

By Senator Simmons

10-00623-15

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 11.45, 11.9336, 20.255, 27.366, 28.22205, 39.307,
 4 39.524, 40.32, 61.13016, 112.31455, 163.32466,
 5 189.074, 200.065, 212.0606, 285.18, 287.0595,
 6 288.9934, 288.9936, 298.01, 316.545, 322.058, 327.391,
 7 337.403, 339.041, 339.135, 339.2818, 348.753,
 8 348.7546, 365.172, 373.223, 376.3072, 377.6015,
 9 379.2495, 380.06, 381.78, 394.494, 394.495, 394.913,
 10 397.333, 397.754, 397.92, 400.022, 403.067, 408.036,
 11 408.061, 409.1678, 409.906, 409.966, 409.986, 409.987,
 12 456.039, 456.074, 479.03, 479.16, 480.041, 480.043,
 13 482.161, 487.2031, 499.84, 499.91, 499.92, 514.0115,
 14 538.03, 570.07, 570.482, 597.020, 605.0712, 605.0805,
 15 624.523, 625.1212, 626.0428, 627.062, 627.745,
 16 627.797, 662.121, 662.122, 662.1225, 662.130, 662.141,
 17 662.146, 662.147, 680.528, 721.13, 775.0862, 775.21,
 18 775.25, 784.078, 787.02, 787.06, 921.1402, 940.031,
 19 943.0435, 944.275, 960.03, 960.065, 961.06, 985.0301,
 20 985.265, 1002.395, 1003.4203, 1003.4282, 1003.493,
 21 1003.4935, 1003.51, 1003.5716, 1005.33, 1007.271,
 22 1008.22, 1008.25, 1008.34, 1008.44, 1011.80, 1011.81,
 23 1011.905, 1013.738, F.S.; reenacting and amending s.
 24 409.1451, F.S.; reenacting ss. 288.001, 430.502,
 25 509.032, 539.001, and 718.116, F.S.; deleting
 26 provisions that have expired, have become obsolete,
 27 have had their effect, have served their purpose, or
 28 have been impliedly repealed or superseded; replacing
 29 incorrect cross-references and citations; correcting

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

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Paragraph (p) of subsection (3) of section
42 11.45, Florida Statutes, is amended to read:

43 11.45 Definitions; duties; authorities; reports; rules.—

44 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
45 General may, pursuant to his or her own authority, or at the
46 direction of the Legislative Auditing Committee, conduct audits
47 or other engagements as determined appropriate by the Auditor
48 General of:

49 ~~(p) The Florida Special Disability Trust Fund Financing~~
50 ~~Corporation created pursuant to s. 440.49.~~

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

52 440.49(14), which created the Florida Special Disability
53 Trust Fund Financing Corporation, by s. 30, ch. 2001-89,
54 Laws of Florida.

55 Section 2. Section 11.9336, Florida Statutes, is amended
56 to read:

57 11.9336 Oath.—Each delegate and alternate delegate shall,
58 before exercising any function of the position, execute an oath

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59 in the state and in writing that the delegate or alternate
60 ~~alternative~~ delegate will:

61 (1) Support the Constitution of the United States and the
62 State Constitution.

63 (2) Faithfully abide by and execute any instructions to
64 delegates and alternate delegates adopted by the Legislature.

65 (3) Otherwise faithfully discharge the duties of a delegate
66 or alternate delegate.

67 Reviser's note.—Amended to confirm the editorial substitution of
68 the word "alternate" for the word "alternative" to conform
69 to context.

70 Section 3. Subsection (1) of section 20.255, Florida
71 Statutes, is amended to read:

72 20.255 Department of Environmental Protection.—There is
73 created a Department of Environmental Protection.

74 (1) The head of the Department of Environmental Protection
75 shall be a secretary, who shall be appointed by the Governor,
76 with the concurrence of three ~~or more~~ members of the Cabinet.
77 The secretary shall be confirmed by the Florida Senate. The
78 secretary shall serve at the pleasure of the Governor.

79 Reviser's note.—Amended to conform to the current text of s. 4,
80 Art. IV of the Florida Constitution, which provides that
81 the cabinet is composed of an attorney general, a chief
82 financial officer, and a commissioner of agriculture.

83 Section 4. Section 27.366, Florida Statutes, is amended to
84 read:

85 27.366 Legislative intent and policy in cases meeting
86 criteria of s. 775.087(2) and (3).—It is the intent of the
87 Legislature that convicted criminal offenders who meet the

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88 criteria in s. 775.087(2) and (3) be sentenced to the minimum
89 mandatory prison terms provided therein ~~herein~~. It is the intent
90 of the Legislature to establish zero tolerance of criminals who
91 use, threaten to use, or avail themselves of firearms in order
92 to commit crimes and thereby demonstrate their lack of value for
93 human life. It is also the intent of the Legislature that
94 prosecutors should appropriately exercise their discretion in
95 those cases in which the offenders' possession of the firearm is
96 incidental to the commission of a crime and not used in
97 furtherance of the crime, used in order to commit the crime, or
98 used in preparation to commit the crime. For every case in which
99 the offender meets the criteria in this act and does not receive
100 the mandatory minimum prison sentence, the state attorney must
101 explain the sentencing deviation in writing and place such
102 explanation in the case file maintained by the state attorney.
103 Reviser's note.—Amended to conform to context and improve
104 clarity.

105 Section 5. Section 28.22205, Florida Statutes, is amended
106 to read:

107 28.22205 Electronic filing process.—Each clerk of court
108 shall implement an electronic filing process. The purpose of the
109 electronic filing process is to reduce judicial costs in the
110 office of the clerk and the judiciary, increase timeliness in
111 the processing of cases, and provide the judiciary with case-
112 related information to allow for improved judicial case
113 management. The Legislature requests that, no later than July 1,
114 2009, the Supreme Court set statewide standards for electronic
115 filing to be used by the clerks of court to implement electronic
116 filing. The standards should specify the required information

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117 for the duties of the clerks of court and the judiciary for case
118 management. ~~The clerks of court shall begin implementation no~~
119 ~~later than October 1, 2009.~~ Revenues provided to counties and
120 the clerk of court under s. 28.24(12)(e) for information
121 technology may also be used to implement electronic filing
122 processes.

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

124 Section 6. Paragraph (c) of subsection (1) of section
125 39.307, Florida Statutes, is amended to read:

126 39.307 Reports of child-on-child sexual abuse.—

127 (1) Upon receiving a report alleging juvenile sexual abuse
128 or inappropriate sexual behavior as defined in s. 39.01, the
129 department shall assist the family, child, and caregiver in
130 receiving appropriate services to address the allegations of the
131 report.

132 (c) The department shall monitor the occurrence of child
133 sexual abuse and the provision of services to children involved
134 in child sexual abuse or juvenile sexual abuse, or who have
135 displayed inappropriate sexual behavior.

136 Reviser's note.—Amended to confirm the editorial insertion of
137 the word "or" to improve clarity.

138 Section 7. Subsection (1) of section 39.524, Florida
139 Statutes, is amended to read:

140 39.524 Safe-harbor placement.—

141 (1) Except as provided in s. 39.407 or s. 985.801, a
142 dependent child 6 years of age or older who has been found to be
143 a victim of sexual exploitation as defined in s. 39.01(69)(g)
144 ~~39.01(68)(g)~~ must be assessed for placement in a safe house or
145 safe foster home as provided in s. 409.1678 using the initial

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146 screening and assessment instruments provided in s. 409.1754(1).
147 If such placement is determined to be appropriate for the child
148 as a result of this assessment, the child may be placed in a
149 safe house or safe foster home, if one is available. However,
150 the child may be placed in another setting, if the other setting
151 is more appropriate to the child's needs or if a safe house or
152 safe foster home is unavailable, as long as the child's
153 behaviors are managed so as not to endanger other children
154 served in that setting.

155 Reviser's note.—Amended to confirm the editorial substitution of
156 a reference to s. 39.01(69)(g) for a reference to s.
157 39.01(68)(g). Sexual exploitation of a child is defined in
158 s. 39.01(69)(g). "Secretary" is defined in s. 39.01(68),
159 which has no paragraphs.

160 Section 8. Subsection (2) of section 40.32, Florida
161 Statutes, is amended to read:

162 40.32 Clerks to disburse money; payments to jurors and
163 witnesses.—

164 (2) The payment of jurors and the payment of expenses for
165 meals and lodging for jurors under the provisions of this
166 chapter are court-related functions that the clerk of the court
167 shall fund from filing fees, service charges, court costs, and
168 ~~finances as part of the maximum annual budget under ss. 28.35 and~~
169 ~~28.36.~~

170 Reviser's note.—Amended to conform to the deletion of a
171 reference to "maximum annual budgets under ss. 28.35 and
172 28.36." The references to "maximum annual budget" were
173 deleted from these sections by ss. 3, 4, ch. 2009-204, Laws
174 of Florida.

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175 Section 9. Paragraph (c) of subsection (1) of section
176 61.13016, Florida Statutes, is amended to read:

177 61.13016 Suspension of driver licenses and motor vehicle
178 registrations.—

179 (1) The driver license and motor vehicle registration of a
180 support obligor who is delinquent in payment or who has failed
181 to comply with subpoenas or a similar order to appear or show
182 cause relating to paternity or support proceedings may be
183 suspended. When an obligor is 15 days delinquent making a
184 payment in support or failure to comply with a subpoena, order
185 to appear, order to show cause, or similar order in IV-D cases,
186 the Title IV-D agency may provide notice to the obligor of the
187 delinquency or failure to comply with a subpoena, order to
188 appear, order to show cause, or similar order and the intent to
189 suspend by regular United States mail that is posted to the
190 obligor's last address of record with the Department of Highway
191 Safety and Motor Vehicles. When an obligor is 15 days delinquent
192 in making a payment in support in non-IV-D cases, and upon the
193 request of the obligee, the depository or the clerk of the court
194 must provide notice to the obligor of the delinquency and the
195 intent to suspend by regular United States mail that is posted
196 to the obligor's last address of record with the Department of
197 Highway Safety and Motor Vehicles. In either case, the notice
198 must state:

199 (c) That notification will be given to the Department of
200 Highway Safety and Motor Vehicles to suspend the obligor's
201 driver license and motor vehicle registration unless, within 20
202 days after the date that the notice is mailed, the obligor:

203 1.a. Pays the delinquency in full and any other costs and

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204 fees accrued between the date of the notice and the date the
205 delinquency is paid;

206 b. Enters into a written agreement for payment with the
207 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
208 cases; or in IV-D cases, complies with a subpoena or order to
209 appear, order to show cause, or a similar order;

210 c. Files a petition with the circuit court to contest the
211 delinquency action;

212 d. Demonstrates that he or she receives reemployment
213 assistance or unemployment compensation pursuant to chapter 443;

214 e. Demonstrates that he or she is disabled and incapable of
215 self-support or that he or she receives benefits under the
216 federal Supplemental Security Income program or Social Security
217 Disability Insurance program ~~programs~~;

218 f. Demonstrates that he or she receives temporary cash
219 assistance pursuant to chapter 414; or

220 g. Demonstrates that he or she is making payments in
221 accordance with a confirmed bankruptcy plan under chapter 11,
222 chapter 12, or chapter 13 of the United States Bankruptcy Code,
223 11 U.S.C. ss. 101 et seq.; and

224 2. Pays any applicable delinquency fees.

225

226 If an obligor in a non-IV-D case enters into a written agreement
227 for payment before the expiration of the 20-day period, the
228 obligor must provide a copy of the signed written agreement to
229 the depository or the clerk of the court. If an obligor seeks to
230 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
231 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
232 the 20-day period, the obligor must provide the applicable

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233 documentation or proof to the depository or the clerk of the
234 court.

235 Reviser's note.—Amended to improve clarity and to facilitate
236 correct interpretation.

237 Section 10. Subsections (1) and (2) of section 112.31455,
238 Florida Statutes, are amended to read:

239 112.31455 Collection methods for unpaid automatic fines for
240 failure to timely file disclosure of financial interests.—

241 (1) Before referring any unpaid fine accrued pursuant to s.
242 112.3144(5) or s. 112.3145(7) ~~112.3145(6)~~ to the Department of
243 Financial Services, the commission shall attempt to determine
244 whether the individual owing such a fine is a current public
245 officer or current public employee. If so, the commission may
246 notify the Chief Financial Officer or the governing body of the
247 appropriate county, municipality, or special district of the
248 total amount of any fine owed to the commission by such
249 individual.

250 (a) After receipt and verification of the notice from the
251 commission, the Chief Financial Officer or the governing body of
252 the county, municipality, or special district shall begin
253 withholding the lesser of 10 percent or the maximum amount
254 allowed under federal law from any salary-related payment. The
255 withheld payments shall be remitted to the commission until the
256 fine is satisfied.

257 (b) The Chief Financial Officer or the governing body of
258 the county, municipality, or special district may retain an
259 amount of each withheld payment, as provided in s. 77.0305, to
260 cover the administrative costs incurred under this section.

261 (2) If the commission determines that the individual who is

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262 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
263 or s. 112.3145(7) ~~112.3145(6)~~ is no longer a public officer or
264 public employee or if the commission is unable to determine
265 whether the individual is a current public officer or public
266 employee, the commission may, 6 months after the order becomes
267 final, seek garnishment of any wages to satisfy the amount of
268 the fine, or any unpaid portion thereof, pursuant to chapter 77.
269 Upon recording the order imposing the fine with the clerk of the
270 circuit court, the order shall be deemed a judgment for purposes
271 of garnishment pursuant to chapter 77.

272 Reviser's note.—Amended to conform to the redesignation of s.
273 112.3145(6) as s. 112.3145(7) by s. 4, ch. 2014-183, Laws
274 of Florida.

275 Section 11. Section 163.32466, Florida Statutes, is
276 amended to read:

277 163.32466 Readoption by ordinance of plan amendments
278 adopted pursuant to former s. 163.32465, subject to local
279 referendum.—A comprehensive plan amendment adopted pursuant to
280 former s. 163.32465 subject to voter referendum by local
281 charter, and found in compliance before June 2, 2011, may be
282 readopted by ordinance, shall become effective upon approval by
283 the local government, and is not subject to review or challenge
284 pursuant to the provisions of former s. 163.32465 or s.
285 163.3184.

286 Reviser's note.—Amended to conform to the repeal of s. 163.32465
287 by s. 30, ch. 2011-139, Laws of Florida.

288 Section 12. Subsection (13) of section 189.074, Florida
289 Statutes, is amended to read:

290 189.074 Voluntary merger of independent special districts.—

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291 Two or more contiguous independent special districts created by
292 special act which have similar functions and elected governing
293 bodies may elect to merge into a single independent district
294 through the act of merging the component independent special
295 districts.

296 (13) DETERMINATION OF RIGHTS.—If any right, title,
297 interest, or claim arises out of a merger or by reason thereof
298 which is not determinable by reference to this section
299 ~~subsection~~, the joint merger plan or elector-initiated merger
300 plan, as appropriate, or otherwise under the laws of this state,
301 the governing body of the merged independent district may
302 provide therefor in a manner conforming to law.

303 Reviser's note.—Amended to substitute the word "section" for the
304 word "subsection"; the "subsection" reference predated the
305 transfer of s. 189.4042(5) to s. 189.074 by s. 21, ch.
306 2014-22, Laws of Florida.

307 Section 13. Paragraph (b) of subsection (5) and paragraphs
308 (d) and (e) of subsection (13) of section 200.065, Florida
309 Statutes, are amended to read:

310 200.065 Method of fixing millage.—

311 (5) In each fiscal year:

312 (b) The millage rate of a county or municipality, municipal
313 service taxing unit of that county, and any special district
314 dependent to that county or municipality may exceed the maximum
315 millage rate calculated pursuant to this subsection if the total
316 county ad valorem taxes levied or total municipal ad valorem
317 taxes levied do not exceed the maximum total county ad valorem
318 taxes levied or maximum total municipal ad valorem taxes levied
319 respectively. Voted millage and taxes levied by a municipality

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320 or independent special district that has levied ad valorem taxes
321 for less than 5 years are not subject to this limitation. The
322 millage rate of a county authorized to levy a county public
323 hospital surtax under s. 212.055 may exceed the maximum millage
324 rate calculated pursuant to this subsection to the extent
325 necessary to account for the revenues required to be contributed
326 to the county public hospital. Total taxes levied may exceed the
327 maximum calculated pursuant to subsection (6) as a result of an
328 increase in taxable value above that certified in subsection (1)
329 if such increase is less than the percentage amounts contained
330 in subsection (6) or if the administrative adjustment cannot be
331 made because the value adjustment board is still in session at
332 the time the tax roll is extended; otherwise, millage rates
333 subject to this subsection or ~~r~~ s. 200.185, ~~or s. 200.186~~ may be
334 reduced so that total taxes levied do not exceed the maximum.
335

336 Any unit of government operating under a home rule charter
337 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
338 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
339 State Constitution of 1968, which is granted the authority in
340 the State Constitution to exercise all the powers conferred now
341 or hereafter by general law upon municipalities and which
342 exercises such powers in the unincorporated area shall be
343 recognized as a municipality under this subsection. For a
344 downtown development authority established before the effective
345 date of the 1968 State Constitution which has a millage that
346 must be approved by a municipality, the governing body of that
347 municipality shall be considered the governing body of the
348 downtown development authority for purposes of this subsection.

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349 (13)

350 (d) If any county or municipality, dependent special

351 district of such county or municipality, or municipal service

352 taxing unit of such county is in violation of subsection (5) or

353 ~~r s. 200.185, or s. 200.186~~ because total county or municipal ad

354 valorem taxes exceeded the maximum total county or municipal ad

355 valorem taxes, respectively, that county or municipality shall

356 forfeit the distribution of local government half-cent sales tax

357 revenues during the 12 months following a determination of

358 noncompliance by the Department of Revenue as described in s.

359 218.63(3) and this subsection. If the executive director of the

360 Department of Revenue determines that any county or

361 municipality, dependent special district of such county or

362 municipality, or municipal service taxing unit of such county is

363 in violation of subsection (5) or ~~r s. 200.185, or s. 200.186,~~

364 the Department of Revenue and the county or municipality,

365 dependent special district of such county or municipality, or

366 municipal service taxing unit of such county shall follow the

367 procedures set forth in this paragraph or paragraph (e). During

368 the pendency of any procedure under paragraph (e) or any

369 administrative or judicial action to challenge any action taken

370 under this subsection, the tax collector shall hold in escrow

371 any revenues collected by the noncomplying county or

372 municipality, dependent special district of such county or

373 municipality, or municipal service taxing unit of such county in

374 excess of the amount allowed by subsection (5) or ~~r s. 200.185,~~

375 ~~or s. 200.186,~~ as determined by the executive director. Such

376 revenues shall be held in escrow until the process required by

377 paragraph (e) is completed and approved by the department. The

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378 department shall direct the tax collector to so hold such funds.
379 If the county or municipality, dependent special district of
380 such county or municipality, or municipal service taxing unit of
381 such county remedies the noncompliance, any moneys collected in
382 excess of the new levy or in excess of the amount allowed by
383 subsection (5) or ~~s. 200.185, or s. 200.186~~ shall be held in
384 reserve until the subsequent fiscal year and shall then be used
385 to reduce ad valorem taxes otherwise necessary. If the county or
386 municipality, dependent special district of such county or
387 municipality, or municipal service taxing unit of such county
388 does not remedy the noncompliance, the provisions of s. 218.63
389 shall apply.

390 (e) The following procedures shall be followed when the
391 executive director notifies any county or municipality,
392 dependent special district of such county or municipality, or
393 municipal service taxing unit of such county that he or she has
394 determined that such taxing authority is in violation of
395 subsection (5) or ~~s. 200.185, or s. 200.186~~:

396 1. Within 30 days after the deadline for certification of
397 compliance required by s. 200.068, the executive director shall
398 notify any such county or municipality, dependent special
399 district of such county or municipality, or municipal service
400 taxing unit of such county of his or her determination regarding
401 subsection (5) or ~~s. 200.185, or s. 200.186~~ and that such
402 taxing authority is subject to subparagraph 2.

403 2. Any taxing authority so noticed by the executive
404 director shall repeat the hearing and notice process required by
405 paragraph (2) (d), except that:

406 a. The advertisement shall appear within 15 days after

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407 notice from the executive director.

408 b. The advertisement, in addition to meeting the
409 requirements of subsection (3), must contain the following
410 statement in boldfaced type immediately after the heading:

411 THE PREVIOUS NOTICE PLACED BY THE ...(name of taxing
412 authority)... HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE
413 TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.

414 c. The millage newly adopted at such hearing shall not be
415 forwarded to the tax collector or property appraiser and may not
416 exceed the rate previously adopted or the amount allowed by
417 subsection (5) or ~~s. 200.185, or s. 200.186~~. Each taxing
418 authority provided notice pursuant to this paragraph shall
419 recertify compliance with this chapter as provided in this
420 section within 15 days after the adoption of a millage at such
421 hearing.

422 d. The determination of the executive director shall be
423 superseded if the executive director determines that the county
424 or municipality, dependent special district of such county or
425 municipality, or municipal service taxing unit of such county
426 has remedied the noncompliance. Such noncompliance shall be
427 determined to be remedied if any such taxing authority provided
428 notice by the executive director pursuant to this paragraph
429 adopts a new millage that does not exceed the maximum millage
430 allowed for such taxing authority under paragraph (5) (a) or ~~s.~~
431 ~~200.185(1)-(5), or s. 200.186(1)~~, or if any such county or
432 municipality, dependent special district of such county or
433 municipality, or municipal service taxing unit of such county
434 adopts a lower millage sufficient to reduce the total taxes
435 levied such that total taxes levied do not exceed the maximum as

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436 provided in paragraph (5) (b) or ~~7~~ s. 200.185(8), ~~or s.~~
 437 ~~200.186(3)~~.

438 e. If any such county or municipality, dependent special
 439 district of such county or municipality, or municipal service
 440 taxing unit of such county has not remedied the noncompliance or
 441 recertified compliance with this chapter as provided in this
 442 paragraph, and the executive director determines that the
 443 noncompliance has not been remedied or compliance has not been
 444 recertified, the county or municipality shall forfeit the
 445 distribution of local government half-cent sales tax revenues
 446 during the 12 months following a determination of noncompliance
 447 by the Department of Revenue as described in s. 218.63(2) and
 448 (3) and this subsection.

449 f. The determination of the executive director is not
 450 subject to chapter 120.

451 Reviser's note.—Amended to delete references to s. 200.186,
 452 which was created by s. 28, ch. 2007-321, Laws of Florida,
 453 in 2007 Special Session B and appeared with a contingency
 454 note. The contingency did not occur; the joint resolution
 455 for a constitutional amendment passed, but the ballot
 456 language was ruled unconstitutional. The referenced s.
 457 200.186 did not become effective.

458 Section 14. Subsection (1) of section 212.0606, Florida
 459 Statutes, is amended to read:

460 212.0606 Rental car surcharge.—

461 (1) Except as provided in subsection (2), a surcharge of \$2
 462 per day or any part of a day is imposed upon the lease or rental
 463 of a motor vehicle licensed for hire and designed to carry fewer
 464 ~~less~~ than nine passengers regardless of whether the motor

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465 vehicle is licensed in this state. The surcharge applies to only
466 the first 30 days of the term of a lease or rental. The
467 surcharge is subject to all applicable taxes imposed by this
468 chapter.

