifications of risks and
4819 rates.

4820 7. Must provide that if premium and investment income for
4821 an account attributable to a particular calendar year are in
4822 excess of projected losses and expenses for the account
4823 attributable to that year, such excess shall be held in surplus
4824 in the account. Such surplus must be available to defray
4825 deficits in that account as to future years and used for that
4826 purpose before assessing assessable insurers and assessable
4827 insureds as to any calendar year.

4828 8. Must provide objective criteria and procedures to be
4829 uniformly applied to all applicants in determining whether an
4830 individual risk is so hazardous as to be uninsurable. In making
4831 this determination and in establishing the criteria and
4832 procedures, the following must be considered:

4833 a. Whether the likelihood of a loss for the individual risk
4834 is substantially higher than for other risks of the same class;
4835 and

4836 b. Whether the uncertainty associated with the individual
4837 risk is such that an appropriate premium cannot be determined.

4838
4839 The acceptance or rejection of a risk by the corporation shall
4840 be construed as the private placement of insurance, and the
4841 provisions of chapter 120 do not apply.

4842 9. Must provide that the corporation make its best efforts
4843 to procure catastrophe reinsurance at reasonable rates, to cover

2014934er

4844 its projected 100-year probable maximum loss as determined by
4845 the board of governors.

4846 10. The policies issued by the corporation must provide
4847 that if the corporation or the market assistance plan obtains an
4848 offer from an authorized insurer to cover the risk at its
4849 approved rates, the risk is no longer eligible for renewal
4850 through the corporation, except as otherwise provided in this
4851 subsection.

4852 11. Corporation policies and applications must include a
4853 notice that the corporation policy could, under this section, be
4854 replaced with a policy issued by an authorized insurer which
4855 does not provide coverage identical to the coverage provided by
4856 the corporation. The notice must also specify that acceptance of
4857 corporation coverage creates a conclusive presumption that the
4858 applicant or policyholder is aware of this potential.

4859 12. May establish, subject to approval by the office,
4860 different eligibility requirements and operational procedures
4861 for any line or type of coverage for any specified county or
4862 area if the board determines that such changes are justified due
4863 to the voluntary market being sufficiently stable and
4864 competitive in such area or for such line or type of coverage
4865 and that consumers who, in good faith, are unable to obtain
4866 insurance through the voluntary market through ordinary methods
4867 continue to have access to coverage from the corporation. If
4868 coverage is sought in connection with a real property transfer,
4869 the requirements and procedures may not provide an effective
4870 date of coverage later than the date of the closing of the
4871 transfer as established by the transferor, the transferee, and,
4872 if applicable, the lender.

2014934er

4873 13. Must provide that, with respect to the coastal account,
4874 any assessable insurer with a surplus as to policyholders of \$25
4875 million or less writing 25 percent or more of its total
4876 countrywide property insurance premiums in this state may
4877 petition the office, within the first 90 days of each calendar
4878 year, to qualify as a limited apportionment company. A regular
4879 assessment levied by the corporation on a limited apportionment
4880 company for a deficit incurred by the corporation for the
4881 coastal account may be paid to the corporation on a monthly
4882 basis as the assessments are collected by the limited
4883 apportionment company from its insureds, but a limited
4884 apportionment company must begin collecting the regular
4885 assessments not later than 90 days after the regular assessments
4886 are levied by the corporation, and the regular assessments must
4887 be paid in full within 15 months after being levied by the
4888 corporation. A limited apportionment company shall collect from
4889 its policyholders any emergency assessment imposed under sub-
4890 subparagraph (b)3.d. The plan must provide that, if the office
4891 determines that any regular assessment will result in an
4892 impairment of the surplus of a limited apportionment company,
4893 the office may direct that all or part of such assessment be
4894 deferred as provided in subparagraph (q)4. However, an emergency
4895 assessment to be collected from policyholders under sub-
4896 subparagraph (b)3.d. may not be limited or deferred.

4897 14. Must provide that the corporation appoint as its
4898 licensed agents only those agents who also hold an appointment
4899 as defined in s. 626.015(3) with an insurer who at the time of
4900 the agent's initial appointment by the corporation is authorized
4901 to write and is actually writing personal lines residential

2014934er

4902 property coverage, commercial residential property coverage, or
4903 commercial nonresidential property coverage within the state.

4904 15. Must provide a premium payment plan option to its
4905 policyholders which, at a minimum, allows for quarterly and
4906 semiannual payment of premiums. A monthly payment plan may, but
4907 is not required to, be offered.

4908 16. Must limit coverage on mobile homes or manufactured
4909 homes built before 1994 to actual cash value of the dwelling
4910 rather than replacement costs of the dwelling.

4911 17. Must provide coverage for manufactured or mobile home
4912 dwellings. Such coverage must also include the following
4913 attached structures:

4914 a. Screened enclosures that are aluminum framed or screened
4915 enclosures that are not covered by the same or substantially the
4916 same materials as those of the primary dwelling;

4917 b. Carports that are aluminum or carports that are not
4918 covered by the same or substantially the same materials as those
4919 of the primary dwelling; and

4920 c. Patios that have a roof covering that is constructed of
4921 materials that are not the same or substantially the same
4922 materials as those of the primary dwelling.

4923
4924 The corporation shall make available a policy for mobile homes
4925 or manufactured homes for a minimum insured value of at least
4926 \$3,000.

4927 18. May provide such limits of coverage as the board
4928 determines, consistent with the requirements of this subsection.

4929 19. May require commercial property to meet specified
4930 hurricane mitigation construction features as a condition of

2014934er

4931 eligibility for coverage.

4932 20. Must provide that new or renewal policies issued by the
4933 corporation on or after January 1, 2012, which cover sinkhole
4934 loss do not include coverage for any loss to appurtenant
4935 structures, driveways, sidewalks, decks, or patios that are
4936 directly or indirectly caused by sinkhole activity. The
4937 corporation shall exclude such coverage using a notice of
4938 coverage change, which may be included with the policy renewal,
4939 and not by issuance of a notice of nonrenewal of the excluded
4940 coverage upon renewal of the current policy.

4941 21. As of January 1, 2012, must require that the agent
4942 obtain from an applicant for coverage from the corporation an
4943 acknowledgment signed by the applicant, which includes, at a
4944 minimum, the following statement:

4945
4946 ACKNOWLEDGMENT OF POTENTIAL SURCHARGE
4947 AND ASSESSMENT LIABILITY:

4948
4949 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE
4950 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A
4951 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,
4952 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND
4953 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE
4954 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT
4955 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA
4956 LEGISLATURE.

4957 2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER
4958 SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM,
4959 BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO

2014934er

4960 BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN
4961 PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE
4962 WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES
4963 ARE REGULATED AND APPROVED BY THE STATE.

4964 3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY
4965 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER
4966 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE
4967 FLORIDA LEGISLATURE.

4968 4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE
4969 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE
4970 STATE OF FLORIDA.

4971 a. The corporation shall maintain, in electronic format or
4972 otherwise, a copy of the applicant's signed acknowledgment and
4973 provide a copy of the statement to the policyholder as part of
4974 the first renewal after the effective date of this subparagraph.

4975 b. The signed acknowledgment form creates a conclusive
4976 presumption that the policyholder understood and accepted his or
4977 her potential surcharge and assessment liability as a
4978 policyholder of the corporation.

4979 Reviser's note.—Subparagraph (6)(c)3. is amended to delete an
4980 obsolete provision. Sub-subparagraph (6)(c)4.a. is amended
4981 to confirm the editorial insertion of the word "be" to
4982 improve clarity.

4983 Section 150. Subsection (5) of section 627.3518, Florida
4984 Statutes, is amended to read:

4985 627.3518 Citizens Property Insurance Corporation
4986 policyholder eligibility clearinghouse program.—The purpose of
4987 this section is to provide a framework for the corporation to
4988 implement a clearinghouse program by January 1, 2014.

2014934er

4989 (5) Notwithstanding s. 627.3517, any applicant for new
4990 coverage from the corporation is not eligible for coverage from
4991 the corporation if provided an offer of coverage from an
4992 authorized insurer through the program at a premium that is at
4993 or below the eligibility threshold established in s.
4994 627.351(6)(c)5.a. Whenever an offer of coverage for a personal
4995 lines risk is received for a policyholder of the corporation at
4996 renewal from an authorized insurer through the program, if the
4997 offer is equal to or less than the corporation's renewal premium
4998 for comparable coverage, the risk is not eligible for coverage
4999 with the corporation. In the event an offer of coverage for a
5000 new applicant is received from an authorized insurer through the
5001 program, and the premium offered exceeds the eligibility
5002 threshold contained in s. 627.351(6)(c)5.a., the applicant or
5003 insured may elect to accept such coverage, or may elect to
5004 accept or continue coverage with the corporation. In the event
5005 an offer of coverage for a personal lines risk is received from
5006 an authorized insurer at renewal through the program, and the
5007 premium offered is more than the corporation's renewal premium
5008 for comparable coverage, the insured may elect to accept such
5009 coverage, or may elect to accept or continue coverage with the
5010 corporation. Section 627.351(6)(c)5.a.(I) does not apply to an
5011 offer of coverage from an authorized insurer obtained through
5012 the program. An applicant for coverage from the corporation who
5013 was ~~previously~~ declared ineligible for coverage at renewal by
5014 the corporation in the previous 36 months due to an offer of
5015 coverage pursuant to this subsection shall be considered a
5016 renewal under this section if the corporation determines that
5017 the authorized insurer making the offer of coverage pursuant to

2014934er

5018 this subsection continues to insure the applicant and increased
5019 the rate on the policy in excess of the increase allowed for the
5020 corporation under s. 627.351(6)(n)6.

5021 Reviser's note.—Amended to confirm the editorial deletion of the
5022 word "previously" to eliminate redundancy.

5023 Section 151. Subsection (3) of section 627.642, Florida
5024 Statutes, is amended to read:

5025 627.642 Outline of coverage.—

5026 (3) In addition to the outline of coverage, a policy as
5027 specified in s. 627.6699(3)(1) ~~627.6699(3)(k)~~ must be
5028 accompanied by an identification card that contains, at a
5029 minimum:

5030 (a) The name of the organization issuing the policy or the
5031 name of the organization administering the policy, whichever
5032 applies.

5033 (b) The name of the contract holder.

5034 (c) The type of plan only if the plan is filed in the
5035 state, an indication that the plan is self-funded, or the name
5036 of the network.

5037 (d) The member identification number, contract number, and
5038 policy or group number, if applicable.

5039 (e) A contact phone number or electronic address for
5040 authorizations and admission certifications.

5041 (f) A phone number or electronic address whereby the
5042 covered person or hospital, physician, or other person rendering
5043 services covered by the policy may obtain benefits verification
5044 and information in order to estimate patient financial
5045 responsibility, in compliance with privacy rules under the
5046 Health Insurance Portability and Accountability Act.

2014934er

5047 (g) The national plan identifier, in accordance with the
5048 compliance date set forth by the federal Department of Health
5049 and Human Services.

5050
5051 The identification card must present the information in a
5052 readily identifiable manner or, alternatively, the information
5053 may be embedded on the card and available through magnetic
5054 stripe or smart card. The information may also be provided
5055 through other electronic technology.

5056 Reviser's note.—Amended to conform to the redesignation of s.
5057 627.6699(3)(k) as s. 627.6699(3)(l) by s. 23, ch. 2013-101,
5058 Laws of Florida.

