

2015706e1

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 257.171, 257.193, 257.43, 394.4789, 394.495, 394.496,
4 394.497, 397.406, 397.407, 397.427, 397.471, 397.901,
5 397.96, 400.147, 401.113, 401.252, 401.34, 402.04,
6 402.47, 403.414, 403.7061, 403.763, 403.871, 403.873,
7 403.874, 403.876, 403.942, 406.11, 409.2598, 409.9102,
8 420.526, 420.527, 429.44, 467.0125, 467.013, 467.019,
9 468.1165, 468.307, 468.3851, 468.3852, 468.404,
10 468.435, 468.532, 468.8312, 468.8317, 468.8412,
11 476.214, 477.022, 479.07, 481.205, 502.121, and
12 509.035, F.S., and repealing s. 415.112, F.S., to
13 conform to the directive of the Legislature in section
14 9 of chapter 2012-116, Laws of Florida, codified as
15 section 11.242(5)(j), Florida Statutes, to prepare a
16 reviser's bill to omit all statutes and laws, or parts
17 thereof, which grant duplicative, redundant, or unused
18 rulemaking authority; providing an effective date.
19

20 Be It Enacted by the Legislature of the State of Florida:
21

22 Section 1. Section 257.171, Florida Statutes, is amended to
23 read:

24 257.171 Multicounty libraries.—Units of local government
25 may establish a multicounty library. ~~The Division of Library and~~
26 ~~Information Services may establish operating standards and rules~~
27 ~~under which a multicounty library is eligible to receive state~~
28 ~~moneys.~~ For a multicounty library, a local government may pay
29 moneys in advance in lump sum from its public funds for the

2015706e1

30 provision of library services only.

31 Section 2. Subsection (5) of section 257.193, Florida
32 Statutes, is amended to read:

33 257.193 Community Libraries in Caring Program.—

34 ~~(5) The Department of State may adopt rules to administer~~
35 ~~this section.~~

36 Section 3. Paragraph (b) of subsection (2) of section
37 257.43, Florida Statutes, is amended to read:

38 257.43 Citizen support organization; use of state
39 administrative services and property; audit.—

40 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

41 ~~(b) The division may prescribe by rule any condition with~~
42 ~~which a citizen support organization shall comply in order to~~
43 ~~use division administrative services, property, or facilities.~~

44 Section 4. Section 394.4789, Florida Statutes, is amended
45 to read:

46 394.4789 Establishment of referral process and eligibility
47 determination.—

48 ~~(1) The department shall adopt by rule a referral process~~
49 ~~which shall provide each participating specialty psychiatric~~
50 ~~hospital with a system for accepting into the hospital's care~~
51 ~~indigent mentally ill persons referred by the department. It is~~
52 the intent of the Legislature that a hospital which seeks
53 payment under s. 394.4788 shall accept referrals from the
54 department. However, a hospital shall have the right to refuse
55 the admission of a patient due to lack of functional bed space
56 or lack of services appropriate to a patient's specific
57 treatment and no hospital shall be required to accept referrals
58 if the costs for treating the referred patient are no longer

2015706e1

59 reimbursable because the hospital has reached the level of
60 contribution made to the PMATF in the previous fiscal year.
61 Furthermore, a hospital that does not seek compensation for
62 indigent mentally ill patients under the provisions of this act
63 shall not be obliged to accept department referrals,
64 notwithstanding any agreements it may have entered into with the
65 department. The right of refusal in this subsection shall not
66 affect a hospital's requirement to provide emergency care
67 pursuant to s. 395.1041 or other statutory requirements related
68 to the provision of emergency care.

69 (2) The department shall adopt ~~by rule~~ a patient
70 eligibility form and shall be responsible for eligibility
71 determination. However, The department may contract with
72 participating psychiatric hospitals for eligibility
73 determination. The eligibility form shall provide the mechanism
74 for determining a patient's eligibility according to the
75 requirements of s. 394.4788(1).

76 (a) A specialty psychiatric hospital shall be eligible for
77 reimbursement only when an eligibility form has been completed
78 for each indigent mentally ill person for whom reimbursement is
79 sought.

80 (b) As part of eligibility determination, every effort
81 shall be made by the hospital to determine if any third party
82 insurance coverage is available.

83 Section 5. Subsection (3) of section 394.495, Florida
84 Statutes, is amended to read:

85 394.495 Child and adolescent mental health system of care;
86 programs and services.-

87 (3) Assessments must be performed by:

2015706e1

88 (a) A professional as defined in s. 394.455(2), (4), (21),
89 (23), or (24);

90 (b) A professional licensed under chapter 491; or

91 (c) A person who is under the direct supervision of a
92 professional as defined in s. 394.455(2), (4), (21), (23), or
93 (24) or a professional licensed under chapter 491.