469 Reviser's note.—Amended to facilitate correct understanding and
470 improve clarity.

471 Section 15. Paragraph (d) of subsection (3) of section
472 285.18, Florida Statutes, is amended to read:

473 285.18 Tribal council as governing body; powers and
474 duties.—

475 (3) The law enforcement agencies of the Seminole Tribe of
476 Florida and the Miccosukee Tribe of Indians of Florida shall
477 have the authority of "criminal justice agencies" as defined in
478 s. 943.045(11)(e) and shall have the specific authority to
479 negotiate agreements with the Department of Law Enforcement, the
480 United States Department of Justice, and other federal law
481 enforcement agencies for access to criminal history records for
482 the purpose of conducting ongoing criminal investigations and
483 for the following governmental purposes:

484 (d) Background investigations with respect to all
485 employees, primary management officials, and all persons having
486 a financial interest in a class II Indian tribal gaming
487 enterprise to ensure eligibility as provided in the Indian
488 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq ~~al.~~

489

490 With regard to those investigations authorized in paragraphs
491 (a), (c), and (d), each such individual shall file a complete
492 set of his or her fingerprints that have been taken by an
493 authorized law enforcement officer, which set of fingerprints

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494 shall be submitted to the Department of Law Enforcement for
495 state processing and to the Federal Bureau of Investigation for
496 federal processing. The cost of processing shall be borne by the
497 applicant.

498 Reviser's note.—Amended to improve clarity and facilitate
499 correct understanding.

500 Section 16. Paragraph (a) of subsection (1) of section
501 287.0595, Florida Statutes, is amended to read:

502 287.0595 Pollution response action contracts; department
503 rules.—

504 (1) The Department of Environmental Protection shall
505 establish, by adopting administrative rules as provided in
506 chapter 120:

507 (a) Procedures for determining the qualifications of
508 responsible potential vendors prior to advertisement for and
509 receipt of bids, proposals, or replies for pollution response
510 action contracts, including procedures for the rejection of
511 unqualified vendors. Response actions are those activities
512 described in s. 376.301(37) ~~376.301(39)~~.

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

514 376.301(39) as s. 376.301(37) by the editors to conform to
515 the repeal of s. 376.301(4) and (30) by s. 5, ch. 2014-151,
516 Laws of Florida.

517 Section 17. Subsection (2) of section 288.001, Florida
518 Statutes, is reenacted to read:

519 288.001 The Florida Small Business Development Center
520 Network.—

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

522 (a) "Board of Governors" means the Board of Governors of

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523 the State University System.

524 (b) "Host institution" means the university designated by
525 the Board of Governors to be the recipient organization in
526 accordance with 13 C.F.R. s. 130.200.

527 (c) "Network" means the Florida Small Business Development
528 Center Network.

529 Reviser's note.—Section 43, ch. 2014-17, Laws of Florida,
530 purported to amend subsection (2) but did not publish
531 paragraph (c). Absent affirmative evidence of legislative
532 intent to repeal it, subsection (2) is reenacted to confirm
533 that the omission was not intended.

534 Section 18. Paragraph (a) of subsection (7) of section
535 288.9934, Florida Statutes, is amended to read:

536 288.9934 Microfinance Loan Program.—

537 (7) CONTRACT TERMINATION.—

538 (a) The loan administrator's contract with the department
539 may be terminated by the department, and the loan administrator
540 required to immediately return all state funds awarded,
541 including any interest, fees, and costs it would otherwise be
542 entitled to retain pursuant to subsection (5) for that fiscal
543 year, upon a finding by the department that:

544 1. The loan administrator has, within the previous 5 years,
545 participated in a state-funded economic development program in
546 this or any other state and was found to have failed to comply
547 with the requirements of that program;

548 2. The loan administrator is currently in material
549 noncompliance with any statute, rule, or program administered by
550 the department;

551 3. The loan administrator or any member of its board of

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552 directors, officers, partners, managers, or shareholders has
 553 pled no contest to or been found guilty, regardless of whether
 554 adjudication was withheld, of any felony or any misdemeanor
 555 involving fraud, misrepresentation, or dishonesty;

556 4. The loan administrator failed to meet or agree to the
 557 terms of the contract with the department or failed to meet this
 558 part; or

559 5. The department finds that the loan administrator
 560 provided fraudulent or misleading information to the department.
 561 Reviser's note.—Amended to confirm the editorial insertion of
 562 the word "to" to improve clarity.

563 Section 19. Subsection (2) of section 288.9936, Florida
 564 Statutes, is amended to read:

565 288.9936 Annual report of the Microfinance Loan Program.—

566 (2) The department shall submit the report provided to the
 567 department from Enterprise Florida, Inc., pursuant to s.
 568 288.9935(8) ~~288.9935(7)~~ for inclusion in the department's annual
 569 report required under s. 20.60(10).

570 Reviser's note.—Amended to correct an apparent error and
 571 facilitate correct interpretation. The referenced report is
 572 in s. 288.9935(8).

573 Section 20. Section 298.01, Florida Statutes, is amended to
 574 read:

575 298.01 Formation of water control district.—It is the
 576 legislative intent that those water control districts
 577 established prior to July 1, 1980, pursuant to the process
 578 formerly contained in this section ~~ss. 298.01~~, and former ss.
 579 298.02, and 298.03, may continue to operate as outlined in this
 580 chapter. However, on and after that date, no water control

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581 district may be created except pursuant to s. 125.01 or a
 582 special act of the Legislature. Upon formation of a water
 583 control district by a special act of the Legislature, the
 584 circuit court of the county in which a majority of the land
 585 within the district is located shall thereafter maintain and
 586 have original and exclusive jurisdiction, coextensive with the
 587 boundaries and limits of the water control district without
 588 regard to county lines, for all purposes of this chapter.

589 Reviser's note.—Amended to conform to Florida Statutes cite
 590 style and to the repeal of ss. 298.02 and 298.03 by s. 7,
 591 ch. 80-281, Laws of Florida.

592 Section 21. Paragraph (d) of subsection (3) of section
 593 316.545, Florida Statutes, is amended to read:

594 316.545 Weight and load unlawful; special fuel and motor
 595 fuel tax enforcement; inspection; penalty; review.—

596 (3)

597 (d) A vehicle operating on the highways of this state from
 598 a nonmember International Registration Plan jurisdiction
 599 ~~nonmember International Registration Plan jurisdictions~~ which is
 600 not in compliance with s. 316.605 is subject to the penalties
 601 provided in this section.

602 Reviser's note.—Amended to confirm the editorial substitution of
 603 the words "a nonmember International Registration Plan
 604 jurisdiction" for the words "nonmember International
 605 Registration Plan jurisdictions" to improve clarity.

606 Section 22. Paragraph (f) of subsection (2) of section
 607 322.058, Florida Statutes, is amended to read:

608 322.058 Suspension of driving privilege due to support
 609 delinquency; reinstatement.—

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610 (2) The department must reinstate the driving privilege and
611 allow registration of a motor vehicle when the Title IV-D agency
612 in IV-D cases or the depository or the clerk of the court in
613 non-IV-D cases provides to the department an affidavit stating
614 that:

615 (f) The person is disabled and incapable of self-support or
616 receives benefits under the federal Supplemental Security Income
617 program or Social Security Disability Insurance program
618 programs;

619 Reviser's note.—Amended to improve clarity and to facilitate
620 correct interpretation.

621 Section 23. Subsection (1) of section 327.391, Florida
622 Statutes, is amended to read:

623 327.391 Airboats regulated.—

624 (1) The exhaust of every internal combustion engine used on
625 any airboat operated on the waters of this state shall be
626 provided with an automotive-style factory muffler, underwater
627 exhaust, or other manufactured device capable of adequately
628 muffling the sound of the exhaust of the engine as described in
629 s. 327.02(27) ~~327.02(25)~~. The use of cutouts or flex pipe as the

630 sole source of muffling is prohibited, except as provided in
631 subsection (4). Any person who violates this subsection commits
632 a noncriminal infraction punishable as provided in s. 327.73(1).

633 Reviser's note.—Amended to correct an apparent error. "Muffler"
634 is defined in s. 327.02(27); s. 327.02(25) defines "moored
635 ballooning."

636 Section 24. Paragraph (h) of subsection (1) of section
637 337.403, Florida Statutes, is amended to read:

638 337.403 Interference caused by utility; expenses.—

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639 (1) If a utility that is placed upon, under, over, or along
640 any public road or publicly owned rail corridor is found by the
641 authority to be unreasonably interfering in any way with the
642 convenient, safe, or continuous use, or the maintenance,
643 improvement, extension, or expansion, of such public road or
644 publicly owned rail corridor, the utility owner shall, upon 30
645 days' written notice to the utility or its agent by the
646 authority, initiate the work necessary to alleviate the
647 interference at its own expense except as provided in paragraphs
648 (a)-(i). The work must be completed within such reasonable time
649 as stated in the notice or such time as agreed to by the
650 authority and the utility owner.

651 (h) If a municipally owned utility or county-owned utility
652 is located in a rural area of opportunity ~~critical economic~~
653 ~~concern~~, as defined in s. 288.0656(2), and the department
654 determines that the utility is unable, and will not be able
655 within the next 10 years, to pay for the cost of utility work
656 necessitated by a department project on the State Highway
657 System, the department may pay, in whole or in part, the cost of
658 such utility work performed by the department or its contractor.

659 Reviser's note.—Amended to conform to provisions in ch. 2014-
660 218, Laws of Florida, which changed references from "rural
661 areas of critical economic concern" to "rural areas of
662 opportunity" with the exception of three sections of the
663 Florida Statutes.

664 Section 25. Subsection (6) of section 339.041, Florida
665 Statutes, is amended to read:

666 339.041 Factoring of revenues from leases for wireless
667 communication facilities.—

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668 (6) Subject to annual appropriation, the investors shall
669 collect the lease payments on a schedule and in a manner
670 established in the agreements entered into by the department and
671 the investors pursuant to this section. The agreements may
672 provide for lease payments to be made directly to investors by
673 lessees if the lease agreements entered into by the department
674 and the lessees pursuant to s. 365.172(13)(f) ~~s. 365.172(12)(f)~~
675 allow direct payment.

676 Reviser's note.—Amended to conform to the redesignation of s.
677 365.172(12)(f) as s. 365.172(13)(f) by s. 1, ch. 2014-196,
678 Laws of Florida.

679 Section 26. Paragraph (c) of subsection (5) of section
680 339.135, Florida Statutes, is amended to read:

681 339.135 Work program; legislative budget request;
682 definitions; preparation, adoption, execution, and amendment.—

683 (5) ADOPTION OF THE WORK PROGRAM.—

684 (c) Notwithstanding paragraph (a), and for the 2014-2015
685 fiscal year only, the department may use appropriated funds to
686 pay the costs of strategic and regionally significant
687 transportation projects as provided in paragraph (4)(j)
688 ~~paragraph (4)(i)~~. Funds specifically appropriated for this
689 purpose may not reduce, delete, or defer any existing projects
690 funded as of July 1, 2014, in the department's 5-year work
691 program. This paragraph expires July 1, 2015.

692 Reviser's note.—Amended to conform to the editorial
693 redesignation of paragraph (4)(i), as created by s. 47, ch.
694 2014-53, Laws of Florida, as paragraph (4)(j) to conform to
695 the addition of a different paragraph (4)(i) by s. 41, ch.
696 2014-53.

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697 Section 27. Subsection (7) of section 339.2818, Florida
698 Statutes, is amended to read:

699 339.2818 Small County Outreach Program.—

700 (7) Subject to a specific appropriation in addition to
701 funds annually appropriated for projects under this section, a
702 municipality within a rural area of opportunity ~~critical~~
703 ~~economic concern~~ or a rural area of opportunity ~~critical~~
704 ~~economic concern~~ community designated under s. 288.0656(7) (a)
705 may compete for the additional project funding using the
706 criteria listed in subsection (4) at up to 100 percent of
707 project costs, excluding capacity improvement projects.

708 Reviser's note.—Amended to conform to provisions in ch. 2014-
709 218, Laws of Florida, which changed references from "rural
710 areas of critical economic concern" to "rural areas of
711 opportunity" with the exception of three sections of the
712 Florida Statutes.

713 Section 28. Paragraph (a) of subsection (2) of section
714 348.753, Florida Statutes, is amended to read:

715 348.753 Central Florida Expressway Authority.—

716 (2) (a) Immediately on ~~upon~~ June 20, 2014, the Central
717 Florida Expressway Authority shall assume the governance and
718 control of the Orlando-Orange County Expressway Authority
719 System, including its assets, personnel, contracts, obligations,
720 liabilities, facilities, and tangible and intangible property.
721 Any rights in such property, and other legal rights of the
722 authority, are transferred to the Central Florida Expressway
723 Authority. The Central Florida Expressway Authority shall
724 immediately succeed to and assume the powers, responsibilities,
725 and obligations of the Orlando-Orange County Expressway

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726 Authority.
727 Reviser's note.—Amended to substitute the word "on" for the word
728 "upon" to improve clarity. As created by s. 3, ch. 2014-
729 171, Laws of Florida, paragraph (2) (a) began with the words
730 "Immediately upon the effective date of this act." Section
731 21, ch. 2014-171, directed the Division of Law Revision and
732 Information to substitute the date for the new language
733 "the effective date of this act."

734 Section 29. Subsection (1) of section 348.7546, Florida
735 Statutes, is amended to read:

736 348.7546 Wekiva Parkway, construction authorized;
737 financing.—

738 (1) The Central Florida Expressway Authority may exercise
739 its condemnation powers and ~~to~~ construct, finance, operate, own,
740 and maintain those portions of the Wekiva Parkway which are
741 identified by agreement between the authority and the department
742 and which are included as part of the authority's long-range
743 capital improvement plan. The "Wekiva Parkway" means any limited
744 access highway or expressway constructed between State Road 429
745 and Interstate 4 specifically incorporating the corridor
746 alignment recommended by Recommendation 2 of the Wekiva River
747 Basin Area Task Force final report dated January 15, 2003, and
748 the recommendations of the SR 429 Working Group which were
749 adopted January 16, 2004. This project may be financed with any
750 funds available to the authority for such purpose or revenue
751 bonds issued by the authority under s. 11, Art. VII of the State
752 Constitution and s. 348.755(1) (b). This section does not
753 invalidate the exercise by the authority of its condemnation
754 powers or the acquisition of any property for the Wekiva Parkway

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755 before July 1, 2012.

756 Reviser's note.—Amended to confirm the editorial deletion of the
757 word "to" preceding the word "construct."

758 Section 30. Paragraph (c) of subsection (13) of section
759 365.172, Florida Statutes, is amended to read:

760 365.172 Emergency communications number "E911."—

761 (13) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
762 the public need for reliable E911 services through reliable
763 wireless systems and the public interest served by governmental
764 zoning and land development regulations and notwithstanding any
765 other law or local ordinance to the contrary, the following
766 standards shall apply to a local government's actions, as a
767 regulatory body, in the regulation of the placement,
768 construction, or modification of a wireless communications
769 facility. This subsection shall not, however, be construed to
770 waive or alter the provisions of s. 286.011 or s. 286.0115. For
771 the purposes of this subsection only, "local government" shall
772 mean any municipality or county and any agency of a municipality
773 or county only. The term "local government" does not, however,
774 include any airport, as defined by s. 330.27(2), even if it is
775 owned or controlled by or through a municipality, county, or
776 agency of a municipality or county. Further, notwithstanding
777 anything in this section to the contrary, this subsection does
778 not apply to or control a local government's actions as a
779 property or structure owner in the use of any property or
780 structure owned by such entity for the placement, construction,
781 or modification of wireless communications facilities. In the
782 use of property or structures owned by the local government,
783 however, a local government may not use its regulatory authority

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784 so as to avoid compliance with, or in a manner that does not
785 advance, the provisions of this subsection.

786 (c) Local governments may not require wireless providers to
787 provide evidence of a wireless communications facility's
788 compliance with federal regulations, except evidence of
789 compliance with applicable Federal Aviation Administration
790 requirements under 14 C.F.R. part 77 ~~14 C.F.R. s. 77~~, as
791 amended, and evidence of proper Federal Communications
792 Commission licensure, or other evidence of Federal
793 Communications Commission authorized spectrum use, but may
794 request the Federal Communications Commission to provide
795 information as to a wireless provider's compliance with federal
796 regulations, as authorized by federal law.

797 Reviser's note.—Amended to facilitate correct interpretation.

798 There is no 14 C.F.R. s. 77; there is a 14 C.F.R. part 77.

799 Section 31. Subsection (5) of section 373.223, Florida
800 Statutes, is amended to read:

801 373.223 Conditions for a permit.—

802 (5) In evaluating an application for consumptive use of
803 water which proposes the use of an alternative water supply
804 project as described in the regional water supply plan and
805 provides reasonable assurances of the applicant's capability to
806 design, construct, operate, and maintain the project, the
807 governing board or department shall presume that the alternative
808 water supply use is consistent with the public interest under
809 paragraph (1)(c). However, where the governing board identifies
810 the need for a multijurisdictional water supply entity or
811 regional water supply authority to develop the alternative water
812 supply project pursuant to s. 373.709(2)(a)2., the presumption

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813 shall be accorded only to that use proposed by such entity or
814 authority. This subsection does not affect ~~effect~~ evaluation of
815 the use pursuant to the provisions of paragraphs (1)(a) and (b),
816 subsections (2) and (3), and ss. 373.2295 and 373.233.
817 Reviser's note.—Amended to conform to context.

818 Section 32. Paragraph (a) of subsection (2) of section
819 376.3072, Florida Statutes, is amended to read:

820 376.3072 Florida Petroleum Liability and Restoration
821 Insurance Program.—

822 (2) (a) An owner or operator of a petroleum storage system
823 may become an insured in the restoration insurance program at a
824 facility if:

825 1. A site at which an incident has occurred is eligible for
826 restoration if the insured is a participant in the third-party
827 liability insurance program or otherwise meets applicable
828 financial responsibility requirements. After July 1, 1993, the
829 insured must also provide the required excess insurance coverage
830 or self-insurance for restoration to achieve the financial
831 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
832 not covered by paragraph (d).

833 2. A site which had a discharge reported before January 1,
834 1989, for which notice was given pursuant to s. 376.3071(10) and
835 which is ineligible for the third-party liability insurance
836 program solely due to that discharge is eligible for
837 participation in the restoration program for an incident
838 occurring on or after January 1, 1989, pursuant to subsection
839 (3). Restoration funding for an eligible contaminated site will
840 be provided without participation in the third-party liability
841 insurance program until the site is restored as required by the

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842 department or until the department determines that the site does
843 not require restoration.

844 3. Notwithstanding paragraph (b), a site where an
845 application is filed with the department before January 1, 1995,
846 where the owner is a small business under s. 288.703(6), a
847 Florida College System institution ~~state community college~~ with
848 less than 2,500 FTE, a religious institution as defined by s.
849 212.08(7)(m), a charitable institution as defined by s.
850 212.08(7)(p), or a county or municipality with a population of
851 less than 50,000, is eligible for up to \$400,000 of eligible
852 restoration costs, less a deductible of \$10,000 for small
853 businesses, eligible Florida College System institutions
854 ~~community colleges~~, and religious or charitable institutions,
855 and \$30,000 for eligible counties and municipalities, if:

856 a. Except as provided in sub-subparagraph e., the facility
857 was in compliance with department rules at the time of the
858 discharge.

859 b. The owner or operator has, upon discovery of a
860 discharge, promptly reported the discharge to the department,
861 and drained and removed the system from service, if necessary.

862 c. The owner or operator has not intentionally caused or
863 concealed a discharge or disabled leak detection equipment.

864 d. The owner or operator proceeds to complete initial
865 remedial action as specified in department rules.

866 e. The owner or operator, if required and if it has not
867 already done so, applies for third-party liability coverage for
868 the facility within 30 days after receipt of an eligibility
869 order issued by the department pursuant to this subparagraph.

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871 However, the department may consider in-kind services from
872 eligible counties and municipalities in lieu of the \$30,000
873 deductible. The cost of conducting initial remedial action as
874 defined by department rules is an eligible restoration cost
875 pursuant to this subparagraph.

876 4.a. By January 1, 1997, facilities at sites with existing
877 contamination must have methods of release detection to be
878 eligible for restoration insurance coverage for new discharges
879 subject to department rules for secondary containment. Annual
880 storage system testing, in conjunction with inventory control,
881 shall be considered to be a method of release detection until
882 the later of December 22, 1998, or 10 years after the date of
883 installation or the last upgrade. Other methods of release
884 detection for storage tanks which meet such requirement are:

885 (I) Interstitial monitoring of tank and integral piping
886 secondary containment systems;

887 (II) Automatic tank gauging systems; or

888 (III) A statistical inventory reconciliation system with a
889 tank test every 3 years.

890 b. For pressurized integral piping systems, the owner or
891 operator must use:

892 (I) An automatic in-line leak detector with flow
893 restriction meeting the requirements of department rules used in
894 conjunction with an annual tightness or pressure test; or

895 (II) An automatic in-line leak detector with electronic
896 flow shut-off meeting the requirements of department rules.

897 c. For suction integral piping systems, the owner or
898 operator must use:

899 (I) A single check valve installed directly below the

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900 suction pump if there are no other valves between the dispenser
901 and the tank; or

902 (II) An annual tightness test or other approved test.

903 d. Owners of facilities with existing contamination that
904 install internal release detection systems pursuant to sub-
905 subparagraph a. shall permanently close their external
906 groundwater and vapor monitoring wells pursuant to department
907 rules by December 31, 1998. Upon installation of the internal
908 release detection system, such wells must be secured and taken
909 out of service until permanent closure.

910 e. Facilities with vapor levels of contamination meeting
911 the requirements of or below the concentrations specified in the
912 performance standards for release detection methods specified in
913 department rules may continue to use vapor monitoring wells for
914 release detection.

915 f. The department may approve other methods of release
916 detection for storage tanks and integral piping which have at
917 least the same capability to detect a new release as the methods
918 specified in this subparagraph.

919

920 Sites meeting the criteria of this subsection for which a site
921 rehabilitation completion order was issued before June 1, 2008,
922 do not qualify for the 2008 increase in site rehabilitation
923 funding assistance and are bound by the pre-June 1, 2008,
924 limits. Sites meeting the criteria of this subsection for which
925 a site rehabilitation completion order was not issued before
926 June 1, 2008, regardless of whether they have previously
927 transitioned to nonstate-funded cleanup status, may continue
928 state-funded cleanup pursuant to s. 376.3071(6) until a site

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929 rehabilitation completion order is issued or the increased site
 930 rehabilitation funding assistance limit is reached, whichever
 931 occurs first.

932 Reviser's note.—Amended to conform references to state community
 933 colleges to changes in chs. 2008-52 and 2009-228, Laws of
 934 Florida, transitioning references from community colleges
 935 to Florida College System institutions.

936 Section 33. Paragraph (e) of subsection (2) of section
 937 377.6015, Florida Statutes, is amended to read:

938 377.6015 Department of Agriculture and Consumer Services;
 939 powers and duties.—

940 (2) The department shall:

941 (e) Administer the provisions of the Florida Energy and
 942 Climate Protection Act pursuant to ss. 377.801-377.804 ~~377.801-~~
 943 ~~377.807~~.