5059 Section 152. Paragraph (d) of subsection (2) of section
5060 627.6515, Florida Statutes, is amended to read:

5061 627.6515 Out-of-state groups.—

5062 (2) Except as otherwise provided in this part, this part
5063 does not apply to a group health insurance policy issued or
5064 delivered outside this state under which a resident of this
5065 state is provided coverage if:

5066 (d) Applications for certificates of coverage offered to
5067 residents of this state must contain, in contrasting color and
5068 not less than 12-point type, the following statement on the same
5069 page as the applicant's signature:

5070
5071 "This policy is primarily governed by the laws of
5072 ...insert state where the master policy is if
5073 filed.... As a result, all of the rating laws
5074 applicable to policies filed in this state do not
5075 apply to this coverage, which may result in increases

2014934er

5076 in your premium at renewal that would not be
5077 permissible under a Florida-approved policy. Any
5078 purchase of individual health insurance should be
5079 considered carefully, as future medical conditions may
5080 make it impossible to qualify for another individual
5081 health policy. For information concerning individual
5082 health coverage under a Florida-approved policy,
5083 consult your agent or the Florida Department of
5084 Financial Services.”

5085
5086 This paragraph applies only to group certificates providing
5087 health insurance coverage which require individualized
5088 underwriting to determine coverage eligibility for an individual
5089 or premium rates to be charged to an individual except for the
5090 following:

5091 1. Policies issued to provide coverage to groups of persons
5092 all of whom are in the same or functionally related licensed
5093 professions, and providing coverage only to such licensed
5094 professionals, their employees, or their dependents;

5095 2. Policies providing coverage to small employers as
5096 defined by s. 627.6699. Such policies shall be subject to, and
5097 governed by, the provisions of s. 627.6699;

5098 3. Policies issued to a bona fide association, as defined
5099 by s. 627.6571(5), provided that there is a person or board
5100 acting as a fiduciary for the benefit of the members, and such
5101 association is not owned, controlled by, or otherwise associated
5102 with the insurance company; or

5103 4. Any accidental death, accidental death and
5104 dismemberment, accident-only, vision-only, dental-only, hospital

2014934er

5105 indemnity-only, hospital accident-only, cancer, specified
5106 disease, Medicare supplement, products that supplement Medicare,
5107 long-term care, or disability income insurance, or similar
5108 supplemental plans provided under a separate policy,
5109 certificate, or contract of insurance, which cannot duplicate
5110 coverage under an underlying health plan, coinsurance, or
5111 deductibles or coverage issued as a supplement to workers'
5112 compensation or similar insurance, or automobile medical-payment
5113 insurance.

5114 Reviser's note.—Amended to confirm the editorial substitution of
5115 the word "is" for the word "if" to provide clarity.

5116 Section 153. Subsection (5) of section 627.6562, Florida
5117 Statutes, is amended to read:

5118 627.6562 Dependent coverage.—

5119 ~~(5)(a) Until April 1, 2009, the parent of a child who~~
5120 ~~qualifies for coverage under subsection (2) but whose coverage~~
5121 ~~as a dependent child under the parent's plan terminated under~~
5122 ~~the terms of the plan before October 1, 2008, may make a written~~
5123 ~~election to reinstate coverage, without proof of insurability,~~
5124 ~~under that plan as a dependent child pursuant to this section.~~

5125 ~~(b) The covered person's plan may require the payment of a~~
5126 ~~premium by the covered person or dependent child, as~~
5127 ~~appropriate, subject to the approval of the Office of Insurance~~
5128 ~~Regulation, for any period of coverage relating to a dependent's~~
5129 ~~written election for coverage pursuant to paragraph (a).~~

5130 ~~(c) Notice regarding the reinstatement of coverage for a~~
5131 ~~dependent child as provided under this subsection must be~~
5132 ~~provided to a covered person in the certificate of coverage~~
5133 ~~prepared for covered persons by the insurer or by the covered~~

2014934er

5134 ~~person's employer. Such notice may be given through the group~~
5135 ~~policyholder.~~

5136 Reviser's note.—Amended to delete an obsolete provision.

5137 Section 154. Subsection (2) of section 627.657, Florida
5138 Statutes, is amended to read:

5139 627.657 Provisions of group health insurance policies.—

5140 (2) The medical policy as specified in s. 627.6699(3)(1)
5141 ~~627.6699(3)(k)~~ must be accompanied by an identification card
5142 that contains, at a minimum:

5143 (a) The name of the organization issuing the policy or name
5144 of the organization administering the policy, whichever applies.

5145 (b) The name of the certificateholder.

5146 (c) The type of plan only if the plan is filed in the
5147 state, an indication that the plan is self-funded, or the name
5148 of the network.

5149 (d) The member identification number, contract number, and
5150 policy or group number, if applicable.

5151 (e) A contact phone number or electronic address for
5152 authorizations and admission certifications.

5153 (f) A phone number or electronic address whereby the
5154 covered person or hospital, physician, or other person rendering
5155 services covered by the policy may obtain benefits verification
5156 and information in order to estimate patient financial
5157 responsibility, in compliance with privacy rules under the
5158 Health Insurance Portability and Accountability Act.

5159 (g) The national plan identifier, in accordance with the
5160 compliance date set forth by the federal Department of Health
5161 and Human Services.

5162

2014934er

5163 The identification card must present the information in a
5164 readily identifiable manner or, alternatively, the information
5165 may be embedded on the card and available through magnetic
5166 stripe or smart card. The information may also be provided
5167 through other electronic technology.

5168 Reviser's note.—Amended to conform to the redesignation of s.
5169 627.6699(3)(k) as s. 627.6699(3)(l) by s. 23, ch. 2013-101,
5170 Laws of Florida.

5171 Section 155. Subsection (8) of section 627.6686, Florida
5172 Statutes, is amended to read:

5173 627.6686 Coverage for individuals with autism spectrum
5174 disorder required; exception.—

5175 (8) ~~Beginning January 1, 2011,~~ The maximum benefit under
5176 paragraph (4)(b) shall be adjusted annually on January 1 of each
5177 calendar year to reflect any change from the previous year in
5178 the medical component of the then current Consumer Price Index
5179 for All Urban Consumers, published by the Bureau of Labor
5180 Statistics of the United States Department of Labor.

5181 Reviser's note.—Amended to delete an obsolete provision.

5182 Section 156. Subsection (28) of section 633.102, Florida
5183 Statutes, is amended to read:

5184 633.102 Definitions.—As used in this chapter, the term:

5185 ~~(28) "Special state firesafety inspector" means an~~
5186 ~~individual officially assigned to the duties of conducting~~
5187 ~~firesafety inspections required by law on behalf of or by an~~
5188 ~~agency of the state having authority for inspections other than~~
5189 ~~the division.~~

5190 Reviser's note.—Amended to delete an obsolete provision. Section
5191 633.216(3) provides that the classification of special

2014934er

5192 state firesafety inspector is abolished effective July 1,
5193 2013, and all special state firesafety inspector
5194 certifications expire at midnight June 30, 2013.

5195 Section 157. Subsection (3) of section 633.216, Florida
5196 Statutes, is amended to read:

5197 633.216 Inspection of buildings and equipment; orders;
5198 firesafety inspection training requirements; certification;
5199 disciplinary action.—The State Fire Marshal and her or his
5200 agents or persons authorized to enforce laws and rules of the
5201 State Fire Marshal shall, at any reasonable hour, when the State
5202 Fire Marshal has reasonable cause to believe that a violation of
5203 this chapter or s. 509.215, or a rule adopted thereunder, or a
5204 minimum firesafety code adopted by the State Fire Marshal or a
5205 local authority, may exist, inspect any and all buildings and
5206 structures which are subject to the requirements of this chapter
5207 or s. 509.215 and rules adopted thereunder. The authority to
5208 inspect shall extend to all equipment, vehicles, and chemicals
5209 which are located on or within the premises of any such building
5210 or structure.

5211 ~~(3)(a)1. Effective July 1, 2013, the classification of~~
5212 ~~special state firesafety inspector is abolished, and all special~~
5213 ~~state firesafety inspector certifications expire at midnight~~
5214 ~~June 30, 2013.~~

5215 ~~2. Any person who is a special state firesafety inspector~~
5216 ~~on June 30, 2013, and who has failed to comply with paragraph~~
5217 ~~(b) or paragraph (c) may not perform any firesafety inspection~~
5218 ~~required by law.~~

5219 ~~3. A special state firesafety inspector certificate may not~~
5220 ~~be issued after June 30, 2011.~~

2014934er

5221 ~~(b)1. Any person who is a special state firesafety~~
5222 ~~inspector on July 1, 2011, and who has at least 5 years of~~
5223 ~~experience as a special state firesafety inspector as of July 1,~~
5224 ~~2011, may take the firesafety inspection examination as provided~~
5225 ~~in paragraph (2) (a) for firesafety inspectors before July 1,~~
5226 ~~2013, to be certified as a firesafety inspector under this~~
5227 ~~section.~~

5228 ~~2. Upon passing the examination, the person shall be~~
5229 ~~certified as a firesafety inspector as provided in this section.~~

5230 ~~3. A person who fails to become certified must comply with~~
5231 ~~paragraph (c) to be certified as a firesafety inspector under~~
5232 ~~this section.~~

5233 ~~(c)1. To be certified as a firesafety inspector under this~~
5234 ~~section, a person who:~~

5235 ~~a. Is a special state firesafety inspector on July 1, 2011,~~
5236 ~~and who does not have 5 years of experience as a special state~~
5237 ~~firesafety inspector as of July 1, 2011; or~~

5238 ~~b. Has 5 years of experience as a special state firesafety~~
5239 ~~inspector but has failed the examination taken as provided in~~
5240 ~~paragraph (2) (a),~~

5241
5242 ~~must take an additional 80 hours of the courses described in~~
5243 ~~paragraph (2) (b).~~

5244 ~~2. After successfully completing the courses described in~~
5245 ~~this paragraph, such person may take the firesafety inspection~~
5246 ~~examination as provided in paragraph (2) (a), if such examination~~
5247 ~~is taken before July 1, 2013.~~

5248 ~~3. Upon passing the examination, the person shall be~~
5249 ~~certified as a firesafety inspector as provided in this section.~~

2014934er

5250 ~~4. A person who fails the course of study or the~~
5251 ~~examination described in this paragraph may not perform any~~
5252 ~~firesafety inspection required by law on or after July 1, 2013.~~

5253 Reviser's note.—Amended to delete an obsolete provision.

5254 Section 158. Subsection (1) of section 633.316, Florida
5255 Statutes, is amended to read:

5256 633.316 Fire suppression system contractors; disciplinary
5257 action.—

5258 (1) The violation of any provision of this chapter or any
5259 rule ~~adopted and~~ adopted pursuant hereto or the failure or
5260 refusal to comply with any notice or order to correct a
5261 violation or any cease and desist order by a person who
5262 possesses a license or permit issued pursuant to s. 633.304 is
5263 cause for denial, nonrenewal, revocation, or suspension of such
5264 license or permit by the State Fire Marshal after such officer
5265 has determined that the person committed such violation. An
5266 order of suspension must state the period of such suspension,
5267 which period may not be in excess of 2 years from the date of
5268 such order. An order of revocation may be entered for a period
5269 not exceeding 5 years. Such orders shall effect suspension or
5270 revocation of all licenses or permits issued by the division to
5271 the person, and during such period a license or permit may not
5272 be issued by the division to such person. During the suspension
5273 or revocation of any license or permit, the former licensee or
5274 permittee may not engage in or attempt or profess to engage in
5275 any transaction or business for which a license or permit is
5276 required under this chapter or directly or indirectly own,
5277 control, or be employed in any manner by any firm, business, or
5278 corporation for which a license or permit under this chapter is

2014934er

5279 required. If, during the period between the beginning of
5280 proceedings and the entry of an order of suspension or
5281 revocation by the State Fire Marshal, a new license or permit
5282 has been issued by the division to the person so charged, the
5283 order of suspension or revocation shall operate to suspend or
5284 revoke such new license or permit held by such person.

