

By Senator Thrasher

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1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes; amending ss.  
3           319.30, 379.2495, 408.9091, 961.05, and 1003.451,  
4           F.S.; to conform to the directive of the Legislature  
5           in section 9 of chapter 2012-116, Laws of Florida,  
6           codified as section 11.242(5)(j), Florida Statutes, to  
7           prepare a reviser's bill to omit all statutes and  
8           laws, or parts thereof, which grant duplicative,  
9           redundant, or unused rulemaking authority; providing  
10          an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Paragraph (a) of subsection (8) and subsection  
15          (10) of section 319.30, Florida Statutes, are amended to read:  
16          319.30 Definitions; dismantling, destruction, change of  
17          identity of motor vehicle or mobile home; salvage.—

18          (8) (a) Secondary metals recyclers and salvage motor vehicle  
19          dealers shall return to the department on a monthly basis all  
20          certificates of title and salvage certificates of title that are  
21          required by this section to be obtained. Secondary metals  
22          recyclers and salvage motor vehicle dealers may elect to notify  
23          the department electronically through procedures established by  
24          the department when they receive each motor vehicle or mobile  
25          home, salvage motor vehicle or mobile home, or derelict motor  
26          vehicle with a certificate of title or salvage certificate of  
27          title through procedures established by the department. ~~The~~  
28          ~~department may adopt rules and establish fees as it deems~~  
29          ~~necessary or proper for the administration of the electronic~~

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30 ~~notification service.~~

31 ~~(10) The department may adopt rules to implement an~~  
32 ~~electronic system for issuing salvage certificates of title and~~  
33 ~~certificates of destruction.~~

34 Section 2. Subsection (5) of section 379.2495, Florida  
35 Statutes, is amended to read:

36 379.2495 Florida Ships-2-Reefs Program; matching grant  
37 requirements.-

38 ~~(5) The commission is authorized to adopt rules pursuant to~~  
39 ~~ss. 120.536(1) and 120.54 to address procedures necessary to~~  
40 ~~administer the matching grants provided in this section.~~

41 Section 3. Subsection (11) of section 408.9091, Florida  
42 Statutes, is amended to read:

43 408.9091 Cover Florida Health Care Access Program.-

44 ~~(11) RULEMAKING AUTHORITY. The agency and the Financial~~  
45 ~~Services Commission may adopt rules pursuant to ss. 120.536(1)~~  
46 ~~and 120.54 as needed to administer this section.~~

47 Section 4. Section 961.05, Florida Statutes, is amended to  
48 read:

49 961.05 Application for compensation for wrongful  
50 incarceration; administrative expunction; determination of  
51 entitlement to compensation.-

52 (1) A wrongfully incarcerated person who is eligible for  
53 compensation as defined in this act must initiate his or her  
54 application for compensation as required in this section no more  
55 than 2 years after the original sentencing court enters its  
56 order finding that the person meets the definition of wrongfully  
57 incarcerated person and is eligible for compensation as defined  
58 in this act.

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59 (2) A wrongfully incarcerated person who is eligible for  
60 compensation under the act must apply to the Department of Legal  
61 Affairs. No estate of, or personal representative for, a  
62 decedent is entitled to apply on behalf of the decedent for  
63 compensation for wrongful incarceration.

64 ~~(3) The Department of Legal Affairs may adopt rules~~  
65 ~~regarding the forms and procedures related to applications for~~  
66 ~~compensation under the Victims of Wrongful Incarceration~~  
67 ~~Compensation Act.~~

68 ~~(4)~~ The application must include:

69 (a) A certified copy of the order vacating the conviction  
70 and sentence;

71 (b) A certified copy of the original sentencing court's  
72 order finding the claimant to be a wrongfully incarcerated  
73 person who is eligible for compensation under this act;

74 (c) Certified copies of the original judgment and sentence;

75 (d) Documentation demonstrating the length of the sentence  
76 served, including documentation from the Department of  
77 Corrections regarding the person's admission into and release  
78 from the custody of the Department of Corrections;

79 (e) Positive proof of identification, including two full  
80 sets of fingerprints administered by a law enforcement agency  
81 and a current form of photo identification, demonstrating that  
82 the person seeking compensation is the same individual who was  
83 wrongfully incarcerated;

84 (f) All supporting documentation of any fine, penalty, or  
85 court costs imposed and paid by the wrongfully incarcerated  
86 person as described in s. 961.06(1)(c); and

87 (g) All supporting documentation of any reasonable

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88 attorney's fees and expenses as described in s. 961.06(1)(d);  
89 and

90 ~~(h) Any other documentation, evidence, or information~~  
91 ~~required by rules adopted by the department.~~

92 (4)~~(5)~~ The department shall forward one full set of  
93 fingerprints of the applicant to the Department of Law  
94 Enforcement for statewide criminal records checks. The  
95 Department of Law Enforcement shall forward the second set of  
96 fingerprints to the Federal Bureau of Investigation for national  
97 criminal records checks. The results of the state and national  
98 records checks shall be submitted to the department.

99 (5)~~(6)~~ Upon receipt of an application, the department shall  
100 examine the application and notify the claimant within 30  
101 calendar days of any errors or omissions, and request any  
102 additional information relevant to the review of the  
103 application. The claimant shall have 15 days after proper  
104 notification of any existing errors or omissions to supplement  
105 the application. The department may not deny an application for  
106 failure of the claimant to correct an error or omission or  
107 supply additional information unless the department timely  
108 notified the claimant of such errors or omissions or requested  
109 the additional information within the 30-day period specified in  
110 this subsection. The department shall process and review each  
111 completed application within 90 calendar days. Once the  
112 department determines whether a claim for compensation meets the  
113 requirements of this act, the department shall notify the  
114 claimant within 5 business days of that determination.

115 (6)~~(7)~~ If the department determines that a claimant meets  
116 the requirements of this act, the wrongfully incarcerated person

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117 who is the subject of the claim becomes entitled to  
118 compensation, subject to the provisions in s. 961.06.

119 Section 5. Subsection (5) of section 1003.451, Florida  
120 Statutes, is amended to read:

121 1003.451 Junior Reserve Officers' Training Corps; military  
122 recruiters; access to public school campuses.—

123 ~~(5) The State Board of Education may adopt rules under ss.~~  
124 ~~120.536(1) and 120.54 to administer this section.~~

125 Reviser's note.—Amends or repeals provisions of the Florida  
126 Statutes pursuant to the directive of the Legislature in s.  
127 9, ch. 2012-116, Laws of Florida, codified as section  
128 11.242(5)(j), Florida Statutes, to prepare a reviser's bill  
129 to omit all statutes and laws, or parts thereof, which  
130 grant duplicative, redundant, or unused rulemaking  
131 authority.

132 Section 6. This act shall take effect on the 60th day after  
133 adjournment sine die of the session of the Legislature in which  
134 enacted.