944 Reviser's note.—Amended to conform to the repeal of ss. 377.806
 945 and 377.807 by s. 9, ch. 2014-154, Laws of Florida, and to
 946 conform to context. Section 377.801 cites ss. 377.801-
 947 377.804 as the Florida Energy and Climate Protection Act;
 948 s. 377.805, requiring development of an energy efficiency
 949 and conservation clearinghouse, was transferred from s.
 950 570.0741 to s. 377.805 by s. 64, ch. 2014-150, Laws of
 951 Florida, and is not technically part of the Florida Energy
 952 and Climate Protection Act.

953 Section 34. Subsection (4) of section 379.2495, Florida
 954 Statutes, is amended to read:

955 379.2495 Florida Ships-2-Reefs Program; matching grant
 956 requirements.—

957 (4) To demonstrate that a local government or nonprofit

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958 corporation meets the required criteria, the local government or
 959 nonprofit corporation must submit formal agreements, written
 960 pledges, memoranda of understanding, financing arrangements, or
 961 other documents demonstrating that nonstate matching funds are
 962 available for securing and placing the vessel prior to
 963 submission of an application. Matching grant funds shall be
 964 released only upon documentation that meets all the criteria
 965 established in rules adopted by the commission ~~pursuant to~~
 966 ~~subsection (5).~~

967 Reviser's note.—Amended to conform to the repeal of former
 968 subsection (5) by s. 2, ch. 2014-21, Laws of Florida.
 969 Section 35. Paragraph (b) of subsection (29) of section
 970 380.06, Florida Statutes, is amended to read:

971 380.06 Developments of regional impact.—

972 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

973 (b) If a municipality that does not qualify as a dense
 974 urban land area pursuant to paragraph (a) designates any of the
 975 following areas in its comprehensive plan, any proposed
 976 development within the designated area is exempt from the
 977 development-of-regional-impact process:

- 978 1. Urban infill as defined in s. 163.3164;
- 979 2. Community redevelopment areas as defined in s. 163.340;
- 980 3. Downtown revitalization areas as defined in s. 163.3164;
- 981 4. Urban infill and redevelopment under s. 163.2517; or
- 982 5. Urban service areas as defined in s. 163.3164 or areas
 983 within a designated urban service boundary under s.
 984 163.3177(14), Florida Statutes (2010).

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

986 163.3177(14) by s. 12, ch. 2011-139, Laws of Florida, and

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987 to conform to a similar cross-reference in paragraph
988 (24) (1) of this section.

989 Section 36. Subsection (5) of section 381.78, Florida
990 Statutes, is amended to read:

991 381.78 Advisory council on brain and spinal cord injuries.—

992 (5) Members of the advisory council are entitled to
993 reimbursement for per diem and travel expenses for required
994 attendance at council meetings in accordance with s. 112.061.
995 Reasonable expenses for personal assistance services and
996 interpreters needed by members during required attendance at
997 council meetings shall be reimbursed. A member may not receive
998 any compensation for performing duties specified in, or arising
999 out of, her or his duties as a council member under ss. 381.739-
1000 381.79 ~~this part~~, except as otherwise specified in ss. 381.739-
1001 381.79 ~~this part~~.

1002 Reviser's note.—Amended to conform to the fact that chapter 381
1003 is not divided into parts and to conform to context. An
1004 amendment to subsection (7) of this section by s. 8, ch.
1005 2010-161, Laws of Florida, substituted a reference to ss.
1006 381.739-381.79 for a reference to "this part;" ss. 381.739-
1007 381.79 constitute the Charlie Mack Overstreet Brain or
1008 Spinal Cord Injuries Act.

1009 Section 37. Subsection (2) of section 394.494, Florida
1010 Statutes, is amended to read:

1011 394.494 General performance outcomes for the child and
1012 adolescent mental health treatment and support system.—

1013 (2) Annually, pursuant to former s. 216.0166, the
1014 department shall develop more specific performance outcomes and
1015 performance measures to assess the performance of the child and

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1016 adolescent mental health treatment and support system in
1017 achieving the intent of this section.

1018 Reviser's note.—Amended to conform to the repeal of s. 216.0166
1019 by s. 61, ch. 2000-371, Laws of Florida.

1020 Section 38. Paragraph (p) of subsection (4) of section
1021 394.495, Florida Statutes, is amended to read:

1022 394.495 Child and adolescent mental health system of care;
1023 programs and services.—

1024 (4) The array of services may include, but is not limited
1025 to:

1026 (p) Trauma-informed services for children who have suffered
1027 sexual exploitation as defined in s. 39.01(69)(g) ~~39.01(67)(g)~~.

1028 Reviser's note.—Amended to confirm the editorial substitution of
1029 a reference to s. 39.01(69)(g) for a reference to s.

1030 39.01(67)(g) to conform to the renumbering of subunits
1031 within s. 39.01 by s. 3, ch. 2014-224, Laws of Florida.

1032 Section 39. Paragraph (e) of subsection (3) of section
1033 394.913, Florida Statutes, is amended to read:

1034 394.913 Notice to state attorney and multidisciplinary team
1035 of release of sexually violent predator; establishing
1036 multidisciplinary teams; information to be provided to
1037 multidisciplinary teams.—

1038 (3)

1039 (e) The multidisciplinary team may consult with law
1040 enforcement agencies and victim advocate groups during the
1041 assessment and evaluation process. A clinical evaluation of the
1042 person may be conducted. A second clinical evaluation must be
1043 conducted if a member of the multidisciplinary team questions
1044 the conclusion of the first clinical evaluation. All members of

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1045 the multidisciplinary team shall review, at a minimum, the
1046 information provided in subsection (2) and any clinical
1047 evaluation before making a recommendation pursuant to paragraph
1048 (g) ~~paragraph (f)~~.

1049 Reviser's note.—Amended to confirm the editorial substitution of
1050 a reference to paragraph (g) for a reference to paragraph
1051 (f), as referenced in the amendment by s. 3, ch. 2014-2,
1052 Laws of Florida. Paragraph (f) was redesignated as
1053 paragraph (g) in the compilation of the text pursuant to
1054 incorporating amendments made by s. 2, ch. 2014-3, Laws of
1055 Florida.

1056 Section 40. Paragraph (c) of subsection (3) of section
1057 397.333, Florida Statutes, is amended to read:

1058 397.333 Statewide Drug Policy Advisory Council.—

1059 (3) The advisory council shall:

1060 (c) Review various substance abuse programs and recommend,
1061 where needed, measures that are sufficient to determine program
1062 outcomes. The council shall review different methodologies for
1063 evaluating programs and determine whether programs within
1064 different agencies have common outcomes. The methodologies shall
1065 be consistent with those established under former s. 216.0166.

1066 Reviser's note.—Amended to conform to the repeal of s. 216.0166
1067 by s. 61, ch. 2000-371, Laws of Florida.

1068 Section 41. Subsection (6) of section 397.754, Florida
1069 Statutes, is amended to read:

1070 397.754 Duties and responsibilities of the Department of
1071 Corrections.—The Department of Corrections shall:

1072 (6) In cooperation with other agencies, actively seek to
1073 enhance resources for the provision of treatment services for

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1074 inmates and to develop partnerships with other state agencies,
1075 including but not limited to the Departments of Children and
1076 Families, Education, Economic Opportunity ~~Community Affairs~~, and
1077 Law Enforcement.

1078 Reviser's note.—Amended to conform to the repeal of s. 20.18,
1079 which created the Department of Community Affairs, by s.
1080 478, ch. 2011-142, Laws of Florida, and the transfer of the
1081 department's duties to the Department of Economic
1082 Opportunity by ch. 2011-142.

1083 Section 42. Subsection (2) of section 397.92, Florida
1084 Statutes, is amended to read:

1085 397.92 Children's substance abuse services system; goals.—

1086 (2) Pursuant to former s. 216.0166, the department shall
1087 annually develop performance outcomes and performance measures
1088 to assess the performance of the children's substance abuse
1089 services system in achieving the intent of this section.

1090 Reviser's note.—Amended to conform to the repeal of s. 216.0166
1091 by s. 61, ch. 2000-371, Laws of Florida.

1092 Section 43. Paragraph (v) of subsection (1) of section
1093 400.022, Florida Statutes, is amended to read:

1094 400.022 Residents' rights.—

1095 (1) All licensees of nursing home facilities shall adopt
1096 and make public a statement of the rights and responsibilities
1097 of the residents of such facilities and shall treat such
1098 residents in accordance with the provisions of that statement.
1099 The statement shall assure each resident the following:

1100 (v) For residents of Medicaid or Medicare certified
1101 facilities, the right to challenge a decision by the facility to
1102 discharge or transfer the resident, as required under ~~Title~~ 42

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1103 C.F.R. s. 483.12 ~~part 483.13~~.

1104 Reviser's note.—Amended to conform to the fact that there is no
1105 part 483.13 in the Code of Federal Regulations; 42 C.F.R.
1106 s. 483.12 relates to admission, transfer, and discharge
1107 rights; 42 C.F.R. s. 483.13 relates to resident behavior
1108 and facility practices.

1109 Section 44. Paragraph (c) of subsection (7) of section
1110 403.067, Florida Statutes, is amended to read:

1111 403.067 Establishment and implementation of total maximum
1112 daily loads.—

1113 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1114 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1115 (c) *Best management practices*.—

1116 1. The department, in cooperation with the water management
1117 districts and other interested parties, as appropriate, may
1118 develop suitable interim measures, best management practices, or
1119 other measures necessary to achieve the level of pollution
1120 reduction established by the department for nonagricultural
1121 nonpoint pollutant sources in allocations developed pursuant to
1122 subsection (6) and this subsection. These practices and measures
1123 may be adopted by rule by the department and the water
1124 management districts and, where adopted by rule, shall be
1125 implemented by those parties responsible for nonagricultural
1126 nonpoint source pollution.

1127 2. The Department of Agriculture and Consumer Services may
1128 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1129 suitable interim measures, best management practices, or other
1130 measures necessary to achieve the level of pollution reduction
1131 established by the department for agricultural pollutant sources

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1132 in allocations developed pursuant to subsection (6) and this
1133 subsection or for programs implemented pursuant to paragraph
1134 (12) (b) ~~paragraph (13) (b)~~. These practices and measures may be
1135 implemented by those parties responsible for agricultural
1136 pollutant sources and the department, the water management
1137 districts, and the Department of Agriculture and Consumer
1138 Services shall assist with implementation. In the process of
1139 developing and adopting rules for interim measures, best
1140 management practices, or other measures, the Department of
1141 Agriculture and Consumer Services shall consult with the
1142 department, the Department of Health, the water management
1143 districts, representatives from affected farming groups, and
1144 environmental group representatives. Such rules must also
1145 incorporate provisions for a notice of intent to implement the
1146 practices and a system to assure the implementation of the
1147 practices, including recordkeeping requirements.

1148 3. Where interim measures, best management practices, or
1149 other measures are adopted by rule, the effectiveness of such
1150 practices in achieving the levels of pollution reduction
1151 established in allocations developed by the department pursuant
1152 to subsection (6) and this subsection or in programs implemented
1153 pursuant to paragraph (12) (b) ~~paragraph (13) (b)~~ must be verified
1154 at representative sites by the department. The department shall
1155 use best professional judgment in making the initial
1156 verification that the best management practices are reasonably
1157 expected to be effective and, where applicable, must notify the
1158 appropriate water management district or the Department of
1159 Agriculture and Consumer Services of its initial verification
1160 before the adoption of a rule proposed pursuant to this

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1161 paragraph. Implementation, in accordance with rules adopted
1162 under this paragraph, of practices that have been initially
1163 verified to be effective, or verified to be effective by
1164 monitoring at representative sites, by the department, shall
1165 provide a presumption of compliance with state water quality
1166 standards and release from the provisions of s. 376.307(5) for
1167 those pollutants addressed by the practices, and the department
1168 is not authorized to institute proceedings against the owner of
1169 the source of pollution to recover costs or damages associated
1170 with the contamination of surface water or groundwater caused by
1171 those pollutants. Research projects funded by the department, a
1172 water management district, or the Department of Agriculture and
1173 Consumer Services to develop or demonstrate interim measures or
1174 best management practices shall be granted a presumption of
1175 compliance with state water quality standards and a release from
1176 the provisions of s. 376.307(5). The presumption of compliance
1177 and release is limited to the research site and only for those
1178 pollutants addressed by the interim measures or best management
1179 practices. Eligibility for the presumption of compliance and
1180 release is limited to research projects on sites where the owner
1181 or operator of the research site and the department, a water
1182 management district, or the Department of Agriculture and
1183 Consumer Services have entered into a contract or other
1184 agreement that, at a minimum, specifies the research objectives,
1185 the cost-share responsibilities of the parties, and a schedule
1186 that details the beginning and ending dates of the project.

1187 4. Where water quality problems are demonstrated, despite
1188 the appropriate implementation, operation, and maintenance of
1189 best management practices and other measures required by rules

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1190 adopted under this paragraph, the department, a water management
1191 district, or the Department of Agriculture and Consumer
1192 Services, in consultation with the department, shall institute a
1193 reevaluation of the best management practice or other measure.
1194 Should the reevaluation determine that the best management
1195 practice or other measure requires modification, the department,
1196 a water management district, or the Department of Agriculture
1197 and Consumer Services, as appropriate, shall revise the rule to
1198 require implementation of the modified practice within a
1199 reasonable time period as specified in the rule.

1200 5. Agricultural records relating to processes or methods of
1201 production, costs of production, profits, or other financial
1202 information held by the Department of Agriculture and Consumer
1203 Services pursuant to subparagraphs 3. and 4. or pursuant to any
1204 rule adopted pursuant to subparagraph 2. are confidential and
1205 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1206 Constitution. Upon request, records made confidential and exempt
1207 pursuant to this subparagraph shall be released to the
1208 department or any water management district provided that the
1209 confidentiality specified by this subparagraph for such records
1210 is maintained.

1211 6. The provisions of subparagraphs 1. and 2. do not
1212 preclude the department or water management district from
1213 requiring compliance with water quality standards or with
1214 current best management practice requirements set forth in any
1215 applicable regulatory program authorized by law for the purpose
1216 of protecting water quality. Additionally, subparagraphs 1. and
1217 2. are applicable only to the extent that they do not conflict
1218 with any rules adopted by the department that are necessary to

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1219 maintain a federally delegated or approved program.

1220 Reviser's note.—Amended to conform to the redesignation of

1221 paragraph (13) (b) as paragraph (12) (b) by s. 2, ch. 2013-

1222 146, Laws of Florida.

1223 Section 45. Subsection (1) of section 408.036, Florida

1224 Statutes, is amended to read:

1225 408.036 Projects subject to review; exemptions.—

1226 (1) APPLICABILITY.—Unless exempt under subsection (3), all

1227 health-care-related projects, as described in paragraphs (a)-(f)

1228 ~~paragraphs (a)-(g)~~, are subject to review and must file an

1229 application for a certificate of need with the agency. The

1230 agency is exclusively responsible for determining whether a

1231 health-care-related project is subject to review under ss.

1232 408.031-408.045.

1233 (a) The addition of beds in community nursing homes or

1234 intermediate care facilities for the developmentally disabled by

1235 new construction or alteration.

1236 (b) The new construction or establishment of additional

1237 health care facilities, including a replacement health care

1238 facility when the proposed project site is not located on the

1239 same site as or within 1 mile of the existing health care

1240 facility, if the number of beds in each licensed bed category

1241 will not increase.

1242 (c) The conversion from one type of health care facility to

1243 another, including the conversion from a general hospital, a

1244 specialty hospital, or a long-term care hospital.

1245 (d) The establishment of a hospice or hospice inpatient

1246 facility, except as provided in s. 408.043.

1247 (e) An increase in the number of beds for comprehensive

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1248 rehabilitation.

1249 (f) The establishment of tertiary health services,
1250 including inpatient comprehensive rehabilitation services.

1251 Reviser's note.—Amended to confirm the editorial substitution of
1252 a reference to paragraphs (a)-(f) for a reference to
1253 paragraphs (a)-(g) to conform to the repeal of paragraph
1254 (1)(g) by s. 19, ch. 2010-4, Laws of Florida.

1255 Section 46. Subsection (8) of section 408.061, Florida
1256 Statutes, is amended to read:

1257 408.061 Data collection; uniform systems of financial
1258 reporting; information relating to physician charges;
1259 confidential information; immunity.—

1260 (8) The identity of any health care provider, health care
1261 facility, or health insurer who submits any data which is
1262 proprietary business information to the agency pursuant to the
1263 provisions of this section shall remain confidential and exempt
1264 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
1265 State Constitution. As used in this section, "proprietary
1266 business information" shall include, but not be limited to,
1267 information relating to specific provider contract reimbursement
1268 information; information relating to security measures, systems,
1269 or procedures; and information concerning bids or other
1270 contractual data, the disclosure of which would impair efforts
1271 to contract for goods or services on favorable terms or would
1272 injure the affected entity's ability to compete in the
1273 marketplace. Notwithstanding the provisions of this subsection,
1274 any information obtained ~~or generated pursuant to the provisions~~
1275 ~~of former s. 407.61~~, either by the former Health Care Cost
1276 Containment Board or by the Agency for Health Care

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1277 Administration upon transfer to that agency of the duties and
1278 functions of the former Health Care Cost Containment Board, is
1279 not confidential and exempt from the provisions of s. 119.07(1)
1280 and s. 24(a), Art. I of the State Constitution. Such proprietary
1281 business information may be used in published analyses and
1282 reports or otherwise made available for public disclosure in
1283 such manner as to preserve the confidentiality of the identity
1284 of the provider. This exemption shall not limit the use of any
1285 information used in conjunction with investigation or
1286 enforcement purposes under the provisions of s. 456.073.

1287 Reviser's note.—Amended to delete an obsolete provision.

1288 Section 47. Subsection (2) of section 409.1451, Florida
1289 Statutes, as amended by section 4 of chapter 2014-39, Laws of
1290 Florida, and as amended by section 25 of chapter 2014-184, Laws
1291 of Florida, effective July 1, 2015, is reenacted and amended to
1292 read:

1293 409.1451 The Road-to-Independence Program.—

1294 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1295 (a) A young adult is eligible for services and support
1296 under this subsection if he or she:

1297 1. Was living in licensed care on his or her 18th birthday
1298 or is currently living in licensed care; or was at least 16
1299 years of age and was adopted from foster care or placed with a
1300 court-approved dependency guardian after spending at least 6
1301 months in licensed care within the 12 months immediately
1302 preceding such placement or adoption;

1303 2. Spent at least 6 months in licensed care before reaching
1304 his or her 18th birthday;

1305 3. Earned a standard high school diploma pursuant to s.

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1306 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
1307 pursuant to s. 1003.435 ~~a special diploma pursuant to;~~

1308 4. Has been admitted for enrollment as a full-time student
1309 or its equivalent in an eligible postsecondary educational
1310 institution as provided in s. 1009.533. For purposes of this
1311 section, the term "full-time" means 9 credit hours or the
1312 vocational school equivalent. A student may enroll part-time if
1313 he or she has a recognized disability or is faced with another
1314 challenge or circumstance that would prevent full-time
1315 attendance. A student needing to enroll part-time for any reason
1316 other than having a recognized disability must get approval from
1317 his or her academic advisor;

1318 5. Has reached 18 years of age but is not yet 23 years of
1319 age;

1320 6. Has applied, with assistance from the young adult's
1321 caregiver and the community-based lead agency, for any other
1322 grants and scholarships for which he or she may qualify;

1323 7. Submitted a Free Application for Federal Student Aid
1324 which is complete and error free; and

1325 8. Signed an agreement to allow the department and the
1326 community-based care lead agency access to school records.

1327 (b) The amount of the financial assistance shall be as
1328 follows:

1329 1. For a young adult who does not remain in foster care and
1330 is attending a postsecondary school as provided in s. 1009.533,
1331 the amount is \$1,256 monthly.

1332 2. For a young adult who remains in foster care, is
1333 attending a postsecondary school, as provided in s. 1009.533,
1334 and continues to reside in a licensed foster home, the amount is

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1335 the established room and board rate for foster parents. This
1336 takes the place of the payment provided for in s. 409.145(4).

1337 3. For a young adult who remains in foster care, but
1338 temporarily resides away from a licensed foster home for
1339 purposes of attending a postsecondary school as provided in s.
1340 1009.533, the amount is \$1,256 monthly. This takes the place of
1341 the payment provided for in s. 409.145(4).

1342 4. For a young adult who remains in foster care, is
1343 attending a postsecondary school as provided in s. 1009.533, and
1344 continues to reside in a licensed group home, the amount is
1345 negotiated between the community-based care lead agency and the
1346 licensed group home provider.

1347 5. For a young adult who remains in foster care, but
1348 temporarily resides away from a licensed group home for purposes
1349 of attending a postsecondary school as provided in s. 1009.533,
1350 the amount is \$1,256 monthly. This takes the place of a
1351 negotiated room and board rate.

1352 6. The amount of the award may be disregarded for purposes
1353 of determining the eligibility for, or the amount of, any other
1354 federal or federally supported assistance.

1355 7. A young adult is eligible to receive financial
1356 assistance during the months when enrolled in a postsecondary
1357 educational institution.

1358 (c) Payment of financial assistance for a young adult who:

1359 1. Has chosen not to remain in foster care and is attending
1360 a postsecondary school as provided in s. 1009.533, shall be made
1361 to the community-based care lead agency in order to secure
1362 housing and utilities, with the balance being paid directly to
1363 the young adult until such time the lead agency and the young

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1364 adult determine that the young adult can successfully manage the
1365 full amount of the assistance.

1366 2. Has remained in foster care under s. 39.6251 and who is
1367 attending postsecondary school as provided in s. 1009.533, shall
1368 be made directly to the foster parent or group home provider.

1369 3. Community-based care lead agencies or other contracted
1370 providers are prohibited from charging a fee associated with
1371 administering the Road-to-Independence payments.

1372 (d)1. The department must advertise the availability of the
1373 stipend and must provide notification of the criteria and
1374 application procedures for the stipend to children and young
1375 adults leaving, or who were formerly in, foster care;
1376 caregivers; case managers; guidance and family services
1377 counselors; principals or other relevant school administrators;
1378 and guardians ad litem.

1379 2. If the award recipient transfers from one eligible
1380 institution to another and continues to meet eligibility
1381 requirements, the award shall be transferred with the recipient.

1382 3. The department, or an agency under contract with the
1383 department, shall evaluate each Road-to-Independence award for
1384 renewal eligibility on an annual basis. In order to be eligible
1385 for a renewal award for the subsequent year, the young adult
1386 must:

1387 a. Be enrolled for or have completed the number of hours,
1388 or the equivalent, to be considered a full-time student under
1389 subparagraph (a)4., unless the young adult qualifies for an
1390 exception under subparagraph (a)4.

1391 b. Maintain standards of academic progress as defined by
1392 the education institution, except that if the young adult's

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1393 progress is insufficient to renew the award at any time during
1394 the eligibility period, the young adult may continue to be
1395 enrolled for additional terms while attempting to restore
1396 eligibility as long as progress towards the required level is
1397 maintained.

1398 4. Funds may be terminated during the interim between an
1399 award and the evaluation for a renewal award if the department,
1400 or an agency under contract with the department, determines that
1401 the award recipient is no longer enrolled in an educational
1402 institution as described in subparagraph (a)4. or is no longer a
1403 resident of this state.