5285 Reviser's note.—Amended to confirm the editorial deletion of the
5286 words "adopted and" to improve clarity.

5287 Section 159. Paragraph (a) of subsection (4) of section
5288 633.408, Florida Statutes, is amended to read:

5289 633.408 Firefighter and volunteer firefighter training and
5290 certification.—

5291 (4) The division shall issue a firefighter certificate of
5292 compliance to an individual who does all of the following:

5293 (a) Satisfactorily completes the Minimum Standards Course
5294 or ~~who~~ has satisfactorily completed training for firefighters in
5295 another state which has been determined by the division to be at
5296 least the equivalent of the training required for the Minimum
5297 Standards Course.

5298 Reviser's note.—Amended to confirm the editorial deletion of the
5299 word "who."

5300 Section 160. Section 634.283, Florida Statutes, is amended
5301 to read:

5302 634.283 Power of department and office to examine and
5303 investigate.—The department and office may, within their
5304 respective regulatory jurisdictions, examine and investigate the
5305 affairs of every person involved in the business of motor
5306 vehicle service agreements in this state in order to determine
5307 whether such person has been or is engaged in any unfair method

2014934er

5308 of competition or in any unfair or deceptive act or practice
5309 prohibited by s. 634.2815, and each shall have the powers and
5310 duties specified in ss. 634.284-634.288 ~~634.284-634.289~~ in
5311 connection therewith.

5312 Reviser's note.—Amended to conform to the repeal of s. 634.289
5313 by s. 99, ch. 2013-18, Laws of Florida.

5314 Section 161. Subsection (8) of section 641.31098, Florida
5315 Statutes, is amended to read:

5316 641.31098 Coverage for individuals with developmental
5317 disabilities.—

5318 (8) ~~Beginning January 1, 2011,~~ The maximum benefit under
5319 paragraph (4) (b) shall be adjusted annually on January 1 of each
5320 calendar year to reflect any change from the previous year in
5321 the medical component of the then current Consumer Price Index
5322 for All Urban Consumers, published by the Bureau of Labor
5323 Statistics of the United States Department of Labor.

5324 Reviser's note.—Amended to delete an obsolete provision.

5325 Section 162. Subsection (1) and paragraphs (b), (c), and
5326 (d) of subsection (5) of section 658.27, Florida Statutes, are
5327 amended to read:

5328 658.27 Control of bank or trust company; definitions and
5329 related provisions.—

5330 (1) In ss. 658.27-658.285 ~~658.27-658.29~~, unless the context
5331 clearly requires otherwise:

5332 (a) "Bank holding company" means any business organization
5333 which has or acquires control over any bank or trust company or
5334 over any business organization that is or becomes a bank holding
5335 company by virtue of ss. 658.27-658.285 ~~658.27-658.29~~.

5336 (b) "Business organization" means a corporation,

2014934er

5337 association, partnership, or business trust and includes any
5338 similar organization (including a trust company and including a
5339 bank, whether or not authorized to engage in trust business, but
5340 only if such bank is, or by virtue of ss. 658.27-658.285 ~~658.27-~~
5341 ~~658.29~~ becomes, a bank holding company), whether created,
5342 organized, or existing under the laws of the United States; this
5343 state or any other state of the United States; or any other
5344 country, government, or jurisdiction. "Business organization"
5345 does not include any corporation the majority of the shares of
5346 which are owned by the United States or by this state. "Business
5347 organization" also includes any other trust, unless by its terms
5348 it must terminate within 25 years or not later than 21 years and
5349 10 months after the death of individuals living on the effective
5350 date of the trust, unless the office determines, after notice
5351 and opportunity for hearing, that a purpose for the creation of
5352 such trust was the evasion of the provisions of ss. 658.27-
5353 658.285 ~~658.27-658.29~~.

5354 (c) "Edge Act corporation" means a corporation organized
5355 and existing under the provisions of s. 25(a) of the Federal
5356 Reserve Act, 12 U.S.C. ss. 611-632.

5357 (d) "Subsidiary," with respect to a specified bank, trust
5358 company, or bank holding company, means:

5359 1. Any business organization 25 percent or more of the
5360 voting shares of which, excluding shares owned by the United
5361 States or by any business organization wholly owned by the
5362 United States, are directly or indirectly owned or controlled by
5363 such bank, trust company, or bank holding company or are held by
5364 such bank, trust company, or bank holding company with power to
5365 vote;

2014934er

5366 2. Any business organization the election of a majority of
5367 the directors of which is controlled in any manner by such bank,
5368 trust company, or bank holding company; or

5369 3. Any business organization with respect to the management
5370 or policies of which such bank, trust company, or bank holding
5371 company has the power, directly or indirectly, to exercise a
5372 controlling influence, as determined by the office after notice
5373 and opportunity for hearing.

5374 (e) "Successor," with respect to a specified bank holding
5375 company, means any business organization which acquires directly
5376 or indirectly from the bank holding company shares of any bank
5377 or trust company, when and if the relationship between such
5378 business organization and the bank holding company is such that
5379 the transaction effects no substantial change in the control of
5380 the bank or trust company or beneficial ownership of such shares
5381 of such bank or trust company. The commission may, by rule,
5382 further define the term "successor" to the extent necessary to
5383 prevent evasion of the purposes of ss. 658.27-658.285 ~~658.27-~~
5384 ~~658.29~~. For the purposes of ss. 658.27-658.285 ~~658.27-658.29~~,
5385 any successor to a bank holding company shall be deemed to have
5386 been a bank holding company from the date on which the
5387 predecessor business organization became a bank holding company.

5388 (5) Notwithstanding any other provision of this section, no
5389 bank and no business organization shall be deemed to own or
5390 control voting shares or assets of another bank or another
5391 business organization if:

5392 (b) The shares are acquired in connection with the
5393 underwriting of securities by a business organization, in good
5394 faith and without any intent or purpose to evade the purposes of

2014934er

5395 ss. 658.27-658.285 ~~658.27-658.29~~, and if such shares are held
5396 only for such period of time, not exceeding 3 months from date
5397 of acquisition, as will permit the sale thereof on a reasonable
5398 basis; however, upon application by the underwriting business
5399 organization, and after notice and opportunity for hearing, if
5400 the office finds that the sale of such shares within that period
5401 of time would create an unreasonable hardship on the
5402 underwriting business organization, that there is no intent or
5403 purpose to evade the purposes of ss. 658.27-658.285 ~~658.27-~~
5404 ~~658.29~~ by the continued ownership or control of such shares by
5405 such underwriting business organization, and that an extension
5406 of such period of time would not be detrimental to the public
5407 interest, the office is authorized to extend, from time to time,
5408 for not more than 1 month at a time, the 3-month period, but the
5409 aggregate of such extensions shall not exceed 3 months;

5410 (c) Control of voting rights of such shares is acquired in
5411 good faith, and without any purpose or intent to evade the
5412 purposes of ss. 658.27-658.285 ~~658.27-658.29~~, in the course of
5413 participating in a proxy solicitation by a business organization
5414 formed in good faith, and without any purpose or intent to evade
5415 the purposes of ss. 658.27-658.285 ~~658.27-658.29~~, for the sole
5416 purpose of participating in such proxy solicitation, and such
5417 control of voting rights terminates immediately upon the
5418 conclusion of the sole purpose for which such business
5419 organization was formed; or

5420 (d) The ownership or control of such shares or assets is
5421 acquired in securing or collecting a debt previously contracted
5422 in good faith, unless the office, after notice and opportunity
5423 for hearing, finds that a purpose of any part of any transaction

2014934er

5424 was an evasion of the purposes of ss. 658.27-658.285 ~~658.27-~~
5425 ~~658.29~~ and if the ownership or control of such shares or assets
5426 is held only for such reasonable period of time, not exceeding 2
5427 years after the date of acquisition, as will permit the
5428 divestiture thereof on a reasonable basis. Upon application by
5429 the bank or business organization which acquired such ownership
5430 or control in accordance with the preceding provisions of this
5431 paragraph, and after notice and opportunity for hearing, if the
5432 office finds that the bank or business organization has made
5433 reasonable and good faith efforts to divest itself of such
5434 ownership or control on a reasonable basis within the 2-year
5435 period but has been unable to do so, that immediate divestiture
5436 of such ownership or control would create an unreasonable
5437 hardship on such bank or business organization, that
5438 continuation of such ownership or control involves no purpose or
5439 intent to evade the purposes of ss. 658.27-658.285 ~~658.27-~~
5440 ~~658.29~~, and that an extension of the 2-year period would not be
5441 detrimental to the public interest, the office is authorized to
5442 extend, from time to time and for not more than 1 year at a
5443 time, the 2-year period, but the aggregate of all such
5444 extensions shall not exceed 3 years.

5445 Reviser's note.—Amended to conform to the repeal of s. 658.29 by
5446 s. 15, ch. 96-168, Laws of Florida.

5447 Section 163. Subsection (7) of section 658.995, Florida
5448 Statutes, is amended to read:

5449 658.995 Credit Card Bank Act.—

5450 (7) A credit card bank shall not be considered a "bank" for
5451 the purposes of ss. 658.27-658.2953 ~~658.27-658.296~~.

5452 Reviser's note.—Amended to conform to the repeal of s. 658.296

2014934er

5453 by s. 25, ch. 2011-194, Laws of Florida.

5454 Section 164. Paragraph (d) of subsection (4) and paragraph
5455 (a) of subsection (13) of section 713.78, Florida Statutes, are
5456 amended to read:

5457 713.78 Liens for recovering, towing, or storing vehicles
5458 and vessels.—

5459 (4)

5460 (d) If attempts to locate the name and address of the owner
5461 or lienholder prove unsuccessful, the towing-storage operator
5462 shall, after 7 working days, excluding Saturday and Sunday, of
5463 the initial tow or storage, notify the public agency of
5464 jurisdiction where the vehicle or vessel is stored in writing by
5465 certified mail or acknowledged hand delivery that the towing-
5466 storage company has been unable to locate the name and address
5467 of the owner or lienholder and a physical search of the vehicle
5468 or vessel has disclosed no ownership information and a good
5469 faith effort has been made, including records checks of the
5470 Department of Highway Safety and Motor Vehicles database and the
5471 National Motor Vehicle Title Information System or an equivalent
5472 commercially available system ~~databases~~. For purposes of this
5473 paragraph and subsection (9), "good faith effort" means that the
5474 following checks have been performed by the company to establish
5475 prior state of registration and for title:

5476 1. Check of the Department of Highway Safety and Motor
5477 Vehicles database for the owner and any lienholder.

5478 2. Check of the electronic National Motor Vehicle Title
5479 Information System or an equivalent commercially available
5480 system to determine the state of registration when there is not
5481 a current registration record for the vehicle on file with the

2014934er

5482 Department of Highway Safety and Motor Vehicles.

5483 3. Check of vehicle or vessel for any type of tag, tag
5484 record, temporary tag, or regular tag.

5485 4. Check of law enforcement report for tag number or other
5486 information identifying the vehicle or vessel, if the vehicle or
5487 vessel was towed at the request of a law enforcement officer.