94

95 ~~The department shall adopt by rule statewide standards for~~
96 ~~mental health assessments, which must be based on current~~
97 ~~relevant professional and accreditation standards.~~

98 Section 6. Subsection (5) of section 394.496, Florida
99 Statutes, is amended to read:

100 394.496 Service planning.—

101 ~~(5) The department shall adopt by rule criteria for~~
102 ~~determining when a child or adolescent who receives mental~~
103 ~~health services under ss. 394.490-394.497 must have an~~
104 ~~individualized services plan.~~

105 Section 7. Subsection (2) of section 394.497, Florida
106 Statutes, is amended to read:

107 394.497 Case management services.—

108 ~~(2) The department shall adopt by rule criteria that define~~
109 ~~the target population who shall be assigned case managers.~~ The
110 department shall develop standards for case management services
111 and procedures for appointing case managers. It is the intent of
112 the Legislature that case management services not be duplicated
113 or fragmented and that such services promote the continuity and
114 stability of a case manager assigned to a child or adolescent
115 and his or her family.

116 Section 8. Section 397.406, Florida Statutes, is amended to

2015706e1

117 read:

118 397.406 Licensure and regulation of government-operated
119 substance abuse programs.—Substance abuse programs operated
120 directly or under contract by the department, the Department of
121 Corrections, the Department of Juvenile Justice, any other state
122 agency, or any local correctional agency or authority, which
123 programs constitute any service provider licensable components
124 as defined in this chapter, are subject to licensure and
125 regulation in accordance with rules jointly developed by the
126 department and the state or local agency operating the program.
127 The department has authority to exempt ~~promulgate rules~~
128 ~~exempting~~ such government-operated programs from specific
129 licensure provisions of this part, including, but not limited
130 to, licensure fees and personnel background checks, and to
131 enforce the regulatory requirements governing such programs.

132 Section 9. Subsections (1), (5), and (7) of section
133 397.407, Florida Statutes, are amended to read:

134 397.407 Licensure process; fees.—

135 (1) The department shall establish ~~by rule~~ the licensure
136 process to include fees and categories of licenses and.~~The rule~~
137 must prescribe a fee range that is based, at least in part, on
138 the number and complexity of programs listed in s. 397.311(18)
139 which are operated by a licensee. The fees from the licensure of
140 service components are sufficient to cover at least 50 percent
141 of the costs of regulating the service components. The
142 department shall specify ~~by rule~~ a fee range for public and
143 privately funded licensed service providers. Fees for privately
144 funded licensed service providers must exceed the fees for
145 publicly funded licensed service providers. ~~During adoption of~~

2015706e1

146 ~~the rule governing the licensure process and fees, the~~
147 ~~department shall carefully consider the potential adverse impact~~
148 ~~on small, not-for-profit service providers.~~

149 (5) The department may issue probationary, regular, and
150 interim licenses. ~~After adopting the rule governing the~~
151 ~~licensure process and fees,~~ The department shall issue one
152 license for each service component that is operated by a service
153 provider and defined in rule pursuant to s. 397.311(18). The
154 license is valid only for the specific service components listed
155 for each specific location identified on the license. The
156 licensed service provider shall apply for a new license at least
157 60 days before the addition of any service components or 30 days
158 before the relocation of any of its service sites. Provision of
159 service components or delivery of services at a location not
160 identified on the license may be considered an unlicensed
161 operation that authorizes the department to seek an injunction
162 against operation as provided in s. 397.401, in addition to
163 other sanctions authorized by s. 397.415. Probationary and
164 regular licenses may be issued only after all required
165 information has been submitted. A license may not be
166 transferred. As used in this subsection, the term "transfer"
167 includes, but is not limited to, the transfer of a majority of
168 the ownership interest in the licensed entity or transfer of
169 responsibilities under the license to another entity by
170 contractual arrangement.

171 (7) A regular license may be issued to:

172 (a) A new applicant at the end of the probationary period.

173 (b) A licensed applicant that holds a regular license and
174 is seeking renewal.

2015706e1

175 (c) An applicant for a service component operating under an
176 interim license upon successful satisfaction of the requirements
177 for a regular license.

178
179 In order to be issued a regular license, the applicant must be
180 in compliance with statutory and regulatory requirements.
181 ~~Standards and timeframes for the issuance of a regular license~~
182 ~~must be established by rule.~~ An application for renewal of a
183 regular license must be submitted to the department at least 60
184 days before the license expires.

185 Section 10. Paragraph (b) of subsection (2) and subsections
186 (3) and (8) of section 397.427, Florida Statutes, are amended to
187 read:

188 397.427 Medication-assisted treatment service providers;
189 rehabilitation program; needs assessment and provision of
190 services; persons authorized to issue takeout medication;
191 unlawful operation; penalty.-

192 (2) The department shall determine the need for
193 establishing providers of medication-assisted treatment services
194 for opiate addiction.

195 ~~(b) The department shall prescribe by rule the types of~~
196 ~~medication-assisted treatment services for opiate addiction for~~
197 ~~which it is necessary to conduct annual assessments of need.~~ If
198 needs assessment is required, the department shall annually
199 conduct the assessment and publish a statement of findings which
200 identifies each substate entity's need.