1404 5. The department, or an agency under contract with the
1405 department, shall notify a recipient who is terminated and
1406 inform the recipient of his or her right to appeal.

1407 6. An award recipient who does not qualify for a renewal
1408 award or who chooses not to renew the award may apply for
1409 reinstatement. An application for reinstatement must be made
1410 before the young adult reaches 23 years of age. In order to be
1411 eligible for reinstatement, the young adult must meet the
1412 eligibility criteria and the criteria for award renewal for the
1413 program.

1414 Reviser's note.—Section 25, ch. 2014-184, Laws of Florida,
1415 purported to amend subsection (2), effective July 1, 2015,
1416 but did not publish paragraphs (b)-(d). Absent affirmative
1417 evidence of legislative intent to repeal paragraphs (b)-
1418 (d), subsection (2) is reenacted to confirm that the
1419 omission was not intended. Subparagraph (2)(a)3. is amended
1420 to confirm the editorial deletion of the words "a special
1421 diploma pursuant to," added by s. 4, ch. 2014-39, Laws of

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1422 Florida, following the word "or" and preceding a cite to s.
1423 1003.438, which word and cite were deleted by s. 25, ch.
1424 2014-184.

1425 Section 48. Paragraph (c) of subsection (1) of section
1426 409.1678, Florida Statutes, is amended to read:

1427 409.1678 Specialized residential options for children who
1428 are victims of sexual exploitation.—

1429 (1) DEFINITIONS.—As used in this section, the term:

1430 (c) "Sexually exploited child" means a child who has
1431 suffered sexual exploitation as defined in s. 39.01(69)(g)
1432 ~~39.01(68)(g)~~ and is ineligible for relief and benefits under the
1433 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
1434 et seq.

1435 Reviser's note.—Amended to confirm the editorial substitution of
1436 a reference to s. 39.01(69)(g) for a reference to s.

1437 39.01(68)(g) added by s. 56, ch. 2014-224, Laws of Florida.
1438 Sexual exploitation of a child is defined in s.

1439 39.01(69)(g). "Secretary" is defined in s. 39.01(68), which
1440 has no paragraphs.

1441 Section 49. Paragraph (d) of subsection (13) of section
1442 409.906, Florida Statutes, is amended to read:

1443 409.906 Optional Medicaid services.—Subject to specific
1444 appropriations, the agency may make payments for services which
1445 are optional to the state under Title XIX of the Social Security
1446 Act and are furnished by Medicaid providers to recipients who
1447 are determined to be eligible on the dates on which the services
1448 were provided. Any optional service that is provided shall be
1449 provided only when medically necessary and in accordance with
1450 state and federal law. Optional services rendered by providers

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1451 in mobile units to Medicaid recipients may be restricted or
1452 prohibited by the agency. Nothing in this section shall be
1453 construed to prevent or limit the agency from adjusting fees,
1454 reimbursement rates, lengths of stay, number of visits, or
1455 number of services, or making any other adjustments necessary to
1456 comply with the availability of moneys and any limitations or
1457 directions provided for in the General Appropriations Act or
1458 chapter 216. If necessary to safeguard the state's systems of
1459 providing services to elderly and disabled persons and subject
1460 to the notice and review provisions of s. 216.177, the Governor
1461 may direct the Agency for Health Care Administration to amend
1462 the Medicaid state plan to delete the optional Medicaid service
1463 known as "Intermediate Care Facilities for the Developmentally
1464 Disabled." Optional services may include:

1465 (13) HOME AND COMMUNITY-BASED SERVICES.—

1466 (d) The agency shall request federal approval to develop a
1467 system to require payment of premiums or other cost sharing by
1468 the parents of a child who is being served by a waiver under
1469 this subsection if the adjusted household income is greater than
1470 100 percent of the federal poverty level. The amount of the
1471 premium or cost sharing shall be calculated using a sliding
1472 scale based on the size of the family, the amount of the
1473 parent's adjusted gross income, and the federal poverty
1474 guidelines. The premium and cost-sharing system developed by the
1475 agency shall not adversely affect federal funding to the state.
1476 After the agency receives federal approval, the Department of
1477 Children and Families may collect income information from
1478 parents of children who will be affected by this paragraph. ~~The~~
1479 ~~agency shall prepare a report to include the estimated~~

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1480 ~~operational cost of implementing the premium and cost sharing~~
1481 ~~system and the estimated revenues to be collected from parents~~
1482 ~~of children in the waiver program. The report shall be delivered~~
1483 ~~to the President of the Senate and the Speaker of the House of~~
1484 ~~Representatives by June 30, 2012.~~

1485 Reviser's note.—Amended to delete obsolete provisions.

1486 Section 50. Subsection (2) of section 409.966, Florida
1487 Statutes, is amended to read:

1488 409.966 Eligible plans; selection.—

1489 (2) ELIGIBLE PLAN SELECTION.—The agency shall select a
1490 limited number of eligible plans to participate in the Medicaid
1491 program using invitations to negotiate in accordance with s.
1492 287.057(1)(c) ~~287.057(3)(a)~~. At least 90 days before issuing an
1493 invitation to negotiate, the agency shall compile and publish a
1494 databook consisting of a comprehensive set of utilization and
1495 spending data for the 3 most recent contract years consistent
1496 with the rate-setting periods for all Medicaid recipients by
1497 region or county. The source of the data in the report must
1498 include both historic fee-for-service claims and validated data
1499 from the Medicaid Encounter Data System. The report must be
1500 available in electronic form and delineate utilization use by
1501 age, gender, eligibility group, geographic area, and aggregate
1502 clinical risk score. Separate and simultaneous procurements
1503 shall be conducted in each of the following regions:

1504 (a) Region 1, which consists of Escambia, Okaloosa, Santa
1505 Rosa, and Walton Counties.

1506 (b) Region 2, which consists of Bay, Calhoun, Franklin,
1507 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
1508 Madison, Taylor, Wakulla, and Washington Counties.

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1509 (c) Region 3, which consists of Alachua, Bradford, Citrus,
1510 Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake,
1511 Levy, Marion, Putnam, Sumter, Suwannee, and Union Counties.

1512 (d) Region 4, which consists of Baker, Clay, Duval,
1513 Flagler, Nassau, St. Johns, and Volusia Counties.

1514 (e) Region 5, which consists of Pasco and Pinellas
1515 Counties.

1516 (f) Region 6, which consists of Hardee, Highlands,
1517 Hillsborough, Manatee, and Polk Counties.

1518 (g) Region 7, which consists of Brevard, Orange, Osceola,
1519 and Seminole Counties.

1520 (h) Region 8, which consists of Charlotte, Collier, DeSoto,
1521 Glades, Hendry, Lee, and Sarasota Counties.

1522 (i) Region 9, which consists of Indian River, Martin,
1523 Okeechobee, Palm Beach, and St. Lucie Counties.

1524 (j) Region 10, which consists of Broward County.

1525 (k) Region 11, which consists of Miami-Dade and Monroe
1526 Counties.

1527 Reviser's note.—Amended to conform to context. Section

1528 287.057(1)(c) relates to invitation to negotiate; s.

1529 287.057(3)(a) provides an exception to receiving
1530 competitive sealed bids, competitive sealed proposals, or
1531 competitive sealed replies when purchase price exceeds a
1532 specified threshold.

1533 Section 51. Paragraph (a) of subsection (3) of section
1534 409.986, Florida Statutes, is amended to read:

1535 409.986 Legislative findings and intent; child protection
1536 and child welfare outcomes; definitions.—

1537 (3) DEFINITIONS.—As used in this part, except as otherwise

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1538 provided, the term:

1539 (a) "Care" means services of any kind which are designed to
1540 facilitate a child remaining safely in his or her own home,
1541 returning safely to his or her own home if he or she is removed
1542 from the home, or obtaining an alternative permanent home if he
1543 or she cannot remain at home or be returned home. The term
1544 includes, but is not ~~be~~ limited to, prevention, diversion, and
1545 related services.

1546 Reviser's note.—Amended to confirm the editorial deletion of the
1547 word "be."

1548 Section 52. Paragraph (b) of subsection (4) of section
1549 409.987, Florida Statutes, is amended to read:

1550 409.987 Lead agency procurement.—

1551 (4) In order to serve as a lead agency, an entity must:

1552 (b) Be governed by a board of directors or a board
1553 committee composed of board members. The membership of the board
1554 of directors or board committee must be described in the bylaws
1555 or articles of incorporation of each lead agency, which must
1556 provide that at least 75 percent of the membership of the board
1557 of directors or board committee must consist of persons residing
1558 in this state, and at least 51 percent of the state residents on
1559 the board of directors must reside within the service area of
1560 the lead agency. However, for procurements of lead agency
1561 contracts initiated on or after July 1, 2014:

1562 1. At least 75 percent of the membership of the board of
1563 directors must consist of persons residing in this state, and at
1564 least 51 percent of the membership of the board of directors
1565 must consist of persons residing within the service area of the
1566 lead agency. If a board committee governs the lead agency, 100

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1567 percent of its membership must consist of persons residing
1568 within the service area of the lead agency.

1569 2. The powers of the board of directors or board committee
1570 include, but are not limited to, approving the lead agency's
1571 budget and setting the lead agency's operational policy and
1572 procedures. A board of directors must additionally have the
1573 power to hire the lead agency's executive director, unless a
1574 board committee governs the lead agency, in which case the board
1575 committee must have the power to confirm the selection of the
1576 lead agency's executive director.

1577 Reviser's note.—Amended to confirm the editorial insertion of
1578 the word "but."

1579 Section 53. Subsection (1) of section 430.502, Florida
1580 Statutes, is reenacted to read:

1581 430.502 Alzheimer's disease; memory disorder clinics and
1582 day care and respite care programs.—

1583 (1) There is established:

1584 (a) A memory disorder clinic at each of the three medical
1585 schools in this state;

1586 (b) A memory disorder clinic at a major private nonprofit
1587 research-oriented teaching hospital, and may fund a memory
1588 disorder clinic at any of the other affiliated teaching
1589 hospitals;

1590 (c) A memory disorder clinic at the Mayo Clinic in
1591 Jacksonville;

1592 (d) A memory disorder clinic at the West Florida Regional
1593 Medical Center;

1594 (e) A memory disorder clinic operated by Health First in
1595 Brevard County;

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1596 (f) A memory disorder clinic at the Orlando Regional
1597 Healthcare System, Inc.;

1598 (g) A memory disorder center located in a public hospital
1599 that is operated by an independent special hospital taxing
1600 district that governs multiple hospitals and is located in a
1601 county with a population greater than 800,000 persons;

1602 (h) A memory disorder clinic at St. Mary's Medical Center
1603 in Palm Beach County;

1604 (i) A memory disorder clinic at Tallahassee Memorial
1605 Healthcare;

1606 (j) A memory disorder clinic at Lee Memorial Hospital
1607 created by chapter 63-1552, Laws of Florida, as amended;

1608 (k) A memory disorder clinic at Sarasota Memorial Hospital
1609 in Sarasota County;

1610 (l) A memory disorder clinic at Morton Plant Hospital,
1611 Clearwater, in Pinellas County; and

1612 (m) A memory disorder clinic at Florida Atlantic
1613 University, Boca Raton, in Palm Beach County,
1614
1615 for the purpose of conducting research and training in a
1616 diagnostic and therapeutic setting for persons suffering from
1617 Alzheimer's disease and related memory disorders. However,
1618 memory disorder clinics funded as of June 30, 1995, shall not
1619 receive decreased funding due solely to subsequent additions of
1620 memory disorder clinics in this subsection.

1621 Reviser's note.—Section 4, ch. 2014-163, Laws of Florida,
1622 amended paragraph (1)(e) but did not publish the flush left
1623 language at the end of the subsection. Absent affirmative
1624 evidence of legislative intent to repeal it, subsection (1)

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1625 is reenacted to confirm that the omission was not intended.

1626 Section 54. Paragraph (a) of subsection (4) of section
1627 456.039, Florida Statutes, is amended to read:

1628 456.039 Designated health care professionals; information
1629 required for licensure.—

1630 (4) (a) An applicant for initial licensure must submit a set
1631 of fingerprints to the Department of Health in accordance with
1632 s. 458.311, ~~s. 458.3115, s. 458.3124, s. 458.313,~~ s. 459.0055,
1633 s. 460.406, or s. 461.006.

1634 Reviser's note.—Amended to facilitate correct interpretation;
1635 ss. 458.3115, 458.3124, and 458.313 do not reference the
1636 submission of fingerprints.

1637 Section 55. Paragraphs (h) and (i) of subsection (5) of
1638 section 456.074, Florida Statutes, are amended to read:

1639 456.074 Certain health care practitioners; immediate
1640 suspension of license.—

1641 (5) The department shall issue an emergency order
1642 suspending the license of a massage therapist or establishment
1643 as defined in chapter 480 upon receipt of information that the
1644 massage therapist, a person with an ownership interest in the
1645 establishment, or, for a corporation that has more than \$250,000
1646 of business assets in this state, the owner, officer, or
1647 individual directly involved in the management of the
1648 establishment has been convicted or found guilty of, or has
1649 entered a plea of guilty or nolo contendere to, regardless of
1650 adjudication, a felony offense under any of the following
1651 provisions of state law or a similar provision in another
1652 jurisdiction:

1653 (h) Former s. Section 796.03, relating to procuring a

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1654 person under the age of 18 for prostitution.

1655 (i) Former s. Section 796.035, relating to the selling or
1656 buying of minors into prostitution.

1657 Reviser's note.—Amended to conform to the repeal of ss. 796.03
1658 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

1659 Section 56. Section 479.03, Florida Statutes, is amended to
1660 read:

1661 479.03 Jurisdiction of the Department of Transportation;
1662 entry upon privately owned lands.—The territory under the
1663 jurisdiction of the department for the purpose of this chapter
1664 includes all the state. Employees, agents, or independent
1665 contractors working for the department, in the performance of
1666 their functions and duties under the provisions of this chapter,
1667 may enter into and upon any land upon which a sign is displayed,
1668 is proposed to be erected, or is being erected and make such
1669 inspections, surveys, and removals as may be relevant. Upon
1670 written notice to the landowner, operator, or person in charge
1671 of any ~~an~~ intervening privately owned land that the removal of
1672 an illegal outdoor advertising sign is necessary and has been
1673 authorized by a final order or results from an uncontested
1674 notice to the sign owner, the department may enter upon any
1675 intervening privately owned lands for the purposes of
1676 effectuating removal of illegal signs. The department may enter
1677 intervening privately owned lands only in circumstances where it
1678 has determined that other legal or economically feasible means
1679 of entry to the sign site are not reasonably available. Except
1680 as otherwise provided by this chapter, the department is
1681 responsible for the repair or replacement in a like manner for
1682 any physical damage or destruction of private property, other

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1683 than the sign, incidental to the department's entry upon such
1684 intervening privately owned lands.

1685 Reviser's note.—Amended to conform to context and facilitate
1686 correct interpretation.

1687 Section 57. Subsection (16) of section 479.16, Florida
1688 Statutes, as amended by section 18 of chapter 2014-215, Laws of
1689 Florida, and section 39 of chapter 2014-223, Laws of Florida, is
1690 amended to read:

1691 479.16 Signs for which permits are not required.—The
1692 following signs are exempt from the requirement that a permit
1693 for a sign be obtained under this chapter but are required to
1694 comply with s. 479.11(4)-(8), and the provisions of subsections
1695 (15)-(19) may not be implemented or continued if the Federal
1696 Government notifies the department that implementation or
1697 continuation will adversely affect the allocation of federal
1698 funds to the department:

1699 (16) Signs placed by a local tourist-oriented business
1700 located within a rural area of opportunity ~~critical-economic~~
1701 ~~concern~~ as defined in s. 288.0656(2) which are:

1702 (a) Not more than 8 square feet in size or more than 4 feet
1703 in height;

1704 (b) Located only in rural areas on a facility that does not
1705 meet the definition of a limited access facility, as defined in
1706 s. 334.03;

1707 (c) Located within 2 miles of the business location and at
1708 least 500 feet apart;

1709 (d) Located only in two directions leading to the business;
1710 and

1711 (e) Not located within the road right-of-way.

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1712

1713 A business placing such signs must be at least 4 miles from any
1714 other business using this exemption and may not participate in
1715 any other directional signage program by the department.

1716

1717 If the exemptions in subsections (15)-(19) are not implemented
1718 or continued due to notification from the Federal Government
1719 that the allocation of federal funds to the department will be
1720 adversely impacted, the department shall provide notice to the
1721 sign owner that the sign must be removed within 30 days after
1722 receipt of the notice. If the sign is not removed within 30 days
1723 after receipt of the notice by the sign owner, the department
1724 may remove the sign, and the costs incurred in connection with
1725 the sign removal shall be assessed against and collected from
1726 the sign owner.

1727 Reviser's note.—Amended to conform to the fact that the term
1728 "rural area of critical economic concern" was changed to
1729 "rural area of opportunity" in s. 288.0656 by s. 33, ch.
1730 2014-218, Laws of Florida.

1731 Section 58. Subsection (15) of section 479.16, Florida
1732 Statutes, as amended by section 11 of chapter 2014-169, Laws of
1733 Florida, is amended to read:

1734 479.16 Signs for which permits are not required.—Signs
1735 placed on benches, transit shelters, modular news racks, street
1736 light poles, public pay telephones, and waste disposal
1737 receptacles within the right-of-way, as provided under s.
1738 337.408, are exempt from this chapter. The following signs are
1739 exempt from the requirement that a permit be obtained under this
1740 chapter but must comply with s. 479.11(4)-(8):

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- 1741 (15) Signs placed by a local tourist-oriented business
1742 located within a rural area of opportunity ~~critical economic~~
1743 ~~concern~~ as defined in s. 288.0656(2) which are:
- 1744 (a) Not more than 8 square feet in size or not more than 4
1745 feet in height;
 - 1746 (b) Located only in rural areas on a facility that does not
1747 meet the definition of a limited access facility as defined by
1748 department rule;
 - 1749 (c) Located within 2 miles of the business location and at
1750 least 500 feet apart;
 - 1751 (d) Located only in two directions leading to the business;
1752 and
 - 1753 (e) Not located within the road right-of-way.

1754
1755 A business placing such signs must be at least 4 miles from any
1756 other business using this exemption and may not participate in
1757 any other directional signage program by the department.

1758
1759 The exemptions in subsections (14)-(18) may not be implemented
1760 or continued if the Federal Government notifies the department
1761 that implementation or continuation will adversely impact the
1762 allocation of federal funds to the department. If the exemptions
1763 in subsections (14)-(18) are not implemented or continued due to
1764 notification from the Federal Government that the allocation of
1765 federal funds to the department will be adversely impacted, the
1766 department shall provide notice to the sign owner that the sign
1767 must be removed within 30 days. If the sign is not removed
1768 within 30 days after receipt of the notice by the sign owner,
1769 the department may remove the sign, and the costs incurred in

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1770 connection with the sign removal shall be assessed against and
1771 collected from the sign owner.

1772 Reviser's note.—Amended to conform to the fact that the term
1773 "rural area of critical economic concern" was changed to
1774 "rural area of opportunity" in s. 288.0656 by s. 33, ch.
1775 2014-218, Laws of Florida.

1776 Section 59. Paragraphs (h) and (i) of subsection (7) of
1777 section 480.041, Florida Statutes, are amended to read:

1778 480.041 Massage therapists; qualifications; licensure;
1779 endorsement.—

1780 (7) The board shall deny an application for a new or
1781 renewal license if an applicant has been convicted or found
1782 guilty of, or enters a plea of guilty or nolo contendere to,
1783 regardless of adjudication, a felony offense under any of the
1784 following provisions of state law or a similar provision in
1785 another jurisdiction:

1786 (h) Former s. Section 796.03, relating to procuring a
1787 person under the age of 18 for prostitution.

1788 (i) Former s. Section 796.035, relating to the selling or
1789 buying of minors into prostitution.

1790 Reviser's note.—Amended to conform to the repeal of ss. 796.03
1791 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

1792 Section 60. Paragraphs (h) and (i) of subsection (8) of
1793 section 480.043, Florida Statutes, are amended to read:

1794 480.043 Massage establishments; requisites; licensure;
1795 inspection.—

1796 (8) The department shall deny an application for a new or
1797 renewal license if a person with an ownership interest in the
1798 establishment or, for a corporation that has more than \$250,000

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1799 of business assets in this state, the owner, officer, or
1800 individual directly involved in the management of the
1801 establishment has been convicted or found guilty of, or entered
1802 a plea of guilty or nolo contendere to, regardless of
1803 adjudication, a felony offense under any of the following
1804 provisions of state law or a similar provision in another
1805 jurisdiction:

1806 (h) Former s. Section 796.03, relating to procuring a
1807 person under the age of 18 for prostitution.

1808 (i) Former s. Section 796.035, relating to selling or
1809 buying of minors into prostitution.

1810 Reviser's note.—Amended to conform to the repeal of ss. 796.03
1811 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

1812 Section 61. Paragraph (a) of subsection (7) of section
1813 482.161, Florida Statutes, is amended to read:

1814 482.161 Disciplinary grounds and actions; reinstatement.—

1815 (7) The department, pursuant to chapter 120, in addition to
1816 or in lieu of any other remedy provided by state or local law,
1817 may impose an administrative fine in the Class II category
1818 pursuant to s. 570.971 for a violation of this chapter or of the
1819 rules adopted pursuant to this chapter. In determining the
1820 amount of fine to be levied for a violation, the following
1821 factors shall be considered:

1822 (a) The severity of the violation, including the
1823 probability that the death, or serious harm to the health or
1824 safety, of any person will result or has resulted; the severity
1825 of the actual or potential harm; and the extent to which this
1826 chapter or ~~of~~ the rules adopted pursuant to this chapter were
1827 violated;

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1828 Reviser's note.—Amended to confirm the editorial deletion of the
1829 word "of."

1830 Section 62. Subsection (7) of section 487.2031, Florida
1831 Statutes, is amended to read:

1832 487.2031 Definitions.—For the purposes of this part, the
1833 term:

1834 (7) "Retaliatory action" means an action, such as
1835 dismissal, demotion, harassment, blacklisting with other
1836 employers, reducing pay or work hours, or taking away company
1837 housing, that is taken by any agricultural employer against a
1838 worker who exercises any right under the provisions of the
1839 United States Environmental Protection Agency Worker Protection
1840 Standard, 40 C.F.R. s. 170.7(b) ~~40 C.F.R. s. 1707(b)~~, or this
1841 part.

1842 Reviser's note.—Amended to conform to context and facilitate
1843 correct interpretation; 40 C.F.R. s. 170.7(b) references
1844 retaliatory actions, and 40 C.F.R. s. 1707 does not exist.

1845 Section 63. Paragraph (f) of subsection (1) of section
1846 499.84, Florida Statutes, is amended to read:

1847 499.84 Minimum requirements for the storage and handling of
1848 medical gases.—

1849 (1) A facility where a medical gas is received, stored,
1850 warehoused, handled, held, offered, marketed, displayed, or
1851 transported, to avoid any negative effect on the identity,
1852 strength, quality, or purity of the medical gas, must:

1853 (f) Be located in a commercial location and not in a
1854 personal dwelling or residence location, except for ~~that~~ a
1855 personal dwelling location used for on-call delivery of oxygen
1856 USP for home care use if the person providing on-call delivery

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1857 is employed by or acting under a written contract with an entity
1858 that holds a medical oxygen retailer permit;

1859 Reviser's note.—Amended to confirm the editorial substitution of
1860 the word "for" for the word "that" to facilitate correct
1861 interpretation.