5488 5. Check of trip sheet or tow ticket of tow truck operator
5489 to see if a tag was on vehicle or vessel at beginning of tow, if
5490 private tow.

5491 6. If there is no address of the owner on the impound
5492 report, check of law enforcement report to see if an out-of-
5493 state address is indicated from driver license information.

5494 7. Check of vehicle or vessel for inspection sticker or
5495 other stickers and decals that may indicate a state of possible
5496 registration.

5497 8. Check of the interior of the vehicle or vessel for any
5498 papers that may be in the glove box, trunk, or other areas for a
5499 state of registration.

5500 9. Check of vehicle for vehicle identification number.

5501 10. Check of vessel for vessel registration number.

5502 11. Check of vessel hull for a hull identification number
5503 which should be carved, burned, stamped, embossed, or otherwise
5504 permanently affixed to the outboard side of the transom or, if
5505 there is no transom, to the outmost seaboard side at the end of
5506 the hull that bears the rudder or other steering mechanism.

5507 (13) (a) Upon receipt by the Department of Highway Safety
5508 and Motor Vehicles of written notice from a wrecker operator who
5509 claims a wrecker operator's lien under paragraph ~~(2)(e)~~ or
5510 ~~paragraph~~ (2) (d) for recovery, towing, or storage of an

2014934er

5511 abandoned vehicle or vessel upon instructions from any law
5512 enforcement agency, for which a certificate of destruction has
5513 been issued under subsection (11) and the vehicle has been
5514 reported to the National Motor Vehicle Title Information System,
5515 the department shall place the name of the registered owner of
5516 that vehicle or vessel on the list of those persons who may not
5517 be issued a license plate or revalidation sticker for any motor
5518 vehicle under s. 320.03(8). If the vehicle or vessel is owned
5519 jointly by more than one person, the name of each registered
5520 owner shall be placed on the list. The notice of wrecker
5521 operator's lien shall be submitted on forms provided by the
5522 department, which must include:

5523 1. The name, address, and telephone number of the wrecker
5524 operator.

5525 2. The name of the registered owner of the vehicle or
5526 vessel and the address to which the wrecker operator provided
5527 notice of the lien to the registered owner under subsection (4).

5528 3. A general description of the vehicle or vessel,
5529 including its color, make, model, body style, and year.

5530 4. The vehicle identification number (VIN); registration
5531 license plate number, state, and year; validation decal number,
5532 state, and year; vessel registration number; hull identification
5533 number; or other identification number, as applicable.

5534 5. The name of the person or the corresponding law
5535 enforcement agency that requested that the vehicle or vessel be
5536 recovered, towed, or stored.

5537 6. The amount of the wrecker operator's lien, not to exceed
5538 the amount allowed by paragraph (b).

5539 Reviser's note.—Paragraph (4) (d) is amended to confirm the

2014934er

5540 editorial insertion of the word "database" and editorial
5541 deletion of the word "databases" to improve clarity.
5542 Paragraph (13) (a) is amended to conform to the deletion of
5543 referenced paragraph (2) (d) by s. 3, ch. 2005-137, Laws of
5544 Florida, and the subsequent redesignation of referenced
5545 paragraph (2) (c) as paragraph (2) (d) by s. 75, ch. 2013-
5546 160, Laws of Florida.

5547 Section 165. Subsection (1) of section 718.301, Florida
5548 Statutes, is reenacted to read:

5549 718.301 Transfer of association control; claims of defect
5550 by association.—

5551 (1) If unit owners other than the developer own 15 percent
5552 or more of the units in a condominium that will be operated
5553 ultimately by an association, the unit owners other than the
5554 developer are entitled to elect at least one-third of the
5555 members of the board of administration of the association. Unit
5556 owners other than the developer are entitled to elect at least a
5557 majority of the members of the board of administration of an
5558 association, upon the first to occur of any of the following
5559 events:

5560 (a) Three years after 50 percent of the units that will be
5561 operated ultimately by the association have been conveyed to
5562 purchasers;

5563 (b) Three months after 90 percent of the units that will be
5564 operated ultimately by the association have been conveyed to
5565 purchasers;

5566 (c) When all the units that will be operated ultimately by
5567 the association have been completed, some of them have been
5568 conveyed to purchasers, and none of the others are being offered

2014934er

5569 for sale by the developer in the ordinary course of business;

5570 (d) When some of the units have been conveyed to purchasers
5571 and none of the others are being constructed or offered for sale
5572 by the developer in the ordinary course of business;

5573 (e) When the developer files a petition seeking protection
5574 in bankruptcy;

5575 (f) When a receiver for the developer is appointed by a
5576 circuit court and is not discharged within 30 days after such
5577 appointment, unless the court determines within 30 days after
5578 appointment of the receiver that transfer of control would be
5579 detrimental to the association or its members; or

5580 (g) Seven years after the date of the recording of the
5581 certificate of a surveyor and mapper pursuant to s.
5582 718.104(4) (e) or the recording of an instrument that transfers
5583 title to a unit in the condominium which is not accompanied by a
5584 recorded assignment of developer rights in favor of the grantee
5585 of such unit, whichever occurs first; or, in the case of an
5586 association that may ultimately operate more than one
5587 condominium, 7 years after the date of the recording of the
5588 certificate of a surveyor and mapper pursuant to s.

5589 718.104(4) (e) or the recording of an instrument that transfers
5590 title to a unit which is not accompanied by a recorded
5591 assignment of developer rights in favor of the grantee of such
5592 unit, whichever occurs first, for the first condominium it
5593 operates; or, in the case of an association operating a phase
5594 condominium created pursuant to s. 718.403, 7 years after the
5595 date of the recording of the certificate of a surveyor and
5596 mapper pursuant to s. 718.104(4) (e) or the recording of an
5597 instrument that transfers title to a unit which is not

2014934er

5598 accompanied by a recorded assignment of developer rights in
5599 favor of the grantee of such unit, whichever occurs first.

5600
5601 The developer is entitled to elect at least one member of the
5602 board of administration of an association as long as the
5603 developer holds for sale in the ordinary course of business at
5604 least 5 percent, in condominiums with fewer than 500 units, and
5605 2 percent, in condominiums with more than 500 units, of the
5606 units in a condominium operated by the association. After the
5607 developer relinquishes control of the association, the developer
5608 may exercise the right to vote any developer-owned units in the
5609 same manner as any other unit owner except for purposes of
5610 reacquiring control of the association or selecting the majority
5611 members of the board of administration.

5612 Reviser's note.—Reenacted to confirm restoration by the editors
5613 of the flush left language at the end of subsection (1). A
5614 drafting error in s. 7, ch. 2013-122, Laws of Florida,
5615 placed the flush left material of subsection (1) at the end
5616 of paragraph (g); the intent was for it to remain flush
5617 left text at the end of subsection (1).

5618 Section 166. Paragraph (a) of subsection (1) of section
5619 871.015, Florida Statutes, is amended to read:

5620 871.015 Unlawful protests.—

5621 (1) As used in this section, the term:

5622 (a) "Funeral or burial" means a service or ceremony offered
5623 or provided in connection with the final disposition,
5624 memorialization, interment ~~internment~~, entombment, or inurnment
5625 of human remains or cremated human remains.

5626 Reviser's note.—Amended to confirm the editorial substitution of

2014934er

5627 the word "interment" for the word "internment" to conform
5628 to context.

5629 Section 167. Subsection (8) of section 893.055, Florida
5630 Statutes, is amended to read:

5631 893.055 Prescription drug monitoring program.—

5632 (8) To assist in fulfilling program responsibilities,
5633 performance measures shall be reported annually to the Governor,
5634 the President of the Senate, and the Speaker of the House of
5635 Representatives by the department each December 1, ~~beginning in~~
5636 ~~2014~~. Data that does not contain patient, physician, health care
5637 practitioner, prescriber, or dispenser identifying information
5638 may be requested during the year by department employees so that
5639 the department may undertake public health care and safety
5640 initiatives that take advantage of observed trends. Performance
5641 measures may include, but are not limited to, efforts to achieve
5642 the following outcomes:

5643 (a) Reduction of the rate of inappropriate use of
5644 prescription drugs through department education and safety
5645 efforts.

5646 (b) Reduction of the quantity of pharmaceutical controlled
5647 substances obtained by individuals attempting to engage in fraud
5648 and deceit.

5649 (c) Increased coordination among partners participating in
5650 the prescription drug monitoring program.

5651 (d) Involvement of stakeholders in achieving improved
5652 patient health care and safety and reduction of prescription
5653 drug abuse and prescription drug diversion.

5654 Reviser's note.—Amended to delete an obsolete provision.

5655 Section 168. Paragraph (a) of subsection (5) of section

2014934er

5656 893.1495, Florida Statutes, is amended to read:

5657 893.1495 Retail sale of ephedrine and related compounds.—

5658 (5) (a) Any person purchasing, receiving, or otherwise
5659 acquiring any nonprescription compound, mixture, or preparation
5660 containing any detectable quantity of ephedrine or related
5661 compounds must:

5662 1. Be at least 18 years of age.

5663 2. Produce a government-issued photo identification showing
5664 his or her name, date of birth, address, and photo
5665 identification number or an alternative form of identification
5666 acceptable under ~~federal regulation~~ 8 C.F.R. s.
5667 274a.2 (b) (1) (v) (A) and (B).

5668 3. Sign his or her name on a record of the purchase, either
5669 on paper or on an electronic signature capture device.

5670 Reviser's note.—Amended to delete the words "federal regulation"
5671 to provide clarity.

5672 Section 169. Paragraph (c) of subsection (4) of section
5673 943.0585, Florida Statutes, is amended to read:

5674 943.0585 Court-ordered expunction of criminal history
5675 records.—The courts of this state have jurisdiction over their
5676 own procedures, including the maintenance, expunction, and
5677 correction of judicial records containing criminal history
5678 information to the extent such procedures are not inconsistent
5679 with the conditions, responsibilities, and duties established by
5680 this section. Any court of competent jurisdiction may order a
5681 criminal justice agency to expunge the criminal history record
5682 of a minor or an adult who complies with the requirements of
5683 this section. The court shall not order a criminal justice
5684 agency to expunge a criminal history record until the person

2014934er

5685 seeking to expunge a criminal history record has applied for and
5686 received a certificate of eligibility for expunction pursuant to
5687 subsection (2). A criminal history record that relates to a
5688 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
5689 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
5690 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
5691 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
5692 any violation specified as a predicate offense for registration
5693 as a sexual predator pursuant to s. 775.21, without regard to
5694 whether that offense alone is sufficient to require such
5695 registration, or for registration as a sexual offender pursuant
5696 to s. 943.0435, may not be expunged, without regard to whether
5697 adjudication was withheld, if the defendant was found guilty of
5698 or pled guilty or nolo contendere to the offense, or if the
5699 defendant, as a minor, was found to have committed, or pled
5700 guilty or nolo contendere to committing, the offense as a
5701 delinquent act. The court may only order expunction of a
5702 criminal history record pertaining to one arrest or one incident
5703 of alleged criminal activity, except as provided in this
5704 section. The court may, at its sole discretion, order the
5705 expunction of a criminal history record pertaining to more than
5706 one arrest if the additional arrests directly relate to the
5707 original arrest. If the court intends to order the expunction of
5708 records pertaining to such additional arrests, such intent must
5709 be specified in the order. A criminal justice agency may not
5710 expunge any record pertaining to such additional arrests if the
5711 order to expunge does not articulate the intention of the court
5712 to expunge a record pertaining to more than one arrest. This
5713 section does not prevent the court from ordering the expunction

2014934er

5714 of only a portion of a criminal history record pertaining to one
5715 arrest or one incident of alleged criminal activity.
5716 Notwithstanding any law to the contrary, a criminal justice
5717 agency may comply with laws, court orders, and official requests
5718 of other jurisdictions relating to expunction, correction, or
5719 confidential handling of criminal history records or information
5720 derived therefrom. This section does not confer any right to the
5721 expunction of any criminal history record, and any request for
5722 expunction of a criminal history record may be denied at the
5723 sole discretion of the court.

