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1
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:

13
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.