1862 Section 64. Subsection (6) of section 499.91, Florida
1863 Statutes, is amended to read:

1864 499.91 Prohibited acts.—A person may not perform or cause
1865 the performance of, or aid and abet in, any of the following
1866 acts:

1867 (6) The knowing and willful sale or transfer of a medical
1868 gas to a recipient who is not legally authorized to receive a
1869 medical gas, except that a violation does not exist if a
1870 permitted wholesale distributor provides oxygen to a permitted
1871 medical oxygen retail establishment that is out of compliance
1872 with the notice of location change requirements of s.

1873 499.833(3)(a) ~~499.834~~, provided that the wholesale distributor
1874 with knowledge of the violation notifies the department of the
1875 transaction by the next business day.

1876 Reviser's note.—Amended to correct a cross-reference. Section
1877 499.833(3)(a) references the change of location
1878 notification requirement; s. 499.834 references minimum
1879 qualifications for a permit.

1880 Section 65. Paragraph (c) of subsection (1) of section
1881 499.92, Florida Statutes, is amended to read:

1882 499.92 Criminal acts.—

1883 (1) A person commits a felony of the third degree,
1884 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1885 if he or she:

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1886 (c) Knowingly engages in the wholesale distribution of, or
 1887 sells, barterers, brokers, or transfers, a medical gas to a person
 1888 not legally authorized to purchase or receive medical gas in the
 1889 jurisdiction in which the person receives the medical gas. A
 1890 permitted wholesale distributor that provides oxygen to a
 1891 permitted medical oxygen retail establishment that is out of
 1892 compliance with only the change of location notice requirement
 1893 under s. 499.833(3)(a) ~~499.834~~ does not commit a violation of
 1894 this paragraph if the wholesale distributor notifies the
 1895 department of the transaction no later than the next business
 1896 day; or

1897 Reviser's note.—Amended to correct a cross-reference. Section
 1898 499.833(3)(a) references the change of location
 1899 notification requirement; s. 499.834 references minimum
 1900 qualifications for a permit.

1901 Section 66. Subsection (2) of section 509.032, Florida
 1902 Statutes, is reenacted to read:

1903 509.032 Duties.—

1904 (2) INSPECTION OF PREMISES.—

1905 (a) The division has jurisdiction and is responsible for
 1906 all inspections required by this chapter. The division is
 1907 responsible for quality assurance. The division shall inspect
 1908 each licensed public lodging establishment at least biannually,
 1909 except for transient and nontransient apartments, which shall be
 1910 inspected at least annually. Each establishment licensed by the
 1911 division shall be inspected at such other times as the division
 1912 determines is necessary to ensure the public's health, safety,
 1913 and welfare. The division shall, by no later than July 1, 2014,
 1914 adopt by rule a risk-based inspection frequency for each

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1915 licensed public food service establishment. The rule must
1916 require at least one, but not more than four, routine
1917 inspections that must be performed annually, and may include
1918 guidelines that consider the inspection and compliance history
1919 of a public food service establishment, the type of food and
1920 food preparation, and the type of service. The division shall
1921 annually reassess the inspection frequency of all licensed
1922 public food service establishments. Public lodging units
1923 classified as vacation rentals or timeshare projects are not
1924 subject to this requirement but shall be made available to the
1925 division upon request. If, during the inspection of a public
1926 lodging establishment classified for renting to transient or
1927 nontransient tenants, an inspector identifies vulnerable adults
1928 who appear to be victims of neglect, as defined in s. 415.102,
1929 or, in the case of a building that is not equipped with
1930 automatic sprinkler systems, tenants or clients who may be
1931 unable to self-preserve in an emergency, the division shall
1932 convene meetings with the following agencies as appropriate to
1933 the individual situation: the Department of Health, the
1934 Department of Elderly Affairs, the area agency on aging, the
1935 local fire marshal, the landlord and affected tenants and
1936 clients, and other relevant organizations, to develop a plan
1937 that improves the prospects for safety of affected residents
1938 and, if necessary, identifies alternative living arrangements
1939 such as facilities licensed under part II of chapter 400 or
1940 under chapter 429.

1941 (b) For purposes of performing required inspections and the
1942 enforcement of this chapter, the division has the right of entry
1943 and access to public lodging establishments and public food

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1944 service establishments at any reasonable time.

1945 (c) Public food service establishment inspections shall be
1946 conducted to enforce provisions of this part and to educate,
1947 inform, and promote cooperation between the division and the
1948 establishment.

1949 (d) The division shall adopt and enforce sanitation rules
1950 consistent with law to ensure the protection of the public from
1951 food-borne illness in those establishments licensed under this
1952 chapter. These rules shall provide the standards and
1953 requirements for obtaining, storing, preparing, processing,
1954 serving, or displaying food in public food service
1955 establishments, approving public food service establishment
1956 facility plans, conducting necessary public food service
1957 establishment inspections for compliance with sanitation
1958 regulations, cooperating and coordinating with the Department of
1959 Health in epidemiological investigations, and initiating
1960 enforcement actions, and for other such responsibilities deemed
1961 necessary by the division. The division may not establish by
1962 rule any regulation governing the design, construction,
1963 erection, alteration, modification, repair, or demolition of any
1964 public lodging or public food service establishment. It is the
1965 intent of the Legislature to preempt that function to the
1966 Florida Building Commission and the State Fire Marshal through
1967 adoption and maintenance of the Florida Building Code and the
1968 Florida Fire Prevention Code. The division shall provide
1969 technical assistance to the commission in updating the
1970 construction standards of the Florida Building Code which govern
1971 public lodging and public food service establishments. Further,
1972 the division shall enforce the provisions of the Florida

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1973 Building Code which apply to public lodging and public food
1974 service establishments in conducting any inspections authorized
1975 by this part. The division, or its agent, shall notify the local
1976 firesafety authority or the State Fire Marshal of any readily
1977 observable violation of a rule adopted under chapter 633 which
1978 relates to public lodging establishments or public food
1979 establishments, and the identification of such violation does
1980 not require any firesafety inspection certification.

1981 (e)1. Relating to facility plan approvals, the division may
1982 establish, by rule, fees for conducting plan reviews and may
1983 grant variances from construction standards in hardship cases,
1984 which variances may be less restrictive than the provisions
1985 specified in this section or the rules adopted under this
1986 section. A variance may not be granted pursuant to this section
1987 until the division is satisfied that:

1988 a. The variance shall not adversely affect the health of
1989 the public.

1990 b. No reasonable alternative to the required construction
1991 exists.

1992 c. The hardship was not caused intentionally by the action
1993 of the applicant.

1994 2. The division's advisory council shall review
1995 applications for variances and recommend agency action. The
1996 division shall make arrangements to expedite emergency requests
1997 for variances, to ensure that such requests are acted upon
1998 within 30 days of receipt.

1999 3. The division shall establish, by rule, a fee for the
2000 cost of the variance process. Such fee shall not exceed \$150 for
2001 routine variance requests and \$300 for emergency variance

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2002 requests.

2003 (f) In conducting inspections of establishments licensed
2004 under this chapter, the division shall determine if each coin-
2005 operated amusement machine that is operated on the premises of a
2006 licensed establishment is properly registered with the
2007 Department of Revenue. Each month the division shall report to
2008 the Department of Revenue the sales tax registration number of
2009 the operator of any licensed establishment that has on location
2010 a coin-operated amusement machine and that does not have an
2011 identifying certificate conspicuously displayed as required by
2012 s. 212.05(1)(h).

2013 (g) In inspecting public food service establishments, the
2014 department shall provide each inspected establishment with the
2015 food-recovery brochure developed under s. 595.420.

2016 Reviser's note.—Section 2, ch. 2014-133, Laws of Florida,
2017 amended paragraph (2)(a) but inadvertently failed to
2018 incorporate the amendment made to the paragraph by s. 1,
2019 ch. 2013-147, Laws of Florida, which became effective on
2020 July 1, 2014. Since there was no intent to set aside the
2021 amendment by s. 1, ch. 2013-147, subsection (2) is
2022 reenacted to confirm that the omission was not intended.
2023 Section 67. Subsection (5) of section 514.0115, Florida
2024 Statutes, is amended to read:

2025 514.0115 Exemptions from supervision or regulation;
2026 variances.—

2027 (5) The department may grant variances from any rule
2028 adopted under this chapter pursuant to procedures adopted by
2029 department rule. The department may also grant, pursuant to
2030 procedures adopted by department rule, variances from the

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2031 provisions of the Florida Building Code specifically pertaining
2032 to public swimming pools and bathing places when requested by
2033 the pool owner or the pool owner's ~~their~~ representative to
2034 relieve hardship in cases involving deviations from the Florida
2035 Building Code provisions, when it is shown that the hardship was
2036 not caused intentionally by the action of the applicant, where
2037 no reasonable alternative exists, and the health and safety of
2038 the pool patrons is not at risk.

2039 Reviser's note.—Amended to conform to the immediately preceding
2040 context.

2041 Section 68. Paragraph (h) of subsection (2) of section
2042 538.03, Florida Statutes, is amended to read:

2043 538.03 Definitions; applicability.—

2044 (2) This chapter does not apply to:

2045 (h) Any person who sells household personal property as an
2046 agent for the property owner or the property owner's ~~their~~
2047 representative pursuant to a written agreement at that person's
2048 residence.

2049 Reviser's note.—Amended to conform to the immediately preceding
2050 context.

2051 Section 69. Subsection (8) of section 539.001, Florida
2052 Statutes, is reenacted to read:

2053 539.001 The Florida Pawnbroking Act.—

2054 (8) PAWNBROKER TRANSACTION FORM.—

2055 (a) At the time the pawnbroker enters into any pawn or
2056 purchase transaction, the pawnbroker shall complete a pawnbroker
2057 transaction form for such transaction, including an indication
2058 of whether the transaction is a pawn or a purchase, and the
2059 pledgor or seller shall sign such completed form. The agency

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2060 must approve the design and format of the pawnbroker transaction
2061 form, which must be 8 1/2 inches x 11 inches in size and elicit
2062 the information required under this section. In completing the
2063 pawnbroker transaction form, the pawnbroker shall record the
2064 following information, which must be typed or written indelibly
2065 and legibly in English.

2066 (b) The front of the pawnbroker transaction form must
2067 include:

- 2068 1. The name and address of the pawnshop.
- 2069 2. A complete and accurate description of the pledged goods
2070 or purchased goods, including the following information, if
2071 applicable:
 - 2072 a. Brand name.
 - 2073 b. Model number.
 - 2074 c. Manufacturer's serial number.
 - 2075 d. Size.
 - 2076 e. Color, as apparent to the untrained eye.
 - 2077 f. Precious metal type, weight, and content, if known.
 - 2078 g. Gemstone description, including the number of stones.
 - 2079 h. In the case of firearms, the type of action, caliber or
2080 gauge, number of barrels, barrel length, and finish.
 - 2081 i. Any other unique identifying marks, numbers, names, or
2082 letters.

2083
2084 Notwithstanding sub-subparagraphs a.-i., in the case of multiple
2085 items of a similar nature delivered together in one transaction
2086 which do not bear serial or model numbers and which do not
2087 include precious metal or gemstones, such as musical or video
2088 recordings, books, and hand tools, the description of the items

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2089 is adequate if it contains the quantity of items and a
2090 description of the type of items delivered.

2091 3. The name, address, home telephone number, place of
2092 employment, date of birth, physical description, and right
2093 thumbprint of the pledgor or seller.

2094 4. The date and time of the transaction.

2095 5. The type of identification accepted from the pledgor or
2096 seller, including the issuing agency and the identification
2097 number.

2098 6. In the case of a pawn:

2099 a. The amount of money advanced, which must be designated
2100 as the amount financed;

2101 b. The maturity date of the pawn, which must be 30 days
2102 after the date of the pawn;

2103 c. The default date of the pawn and the amount due on the
2104 default date;

2105 d. The total pawn service charge payable on the maturity
2106 date, which must be designated as the finance charge;

2107 e. The amount financed plus the finance charge that must be
2108 paid to redeem the pledged goods on the maturity date, which
2109 must be designated as the total of payments;

2110 f. The annual percentage rate, computed according to the
2111 regulations adopted by the Federal Reserve Board under the
2112 federal Truth in Lending Act; and

2113 g. The front or back of the pawnbroker transaction form
2114 must include a statement that:

2115 (I) Any personal property pledged to a pawnbroker within
2116 this state which is not redeemed within 30 days following the
2117 maturity date of the pawn, if the 30th day is not a business

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2118 day, then the following business day, is automatically forfeited
2119 to the pawnbroker, and absolute right, title, and interest in
2120 and to the property vests in and is deemed conveyed to the
2121 pawnbroker by operation of law, and no further notice is
2122 necessary;

2123 (II) The pledgor is not obligated to redeem the pledged
2124 goods; and

2125 (III) If the pawnbroker transaction form is lost,
2126 destroyed, or stolen, the pledgor must immediately advise the
2127 issuing pawnbroker in writing by certified or registered mail,
2128 return receipt requested, or in person evidenced by a signed
2129 receipt.

2130 (IV) A pawn may be extended upon mutual agreement of the
2131 parties.

2132 7. In the case of a purchase, the amount of money paid for
2133 the goods or the monetary value assigned to the goods in
2134 connection with the transaction.

2135 8. A statement that the pledgor or seller of the item
2136 represents and warrants that it is not stolen, that it has no
2137 liens or encumbrances against it, and that the pledgor or seller
2138 is the rightful owner of the goods and has the right to enter
2139 into the transaction. Any person who knowingly gives false
2140 verification of ownership or gives a false or altered
2141 identification and who receives money from a pawnbroker for
2142 goods sold or pledged commits:

2143 a. If the value of the money received is less than \$300, a
2144 felony of the third degree, punishable as provided in s.
2145 775.082, s. 775.083, or s. 775.084.

2146 b. If the value of the money received is \$300 or more, a

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2147 felony of the second degree, punishable as provided in s.
2148 775.082, s. 775.083, or s. 775.084.

2149 (c) A pawnbroker transaction form must provide a space for
2150 the imprint of the right thumbprint of the pledgor or seller and
2151 a blank line for the signature of the pledgor or seller.

2152 (d) At the time of the pawn or purchase transaction, the
2153 pawnbroker shall deliver to the pledgor or seller an exact copy
2154 of the completed pawnbroker transaction form.

2155 Reviser's note.—Section 17, ch. 2014-147, Laws of Florida,
2156 purported to amend paragraphs (4) (a), (7) (b) and (d), and
2157 (8) (b) but did not publish paragraph (8) (b). Absent
2158 affirmative evidence of legislative intent to repeal it,
2159 subsection (8) is reenacted to confirm that the omission
2160 was not intended.

2161 Section 70. Subsection (43) of section 570.07, Florida
2162 Statutes, is amended to read:

2163 570.07 Department of Agriculture and Consumer Services;
2164 functions, powers, and duties.—The department shall have and
2165 exercise the following functions, powers, and duties:

2166 (43) In cooperation with the Institute of Food and
2167 Agricultural Sciences at the University of Florida and the
2168 College of Agriculture and Food Sciences at the Florida
2169 Agricultural and Mechanical University, to annually provide to
2170 the State Board of Education and the Department of Education
2171 information and industry certifications for farm occupations to
2172 be considered for placement on the CAPE Industry Certification
2173 Funding List and the CAPE Postsecondary Industry Certification
2174 Funding List pursuant to s. 1008.44. Information and industry
2175 certifications provided by the department must be based upon the

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2176 best available data.
 2177 Reviser's note.—Amended to insert the word "CAPE" to conform to
 2178 the complete names of the funding lists in s. 1008.44 as
 2179 amended by s. 12, ch. 2014-184, Laws of Florida.

2180 Section 71. Subsection (2) of section 570.482, Florida
 2181 Statutes, is amended to read:

2182 570.482 Citrus Inspection Trust Fund.—

2183 (2) Funds to be credited to and uses of the trust fund
 2184 shall be administered in accordance with ss. ~~570.481~~, 573.118,
 2185 581.091, 601.28, 601.281, ~~and~~ 601.59, and 603.011.

2186 Reviser's note.—Amended to conform to the redesignation of s.
 2187 570.481 as s. 603.011 by s. 90, ch. 2014-150, Laws of
 2188 Florida.

2189 Section 72. Paragraph (c) of subsection (1) of section
 2190 597.020, Florida Statutes, is amended to read:

2191 597.020 Shellfish processors; regulation.—

2192 (1) The department may:

2193 (c) License or certify, for a fee determined by rule,
 2194 facilities used for processing oysters, clams, mussels,
 2195 scallops, and crabs, and may levy an administrative fine in the
 2196 Class I category pursuant to s. 570.971 for each violation, for
 2197 each day the violation exists, or ~~to~~ suspend or revoke such
 2198 licenses or certificates upon satisfactory evidence of a
 2199 violation of rules adopted pursuant to this section, and ~~to~~
 2200 seize and destroy any adulterated or misbranded shellfish
 2201 products as defined by rule.

2202 Reviser's note.—Amended to confirm the editorial deletions of
 2203 the word "to" to improve clarity.

2204 Section 73. Subsection (3) of section 605.0712, Florida

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2205 Statutes, is amended to read:

2206 605.0712 Other claims against a dissolved limited liability
2207 company.—

2208 (3) A claim that is not barred by this section, s. 605.0711
2209 ~~608.0711~~, or another statute limiting actions, may be enforced:

2210 (a) Against a dissolved limited liability company, to the
2211 extent of its undistributed assets; and

2212 (b) Except as otherwise provided in s. 605.0713, if assets
2213 of the limited liability company have been distributed after
2214 dissolution, against a member or transferee to the extent of
2215 that person's proportionate share of the claim or of the
2216 company's assets distributed to the member or transferee after
2217 dissolution, whichever is less, but a person's total liability
2218 for all claims under this subsection may not exceed the total
2219 amount of assets distributed to the person after dissolution.

2220 Reviser's note.—Amended to correct an apparent error and conform
2221 to the fact that chapter 608, the Florida Limited Liability
2222 Company Act, repealed by s. 5, ch. 2013-180, Laws of
2223 Florida, did not contain a s. 608.0711. Section 2, ch.
2224 2013-180, created the Florida Revised Limited Liability
2225 Company Act; s. 605.0711 contains language relating to
2226 barred claims.

2227 Section 74. Subsection (2) of section 605.0805, Florida
2228 Statutes, is amended to read:

2229 605.0805 Proceeds and expenses.—

2230 (2) If a derivative action under s. 605.0802 ~~608.0802~~ is
2231 successful in whole or in part, the court may award the
2232 plaintiff reasonable expenses, including reasonable attorney
2233 fees and costs, from the recovery of the limited liability

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2234 company.

2235 Reviser's note.—Amended to correct an apparent error and conform
2236 to the fact that chapter 608, the Florida Limited Liability
2237 Company Act, repealed by s. 5, ch. 2013-180, Laws of
2238 Florida, did not contain a s. 608.0802. Section 2, ch.
2239 2013-180, created the Florida Revised Limited Liability
2240 Company Act; s. 605.0802 contains language relating to
2241 derivative actions.

2242 Section 75. Paragraph (e) of subsection (1) of section
2243 624.523, Florida Statutes, is amended to read:

2244 624.523 Insurance Regulatory Trust Fund.—

2245 (1) There is created in the State Treasury a trust fund
2246 designated "Insurance Regulatory Trust Fund" to which shall be
2247 credited all payments received on account of the following
2248 items:

2249 (e) All payments received on account of items provided for
2250 under respective provisions of s. 624.501, as follows:

- 2251 1. Subsection (1) (certificate of authority of insurer).
- 2252 2. Subsection (2) (charter documents of insurer).
- 2253 3. Subsection (3) (annual license tax of insurer).
- 2254 4. Subsection (4) (annual statement of insurer).
- 2255 5. Subsection (5) (application fee for insurance
2256 representatives).
- 2257 6. The "appointment fee" portion of any appointment
2258 provided for under paragraphs (6) (a) and (b) (insurance
2259 representatives, property, marine, casualty and surety
2260 insurance, and agents).
- 2261 7. Paragraph (6) (c) (nonresident agents).
- 2262 8. Paragraph (6) (d) (service representatives).

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2263 9. The "appointment fee" portion of any appointment
 2264 provided for under paragraph (7) (a) (life insurance agents,
 2265 original appointment, and renewal or continuation of
 2266 appointment).

2267 10. Paragraph (7) (b) (nonresident agent license).

2268 11. The "appointment fee" portion of any appointment
 2269 provided for under paragraph (8) (a) (health insurance agents,
 2270 agent's appointment, and renewal or continuation fee).

2271 12. Paragraph (8) (b) (nonresident agent appointment).

2272 13. The "appointment fee" portion of any appointment
 2273 provided for under subsections (9) and (10) (limited licenses
 2274 and fraternal benefit society agents).

2275 ~~14. Subsection (11) (vending machines).~~

2276 ~~14.15.~~ Subsection (11) ~~(12)~~ (surplus lines agent).

2277 ~~15.16.~~ Subsection (12) ~~(13)~~ (adjusters' appointment).

2278 ~~16.17.~~ Subsection (13) ~~(14)~~ (examination fee).

2279 ~~17.18.~~ Subsection (14) ~~(15)~~ (temporary license and
 2280 appointment as agent or adjuster).

2281 ~~18.19.~~ Subsection (15) ~~(16)~~ (reissuance, reinstatement,
 2282 etc.).

2283 ~~19.20.~~ Subsection (16) ~~(17)~~ (additional license
 2284 continuation fees).

2285 ~~20.21.~~ Subsection (17) ~~(18)~~ (filing application for permit
 2286 to form insurer).

2287 ~~21.22.~~ Subsection (18) ~~(19)~~ (license fee of rating
 2288 organization).

2289 ~~22.23.~~ Subsection (19) ~~(20)~~ (miscellaneous services).

2290 ~~23.24.~~ Subsection (20) ~~(21)~~ (insurance agencies).

2291 Reviser's note.—Amended to conform to the repeal of s.

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2292 624.501(11) by s. 2, ch. 2001-142, Laws of Florida.
 2293 Section 76. Paragraph (g) of subsection (5) of section
 2294 625.1212, Florida Statutes, is amended to read:
 2295 625.1212 Valuation of policies and contracts issued on or
 2296 after the operative date of the valuation manual.—
 2297 (5) MINIMUM STANDARD OF VALUATION.—
 2298 (g) An insurer that adopted a standard of valuation
 2299 producing greater aggregate reserves than those calculated
 2300 according to the minimum standard provided under this section
 2301 may, with the approval of the office, adopt a lower standard of
 2302 valuation, but such standard may not be lower than the minimum
 2303 provided in this subsection. For purposes of this subsection,
 2304 holding additional reserves previously determined by an
 2305 appointed actuary to be necessary to render the opinion required
 2306 by subsection (4) ~~(3)~~ may not be deemed to be the adoption of a
 2307 higher standard of valuation.
 2308 Reviser's note.—Amended to correct an apparent error and
 2309 facilitate correct interpretation. The requirement that
 2310 each insurer must annually submit the opinion of a
 2311 qualified actuary is found in subsection (4). Subsection
 2312 (3) contains information on reserve valuations.
 2313 Section 77. Subsection (3) of section 626.0428, Florida
 2314 Statutes, is amended to read:
 2315 626.0428 Agency personnel powers, duties, and limitations.—
 2316 (3) An employee or an authorized representative located at
 2317 a designated branch of an agent or agency may not initiate
 2318 contact with any person for the purpose of soliciting insurance
 2319 unless licensed and appointed as an agent or customer
 2320 representative. As to title insurance, an employee of an agent

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2321 or agency may not initiate contact with any individual proposed
2322 insured for the purpose of soliciting title insurance unless
2323 licensed as a title insurance agent or exempt from such
2324 licensure pursuant to s. 626.8417(4) and (5).