5724 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
5725 criminal history record of a minor or an adult which is ordered
5726 expunged by a court of competent jurisdiction pursuant to this
5727 section must be physically destroyed or obliterated by any
5728 criminal justice agency having custody of such record; except
5729 that any criminal history record in the custody of the
5730 department must be retained in all cases. A criminal history
5731 record ordered expunged that is retained by the department is
5732 confidential and exempt from the provisions of s. 119.07(1) and
5733 s. 24(a), Art. I of the State Constitution and not available to
5734 any person or entity except upon order of a court of competent
5735 jurisdiction. A criminal justice agency may retain a notation
5736 indicating compliance with an order to expunge.

5737 (c) Information relating to the existence of an expunged
5738 criminal history record which is provided in accordance with
5739 paragraph (a) is confidential and exempt from the provisions of
5740 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
5741 except that the department shall disclose the existence of a
5742 criminal history record ordered expunged to the entities set

2014934er

5743 forth in subparagraphs (a)1., 4., 5., and 6. ~~(a)1., 4., 5., 6.,~~
5744 ~~and 7.~~ for their respective licensing, access authorization, and
5745 employment purposes, and to criminal justice agencies for their
5746 respective criminal justice purposes. It is unlawful for any
5747 employee of an entity set forth in subparagraph (a)1.,
5748 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.~~7~~
5749 ~~or subparagraph (a)7.~~ to disclose information relating to the
5750 existence of an expunged criminal history record of a person
5751 seeking employment, access authorization, or licensure with such
5752 entity or contractor, except to the person to whom the criminal
5753 history record relates or to persons having direct
5754 responsibility for employment, access authorization, or
5755 licensure decisions. Any person who violates this paragraph
5756 commits a misdemeanor of the first degree, punishable as
5757 provided in s. 775.082 or s. 775.083.

5758 Reviser's note.—Amended to conform to the repeal of subparagraph
5759 (4) (a)7. by s. 25, ch. 2013-116, Laws of Florida.

5760 Section 170. Subsection (4) of section 943.059, Florida
5761 Statutes, is amended to read:

5762 943.059 Court-ordered sealing of criminal history records.—
5763 The courts of this state shall continue to have jurisdiction
5764 over their own procedures, including the maintenance, sealing,
5765 and correction of judicial records containing criminal history
5766 information to the extent such procedures are not inconsistent
5767 with the conditions, responsibilities, and duties established by
5768 this section. Any court of competent jurisdiction may order a
5769 criminal justice agency to seal the criminal history record of a
5770 minor or an adult who complies with the requirements of this
5771 section. The court shall not order a criminal justice agency to

2014934er

5772 seal a criminal history record until the person seeking to seal
5773 a criminal history record has applied for and received a
5774 certificate of eligibility for sealing pursuant to subsection
5775 (2). A criminal history record that relates to a violation of s.
5776 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
5777 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
5778 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
5779 916.1075, a violation enumerated in s. 907.041, or any violation
5780 specified as a predicate offense for registration as a sexual
5781 predator pursuant to s. 775.21, without regard to whether that
5782 offense alone is sufficient to require such registration, or for
5783 registration as a sexual offender pursuant to s. 943.0435, may
5784 not be sealed, without regard to whether adjudication was
5785 withheld, if the defendant was found guilty of or pled guilty or
5786 nolo contendere to the offense, or if the defendant, as a minor,
5787 was found to have committed or pled guilty or nolo contendere to
5788 committing the offense as a delinquent act. The court may only
5789 order sealing of a criminal history record pertaining to one
5790 arrest or one incident of alleged criminal activity, except as
5791 provided in this section. The court may, at its sole discretion,
5792 order the sealing of a criminal history record pertaining to
5793 more than one arrest if the additional arrests directly relate
5794 to the original arrest. If the court intends to order the
5795 sealing of records pertaining to such additional arrests, such
5796 intent must be specified in the order. A criminal justice agency
5797 may not seal any record pertaining to such additional arrests if
5798 the order to seal does not articulate the intention of the court
5799 to seal records pertaining to more than one arrest. This section
5800 does not prevent the court from ordering the sealing of only a

2014934er

5801 portion of a criminal history record pertaining to one arrest or
5802 one incident of alleged criminal activity. Notwithstanding any
5803 law to the contrary, a criminal justice agency may comply with
5804 laws, court orders, and official requests of other jurisdictions
5805 relating to sealing, correction, or confidential handling of
5806 criminal history records or information derived therefrom. This
5807 section does not confer any right to the sealing of any criminal
5808 history record, and any request for sealing a criminal history
5809 record may be denied at the sole discretion of the court.

5810 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
5811 history record of a minor or an adult which is ordered sealed by
5812 a court of competent jurisdiction pursuant to this section is
5813 confidential and exempt from the provisions of s. 119.07(1) and
5814 s. 24(a), Art. I of the State Constitution and is available only
5815 to the person who is the subject of the record, to the subject's
5816 attorney, to criminal justice agencies for their respective
5817 criminal justice purposes, which include conducting a criminal
5818 history background check for approval of firearms purchases or
5819 transfers as authorized by state or federal law, to judges in
5820 the state courts system for the purpose of assisting them in
5821 their case-related decisionmaking responsibilities, as set forth
5822 in s. 943.053(5), or to those entities set forth in
5823 subparagraphs (a)1., 4., 5., and 6. ~~(a)1., 4., 5., 6., and 8.~~
5824 for their respective licensing, access authorization, and
5825 employment purposes.

5826 (a) The subject of a criminal history record sealed under
5827 this section or under other provisions of law, including former
5828 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
5829 deny or fail to acknowledge the arrests covered by the sealed

2014934er

5830 record, except when the subject of the record:

5831 1. Is a candidate for employment with a criminal justice
5832 agency;

5833 2. Is a defendant in a criminal prosecution;

5834 3. Concurrently or subsequently petitions for relief under
5835 this section, s. 943.0583, or s. 943.0585;

5836 4. Is a candidate for admission to The Florida Bar;

5837 5. Is seeking to be employed or licensed by or to contract
5838 with the Department of Children and Families, the Division of
5839 Vocational Rehabilitation within the Department of Education,
5840 the Agency for Health Care Administration, the Agency for
5841 Persons with Disabilities, the Department of Health, the
5842 Department of Elderly Affairs, or the Department of Juvenile
5843 Justice or to be employed or used by such contractor or licensee
5844 in a sensitive position having direct contact with children, the
5845 disabled, or the elderly;

5846 6. Is seeking to be employed or licensed by the Department
5847 of Education, any district school board, any university
5848 laboratory school, any charter school, any private or parochial
5849 school, or any local governmental entity that licenses child
5850 care facilities; or

5851 7. Is attempting to purchase a firearm from a licensed
5852 importer, licensed manufacturer, or licensed dealer and is
5853 subject to a criminal history check under state or federal law.

5854 (b) Subject to the exceptions in paragraph (a), a person
5855 who has been granted a sealing under this section, former s.
5856 893.14, former s. 901.33, or former s. 943.058 may not be held
5857 under any provision of law of this state to commit perjury or to
5858 be otherwise liable for giving a false statement by reason of

2014934er

5859 such person's failure to recite or acknowledge a sealed criminal
5860 history record.

5861 (c) Information relating to the existence of a sealed
5862 criminal record provided in accordance with the provisions of
5863 paragraph (a) is confidential and exempt from the provisions of
5864 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
5865 except that the department shall disclose the sealed criminal
5866 history record to the entities set forth in subparagraphs (a)1.,
5867 4., 5., and 6. ~~(a)1., 4., 5., 6., and 8.~~ for their respective
5868 licensing, access authorization, and employment purposes. It is
5869 unlawful for any employee of an entity set forth in subparagraph
5870 (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph
5871 (a)6., ~~or subparagraph (a)8.~~ to disclose information relating to
5872 the existence of a sealed criminal history record of a person
5873 seeking employment, access authorization, or licensure with such
5874 entity or contractor, except to the person to whom the criminal
5875 history record relates or to persons having direct
5876 responsibility for employment, access authorization, or
5877 licensure decisions. Any person who violates the provisions of
5878 this paragraph commits a misdemeanor of the first degree,
5879 punishable as provided in s. 775.082 or s. 775.083.

5880 Reviser's note.—Amended to conform to the repeal of subparagraph
5881 (4)(a)8. by s. 26, ch. 2013-116, Laws of Florida.

5882 Section 171. Subsection (5) of section 945.091, Florida
5883 Statutes, is amended to read:

5884 945.091 Extension of the limits of confinement; restitution
5885 by employed inmates.—

5886 (5) The provisions of this section shall not be deemed to
5887 authorize any inmate who has been convicted of any murder,

2014934er

5888 manslaughter, sexual battery, robbery, arson, aggravated
5889 assault, aggravated battery, kidnapping, escape, breaking and
5890 entering with intent to commit a felony, or aircraft piracy, or
5891 any attempt to commit the aforementioned crimes, to attend any
5892 classes at any Florida College System institution ~~state~~
5893 ~~community college~~ or any university which is a part of the State
5894 University System.

5895 Reviser's note.—Amended to conform a reference to a state
5896 community college to changes in chs. 2008-52 and 2009-228,
5897 Laws of Florida, transitioning references from community
5898 colleges to Florida College System institutions.

5899 Section 172. Subsection (11) of section 951.23, Florida
5900 Statutes, is amended to read:

5901 951.23 County and municipal detention facilities;
5902 definitions; administration; standards and requirements.—

5903 (11) GANG STATUS OF INMATES.—A county or municipal
5904 detention facility may designate an individual to be responsible
5905 for assessing whether each current inmate is a criminal gang
5906 member or associate using the criteria in s. 874.03. The
5907 individual should at least once biweekly transmit information on
5908 inmates believed to be a criminal gang members ~~member~~ or
5909 associates ~~associate~~ to the arresting law enforcement agency.

5910 Reviser's note.—Amended to provide clarity and facilitate
5911 correct interpretation.

5912 Section 173. Paragraph (a) of subsection (21) of section
5913 1002.20, Florida Statutes, is amended to read:

5914 1002.20 K-12 student and parent rights.—Parents of public
5915 school students must receive accurate and timely information
5916 regarding their child's academic progress and must be informed

2014934er

5917 of ways they can help their child to succeed in school. K-12
5918 students and their parents are afforded numerous statutory
5919 rights including, but not limited to, the following:

5920 (21) PARENTAL INPUT AND MEETINGS.—

5921 (a) *Meetings with school district personnel.*—Parents of
5922 public school students may be accompanied by another adult of
5923 their choice at any meeting with school district personnel.
5924 School district personnel may not object to the attendance of
5925 such adult or discourage or attempt to discourage, through any
5926 action, statement, or other means, parents from inviting another
5927 person of their choice to attend any meeting. Such prohibited
5928 actions include, but are not limited to, attempted or actual
5929 coercion or harassment of parents or students or retaliation or
5930 threats of consequences to parents or students.

5931 1. Such meetings include, but ~~not~~ are not limited to,
5932 meetings related to: the eligibility for exceptional student
5933 education or related services; the development of an individual
5934 family support plan (IFSP); the development of an individual
5935 education plan (IEP); the development of a 504 accommodation
5936 plan issued under s. 504 of the Rehabilitation Act of 1973; the
5937 transition of a student from early intervention services to
5938 other services; the development of postsecondary goals for a
5939 student and the transition services needed to reach those goals;
5940 and other issues that may affect a student's educational
5941 environment, discipline, or placement.

5942 2. The parents and school district personnel attending the
5943 meeting shall sign a document at the meeting's conclusion which
5944 states whether any school district personnel have prohibited,
5945 discouraged, or attempted to discourage the parents from

2014934er

5946 inviting a person of their choice to the meeting.
5947 Reviser's note.—Amended to confirm the editorial deletion of the
5948 word "not."
5949 Section 174. Paragraph (g) of subsection (4) of section
5950 1002.34, Florida Statutes, is amended to read:
5951 1002.34 Charter technical career centers.—
5952 (4) CHARTER.—A sponsor may designate centers as provided in
5953 this section. An application to establish a center may be
5954 submitted by a sponsor or another organization that is
5955 determined, by rule of the State Board of Education, to be
5956 appropriate. However, an independent school is not eligible for
5957 status as a center. The charter must be signed by the governing
5958 body of the center and the sponsor and must be approved by the
5959 district school board and Florida College System institution
5960 board of trustees in whose geographic region the facility is
5961 located. If a charter technical career center is established by
5962 the conversion to charter status of a public technical center
5963 formerly governed by a district school board, the charter status
5964 of that center takes precedence in any question of governance.
5965 The governance of the center or of any program within the center
5966 remains with its board of directors unless the board agrees to a
5967 change in governance or its charter is revoked as provided in
5968 subsection (15). Such a conversion charter technical career
5969 center is not affected by a change in the governance of public
5970 technical centers or of programs within other centers that are
5971 or have been governed by district school boards. A charter
5972 technical career center, or any program within such a center,
5973 that was governed by a district school board and transferred to
5974 a Florida College System institution prior to the effective date

2014934er

5975 of this act is not affected by this provision. An applicant who
5976 wishes to establish a center must submit to the district school
5977 board or Florida College System institution board of trustees,
5978 or a consortium of one or more of each, an application on a form
5979 developed by the Department of Education which includes:

5980 (g) A method for determining whether a student has
5981 satisfied the requirements for graduation specified in s.
5982 1003.428 ~~or s. 1003.429~~ and for completion of a postsecondary
5983 certificate or degree.

5984
5985 Students at a center must meet the same testing and academic
5986 performance standards as those established by law and rule for
5987 students at public schools and public technical centers. The
5988 students must also meet any additional assessment indicators
5989 that are included within the charter approved by the district
5990 school board or Florida College System institution board of
5991 trustees.

5992 Reviser's note.—Amended to conform to the repeal of s. 1003.429
5993 by s. 20, ch. 2013-27, Laws of Florida.

5994 Section 175. Subsection (5) of section 1002.41, Florida
5995 Statutes, is amended to read:

5996 1002.41 Home education programs.—

5997 (5) Home education students may participate in the Bright
5998 Futures Scholarship Program in accordance with the provisions of
5999 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.

6000 Reviser's note.—Amended to conform to the repeal of s. 1009.539
6001 by s. 1, ch. 2003-89, Laws of Florida.

6002 Section 176. Paragraph (e) of subsection (1) of section
6003 1002.45, Florida Statutes, is amended to read:

2014934er

6004 1002.45 Virtual instruction programs.—

6005 (1) PROGRAM.—

6006 (e) Each school district shall:

6007 1. Provide to the department by ~~October 1, 2011, and by~~
6008 each October 1 ~~thereafter~~, a copy of each contract and the
6009 amounts paid per unweighted full-time equivalent student for
6010 services procured pursuant to subparagraphs (c)1. and 2.

6011 2. Expend the difference in funds provided for a student
6012 participating in the school district virtual instruction program
6013 pursuant to subsection (7) and the price paid for contracted
6014 services procured pursuant to subparagraphs (c)1. and 2. for the
6015 district's local instructional improvement system pursuant to s.
6016 1006.281 or other technological tools that are required to
6017 access electronic and digital instructional materials.

6018 3. At the end of each fiscal year, but no later than
6019 September 1, report to the department an itemized list of the
6020 technological tools purchased with these funds.
6021 Reviser's note.—Amended to delete an obsolete provision.

6022 Section 177. Subsection (12) of section 1002.83, Florida
6023 Statutes, is amended to read:

6024 1002.83 Early learning coalitions.—

6025 (12) State, federal, and local matching funds provided to
6026 the early learning coalitions may not be used directly or
6027 indirectly to pay for meals, food, or beverages for coalition
6028 members, coalition employees, or ~~for~~ subcontractor employees.

6029 Preapproved, reasonable, and necessary per diem allowances and
6030 travel expenses may be reimbursed. Such reimbursement shall be
6031 at the standard travel reimbursement rates established in s.

6032 112.061 and must comply with applicable federal and state

2014934er

6033 requirements.

6034 Reviser's note.—Amended to confirm the editorial deletion of the
6035 word "for" to improve clarity.

6036 Section 178. Subsection (20) of section 1002.84, Florida
6037 Statutes, is amended to read:

6038 1002.84 Early learning coalitions; school readiness powers
6039 and duties.—Each early learning coalition shall:

6040 (20) To increase transparency and accountability, comply
6041 with the requirements of this section before contracting with a
6042 member of the coalition or a relative, as defined in s.
6043 112.3143(1)(c) ~~112.3143(1)(b)~~, of a coalition member or of an
6044 employee of the coalition. Such contracts may not be executed
6045 without the approval of the office. Such contracts, as well as
6046 documentation demonstrating adherence to this section by the
6047 coalition, must be approved by a two-thirds vote of the
6048 coalition, a quorum having been established; all conflicts of
6049 interest must be disclosed before the vote; and any member who
6050 may benefit from the contract, or whose relative may benefit
6051 from the contract, must abstain from the vote. A contract under
6052 \$25,000 between an early learning coalition and a member of that
6053 coalition or between a relative, as defined in s. 112.3143(1)(c)
6054 ~~112.3143(1)(b)~~, of a coalition member or of an employee of the
6055 coalition is not required to have the prior approval of the
6056 office but must be approved by a two-thirds vote of the
6057 coalition, a quorum having been established, and must be
6058 reported to the office within 30 days after approval. If a
6059 contract cannot be approved by the office, a review of the
6060 decision to disapprove the contract may be requested by the
6061 early learning coalition or other parties to the disapproved

2014934er

6062 contract.

6063 Reviser's note.—Amended to conform to the redesignation of s.
6064 112.3143(1)(b) as s. 112.3143(1)(c) by s. 6, ch. 2013-36,
6065 Laws of Florida.

6066 Section 179. Subsection (7) of section 1002.89, Florida
6067 Statutes, is amended to read:

6068 1002.89 School readiness program; funding.—

6069 (7) Funds appropriated for the school readiness program may
6070 not be expended for the purchase or improvement of land; for the
6071 purchase, construction, or permanent improvement of any building
6072 or facility; or for the purchase of buses. However, funds may be
6073 expended for minor remodeling and upgrading of child care
6074 facilities to ensure that providers meet state and local child
6075 care standards, including applicable health and safety
6076 requirements.

6077 Reviser's note.—Amended to confirm the editorial insertion of
6078 the word "of" to improve clarity.

6079 Section 180. Subsection (1) of section 1003.49, Florida
6080 Statutes, is amended to read:

6081 1003.49 Graduation and promotion requirements for publicly
6082 operated schools.—

6083 (1) Each state or local public agency, including the
6084 Department of Children and Family Services, the Department of
6085 Corrections, the boards of trustees of universities and Florida
6086 College System institutions, and the Board of Trustees of the
6087 Florida School for the Deaf and the Blind, which agency is
6088 authorized to operate educational programs for students at any
6089 level of grades kindergarten through 12 shall be subject to all
6090 applicable requirements of ss. 1003.428, ~~1003.429~~, 1008.23, and

2014934er

6091 1008.25. Within the content of these cited statutes each such
6092 state or local public agency or entity shall be considered a
6093 "district school board."
6094 Reviser's note.—Amended to conform to the repeal of s. 1003.429
6095 by s. 20, ch. 2013-27, Laws of Florida.
6096 Section 181. Paragraph (a) of subsection (12) of section
6097 1003.52, Florida Statutes, is amended to read:
6098 1003.52 Educational services in Department of Juvenile
6099 Justice programs.—
6100 (12) (a) Funding for eligible students enrolled in juvenile
6101 justice education programs shall be provided through the Florida
6102 Education Finance Program as provided in s. 1011.62 and the
6103 General Appropriations Act. Funding shall include, at a minimum:
6104 1. Weighted program funding or the basic amount for current
6105 operation multiplied by the district cost differential as
6106 provided in s. 1011.62(1)(t) ~~1011.62(1)(s)~~ and (2);
6107 2. The supplemental allocation for juvenile justice
6108 education as provided in s. 1011.62(10);
6109 3. A proportionate share of the district's exceptional
6110 student education guaranteed allocation, the supplemental
6111 academic instruction allocation, and the instructional materials
6112 allocation;
6113 4. An amount equivalent to the proportionate share of the
6114 state average potential discretionary local effort for
6115 operations, which shall be determined as follows:
6116 a. If the district levies the maximum discretionary local
6117 effort and the district's discretionary local effort per FTE is
6118 less than the state average potential discretionary local effort
6119 per FTE, the proportionate share shall include both the

2014934er

6120 discretionary local effort and the compression supplement per
6121 FTE. If the district's discretionary local effort per FTE is
6122 greater than the state average per FTE, the proportionate share
6123 shall be equal to the state average; or

6124 b. If the district does not levy the maximum discretionary
6125 local effort and the district's actual discretionary local
6126 effort per FTE is less than the state average potential
6127 discretionary local effort per FTE, the proportionate share
6128 shall be equal to the district's actual discretionary local
6129 effort per FTE. If the district's actual discretionary local
6130 effort per FTE is greater than the state average per FTE, the
6131 proportionate share shall be equal to the state average
6132 potential local effort per FTE; and

6133 5. A proportionate share of the district's proration to
6134 funds available, if necessary.

6135 Reviser's note.—Amended to conform to the redesignation of s.
6136 1011.62(1)(s) as s. 1011.62(1)(t) by s. 39, ch. 2013-27,
6137 Laws of Florida.

6138 Section 182. Paragraph (a) of subsection (3) of section
6139 1006.15, Florida Statutes, is amended to read:

6140 1006.15 Student standards for participation in
6141 interscholastic and intrascholastic extracurricular student
6142 activities; regulation.—

6143 (3)(a) To be eligible to participate in interscholastic
6144 extracurricular student activities, a student must:

6145 1. Maintain a grade point average of 2.0 or above on a 4.0
6146 scale, or its equivalent, in the previous semester or a
6147 cumulative grade point average of 2.0 or above on a 4.0 scale,
6148 or its equivalent, in the courses required by s. 1003.428 ~~or s.~~

2014934er

6149 ~~1003.429.~~

6150 2. Execute and fulfill the requirements of an academic
6151 performance contract between the student, the district school
6152 board, the appropriate governing association, and the student's
6153 parents, if the student's cumulative grade point average falls
6154 below 2.0, or its equivalent, on a 4.0 scale in the courses
6155 required by s. 1003.428 ~~or s. 1003.429~~. At a minimum, the
6156 contract must require that the student attend summer school, or
6157 its graded equivalent, between grades 9 and 10 or grades 10 and
6158 11, as necessary.