2325 Reviser's note.—Amended to conform to the redesignation of s.
2326 626.8417(4), which contained paragraphs (a), (b), and (c),
2327 as s. 626.8417(4), (5), and (6), respectively, by s. 7, ch.
2328 2014-112, Laws of Florida, and to conform to context.
2329 Former paragraphs (4)(a) and (b), now subsections (4) and
2330 (5), contained exemptions; paragraph (4)(c), now subsection
2331 (6), did not.

2332 Section 78. Paragraph (d) of subsection (3) of section
2333 627.062, Florida Statutes, is amended to read:

2334 627.062 Rate standards.—
2335 (3)

2336 (d)1. The following categories or kinds of insurance and
2337 types of commercial lines risks are not subject to paragraph
2338 (2)(a) or paragraph (2)(f):

2339 a. Excess or umbrella.

2340 b. Surety and fidelity.

2341 c. Boiler and machinery and leakage and fire extinguishing
2342 equipment.

2343 d. Errors and omissions.

2344 e. Directors and officers, employment practices, fiduciary
2345 liability, and management liability.

2346 f. Intellectual property and patent infringement liability.

2347 g. Advertising injury and Internet liability insurance.

2348 h. Property risks rated under a highly protected risks
2349 rating plan.

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- 2350 i. General liability.
- 2351 j. Nonresidential property, except for collateral
2352 protection insurance as defined in s. 624.6085.
- 2353 k. Nonresidential multiperil.
- 2354 l. Excess property.
- 2355 m. Burglary and theft.
- 2356 n. Medical malpractice for a facility that is not a
2357 hospital licensed under chapter 395, a nursing home licensed
2358 under part II of chapter 400, or an assisted living facility
2359 licensed under part I of chapter 429.
- 2360 o. Medical malpractice for a health care practitioner who
2361 is not a dentist licensed under chapter 466, a physician
2362 licensed under chapter 458, an osteopathic physician licensed
2363 under chapter 459, a chiropractic physician licensed under
2364 chapter 460, a podiatric physician licensed under chapter 461, a
2365 pharmacist licensed under chapter 465, or a pharmacy technician
2366 registered under chapter 465.
- 2367 p. Any other commercial lines categories or kinds of
2368 insurance or types of commercial lines risks that the office
2369 determines should not be subject to paragraph (2)(a) or
2370 paragraph (2)(f) because of the existence of a competitive
2371 market for such insurance or similarity of such insurance to
2372 other categories or kinds of insurance not subject to paragraph
2373 (2)(a) or paragraph (2)(f), or to improve the general
2374 operational efficiency of the office.
- 2375 2. Insurers or rating organizations shall establish and use
2376 rates, rating schedules, or rating manuals to allow the insurer
2377 a reasonable rate of return on insurance and risks described in
2378 subparagraph 1. which are written in this state.

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2379 3. An insurer shall notify the office of any changes to
2380 rates for insurance and risks described in subparagraph 1.
2381 within 30 days after the effective date of the change. The
2382 notice must include the name of the insurer, the type or kind of
2383 insurance subject to rate change, and the average statewide
2384 percentage change in rates. Actuarial data with regard to rates
2385 for such risks must be maintained by the insurer for 2 years
2386 after the effective date of changes to those rates and are
2387 subject to examination by the office. The office may require the
2388 insurer to incur the costs associated with an examination. Upon
2389 examination, the office, in accordance with generally accepted
2390 and reasonable actuarial techniques, shall consider the rate
2391 factors in paragraphs (2) (b), (c), and (d) and the standards in
2392 paragraph (2) (e) to determine if the rate is excessive,
2393 inadequate, or unfairly discriminatory.

2394 4. A rating organization shall notify the office of any
2395 changes to loss cost for insurance and risks described in
2396 subparagraph 1. within 30 days after the effective date of the
2397 change. The notice must include the name of the rating
2398 organization, the type or kind of insurance subject to a loss
2399 cost change, loss costs during the immediately preceding year
2400 for the type or kind of insurance subject to the loss cost
2401 change, and the average statewide percentage change in loss
2402 cost. Actuarial data with regard to changes to loss cost for
2403 risks not subject to paragraph (2) (a) or paragraph (2) (f) must
2404 be maintained by the rating organization for 2 years after the
2405 effective date of the change and are subject to examination by
2406 the office. The office may require the rating organization to
2407 incur the costs associated with an examination. Upon

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2408 examination, the office, in accordance with generally accepted
2409 and reasonable actuarial techniques, shall consider the rate
2410 factors in paragraphs (2) (b)-(d) and the standards in paragraph
2411 (2) (e) to determine if the rate is excessive, inadequate, or
2412 unfairly discriminatory.

2413 Reviser's note.—Amended to improve clarity.

2414 Section 79. Paragraph (e) of subsection (4) of section
2415 627.745, Florida Statutes, is amended to read:

2416 627.745 Mediation of claims.—

2417 (4) The department shall deny an application, or suspend or
2418 revoke its approval, of a mediator to serve in such capacity if
2419 the department finds that one or more of the following grounds
2420 exist:

2421 (e) Violation of any provision of this code or of a lawful
2422 order or rule of the department, violation of the Florida Rules
2423 for ~~of~~ Certified and Court-Appointed Mediators, or aiding,
2424 instructing, or encouraging another party in committing such a
2425 violation.

2426
2427 The department may adopt rules to administer this subsection.

2428 Reviser's note.—Amended to confirm the editorial substitution of
2429 the word "for" for the word "of" to conform to the correct
2430 name of the Florida Rules for Certified and Court-Appointed
2431 Mediators.

2432 Section 80. Subsection (1) of section 627.797, Florida
2433 Statutes, is amended to read:

2434 627.797 Exempt agent list.—

2435 (1) Every insurer shall file with the department a list
2436 containing the name and address of each appointed agent who is

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2437 exempt from licensure under s. 626.8417(4) and (5) and who
2438 issues or countersigns binders, commitments, title insurance
2439 policies, or guarantees of title.

2440 Reviser's note.—Amended to conform to the redesignation of s.
2441 626.8417(4), which contained paragraphs (a), (b), and (c),
2442 as s. 626.8417(4), (5), and (6), respectively, by s. 7, ch.
2443 2014-112, Laws of Florida, and to conform to context.
2444 Former paragraphs (4)(a) and (b), now subsections (4) and
2445 (5), contained exemptions; paragraph (4)(c), now subsection
2446 (6), did not.

2447 Section 81. Effective October 1, 2015, paragraph (c) of
2448 subsection (10) of section 662.121, Florida Statutes, is amended
2449 to read:

2450 662.121 Application for licensed family trust company;
2451 fees.—An applicant seeking to operate as a licensed family trust
2452 company must file an application with the office on forms
2453 prescribed by the office, accompanied by a nonrefundable \$10,000
2454 application fee to be deposited into the Financial Institutions'
2455 Regulatory Trust Fund pursuant to s. 655.049 for the purpose of
2456 administering this chapter. The application must contain or be
2457 accompanied by:

2458 (10) A statement signed by the applicant, or by the
2459 individual signing on behalf of the proposed licensed family
2460 trust company, under penalty of perjury, affirming that the
2461 following statements are true:

2462 (c) No director, officer, manager, or member acting in a
2463 managerial capacity has been convicted of, or pled guilty or
2464 nolo contendere, regardless of whether adjudication of guilt is
2465 entered by the court, to a violation of the financial

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2466 institutions codes, including s. 655.50, chapter 896, or similar
2467 state or federal law or related rule, or to a crime involving
2468 fraud, misrepresentation, or moral turpitude.

2469 Reviser's note.—Amended to confirm the editorial insertion of
2470 the word "or."

2471 Section 82. Effective October 1, 2015, subsection (3) of
2472 section 662.122, Florida Statutes, is amended to read:

2473 662.122 Registration of a family trust company or a foreign
2474 licensed family trust company.—

2475 (3) The registration application required under this
2476 section for a family trust company or ~~and~~ a foreign licensed
2477 family trust company must be accompanied by a nonrefundable
2478 registration fee of \$5,000.

2479 Reviser's note.—Amended to conform to context and facilitate
2480 correct interpretation.

2481 Section 83. Effective October 1, 2015, subsection (1) of
2482 section 662.1225, Florida Statutes, is amended to read:

2483 662.1225 Requirements for a family trust company, licensed
2484 family trust company, or ~~and~~ foreign licensed family trust
2485 company.—

2486 (1) A family trust company or ~~and~~ a licensed family trust
2487 company shall maintain:

2488 (a) A principal office physically located in this state
2489 where original or true copies of all records and accounts of the
2490 family trust company or licensed family trust company may be
2491 accessed and made readily available for examination by the
2492 office in accordance with this chapter. A family trust company
2493 or licensed family trust company may also maintain one or more
2494 branch offices within or outside of this state.

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2495 (b) A registered agent who has an office in this state at
2496 the street address of the registered agent.

2497 (c) All applicable state and local business licenses,
2498 charters, and permits.

2499 (d) A deposit account with a state-chartered or national
2500 financial institution that has a principal or branch office in
2501 this state.

2502 Reviser's note.—Amended to conform to context and facilitate
2503 correct interpretation.

2504 Section 84. Effective October 1, 2015, subsection (1) of
2505 section 662.130, Florida Statutes, is amended to read:

2506 662.130 Powers of family trust companies, licensed family
2507 trust companies, and foreign licensed family trust companies.—

2508 (1) A family trust company or ~~and~~ a licensed family trust
2509 company may, for its eligible members and individuals:

2510 (a) Act as a sole or copersonal representative, executor,
2511 or curator for probate estates being administered in a state or
2512 jurisdiction other than this state.

2513 (b) Act as an attorney in fact or agent under a power of
2514 attorney, other than a power of attorney governed by chapter
2515 709.

2516 (c) Except as provided in s. 662.131, act within or outside
2517 this state as a sole fiduciary or cofiduciary, including acting
2518 as a trustee, advisory agent, assignee, assignee for the benefit
2519 of creditors, authenticating agent, bailee, bond or indenture
2520 trustee, conservator, conversion agent, custodian, escrow agent,
2521 fiscal or paying agent, financial advisor, guardian, investment
2522 advisor or manager, managing agent, purchase agent, receiver,
2523 registrar, safekeeping or subscription agent, transfer agent,

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2524 except for public companies, warrant agent, or similar
2525 capacities generally performed by corporate trustees, and in so
2526 acting possess, purchase, sell, invest, reinvest, safekeep, or
2527 otherwise manage or administer the real or personal property of
2528 eligible members and individuals.

2529 (d) Exercise the powers of a corporation or limited
2530 liability company incorporated or organized under the laws of
2531 this state, or qualified to transact business as a foreign
2532 corporation or limited liability company under the laws of this
2533 state, which are reasonably necessary to enable it to fully
2534 exercise, in accordance with commonly accepted customs and
2535 usages, a power conferred under this chapter.

2536 (e) Delegate duties and powers, including investment
2537 functions under s. 518.112, in accordance with the powers
2538 granted to a trustee under chapter 736 or other applicable law,
2539 and retain agents, attorneys, accountants, investment advisers,
2540 or other individuals or entities to advise or assist the family
2541 trust company, licensed family trust company, or foreign
2542 licensed family trust company in the exercise of its powers and
2543 duties under this chapter and chapter 736. Such exercise of
2544 power may include, but is not limited to, retaining a bank trust
2545 department, or a public trust company, other than another family
2546 trust company, licensed family trust company, or foreign
2547 licensed family trust company.

2548 (f) Perform all acts necessary for exercising the powers
2549 enumerated in this section or authorized by this chapter and
2550 other applicable laws of this state.

2551 Reviser's note.—Amended to conform to context and facilitate
2552 correct interpretation.

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2553 Section 85. Effective October 1, 2015, subsection (1) of
2554 section 662.141, Florida Statutes, is amended to read:

2555 662.141 Examination, investigations, and fees.—The office
2556 may conduct an examination or investigation of a family trust
2557 company, licensed family trust company, or foreign licensed
2558 family trust company at any time it deems necessary to determine
2559 whether a family trust company, licensed family trust company,
2560 foreign licensed family trust company, or family trust company-
2561 affiliated person has violated or is about to violate any
2562 provision of this chapter or rules adopted by the commission
2563 pursuant to this chapter, or any applicable provision of the
2564 financial institution codes or rules adopted by the commission
2565 pursuant to such codes.

2566 (1) The office shall conduct an examination of a licensed
2567 family trust company, family trust company, or ~~and~~ foreign
2568 licensed family trust company at least once every 18 months.
2569 Reviser's note.—Amended to conform to context and facilitate
2570 correct interpretation.

2571 Section 86. Effective October 1, 2015, subsection (1) of
2572 section 662.146, Florida Statutes, is amended to read:

2573 662.146 Confidentiality of books and records.—

2574 (1) The books and records of a family trust company,
2575 licensed family trust company, or ~~and~~ foreign licensed family
2576 trust company are confidential and shall be made available for
2577 inspection and examination only:

- 2578 (a) To the office or its authorized representative;
2579 (b) To any person authorized to act for the company;
2580 (c) As compelled by a court, pursuant to a subpoena issued
2581 pursuant to the Florida Rules of Civil Procedure, the Florida

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2582 Rules of Criminal Procedure, or the Federal Rules of Civil
 2583 Procedure or pursuant to a subpoena issued in accordance with
 2584 state or federal law. Before the production of the books and
 2585 records of a family trust company, licensed family trust
 2586 company, or foreign licensed family trust company, the party
 2587 seeking production must reimburse the company for the reasonable
 2588 costs and fees incurred in compliance with the production. If
 2589 the parties disagree regarding the amount of reimbursement, the
 2590 party seeking the records may request the court having
 2591 jurisdiction to set the amount of reimbursement;

2592 (d) Pursuant to a subpoena, to any federal or state law
 2593 enforcement or prosecutorial instrumentality authorized to
 2594 investigate suspected criminal activity;

2595 (e) As authorized by the board of directors, if in
 2596 corporate form, or the managers, if in limited liability company
 2597 form; or

2598 (f) As provided in subsection (2).

2599 Reviser's note.—Amended to conform to context and facilitate
 2600 correct interpretation.

2601 Section 87. Effective October 1, 2015, subsection (1) of
 2602 section 662.147, Florida Statutes, is amended to read:

2603 662.147 Records relating to the office examination; limited
 2604 restrictions on public access.—

2605 (1) A family trust company, licensed family trust company,
 2606 or ~~and~~ foreign licensed family trust company shall keep at the
 2607 office it is required to maintain pursuant to s. 662.1225 full
 2608 and complete records of the names and residences of all the
 2609 shareholders or members of the trust company and the number of
 2610 shares or membership units held by each, as applicable, as well

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2611 as the ownership percentage of each shareholder or member, as
2612 the case may be. The records are subject to the inspection of
2613 all the shareholders or members of the trust company, and the
2614 officers authorized to assess taxes under state authority,
2615 during the normal business hours of the trust company. A current
2616 list of shareholders or members shall be made available to the
2617 office's examiners for their inspection and, upon the request of
2618 the office, shall be submitted to the office.

2619 Reviser's note.—Amended to conform to context and facilitate
2620 correct interpretation.

2621 Section 88. Subsection (1) of section 680.528, Florida
2622 Statutes, is amended to read:

2623 680.528 Lessor's damages for nonacceptance or repudiation.—

2624 (1) Except as otherwise provided with respect to damages
2625 liquidated in the lease agreement (s. 680.504) or otherwise
2626 determined pursuant to agreement of the parties (ss. 671.102(2)
2627 and 680.503 ~~580.503~~), if a lessor elects to retain the goods or
2628 a lessor elects to dispose of the goods and the disposition is
2629 by lease agreement that for any reason does not qualify for
2630 treatment under s. 680.527(2), or is by sale or otherwise, the
2631 lessor may recover from the lessee as damages a default of the
2632 type described in s. 680.523(1) or (3)(a), or if agreed, for
2633 other default of the lessee:

2634 (a) Accrued and unpaid rent as of the date of default if
2635 the lessee has never taken possession of the goods, or, if the
2636 lessee has taken possession of the goods, as of the date the
2637 lessor repossesses the goods or an earlier date on which the
2638 lessee makes a tender of the goods to the lessor.

2639 (b) The present value as of the date determined under

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2640 paragraph (a) of the total rent for the then remaining lease
2641 term of the original lease agreement minus the present value as
2642 of the same date of the market rent at the place where the goods
2643 were located on that date computed for the same lease term.

2644 (c) Any incidental damages allowed under s. 680.53, less
2645 expenses saved in consequence of the lessee's default.

2646 Reviser's note.—Amended to correct an erroneous reference.

2647 Section 580.503 does not exist; s. 680.503 relates to
2648 modification or impairment of rights and remedies relating
2649 to lease agreements.

2650 Section 89. Subsection (6) of section 718.116, Florida
2651 Statutes, is reenacted to read:

2652 718.116 Assessments; liability; lien and priority;
2653 interest; collection.—

2654 (6) (a) The association may bring an action in its name to
2655 foreclose a lien for assessments in the manner a mortgage of
2656 real property is foreclosed and may also bring an action to
2657 recover a money judgment for the unpaid assessments without
2658 waiving any claim of lien. The association is entitled to
2659 recover its reasonable attorney's fees incurred in either a lien
2660 foreclosure action or an action to recover a money judgment for
2661 unpaid assessments.

2662 (b) No foreclosure judgment may be entered until at least
2663 30 days after the association gives written notice to the unit
2664 owner of its intention to foreclose its lien to collect the
2665 unpaid assessments. The notice must be in substantially the
2666 following form:

2667

2668

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2669

2670 This letter is to inform you a Claim of Lien has been
2671 filed against your property because you have not paid
2672 the ...(type of assessment)... assessment to ...(name
2673 of association).... The association intends to
2674 foreclose the lien and collect the unpaid amount
2675 within 30 days of this letter being provided to you.

2676

2677 You owe the interest accruing from ...(month/year)...
2678 to the present. As of the date of this letter, the
2679 total amount due with interest is \$..... All costs of
2680 any action and interest from this day forward will
2681 also be charged to your account.

2682

2683 Any questions concerning this matter should be
2684 directed to ...(insert name, addresses, and telephone
2685 numbers of association representative)....

2686

2687 If this notice is not given at least 30 days before the
2688 foreclosure action is filed, and if the unpaid assessments,
2689 including those coming due after the claim of lien is recorded,
2690 are paid before the entry of a final judgment of foreclosure,
2691 the association shall not recover attorney's fees or costs. The
2692 notice must be given by delivery of a copy of it to the unit
2693 owner or by certified or registered mail, return receipt
2694 requested, addressed to the unit owner at his or her last known
2695 address; and, upon such mailing, the notice shall be deemed to
2696 have been given, and the court shall proceed with the
2697 foreclosure action and may award attorney's fees and costs as

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2698 permitted by law. The notice requirements of this subsection are
2699 satisfied if the unit owner records a notice of contest of lien
2700 as provided in subsection (5). The notice requirements of this
2701 subsection do not apply if an action to foreclose a mortgage on
2702 the condominium unit is pending before any court; if the rights
2703 of the association would be affected by such foreclosure; and if
2704 actual, constructive, or substitute service of process has been
2705 made on the unit owner.

2706 (c) If the unit owner remains in possession of the unit
2707 after a foreclosure judgment has been entered, the court, in its
2708 discretion, may require the unit owner to pay a reasonable
2709 rental for the unit. If the unit is rented or leased during the
2710 pendency of the foreclosure action, the association is entitled
2711 to the appointment of a receiver to collect the rent. The
2712 expenses of the receiver shall be paid by the party which does
2713 not prevail in the foreclosure action.

2714 (d) The association has the power to purchase the
2715 condominium parcel at the foreclosure sale and to hold, lease,
2716 mortgage, or convey it.

2717 Reviser's note.—Section 3, ch. 2014-146, Laws of Florida,
2718 purported to amend subsection (6) but did not publish
2719 paragraphs (c) and (d). Absent affirmative evidence of
2720 legislative intent to repeal them, subsection (6) is
2721 reenacted to confirm that the omission was not intended.
2722 Section 90. Subsection (4) of section 721.13, Florida
2723 Statutes, is amended to read:

2724 721.13 Management.—

2725 (4) The managing entity shall maintain among its records
2726 and provide to the division upon request a complete list of the

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2727 names and addresses of all purchasers and owners of timeshare
2728 units in the timeshare plan. The managing entity shall update
2729 this list no less frequently than quarterly. Pursuant to
2730 paragraph (3)(d), the managing entity may not publish this
2731 owner's list or provide a copy of it to any purchaser or to any
2732 third party other than the division. However, the managing
2733 entity shall mail to those persons listed on the owner's list
2734 materials provided by any purchaser, upon the written request of
2735 that purchaser, if the purpose of the mailing is to advance
2736 legitimate owners' association business, such as a proxy
2737 solicitation for any purpose, including the recall of one or
2738 more board members elected by the owners or the discharge of the
2739 manager or management firm. The use of any proxies solicited in
2740 this manner must comply with the provisions of the timeshare
2741 instrument and this chapter. A mailing requested for the purpose
2742 of advancing legitimate owners' association business shall occur
2743 within 30 days after receipt of a request from a purchaser. The
2744 board of administration of the owners' association shall be
2745 responsible for determining the appropriateness of any mailing
2746 requested pursuant to this subsection. The purchaser who
2747 requests the mailing must reimburse the owners' association in
2748 advance for the owners' association's actual costs in performing
2749 the mailing. It shall be a violation of this chapter and, if
2750 applicable, of part VIII of chapter 468, for the board of
2751 administration or the manager or management firm to refuse to
2752 mail any material requested by the purchaser to be mailed,
2753 provided the sole purpose of the materials is to advance
2754 legitimate owners' association business. If the purpose of the
2755 mailing is a proxy solicitation to recall one or more board

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2756 members elected by the owners or to discharge the manager or
2757 management firm and the managing entity does not mail the
2758 materials within 30 days after receipt of a request from a
2759 purchaser, the circuit court in the county where the timeshare
2760 plan is located may, upon application from the requesting
2761 purchaser, summarily order the mailing of the materials solely
2762 related to the recall of one or more board members elected by
2763 the owners or the discharge of the manager or management firm.
2764 The court shall dispose of an application on an expedited basis.
2765 In the event of such an order, the court may order the managing
2766 entity to pay the purchaser's costs, including attorney's fees
2767 reasonably incurred to enforce the purchaser's rights, unless
2768 the managing entity can prove it refused the mailing in good
2769 faith because of a reasonable basis for doubt about the
2770 legitimacy of the mailing.