6159 3. Have a cumulative grade point average of 2.0 or above on
6160 a 4.0 scale, or its equivalent, in the courses required by s.
6161 1003.428 ~~or s. 1003.429~~ during his or her junior or senior year.

6162 4. Maintain satisfactory conduct, including adherence to
6163 appropriate dress and other codes of student conduct policies
6164 described in s. 1006.07(2). If a student is convicted of, or is
6165 found to have committed, a felony or a delinquent act that would
6166 have been a felony if committed by an adult, regardless of
6167 whether adjudication is withheld, the student's participation in
6168 interscholastic extracurricular activities is contingent upon
6169 established and published district school board policy.

6170 Reviser's note.—Amended to conform to the repeal of s. 1003.429
6171 by s. 20, ch. 2013-27, Laws of Florida.

6172 Section 183. Subsections (4) and (5) of section 1006.282,
6173 Florida Statutes, are amended to read:

6174 1006.282 Pilot program for the transition to electronic and
6175 digital instructional materials.—

6176 (4) By August 1 of each year, ~~beginning in 2011~~, the school
6177 board must report to the Department of Education the school or

2014934er

6178 schools in its district which have been designated as pilot
6179 program schools. The department shall publish the list of pilot
6180 program schools on the department's Internet website. The report
6181 must include:

6182 (a) The name of the pilot program school, the contact
6183 person and contact person information, and the grade or grades
6184 and associated course or courses included in the pilot program
6185 school.

6186 (b) A description of the type of technological tool or
6187 tools that will be used to access the electronic or digital
6188 instructional materials included in the pilot program school,
6189 whether district-owned or student-owned.

6190 (c) The projected costs and funding sources, which must
6191 include cost savings or cost avoidances, associated with the
6192 pilot program.

6193 (5) By September 1 of each year, ~~beginning in 2012,~~ each
6194 school board that has a designated pilot program school shall
6195 provide to the Department of Education, the Executive Office of
6196 the Governor, and the chairs of the appropriations committees of
6197 the Senate and the House of Representatives a review of the
6198 pilot program schools which must include, but need not be
6199 limited to:

6200 (a) Successful practices;

6201 (b) The average amount of online Internet time needed by a
6202 student to access and use the school's electronic or digital
6203 instructional materials;

6204 (c) Lessons learned;

6205 (d) The level of investment and cost-effectiveness; and

6206 (e) Impacts on student performance.

2014934er

6207 Reviser's note.—Amended to delete obsolete provisions.

6208 Section 184. Paragraph (b) of subsection (5) of section
6209 1006.73, Florida Statutes, is amended to read:

6210 1006.73 Florida Virtual Campus.—

6211 (5) The Florida Virtual Campus shall:

6212 (b) Develop and manage a statewide Internet-based catalog
6213 of distance learning courses, degree programs, and resources
6214 offered by public postsecondary education institutions which is
6215 intended to assist in the coordination and collaboration of
6216 articulation and access pursuant to parts II and III of chapter
6217 1007. The campus shall establish operational guidelines and
6218 procedures for the catalog which must:

6219 1. Require participating institutions to provide
6220 information concerning the distance learning course or degree
6221 program to include course number and classification of
6222 instructional programs number and information on the
6223 availability of the course or degree program; the type of
6224 required technology; any prerequisite course or technology
6225 competency or skill; the availability of academic support
6226 services and financial aid resources; and course costs, fees,
6227 and payment policies.

6228 2. Require that distance learning courses and degree
6229 programs meet applicable accreditation standards and criteria.

6230 3. Require that, at a minimum, the catalog is reviewed at
6231 the start of each academic semester to ensure that distance
6232 learning courses and degree programs comply with all operational
6233 guidelines and procedures.

6234 4. Define and describe the catalog's search and retrieval
6235 options that, at a minimum, will allow users to search by

2014934er

6236 academic term or course start date; institution, multiple
6237 institutions, or all institutions; and course or program
6238 delivery method, course type, course availability, subject or
6239 discipline, and course number or classification of instructional
6240 programs number.

6241 5. Use an Internet-based analytic tool that allows for the
6242 collection and analysis of data, including, but not limited to:

6243 a. The number and type of students who use the catalog to
6244 search for distance learning courses and degree programs.

6245 b. The number and type of requests for information on
6246 distance learning courses and degree programs that are not
6247 listed in the catalog.

6248 c. A summary of specific requests by course type or course
6249 number, delivery method, offering institution, and semester.

6250 6. Periodically obtain and analyze data from the Florida
6251 College System and the State University System concerning:

6252 a. Costs of distance learning courses and degree programs.

6253 b. Completion, graduation, and retention rates of students
6254 enrolled in distance learning courses ~~course~~ and degree
6255 programs.

6256 c. Distance learning course completion.

6257 Reviser's note.—Amended to confirm the editorial substitution of
6258 the word "courses" for the word "course" to improve
6259 clarity.

6260 Section 185. Subsection (2) of section 1008.44, Florida
6261 Statutes, is amended to read:

6262 1008.44 Industry certifications; Industry Certification
6263 Funding List and Postsecondary Industry Certification Funding
6264 List.—

2014934er

6265 (2) The State Board of Education shall approve, at least
6266 annually, the Postsecondary Industry Certification Funding List
6267 pursuant to this section. The commissioner shall recommend, at
6268 least annually, the Postsecondary Industry Certification Funding
6269 List to the State Board of Education and may at any time
6270 recommend adding certifications. The Chancellor of the State
6271 University System, the Chancellor of the Florida College System,
6272 and the Chancellor of Career and Adult Education shall work with
6273 local workforce boards, other postsecondary institutions,
6274 businesses, and industry to identify, create, and recommend to
6275 the commissioner industry certifications to be placed on the
6276 funding list. The list shall be used to determine annual
6277 performance funding distributions to school districts or Florida
6278 College System institutions as specified in ss. 1011.80 and
6279 1011.81, respectively. The chancellors shall review results of
6280 the economic security report of employment and earning outcomes
6281 produced annually pursuant to s. 445.07 ~~445.007~~ when determining
6282 recommended certifications for the list, as well as other
6283 reports and indicators available regarding certification needs.

6284 Reviser's note.—Amended to correct a reference to conform to
6285 context. Section 445.07 relates to the economic security
6286 report of employment and earning outcomes. Section 445.007
6287 relates to regional workforce boards.

6288 Section 186. Subsection (3) of section 1009.22, Florida
6289 Statutes, is reenacted and amended to read:

6290 1009.22 Workforce education postsecondary student fees.—

6291 (3) (a) Except as otherwise provided by law, fees for
6292 students who are nonresidents for tuition purposes must offset
6293 the full cost of instruction. Residency of students shall be

2014934er

6294 determined as required in s. 1009.21. Fee-nonexempt students
6295 enrolled in applied academics for adult education instruction
6296 shall be charged fees equal to the fees charged for adult
6297 general education programs. Each Florida College System
6298 institution that conducts developmental education and applied
6299 academics for adult education instruction in the same class
6300 section may charge a single fee for both types of instruction.

6301 (b) Fees for continuing workforce education shall be
6302 locally determined by the district school board or Florida
6303 College System institution board. Expenditures for the
6304 continuing workforce education program provided by the Florida
6305 College System institution or school district must be fully
6306 supported by fees. Enrollments in continuing workforce education
6307 courses may not be counted for purposes of funding full-time
6308 equivalent enrollment.

6309 (c) ~~Effective July 1, 2011,~~ For programs leading to a
6310 career certificate or an applied technology diploma, the
6311 standard tuition shall be \$2.22 per contact hour for residents
6312 and nonresidents and the out-of-state fee shall be \$6.66 per
6313 contact hour. For adult general education programs, a block
6314 tuition of \$45 per half year or \$30 per term shall be assessed
6315 for residents and nonresidents, and the out-of-state fee shall
6316 be \$135 per half year or \$90 per term. Each district school
6317 board and Florida College System institution board of trustees
6318 shall adopt policies and procedures for the collection of and
6319 accounting for the expenditure of the block tuition. All funds
6320 received from the block tuition shall be used only for adult
6321 general education programs. Students enrolled in adult general
6322 education programs may not be assessed the fees authorized in

2014934er

6323 subsection (5), subsection (6), or subsection (7).

6324 (d) ~~Beginning with the 2008-2009 fiscal year and each year~~
6325 ~~thereafter,~~ The tuition and the out-of-state fee per contact
6326 hour shall increase at the beginning of each fall semester at a
6327 rate equal to inflation, unless otherwise provided in the
6328 General Appropriations Act. The Office of Economic and
6329 Demographic Research shall report the rate of inflation to the
6330 President of the Senate, the Speaker of the House of
6331 Representatives, the Governor, and the State Board of Education
6332 each year prior to March 1. For purposes of this paragraph, the
6333 rate of inflation shall be defined as the rate of the 12-month
6334 percentage change in the Consumer Price Index for All Urban
6335 Consumers, U.S. City Average, All Items, or successor reports as
6336 reported by the United States Department of Labor, Bureau of
6337 Labor Statistics, or its successor for December of the previous
6338 year. In the event the percentage change is negative, the
6339 tuition and out-of-state fee shall remain at the same level as
6340 the prior fiscal year.

6341 (e) Each district school board and each Florida College
6342 System institution board of trustees may adopt tuition and out-
6343 of-state fees that may vary no more than 5 percent below and 5
6344 percent above the combined total of the standard tuition and
6345 out-of-state fees established in paragraph (c).

6346 ~~(f) The maximum increase in resident tuition for any school~~
6347 ~~district or Florida College System institution during the 2007-~~
6348 ~~2008 fiscal year shall be 5 percent over the tuition charged~~
6349 ~~during the 2006-2007 fiscal year.~~

6350 (f) ~~(g)~~ The State Board of Education may adopt, by rule, the
6351 definitions and procedures that district school boards and

2014934er

6352 Florida College System institution boards of trustees shall use
6353 in the calculation of cost borne by students.
6354 Reviser's note.—Section 54, ch. 2013-27, Laws of Florida,
6355 purported to amend subsection (3) but did not publish
6356 paragraphs (b)-(g). Absent affirmative evidence of
6357 legislative intent to repeal paragraphs (b)-(g), subsection
6358 (3) is reenacted to confirm that the omission was not
6359 intended. Paragraphs (c), (d), and (f) are amended to
6360 delete obsolete provisions.
6361 Section 187. Subsection (1) of section 1011.61, Florida
6362 Statutes, is amended to read:
6363 1011.61 Definitions.—Notwithstanding the provisions of s.
6364 1000.21, the following terms are defined as follows for the
6365 purposes of the Florida Education Finance Program:
6366 (1) A "full-time equivalent student" in each program of the
6367 district is defined in terms of full-time students and part-time
6368 students as follows:
6369 (a) A "full-time student" is one student on the membership
6370 roll of one school program or a combination of school programs
6371 listed in s. 1011.62(1)(c) for the school year or the equivalent
6372 for:
6373 1. Instruction in a standard school, comprising not less
6374 than 900 net hours for a student in or at the grade level of 4
6375 through 12, or not less than 720 net hours for a student in or
6376 at the grade level of kindergarten through grade 3 or in an
6377 authorized prekindergarten exceptional program;
6378 2. Instruction in a double-session school or a school
6379 utilizing an experimental school calendar approved by the
6380 Department of Education, comprising not less than the equivalent

2014934er

6381 of 810 net hours in grades 4 through 12 or not less than 630 net
6382 hours in kindergarten through grade 3; or

6383 3. Instruction comprising the appropriate number of net
6384 hours set forth in subparagraph 1. or subparagraph 2. for
6385 students who, within the past year, have moved with their
6386 parents for the purpose of engaging in the farm labor or fish
6387 industries, if a plan furnishing such an extended school day or
6388 week, or a combination thereof, has been approved by the
6389 commissioner. Such plan may be approved to accommodate the needs
6390 of migrant students only or may serve all students in schools
6391 having a high percentage of migrant students. The plan described
6392 in this subparagraph is optional for any school district and is
6393 not mandated by the state.

6394 (b) A "part-time student" is a student on the active
6395 membership roll of a school program or combination of school
6396 programs listed in s. 1011.62(1)(c) who is less than a full-time
6397 student.

6398 (c)1. A "full-time equivalent student" is:

6399 a. A full-time student in any one of the programs listed in
6400 s. 1011.62(1)(c); or

6401 b. A combination of full-time or part-time students in any
6402 one of the programs listed in s. 1011.62(1)(c) which is the
6403 equivalent of one full-time student based on the following
6404 calculations:

6405 (I) A full-time student in a combination of programs listed
6406 in s. 1011.62(1)(c) shall be a fraction of a full-time
6407 equivalent membership in each special program equal to the
6408 number of net hours per school year for which he or she is a
6409 member, divided by the appropriate number of hours set forth in

2014934er

6410 subparagraph (a)1. or subparagraph (a)2. The difference between
6411 that fraction or sum of fractions and the maximum value as set
6412 forth in subsection (4) for each full-time student is presumed
6413 to be the balance of the student's time not spent in a special
6414 program and shall be recorded as time in the appropriate basic
6415 program.

6416 (II) A prekindergarten student with a disability shall meet
6417 the requirements specified for kindergarten students.

6418 (III) A full-time equivalent student for students in
6419 kindergarten through grade 12 in a full-time virtual instruction
6420 program under s. 1002.45 or a virtual charter school under s.
6421 1002.33 shall consist of six full-credit completions or the
6422 prescribed level of content that counts toward promotion to the
6423 next grade in programs listed in s. 1011.62(1)(c). Credit
6424 completions may be a combination of full-credit courses or half-
6425 credit courses. Beginning in the 2016-2017 fiscal year, the
6426 reported full-time equivalent students and associated funding of
6427 students enrolled in courses requiring passage of an end-of-
6428 course assessment under s. 1003.4282 to earn a standard high
6429 school diploma shall be adjusted if the student does not pass
6430 the end-of-course assessment. However, no adjustment shall be
6431 made for a student who enrolls in a segmented remedial course
6432 delivered online.

6433 (IV) A full-time equivalent student for students in
6434 kindergarten through grade 12 in a part-time virtual instruction
6435 program under s. 1002.45 shall consist of six full-credit
6436 completions in programs listed in s. 1011.62(1)(c)1. and 3.
6437 Credit completions may be a combination of full-credit courses
6438 or half-credit courses. Beginning in the 2016-2017 fiscal year,

2014934er

6439 the reported full-time equivalent students and associated
6440 funding of students enrolled in courses requiring passage of an
6441 end-of-course assessment under s. 1003.4282 to earn a standard
6442 high school diploma shall be adjusted if the student does not
6443 pass the end-of-course assessment. However, no adjustment shall
6444 be made for a student who enrolls in a segmented remedial course
6445 delivered online.

6446 (V) A Florida Virtual School full-time equivalent student
6447 shall consist of six full-credit completions or the prescribed
6448 level of content that counts toward promotion to the next grade
6449 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
6450 participating in kindergarten through grade 12 part-time virtual
6451 instruction and the programs listed in s. 1011.62(1)(c) for
6452 students participating in kindergarten through grade 12 full-
6453 time virtual instruction. Credit completions may be a
6454 combination of full-credit courses or half-credit courses.
6455 Beginning in the 2016-2017 fiscal year, the reported full-time
6456 equivalent students and associated funding of students enrolled
6457 in courses requiring passage of an end-of-course assessment
6458 under s. 1003.4282 to earn a standard high school diploma shall
6459 be adjusted if the student does not pass the end-of-course
6460 assessment. However, no adjustment shall be made for a student
6461 who enrolls in a segmented remedial course delivered online.

6462 (VI) Each successfully completed full-credit course earned
6463 through an online course delivered by a district other than the
6464 one in which the student resides shall be calculated as 1/6 FTE.

6465 (VII) A full-time equivalent student for courses requiring
6466 passage of a statewide, standardized end-of-course assessment
6467 under s. 1003.4282 to earn a standard high school diploma shall

2014934er

6468 be defined and reported based on the number of instructional
6469 hours as provided in this subsection until the 2016-2017 fiscal
6470 year. Beginning in the 2016-2017 fiscal year, the FTE for the
6471 course shall be assessment-based and shall be equal to 1/6 FTE.
6472 The reported FTE shall be adjusted if the student does not pass
6473 the end-of-course assessment. However, no adjustment shall be
6474 made for a student who enrolls in a segmented remedial course
6475 delivered online.

6476 (VIII) For students enrolled in a school district as a
6477 full-time student, the district may report 1/6 FTE for each
6478 student who passes a statewide, standardized end-of-course
6479 assessment without being enrolled in the corresponding course.

6480 2. A student in membership in a program scheduled for more
6481 or less than 180 school days or the equivalent on an hourly
6482 basis as specified by rules of the State Board of Education is a
6483 fraction of a full-time equivalent membership equal to the
6484 number of instructional hours in membership divided by the
6485 appropriate number of hours set forth in subparagraph (a)1.;
6486 however, for the purposes of this subparagraph, membership in
6487 programs scheduled for more than 180 days is limited to students
6488 enrolled in:

6489 a. Juvenile justice education programs.

6490 b. The Florida Virtual School.

6491 c. Virtual instruction programs and virtual charter schools
6492 for the purpose of course completion and credit recovery
6493 pursuant to ss. 1002.45 and 1003.498. Course completion applies
6494 only to a student who is reported during the second or third
6495 membership surveys and who does not complete a virtual education
6496 course by the end of the regular school year. The course must be

2014934er

6497 completed no later than the deadline for amending the final
6498 student enrollment survey for that year. Credit recovery applies
6499 only to a student who has unsuccessfully completed a traditional
6500 or virtual education course during the regular school year and
6501 must re-take the course in order to be eligible to graduate with
6502 the student's class.

6503 ~~3. The department shall determine and implement an~~
6504 ~~equitable method of equivalent funding for experimental schools~~
6505 ~~and for schools operating under emergency conditions, which~~
6506 ~~schools have been approved by the department to operate for less~~
6507 ~~than the minimum school day.~~

6508
6509 The full-time equivalent student enrollment calculated under
6510 this subsection is subject to the requirements in subsection
6511 (4).

6512
6513 The department shall determine and implement an equitable method
6514 of equivalent funding for experimental schools and for schools
6515 operating under emergency conditions, which schools have been
6516 approved by the department to operate for less than the minimum
6517 school day.

6518 Reviser's note.—Amended to correct an editorial error. The flush
6519 left language at the end of subsection (1) was redesignated
6520 as subparagraph (1)(c)3. by s. 18, ch. 2013-45, Laws of
6521 Florida, and it appeared there in the 2013 edition of the
6522 Florida Statutes but was erroneously repeated at the end of
6523 the subsection.

6524 Section 188. Subsection (10) of section 1011.80, Florida
6525 Statutes, is amended to read:

2014934er

6526 1011.80 Funds for operation of workforce education
6527 programs.—

6528 (10) A high school student dually enrolled under s.
6529 1007.271 in a workforce education program operated by a Florida
6530 College System institution or school district career center
6531 generates the amount calculated for workforce education funding,
6532 including any payment of performance funding, and the
6533 proportional share of full-time equivalent enrollment generated
6534 through the Florida Education Finance Program for the student's
6535 enrollment in a high school. If a high school student is dually
6536 enrolled in a Florida College System institution program,
6537 including a program conducted at a high school, the Florida
6538 College System institution earns the funds generated for
6539 workforce education funding, and the school district earns the
6540 proportional share of full-time equivalent funding from the
6541 Florida Education Finance Program. If a student is dually
6542 enrolled in a career center operated by the same district as the
6543 district in which the student attends high school, that district
6544 earns the funds generated for workforce education funding and
6545 also earns the proportional share of full-time equivalent
6546 funding from the Florida Education Finance Program. If a student
6547 is dually enrolled in a workforce education program provided by
6548 a career center operated by a different school district, the
6549 funds must be divided between the two school districts
6550 proportionally from the two funding sources. A student may not
6551 be reported for funding in a dual enrollment workforce education
6552 program unless the student has completed the basic skills
6553 assessment pursuant to s. 1004.91. A student who is coenrolled
6554 in a K-12 education program and an adult education program may

2014934er

6555 be reported for purposes of funding in an adult education
6556 program. If a student is coenrolled in core curricula courses
6557 for credit recovery or dropout prevention purposes and does not
6558 have a pattern of excessive absenteeism or habitual truancy or a
6559 history of disruptive behavior in school, the student may be
6560 reported for funding for up to two courses per year. Such a
6561 student is exempt from the payment of the block tuition for
6562 adult general education programs provided in s. 1009.22(3)(c)
6563 ~~1009.22(3)(d)~~. The Department of Education shall develop a list
6564 of courses to be designated as core curricula courses for the
6565 purposes of coenrollment.

6566 Reviser's note.—Amended to correct a reference to conform to
6567 context. An amendment by s. 58, ch. 2013-27, Laws of
6568 Florida, added the reference to s. 1009.22(3)(d); material
6569 concerning payment of block tuition for adult general
6570 education programs is in s. 1009.22(3)(c).

6571 Section 189. Subsection (8) of section 1013.12, Florida
6572 Statutes, is amended to read:

6573 1013.12 Casualty, safety, sanitation, and firesafety
6574 standards and inspection of property.—

6575 (8) ADDITIONAL STANDARDS.—In addition to any other rules
6576 adopted under this section or s. 633.206 ~~633.022~~, the State Fire
6577 Marshal in consultation with the Department of Education shall
6578 adopt and administer rules prescribing the following standards
6579 for the safety and health of occupants of educational and
6580 ancillary plants:

6581 (a) The designation of serious life-safety hazards,
6582 including, but not limited to, nonfunctional fire alarm systems,
6583 nonfunctional fire sprinkler systems, doors with padlocks or

2014934er

6584 other locks or devices that preclude egress at any time,
6585 inadequate exits, hazardous electrical system conditions,
6586 potential structural failure, and storage conditions that create
6587 a fire hazard.

6588 (b) The proper placement of functional smoke and heat
6589 detectors and accessible, unexpired fire extinguishers.

6590 (c) The maintenance of fire doors without doorstops or
6591 wedges improperly holding them open.

6592 Reviser's note.—Amended to conform to the transfer of s. 633.022
6593 to s. 633.206 by s. 23, ch. 2013-183, Laws of Florida.

6594 Section 190. This act shall take effect on the 60th day
6595 after adjournment sine die of the session of the Legislature in
6596 which enacted.