2771 Reviser's note.—Amended to correct an apparent error and
2772 facilitate correct interpretation. This section was amended
2773 by s. 20 of Committee Substitute for Committee Substitute
2774 for House Bill 593, which became ch. 2000-302, Laws of
2775 Florida. Committee Substitute for Senate Bill 908, a
2776 similar bill that did not pass during the 2000 Regular
2777 Session, also amended this section. Both bills struck the
2778 phrase "initiate a mailing" after the word "shall," but
2779 only Committee Substitute for Senate Bill 908 added the
2780 word "mail" to replace the phrase. That change was not
2781 carried over to Committee Substitute for Committee
2782 Substitute for House Bill 593, which became ch. 2000-302.
2783 Section 91. Paragraph (b) of subsection (1) and subsection
2784 (2) of section 775.0862, Florida Statutes, are amended to read:

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2785 775.0862 Sexual offenses against students by authority
2786 figures; reclassification.—

2787 (1) As used in this section, the term:

2788 (b) "School" has the same meaning as provided in s. 1003.01
2789 and includes a private school as defined in s. 1002.01, a
2790 voluntary prekindergarten education program as described in s.
2791 1002.53(3), early learning programs, a public school as
2792 described in s. 402.3025(1), the Florida School for the Deaf and
2793 the Blind, and the Florida Virtual School established under s.
2794 1002.37, ~~and a K-8 Virtual School established under s. 1002.415.~~
2795 The term does not include facilities dedicated exclusively to
2796 the education of adults.

2797 (2) The felony degree of a violation of an offense listed
2798 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
2799 s. 794.011(4)(e)7. ~~794.011(4)(g)~~ or s. 810.145(8)(a)2., shall be
2800 reclassified as provided in this section if the offense is
2801 committed by an authority figure of a school against a student
2802 of the school.

2803 Reviser's note.—Paragraph (1)(b) is amended to conform to the
2804 repeal of s. 1002.415 by s. 29, ch. 2014-39, Laws of
2805 Florida. Subsection (2) is amended to conform to the
2806 redesignation of s. 794.011(4)(g) as s. 794.011(4)(e)7. by
2807 s. 3, ch. 2014-4, Laws of Florida.

2808 Section 92. Paragraph (d) of subsection (10) of section
2809 775.21, Florida Statutes, is amended to read:

2810 775.21 The Florida Sexual Predators Act.—

2811 (10) PENALTIES.—

2812 (d) A sexual predator who commits any act or omission in
2813 violation of this section may be prosecuted for the act or

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2814 omission in the county in which the act or omission was
2815 committed, in the county of the last registered address of the
2816 sexual predator, in the county in which the conviction occurred
2817 for the offense or offenses that meet the criteria for
2818 designating a person as a sexual predator, in the county where
2819 the sexual predator was released from incarceration, or in the
2820 county of the intended address of the sexual predator as
2821 reported by the predator prior to his or her release from
2822 incarceration. In addition, a sexual predator may be prosecuted
2823 for any such act or omission in the county in which he or she
2824 was designated a sexual predator.

2825 Reviser's note.—Amended to conform to context.

2826 Section 93. Section 775.25, Florida Statutes, is amended to
2827 read:

2828 775.25 Prosecutions for acts or omissions.—A sexual
2829 predator or sexual offender who commits any act or omission in
2830 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
2831 944.607, or former s. 947.177 may be prosecuted for the act or
2832 omission in the county in which the act or omission was
2833 committed, in the county of the last registered address of the
2834 sexual predator or sexual offender, in the county in which the
2835 conviction occurred for the offense or offenses that meet the
2836 criteria for designating a person as a sexual predator or sexual
2837 offender, in the county where the sexual predator or sexual
2838 offender was released from incarceration, or in the county of
2839 the intended address of the sexual predator or sexual offender
2840 as reported by the predator or offender prior to his or her
2841 release from incarceration. In addition, a sexual predator may
2842 be prosecuted for any such act or omission in the county in

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2843 which he or she was designated a sexual predator.

2844 Reviser's note.—Amended to conform to context.

2845 Section 94. Subsection (1) of section 784.078, Florida
2846 Statutes, is amended to read:

2847 784.078 Battery of facility employee by throwing, tossing,
2848 or expelling certain fluids or materials.—

2849 (1) As used in this section, the term "facility" means a
2850 state correctional institution defined in s. 944.02(8)
2851 ~~944.02(6)~~; a private correctional facility defined in s. 944.710
2852 or under chapter 957; a county, municipal, or regional jail or
2853 other detention facility of local government under chapter 950
2854 or chapter 951; or a secure facility operated and maintained by
2855 the Department of Corrections or the Department of Juvenile
2856 Justice.

2857 Reviser's note.—Amended to correct an erroneous reference.

2858 Section 944.02(8) defines "state correctional institution;"
2859 s. 944.02(6) defines "prisoner."

2860 Section 95. Paragraph (a) of subsection (3) of section
2861 787.02, Florida Statutes, is amended to read:

2862 787.02 False imprisonment; false imprisonment of child
2863 under age 13, aggravating circumstances.—

2864 (3) (a) A person who commits the offense of false
2865 imprisonment upon a child under the age of 13 and who, in the
2866 course of committing the offense, commits any offense enumerated
2867 in subparagraphs 1.-5., commits a felony of the first degree,
2868 punishable by imprisonment for a term of years not exceeding
2869 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

2870 1. Aggravated child abuse, as defined in s. 827.03;

2871 2. Sexual battery, as defined in chapter 794, against the

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2872 child;

2873 3. Lewd or lascivious battery, lewd or lascivious
2874 molestation, lewd or lascivious conduct, or lewd or lascivious
2875 exhibition, in violation of s. 800.04 or s. 847.0135(5);

2876 4. A violation of former s. 796.03 or s. 796.04, relating
2877 to prostitution, upon the child;

2878 5. Exploitation of the child or allowing the child to be
2879 exploited, in violation of s. 450.151; or

2880 6. A violation of s. 787.06(3)(g) ~~878.06(3)(g)~~ relating to
2881 human trafficking.

2882 Reviser's note.—Amended to correct an apparent typographical
2883 error and conform to context. Section 20, ch. 2014-160,
2884 Laws of Florida, added subparagraph 6. with the cross-
2885 reference to s. 878.06(3)(g); s. 878.06 does not exist.
2886 Section 19, ch. 2014-160, amended s. 787.01(3)(a) to add a
2887 subparagraph 6., with similar language and context as
2888 subparagraph 6. in this section, relating to human
2889 trafficking with a cross-reference to s. 787.06(3)(g); s.
2890 787.06 relates to human trafficking.

2891 Section 96. Paragraph (g) of subsection (3) of section
2892 787.06, Florida Statutes, is amended to read:

2893 787.06 Human trafficking.—

2894 (3) Any person who knowingly, or in reckless disregard of
2895 the facts, engages in human trafficking, or attempts to engage
2896 in human trafficking, or benefits financially by receiving
2897 anything of value from participation in a venture that has
2898 subjected a person to human trafficking:

2899 (g) For commercial sexual activity in which any child under
2900 the age of 18, or in which any person who is mentally defective

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2901 or mentally incapacitated as those terms are defined in s.
2902 794.011(1), is involved commits a life felony, punishable as
2903 provided in s. 775.082(3)(a)6. ~~775.082(3)(a)5.~~, s. 775.083, or
2904 s. 775.084.

2905

2906 For each instance of human trafficking of any individual under
2907 this subsection, a separate crime is committed and a separate
2908 punishment is authorized.

2909 Reviser's note.—Amended to conform to the editorial substitution
2910 of a reference to s. 775.082(3)(a)6. for a reference to s.
2911 775.082(3)(a)5. Section 1, ch. 2014-220, Laws of Florida,
2912 and s. 8, ch. 2014-160, Laws of Florida, added new
2913 subparagraph 5. language to paragraph (a); the added
2914 language by the two acts was different in substance, and
2915 the subparagraph 5. added by s. 8, ch. 2014-160, which is
2916 the same law that added the reference to s. 775.082(3)(a)5.
2917 here, was redesignated as subparagraph 6. by the editors.
2918 Section 97. Paragraph (g) of subsection (6) of section
2919 921.1402, Florida Statutes, is amended to read:

2920 921.1402 Review of sentences for persons convicted of
2921 specified offenses committed while under the age of 18 years.—

2922 (6) Upon receiving an application from an eligible juvenile
2923 offender, the court of original sentencing jurisdiction shall
2924 hold a sentence review hearing to determine whether the juvenile
2925 offender's sentence should be modified. When determining if it
2926 is appropriate to modify the juvenile offender's sentence, the
2927 court shall consider any factor it deems appropriate, including
2928 all of the following:

2929 (g) Whether the juvenile offender has successfully obtained

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2930 a high school equivalency diploma ~~general educational~~
 2931 ~~development certificate~~ or completed another educational,
 2932 technical, work, vocational, or self-rehabilitation program, if
 2933 such a program is available.

2934 Reviser's note.—Amended to conform to the fact that the term
 2935 "general educational development certificate" was changed
 2936 to "high school equivalency diploma" in existing Florida
 2937 Statutes text by ch. 2014-20, Laws of Florida, pursuant to
 2938 s. 38, ch. 2013-51, Laws of Florida.

2939 Section 98. Subsection (2) of section 940.031, Florida
 2940 Statutes, is amended to read:

2941 940.031 Clemency counsel when sentence of death imposed.—

2942 (2) The appointed attorney shall be compensated by the
 2943 board, not to exceed \$10,000, for attorney fees and costs
 2944 incurred in representing the person for relief by executive
 2945 clemency, with compensation to be paid out of the General
 2946 Revenue Fund from funds budgeted to the Florida Parole
 2947 Commission on Offender Review.

2948 Reviser's note.—Amended to conform to the renaming of the Parole
 2949 Commission as the Florida Commission on Offender Review by
 2950 ch. 2014-191, Laws of Florida.

2951 Section 99. Paragraph (b) of subsection (9) of section
 2952 943.0435, Florida Statutes, is amended to read:

2953 943.0435 Sexual offenders required to register with the
 2954 department; penalty.—

2955 (9)

2956 (b) A sexual offender who commits any act or omission in
 2957 violation of this section may be prosecuted for the act or
 2958 omission in the county in which the act or omission was

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2959 committed, in the county of the last registered address of the
2960 sexual offender, in the county in which the conviction occurred
2961 for the offense or offenses that meet the criteria for
2962 designating a person as a sexual offender, in the county where
2963 the sexual offender was released from incarceration, or in the
2964 county of the intended address of the sexual offender as
2965 reported by the offender prior to his or her release from
2966 incarceration.

2967 Reviser's note.—Amended to conform to context.

2968 Section 100. Paragraph (b) of subsection (4) of section
2969 944.275, Florida Statutes, is amended to read:

2970 944.275 Gain-time.—

2971 (4)

2972 (b) For each month in which an inmate works diligently,
2973 participates in training, uses time constructively, or otherwise
2974 engages in positive activities, the department may grant
2975 incentive gain-time in accordance with this paragraph. The rate
2976 of incentive gain-time in effect on the date the inmate
2977 committed the offense which resulted in his or her incarceration
2978 shall be the inmate's rate of eligibility to earn incentive
2979 gain-time throughout the period of incarceration and shall not
2980 be altered by a subsequent change in the severity level of the
2981 offense for which the inmate was sentenced.

2982 1. For sentences imposed for offenses committed prior to
2983 January 1, 1994, up to 20 days of incentive gain-time may be
2984 granted. If granted, such gain-time shall be credited and
2985 applied monthly.

2986 2. For sentences imposed for offenses committed on or after
2987 January 1, 1994, and before October 1, 1995:

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2988 a. For offenses ranked in offense severity levels 1 through
2989 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
2990 of incentive gain-time may be granted. If granted, such gain-
2991 time shall be credited and applied monthly.

2992 b. For offenses ranked in offense severity levels 8, 9, and
2993 10, under former s. 921.0012 or former s. 921.0013, up to 20
2994 days of incentive gain-time may be granted. If granted, such
2995 gain-time shall be credited and applied monthly.

2996 3. For sentences imposed for offenses committed on or after
2997 October 1, 1995, the department may grant up to 10 days per
2998 month of incentive gain-time, except that no prisoner is
2999 eligible to earn any type of gain-time in an amount that would
3000 cause a sentence to expire, end, or terminate, or that would
3001 result in a prisoner's release, prior to serving a minimum of 85
3002 percent of the sentence imposed. For purposes of this
3003 subparagraph, credits awarded by the court for time physically
3004 incarcerated shall be credited toward satisfaction of 85 percent
3005 of the sentence imposed. Except as provided by this section, a
3006 prisoner shall not accumulate further gain-time awards at any
3007 point when the tentative release date is the same as that date
3008 at which the prisoner will have served 85 percent of the
3009 sentence imposed. State prisoners sentenced to life imprisonment
3010 shall be incarcerated for the rest of their natural lives,
3011 unless granted pardon or clemency.

3012 Reviser's note.—Amended to provide clarity and facilitate
3013 correct interpretation. Sections 921.0012 and 921.0013 were
3014 repealed by s. 21, ch. 2009-20, Laws of Florida.

3015 Section 101. Paragraph (b) of subsection (3) of section
3016 960.03, Florida Statutes, is amended to read:

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3017 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
3018 960.01-960.28, unless the context otherwise requires, the term:

3019 (3) "Crime" means:

3020 (b) A violation of s. 316.193, s. 316.027(2) ~~316.027(1)~~, s.
3021 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in
3022 physical injury or death; however, an act involving the
3023 operation of a motor vehicle, boat, or aircraft which results in
3024 injury or death does not constitute a crime for the purpose of
3025 this chapter unless the injury or death was intentionally
3026 inflicted through the use of the vehicle, boat, or aircraft.

3027 Reviser's note.—Amended to conform to the redesignation of s.
3028 316.027(1) as s. 316.027(2) by s. 2, ch. 2014-225, Laws of
3029 Florida.

3030 Section 102. Subsection (5) of section 960.065, Florida
3031 Statutes, is amended to read:

3032 960.065 Eligibility for awards.—

3033 (5) A person is not ineligible for an award pursuant to
3034 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
3035 person is a victim of sexual exploitation of a child as defined
3036 in s. 39.01(69)(g) ~~39.01(68)(g)~~.

3037 Reviser's note.—Amended to confirm the editorial substitution of
3038 a reference to s. 39.01(69)(g) for a reference to s.

3039 39.01(68)(g). Sexual exploitation of a child is defined in
3040 s. 39.01(69)(g). "Secretary" is defined in s. 39.01(68),
3041 which has no paragraphs.

3042 Section 103. Paragraph (b) of subsection (1) of section
3043 961.06, Florida Statutes, is amended to read:

3044 961.06 Compensation for wrongful incarceration.—

3045 (1) Except as otherwise provided in this act and subject to

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3046 the limitations and procedures prescribed in this section, a
3047 person who is found to be entitled to compensation under the
3048 provisions of this act is entitled to:

3049 (b) A waiver of tuition and fees for up to 120 hours of
3050 instruction at any career center established under s. 1001.44,
3051 any Florida College System institution ~~community college~~ as
3052 defined in s. 1000.21(3), or any state university as defined in
3053 s. 1000.21(6), if the wrongfully incarcerated person meets and
3054 maintains the regular admission requirements of such career
3055 center, Florida College System institution ~~community college~~, or
3056 state university; remains registered at such educational
3057 institution; and makes satisfactory academic progress as defined
3058 by the educational institution in which the claimant is
3059 enrolled;

3060
3061 The total compensation awarded under paragraphs (a), (c), and
3062 (d) may not exceed \$2 million. No further award for attorney's
3063 fees, lobbying fees, costs, or other similar expenses shall be
3064 made by the state.

3065 Reviser's note.—Amended to conform to context. Referenced s.
3066 1000.21(3) defines "Florida College System institution,"
3067 not "community college." Chapters 2008-52 and 2009-228,
3068 Laws of Florida, transitioned references from community
3069 colleges to Florida College System institutions.

3070 Section 104. Paragraph (a) of subsection (5) of section
3071 985.0301, Florida Statutes, is amended to read:

3072 985.0301 Jurisdiction.—

3073 (5) (a) Notwithstanding s. 743.07, and except as provided in
3074 paragraph (b), when the jurisdiction of any child who is alleged

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3075 to have committed a delinquent act or violation of law is
3076 obtained, the court shall retain jurisdiction to dispose of a
3077 case, unless relinquished by its order, until the child reaches
3078 19 years of age, with the same power over the child which the
3079 court had before the child became an adult.

3080 Reviser's note.—Amended to confirm the editorial insertion of
3081 the word "of."

3082 Section 105. Subsection (5) of section 985.265, Florida
3083 Statutes, is amended to read:

3084 985.265 Detention transfer and release; education; adult
3085 jails.—

3086 (5) The court shall order the delivery of a child to a jail
3087 or other facility intended or used for the detention of adults:

3088 (a) When the child has been transferred or indicted for
3089 criminal prosecution as an adult under part X, except that the
3090 court may not order or allow a child alleged to have committed a
3091 misdemeanor who is being transferred for criminal prosecution
3092 pursuant to either s. 985.556 or s. 985.557 to be detained or
3093 held in a jail or other facility intended or used for the
3094 detention of adults; however, such child may be held temporarily
3095 in a detention facility; or

3096 (b) When a child taken into custody in this state is wanted
3097 by another jurisdiction for prosecution as an adult.

3098
3099 The child shall be housed separately from adult inmates to
3100 prohibit a child from having regular contact with incarcerated
3101 adults, including trusties ~~trustees~~. "Regular contact" means
3102 sight and sound contact. Separation of children from adults
3103 shall permit no more than haphazard or accidental contact. The

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3104 receiving jail or other facility shall contain a separate
3105 section for children and shall have an adequate staff to
3106 supervise and monitor the child's activities at all times.
3107 Supervision and monitoring of children includes physical
3108 observation and documented checks by jail or receiving facility
3109 supervisory personnel at intervals not to exceed 10 minutes.
3110 This subsection does not prohibit placing two or more children
3111 in the same cell. Under no circumstances shall a child be placed
3112 in the same cell with an adult.

3113 Reviser's note.—Amended to confirm the editorial substitution of
3114 the word "trusties" for the word "trustees" to conform to
3115 context.

3116 Section 106. Paragraph (h) of subsection (2) of section
3117 1002.395, Florida Statutes, is amended to read:

3118 1002.395 Florida Tax Credit Scholarship Program.—

3119 (2) DEFINITIONS.—As used in this section, the term:

3120 (h) "Household income" has the same meaning as the term
3121 "income" as ~~is~~ defined in the Income Eligibility Guidelines for
3122 free and reduced price meals under the National School Lunch
3123 Program in 7 C.F.R. part 210 as published in the Federal
3124 Register by the United States Department of Agriculture.

3125 Reviser's note.—Amended to confirm the editorial substitution of
3126 the word "as" for the word "is."

3127 Section 107. Paragraph (b) of subsection (8) of section
3128 1003.4203, Florida Statutes, is amended to read:

3129 1003.4203 Digital materials, CAPE Digital Tool
3130 certificates, and technical assistance.—

3131 (8) PARTNERSHIPS.—

3132 (b) Third-party assessment providers and career and

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3133 professional academy curricula providers are encouraged to
3134 provide annual training to staff of the Department of Education,
3135 staff of school district offices, instructional staff of public
3136 schools, including charter schools, and other appropriate
3137 administrative staff through face-to-face training models;
3138 through online, video conferencing training models; and through
3139 state, regional, or conference presentations.

3140 Reviser's note.—Amended to confirm the editorial insertion of
3141 the word "through" to improve clarity.

3142 Section 108. Paragraph (c) of subsection (10) of section
3143 1003.4282, Florida Statutes, is amended to read:

3144 1003.4282 Requirements for a standard high school diploma.—

3145 (10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The
3146 requirements of this section, in addition to applying to
3147 students entering grade 9 in the 2013-2014 school year and
3148 thereafter, shall also apply to students entering grade 9 before
3149 the 2013-2014 school year, except as otherwise provided in this
3150 subsection.

3151 (c) A student entering grade 9 in the 2011-2012 school year
3152 must earn:

3153 1. Four credits in English/ELA. A student must pass the
3154 statewide, standardized grade 10 Reading assessment, or earn a
3155 concordant score, in order to graduate with a standard high
3156 school diploma.

3157 2. Four credits in mathematics, which must include Algebra
3158 I and Geometry. A student who takes Algebra I after the 2010-
3159 2011 school year must pass the statewide, standardized Algebra I
3160 EOC assessment, or earn a comparative score, in order to earn a
3161 standard high school diploma. A student who takes Algebra I or

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3162 Geometry after the 2010-2011 school year must take the
3163 statewide, standardized EOC assessment but is not required to
3164 pass the Algebra I or Geometry EOC assessment in order to earn
3165 course credit. A student's performance on the Algebra I or
3166 Geometry EOC assessment is not required to constitute 30 percent
3167 of the student's final course grade. A student who earns an
3168 industry certification for which there is a statewide college
3169 credit articulation agreement approved by the State Board of
3170 Education may substitute the certification for one mathematics
3171 credit. Substitution may occur for up to two mathematics
3172 credits, except for Algebra I and Geometry.

3173 3. Three credits in science, two of which must have a
3174 laboratory component. One of the science credits must be Biology
3175 I. A student who takes Biology I after the 2010-2011 school year
3176 must take the statewide, standardized Biology I EOC assessment
3177 but is not required to pass the assessment in order to earn
3178 course credit. A student's performance on the assessment is not
3179 required to constitute 30 percent of the student's final course
3180 grade. A student who earns an industry certification for which
3181 there is a statewide college credit articulation agreement
3182 approved by the State Board of Education may substitute the
3183 certification for one science credit, except for Biology I.

3184 4. Three credits in social studies of which one credit in
3185 World History, one credit in United States History, one-half
3186 credit in United States Government, and one-half credit in
3187 economics are required. A student who takes United States
3188 History after the 2011-2012 school year ~~student~~ must take the
3189 statewide, standardized United States History EOC assessment,
3190 but the student's performance on the assessment is not required

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3191 to constitute 30 percent of the student's final course grade.

3192 5. One credit in fine or performing arts, speech and
3193 debate, or practical arts as provided in paragraph (3)(e).

3194 6. One credit in physical education as provided in
3195 paragraph (3)(f).

3196 7. Eight credits in electives.

3197 8. One online course as provided in subsection (4).

3198 Reviser's note.—Amended to confirm the editorial deletion of the
3199 word "student."

3200 Section 109. Paragraph (b) of subsection (1) of section
3201 1003.493, Florida Statutes, is amended to read:

3202 1003.493 Career and professional academies and career-
3203 themed courses.—

3204 (1)

3205 (b) A "career-themed course" is a course, or a course in a
3206 series of courses, that leads to an industry certification
3207 identified in the CAPE Industry Certification Funding List
3208 pursuant to rules adopted by the State Board of Education.
3209 Career-themed courses have industry-specific curriculum aligned
3210 directly to priority workforce needs established by the regional
3211 workforce board or the Department of Economic Opportunity.
3212 School districts shall offer at least two career-themed courses,
3213 and each secondary school is encouraged to offer at least one
3214 career-themed course. The Florida Virtual School is encouraged
3215 to develop and offer rigorous career-themed courses as
3216 appropriate. Students completing a career-themed course must be
3217 provided opportunities to earn postsecondary credit if the
3218 credit for the career-themed course can be articulated to a
3219 postsecondary institution approved to operate in the state.

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3220 Reviser's note.—Amended to conform to the complete name of the
3221 CAPE Industry Certification Funding List authorized by s.
3222 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
3223 Laws of Florida, to add the word "CAPE" to the name of the
3224 Industry Certification Funding List.

3225 Section 110. Paragraph (a) of subsection (2) of section
3226 1003.4935, Florida Statutes, is amended to read:

3227 1003.4935 Middle grades career and professional academy
3228 courses and career-themed courses.—

3229 (2) Each middle grades career and professional academy or
3230 career-themed course must be aligned with at least one high
3231 school career and professional academy or career-themed course
3232 offered in the district and maintain partnerships with local
3233 business and industry and economic development boards. Middle
3234 grades career and professional academies and career-themed
3235 courses must:

3236 (a) Lead to careers in occupations designated as high-
3237 skill, high-wage, and high-demand in the CAPE Industry
3238 Certification Funding List approved under rules adopted by the
3239 State Board of Education;

3240 Reviser's note.—Amended to conform to the complete name of the
3241 CAPE Industry Certification Funding List authorized by s.
3242 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
3243 Laws of Florida, to add the word "CAPE" to the name of the
3244 Industry Certification Funding List.

3245 Section 111. Paragraph (j) of subsection (2) of section
3246 1003.51, Florida Statutes, is amended to read:

3247 1003.51 Other public educational services.—

3248 (2) The State Board of Education shall adopt rules

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3249 articulating expectations for effective education programs for
3250 students in Department of Juvenile Justice programs, including,
3251 but not limited to, education programs in juvenile justice
3252 prevention, day treatment, residential, and detention programs.
3253 The rule shall establish policies and standards for education
3254 programs for students in Department of Juvenile Justice programs
3255 and shall include the following:

3256 (j) Qualifications of instructional staff, procedures for
3257 the selection of instructional staff, and procedures for
3258 consistent instruction and qualified staff year round.
3259 Qualifications shall include those for instructors of CAPE
3260 courses, standardized across the state, and shall be based on
3261 state certification, local school district approval, and
3262 industry-recognized certifications as identified on the CAPE
3263 Industry Certification Funding List. Procedures for the use of
3264 noncertified instructional personnel who possess expert
3265 knowledge or experience in their fields of instruction shall be
3266 established.

3267 Reviser's note.—Amended to conform to the complete name of the
3268 CAPE Industry Certification Funding List authorized by s.
3269 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
3270 Laws of Florida, to add the word "CAPE" to the name of the
3271 Industry Certification Funding List.

3272 Section 112. Paragraph (b) of subsection (2) of section
3273 1003.5716, Florida Statutes, is amended to read:

3274 1003.5716 Transition to postsecondary education and career
3275 opportunities.—All students with disabilities who are 3 years of
3276 age to 21 years of age have the right to a free, appropriate
3277 public education. As used in this section, the term "IEP" means

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3278 individual education plan.

3279 (2) Beginning not later than the first IEP to be in effect
3280 when the student attains the age of 16, or younger if determined
3281 appropriate by the parent and the IEP team, the IEP must include
3282 the following statements that must be updated annually:

3283 (b) A statement of intent to receive a standard high school
3284 diploma before the student attains the age of 22 and a
3285 description of how the student will fully meet the requirements
3286 in ~~s. 1003.428~~ or s. 1003.4282, ~~as applicable~~, including, but
3287 not limited to, a portfolio pursuant to s. 1003.4282(11)(b)
3288 which meets the criteria specified in State Board of Education
3289 rule. The IEP must also specify the outcomes and additional
3290 benefits expected by the parent and the IEP team at the time of
3291 the student's graduation.

3292 Reviser's note.—Amended to conform to the repeal of s. 1003.428
3293 by s. 38, ch. 2014-39, Laws of Florida.

3294 Section 113. Subsection (3) of section 1005.33, Florida
3295 Statutes, is amended to read:

3296 1005.33 License period and renewal.—

3297 ~~(3) On the effective date of this act, an institution that,~~
3298 ~~in 2002, held the status of "Permission to Operate" under s.~~
3299 ~~246.093, Florida Statutes 2001, has 90 days to seek and obtain~~
3300 ~~licensure from the commission. Ninety days after this act takes~~
3301 ~~effect, that status no longer authorizes an institution to~~
3302 ~~operate in Florida.~~

3303 Reviser's note.—Amended to delete an obsolete provision.

3304 Section 114. Subsection (11) of section 1007.271, Florida
3305 Statutes, is amended to read:

3306 1007.271 Dual enrollment programs.—

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3307 (11) Career early admission is a form of career dual
3308 enrollment through which eligible secondary students enroll full
3309 time in a career center or a Florida College System institution
3310 in postsecondary programs leading to industry certifications, as
3311 listed in the CAPE Postsecondary Industry Certification Funding
3312 List pursuant to s. 1008.44, which are creditable toward the
3313 high school diploma and the certificate or associate degree.
3314 Participation in the career early admission program is limited
3315 to students who have completed a minimum of 4 semesters of full-
3316 time secondary enrollment, including studies undertaken in the
3317 ninth grade. Students enrolled pursuant to this section are
3318 exempt from the payment of registration, tuition, and laboratory
3319 fees.

3320 Reviser's note.—Amended to conform to the complete name of the
3321 CAPE Postsecondary Industry Certification Funding List
3322 authorized by s. 1008.44; s. 1008.44 was amended by s. 12,
3323 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3324 the name of the Postsecondary Industry Certification
3325 Funding List.

3326 Section 115. Paragraph (b) of subsection (3) of section
3327 1008.22, Florida Statutes, is amended to read:

3328 1008.22 Student assessment program for public schools.—

3329 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
3330 Commissioner of Education shall design and implement a
3331 statewide, standardized assessment program aligned to the core
3332 curricular content established in the Next Generation Sunshine
3333 State Standards. The commissioner also must develop or select
3334 and implement a common battery of assessment tools that will be
3335 used in all juvenile justice education programs in the state.

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3336 These tools must accurately measure the core curricular content
3337 established in the Next Generation Sunshine State Standards.
3338 Participation in the assessment program is mandatory for all
3339 school districts and all students attending public schools,
3340 including adult students seeking a standard high school diploma
3341 under s. 1003.4282 and students in Department of Juvenile
3342 Justice education programs, except as otherwise provided by law.
3343 If a student does not participate in the assessment program, the
3344 school district must notify the student's parent and provide the
3345 parent with information regarding the implications of such
3346 nonparticipation. The statewide, standardized assessment program
3347 shall be designed and implemented as follows:

3348 (b) *End-of-course (EOC) assessments.*—EOC assessments must
3349 be statewide, standardized, and developed or approved by the
3350 Department of Education as follows:

3351 1. Statewide, standardized EOC assessments in mathematics
3352 shall be administered according to this subparagraph. Beginning
3353 with the 2010-2011 school year, all students enrolled in Algebra
3354 I must take the Algebra I EOC assessment. Except as otherwise
3355 provided in paragraph (c), beginning with students entering
3356 grade 9 in the 2011-2012 school year, a student who is enrolled
3357 in Algebra I must earn a passing score on the Algebra I EOC
3358 assessment or attain a comparative score as authorized under
3359 subsection (8) in order to earn a standard high school diploma.
3360 In order to earn a standard high school diploma, a student who
3361 has not earned a passing score on the Algebra I EOC assessment
3362 must earn a passing score on the assessment retake or a
3363 comparative score as authorized under subsection (8). Beginning
3364 with the 2011-2012 school year, all students enrolled in

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3365 Geometry must take the Geometry EOC assessment. Middle grades
3366 students enrolled in Algebra I, Geometry, or Biology I must take
3367 the statewide, standardized EOC assessment for those courses and
3368 shall not take the corresponding subject and grade-level
3369 statewide, standardized assessment. When a statewide,
3370 standardized EOC assessment in Algebra II is administered, all
3371 students enrolled in Algebra II must take the EOC assessment.
3372 Pursuant to the commissioner's implementation schedule, student
3373 performance on the Algebra II EOC assessment constitutes 30
3374 percent of a student's final course grade.

3375 2. Statewide, standardized EOC assessments in science shall
3376 be administered according to this subparagraph. Beginning with
3377 the 2011-2012 school year, all students enrolled in Biology I
3378 must take the Biology I EOC assessment. Beginning with students
3379 entering grade 9 in the 2013-2014 school year, performance on
3380 the Biology I EOC assessment constitutes 30 percent of the
3381 student's final course grade.

3382 3. Beginning with the 2013-2014 school year, each student's
3383 performance on the statewide, standardized middle grades Civics
3384 EOC assessment constitutes 30 percent of the student's final
3385 course grade in civics education.

3386 4. The commissioner may select one or more nationally
3387 developed comprehensive examinations, which may include
3388 examinations for a College Board Advanced Placement course,
3389 International Baccalaureate course, or Advanced International
3390 Certificate of Education course, or industry-approved
3391 examinations to earn national industry certifications identified
3392 in the CAPE Industry Certification Funding List, for use as EOC
3393 assessments under this paragraph if the commissioner determines

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3394 that the content knowledge and skills assessed by the
3395 examinations meet or exceed the grade-level expectations for the
3396 core curricular content established for the course in the Next
3397 Generation Sunshine State Standards. Use of any such examination
3398 as an EOC assessment must be approved by the state board in
3399 rule.

3400 5. Contingent upon funding provided in the General
3401 Appropriations Act, including the appropriation of funds
3402 received through federal grants, the commissioner may establish
3403 an implementation schedule for the development and
3404 administration of additional statewide, standardized EOC
3405 assessments that must be approved by the state board in rule. If
3406 approved by the state board, student performance on such
3407 assessments constitutes 30 percent of a student's final course
3408 grade.

3409 6. All statewide, standardized EOC assessments must be
3410 administered online except as otherwise provided in paragraph
3411 (c).

3412 Reviser's note.—Amended to conform to the complete name of the

3413 CAPE Industry Certification Funding List authorized by s.
3414 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
3415 Laws of Florida, to add the word "CAPE" to the name of the
3416 Industry Certification Funding List.

3417 Section 116. Paragraph (b) of subsection (6) of section
3418 1008.25, Florida Statutes, is amended to read:

3419 1008.25 Public school student progression; remedial
3420 instruction; reporting requirements.—

3421 (6) ELIMINATION OF SOCIAL PROMOTION.—

3422 (b) The district school board may only exempt students from

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3423 mandatory retention, as provided in paragraph (5) (b), for good
3424 cause. A student who is promoted to grade 4 with a good cause
3425 exemption shall be provided intensive reading instruction and
3426 intervention that include specialized diagnostic information and
3427 specific reading strategies to meet the needs of each student so
3428 promoted. The school district shall assist schools and teachers
3429 with the implementation of reading strategies for students
3430 promoted with a good cause exemption which research has shown to
3431 be successful in improving reading among students who ~~that~~ have
3432 reading difficulties. Good cause exemptions are limited to the
3433 following:

3434 1. Limited English proficient students who have had less
3435 than 2 years of instruction in an English for Speakers of Other
3436 Languages program.

3437 2. Students with disabilities whose individual education
3438 plan indicates that participation in the statewide assessment
3439 program is not appropriate, consistent with the requirements of
3440 s. 1008.212.

3441 3. Students who demonstrate an acceptable level of
3442 performance on an alternative standardized reading or English
3443 Language Arts assessment approved by the State Board of
3444 Education.

3445 4. A student who demonstrates through a student portfolio
3446 that he or she is performing at least at Level 2 on the
3447 statewide, standardized Reading assessment or, upon
3448 implementation, the English Language Arts assessment.

3449 5. Students with disabilities who take the statewide,
3450 standardized Reading assessment or, upon implementation, the
3451 English Language Arts assessment and who have an individual

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3452 education plan or a Section 504 plan that reflects that the
3453 student has received intensive remediation in reading or English
3454 Language Arts for more than 2 years but still demonstrates a
3455 deficiency and was previously retained in kindergarten, grade 1,
3456 grade 2, or grade 3.

3457 6. Students who have received intensive reading
3458 intervention for 2 or more years but still demonstrate a
3459 deficiency in reading and who were previously retained in
3460 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
3461 years. A student may not be retained more than once in grade 3.

3462 7. Students who have received intensive remediation in
3463 reading or English Language Arts for 2 or more years but still
3464 demonstrate a deficiency and who were previously retained in
3465 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
3466 years. Intensive instruction for students so promoted must
3467 include an altered instructional day that includes specialized
3468 diagnostic information and specific reading strategies for each
3469 student. The district school board shall assist schools and
3470 teachers to implement reading strategies that research has shown
3471 to be successful in improving reading among low-performing
3472 readers.

3473 Reviser's note.—Amended to confirm the editorial substitution of
3474 the word "who" for the word "that."

3475 Section 117. Paragraphs (b) and (d) of subsection (3) of
3476 section 1008.34, Florida Statutes, are amended to read:

3477 1008.34 School grading system; school report cards;
3478 district grade.—

3479 (3) DESIGNATION OF SCHOOL GRADES.—

3480 (b)1. Beginning with the 2014-2015 school year, a school's

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3481 grade shall be based on the following components, each worth 100
3482 points:

3483 a. The percentage of eligible students passing statewide,
3484 standardized assessments in English Language Arts under s.
3485 1008.22(3).

3486 b. The percentage of eligible students passing statewide,
3487 standardized assessments in mathematics under s. 1008.22(3).

3488 c. The percentage of eligible students passing statewide,
3489 standardized assessments in science under s. 1008.22(3).

3490 d. The percentage of eligible students passing statewide,
3491 standardized assessments in social studies under s. 1008.22(3).

3492 e. The percentage of eligible students who make Learning
3493 Gains in English Language Arts as measured by statewide,
3494 standardized assessments administered under s. 1008.22(3).

3495 f. The percentage of eligible students who make Learning
3496 Gains in mathematics as measured by statewide, standardized
3497 assessments administered under s. 1008.22(3).

3498 g. The percentage of eligible students in the lowest 25
3499 percent in English Language Arts, as identified by prior year
3500 performance on statewide, standardized assessments, who make
3501 Learning Gains as measured by statewide, standardized English
3502 Language Arts assessments administered under s. 1008.22(3).

3503 h. The percentage of eligible students in the lowest 25
3504 percent in mathematics, as identified by prior year performance
3505 on statewide, standardized assessments, who make Learning Gains
3506 as measured by statewide, standardized mathematics assessments
3507 administered under s. 1008.22(3).

3508 i. For schools comprised of middle grades 6 through 8 or
3509 grades 7 and 8, the percentage of eligible students passing high

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3510 school level statewide, standardized end-of-course assessments
3511 or attaining national industry certifications identified in the
3512 CAPE Industry Certification Funding List pursuant to rules
3513 adopted by the State Board of Education.

3514
3515 In calculating Learning Gains for the components listed in sub-
3516 subparagraphs e.-h., the State Board of Education shall require
3517 that learning growth toward achievement levels 3, 4, and 5 is
3518 demonstrated by students who scored below each of those levels
3519 in the prior year. In calculating the components in sub-
3520 subparagraphs a.-d., the state board shall include the
3521 performance of English language learners only if they have been
3522 enrolled in a school in the United States for more than 2 years.

3523 2. For a school comprised of grades 9, 10, 11, and 12, or
3524 grades 10, 11, and 12, the school's grade shall also be based on
3525 the following components, each worth 100 points:

3526 a. The 4-year high school graduation rate of the school as
3527 defined by state board rule.

3528 b. The percentage of students who were eligible to earn
3529 college and career credit through College Board Advanced
3530 Placement examinations, International Baccalaureate
3531 examinations, dual enrollment courses, or Advanced International
3532 Certificate of Education examinations; or who, at any time
3533 during high school, earned national industry certification
3534 identified in the CAPE Industry Certification Funding List,
3535 pursuant to rules adopted by the state board.

3536 (d) The performance of students attending alternative
3537 schools and students designated as hospital or homebound shall
3538 be factored into a school grade as follows:

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3539 1. The student performance data for eligible students
3540 attending alternative schools that provide dropout prevention
3541 and academic intervention services pursuant to s. 1003.53 shall
3542 be included in the calculation of the home school's grade. The
3543 term "eligible students" in this subparagraph does not include
3544 students attending an alternative school who are subject to
3545 district school board policies for expulsion for repeated or
3546 serious offenses, who are in dropout retrieval programs serving
3547 students who have officially been designated as dropouts, or who
3548 are in programs operated or contracted by the Department of
3549 Juvenile Justice. As used in this subparagraph ~~and s. 1008.341,~~
3550 the term "home school" means the school to which the student
3551 would be assigned if the student were not assigned to an
3552 alternative school. If an alternative school chooses to be
3553 graded under this section, student performance data for eligible
3554 students identified in this subparagraph shall not be included
3555 in the home school's grade but shall be included only in the
3556 calculation of the alternative school's grade. A school district
3557 that fails to assign statewide, standardized end-of-course
3558 assessment scores of each of its students to his or her home
3559 school or to the alternative school that receives a grade shall
3560 forfeit Florida School Recognition Program funds for one fiscal
3561 year. School districts must require collaboration between the
3562 home school and the alternative school in order to promote
3563 student success. This collaboration must include an annual
3564 discussion between the principal of the alternative school and
3565 the principal of each student's home school concerning the most
3566 appropriate school assignment of the student.

3567 2. Student performance data for students designated as

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3568 hospital or homebound shall be assigned to their home school for
 3569 the purposes of school grades. As used in this subparagraph, the
 3570 term "home school" means the school to which a student would be
 3571 assigned if the student were not assigned to a hospital or
 3572 homebound program.

3573 Reviser's note.—Paragraph (3) (b) amended to conform to the
 3574 complete name of the CAPE Industry Certification Funding
 3575 List authorized in s. 1008.44; s. 1008.44 was amended by s.
 3576 12, ch. 2014-184, Laws of Florida, to add the word "CAPE"
 3577 to the name of the Industry Certification Funding List.
 3578 Paragraph (3) (d) amended to conform to the fact that
 3579 references to "home school" were deleted from s. 1008.341
 3580 by s. 7, ch. 2014-23, Laws of Florida.

3581 Section 118. Paragraph (c) of subsection (4) of section
 3582 1008.44, Florida Statutes, is amended to read:

3583 1008.44 CAPE Industry Certification Funding List and CAPE
 3584 Postsecondary Industry Certification Funding List.—

3585 (4)

3586 (c) The Articulation Coordinating Committee shall review
 3587 statewide articulation agreement proposals for industry
 3588 certifications and make recommendations to the State Board of
 3589 Education for approval. After an industry certification is
 3590 adopted by the State Board of Education for inclusion on the
 3591 CAPE Industry Certification Funding List, the Chancellor of
 3592 Career and Adult Education, within 90 days, must provide to the
 3593 Articulation Coordinating Committee recommendations for
 3594 articulation of postsecondary credit for related degrees for the
 3595 approved certifications.

3596 Reviser's note.—Amended to conform to the complete name of the

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3597 CAPE Industry Certification Funding List, as amended
3598 elsewhere in this section by s. 12, ch. 2014-184, Laws of
3599 Florida.

3600 Section 119. Paragraph (b) of subsection (6) of section
3601 1011.80, Florida Statutes, is amended to read:

3602 1011.80 Funds for operation of workforce education
3603 programs.—

3604 (6)

3605 (b) Performance funding for industry certifications for
3606 school district workforce education programs is contingent upon
3607 specific appropriation in the General Appropriations Act and
3608 shall be determined as follows:

3609 1. Occupational areas for which industry certifications may
3610 be earned, as established in the General Appropriations Act, are
3611 eligible for performance funding. Priority shall be given to the
3612 occupational areas emphasized in state, national, or corporate
3613 grants provided to Florida educational institutions.

3614 2. The Chancellor of Career and Adult Education shall
3615 identify the industry certifications eligible for funding on the
3616 CAPE Postsecondary Industry Certification Funding List approved
3617 by the State Board of Education pursuant to s. 1008.44, based on
3618 the occupational areas specified in the General Appropriations
3619 Act.

3620 3. Each school district shall be provided \$1,000 for each
3621 industry certification earned by a workforce education student.
3622 The maximum amount of funding appropriated for performance
3623 funding pursuant to this paragraph shall be limited to \$15
3624 million annually. If funds are insufficient to fully fund the
3625 calculated total award, such funds shall be prorated.

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3626 Reviser's note.—Amended to conform to the complete name of the
3627 CAPE Postsecondary Industry Certification Funding List
3628 authorized in s. 1008.44; s. 1008.44 was amended by s. 12,
3629 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3630 the name of the Postsecondary Industry Certification
3631 Funding List.

3632 Section 120. Paragraph (b) of subsection (2) of section
3633 1011.81, Florida Statutes, is amended to read:

3634 1011.81 Florida College System Program Fund.—

3635 (2) Performance funding for industry certifications for
3636 Florida College System institutions is contingent upon specific
3637 appropriation in the General Appropriations Act and shall be
3638 determined as follows:

3639 (b) The Chancellor of the Florida College System shall
3640 identify the industry certifications eligible for funding on the
3641 CAPE Postsecondary Industry Certification Funding List approved
3642 by the State Board of Education pursuant to s. 1008.44, based on
3643 the occupational areas specified in the General Appropriations
3644 Act.

3645 Reviser's note.—Amended to conform to the complete name of the
3646 CAPE Postsecondary Industry Certification Funding List
3647 authorized in s. 1008.44; s. 1008.44 was amended by s. 12,
3648 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3649 the name of the Postsecondary Industry Certification
3650 Funding List.

3651 Section 121. Paragraph (b) of subsection (1) of section
3652 1011.905, Florida Statutes, is amended to read:

3653 1011.905 Performance funding for state universities.—

3654 (1) State performance funds for the State University System

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3655 shall be based on indicators of system and institutional
3656 attainment of performance expectations. For the 2012-2013
3657 through at least the 2016-2017 fiscal year, the Board of
3658 Governors shall review and rank each state university that
3659 applies for performance funding, as provided in the General
3660 Appropriations Act, based on the following formula:

3661 (b) Twenty-five percent of a state university's score shall
3662 be based on the percentage of graduates who have earned
3663 baccalaureate degrees in the programs in paragraph (a) and who
3664 have earned industry certifications identified on the CAPE
3665 Postsecondary Industry Certification Funding List approved by
3666 the State Board of Education pursuant to s. 1008.44 in a related
3667 field from a Florida College System institution or state
3668 university prior to graduation.

3669 Reviser's note.—Amended to conform to the complete name of the
3670 CAPE Postsecondary Industry Certification Funding List
3671 authorized by s. 1008.44; s. 1008.44 was amended by s. 12,
3672 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3673 the name of the Postsecondary Industry Certification
3674 Funding List.

3675 Section 122. Paragraph (a) of subsection (2) of section
3676 1013.738, Florida Statutes, is amended to read:

3677 1013.738 High Growth District Capital Outlay Assistance
3678 Grant Program.—

3679 (2) In order to qualify for a grant, a school district must
3680 meet the following criteria:

3681 (a) The district must have levied the full 1.5 ~~2~~ mills of
3682 nonvoted discretionary capital outlay millage authorized in s.
3683 1011.71(2) for each of the past 4 fiscal years.

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3684 Reviser's note.—Amended to conform to context and facilitate
3685 correct interpretation. Section 1011.71(2) provides a
3686 maximum of 1.5 mills that the school board may levy.
3687 Section 123. Except as otherwise provided in this act, this
3688 act shall take effect on the 60th day after adjournment sine die
3689 of the session of the Legislature in which enacted.