201 ~~(3) The department shall adopt rules necessary to~~
202 ~~administer this section, including, but not limited to, rules~~
203 ~~prescribing criteria and procedures for:~~

2015706e1

204 ~~(a) Determining the need for additional medication-assisted~~
205 ~~treatment services for opiate addiction.~~

206 ~~(b) Selecting providers for medication-assisted treatment~~
207 ~~services for opiate addiction when the number of responses to a~~
208 ~~publication of need exceeds the determined need.~~

209 ~~(c) Administering any federally required rules,~~
210 ~~regulations, or procedures.~~

211 ~~(8) The department shall adopt rules necessary to~~
212 ~~administer medication-assisted treatment services, including,~~
213 ~~but not limited to, rules prescribing criteria and procedures~~
214 ~~for:~~

215 ~~(a) Determining the need for medication-assisted treatment~~
216 ~~services within the publicly funded system.~~

217 ~~(b) Selecting medication-assisted service providers within~~
218 ~~the publicly funded system.~~

219 ~~(c) Administering any federally required rules,~~
220 ~~regulations, or procedures related to the provision of~~
221 ~~medication-assisted treatment.~~

222 Section 11. Section 397.471, Florida Statutes, is amended
223 to read:

224 397.471 Service provider facility standards.—

225 ~~(1)~~ Each service provider must ensure:

226 (1) ~~(a)~~ Sufficient numbers and types of qualified personnel
227 on duty and available to provide necessary and adequate safety
228 and care.

229 (2) ~~(b)~~ Adequate space for each individual served within a
230 residential facility.

231 (3) ~~(c)~~ Adequate infection control, housekeeping, and
232 sanitation.

2015706e1

233 (4)~~(d)~~ Adequate disaster planning policies and procedures.

234 ~~(2) The State Fire Marshal shall, in cooperation with the~~
235 ~~department, establish and enforce minimum firesafety standards,~~
236 ~~which standards must be included in the rules adopted by the~~
237 ~~department.~~

238 Section 12. Subsection (4) of section 397.901, Florida
239 Statutes, is amended to read:

240 397.901 Prototype juvenile addictions receiving
241 facilities.-

242 ~~(4) The department shall adopt rules necessary to implement~~
243 ~~this section. The rules must be written by the department's~~
244 ~~Substance Abuse Program Office and must specify criteria for~~
245 ~~staffing and services delineated for the provision of graduated~~
246 ~~levels of care from nonintensive to environmentally secure for~~
247 ~~the handling of aggressive and difficult to manage behavior and~~
248 ~~the prevention of elopement.~~

249 Section 13. Subsection (5) of section 397.96, Florida
250 Statutes, is amended to read:

251 397.96 Case management for complex substance abuse cases.-

252 ~~(5) The department shall establish by rule standards to~~
253 ~~coordinate case management activities from various referral~~
254 ~~points, in order to minimize fragmentation and duplication and~~
255 ~~promote stability of case managers assigned to a child and~~
256 ~~family.~~ In the attempt to minimize duplication, it is the intent
257 of the Legislature that a child have no more than one case
258 manager.

259 Section 14. Subsection (12) of section 400.147, Florida
260 Statutes, is amended to read:

261 400.147 Internal risk management and quality assurance

2015706e1

262 program.—

263 ~~(12) The agency may adopt rules to administer this section.~~

264 Section 15. Subsection (3) of section 401.113, Florida
265 Statutes, is amended to read:

266 401.113 Department; powers and duties.—

267 ~~(3) The department shall adopt rules to administer this~~
268 ~~section.~~

269 Section 16. Subsection (4) of section 401.252, Florida
270 Statutes, is amended to read:

271 401.252 Interfacility transfer.—

272 ~~(4) The department shall adopt and enforce rules to carry~~
273 ~~out this section, including rules for permitting, equipping, and~~
274 ~~staffing transport ambulances and that govern the medical~~
275 ~~direction under which interfacility transfers take place.~~

276 Section 17. Subsections (5) and (6) of section 401.34,
277 Florida Statutes, are amended to read:

278 401.34 Fees.—

279 (5) The department may provide same-day grading of the
280 examination for an applicant for emergency medical technician or
281 paramedic certification. ~~The department must provide procedures~~
282 ~~for implementing same-day grading in its rules.~~

283 (6) The department may ~~by rule~~ offer walk-in eligibility
284 determination and examination to applicants for emergency
285 medical technician or paramedic certification who pay to the
286 department a nonrefundable fee to be set by the department not
287 to exceed \$65. The fee is in addition to the certification fee
288 and examination fee. The department must establish locations and
289 times for eligibility determination and examination.

290 Section 18. Section 402.04, Florida Statutes, is amended to

2015706e1

291 read:

292 402.04 Award of scholarships and stipends; disbursement of
293 funds; administration.—The award of scholarships or stipends
294 provided for herein shall be made by the Department of Children
295 and Families, hereinafter referred to as the department. The
296 department shall handle the administration of the scholarship or
297 stipend and the Department of Education shall, for and on behalf
298 of the department, handle the notes issued for the payment of
299 the scholarships or stipends provided for herein and the
300 collection of same. ~~The department shall prescribe regulations~~
301 ~~governing the payment of scholarships or stipends to the school,~~
302 ~~college, or university for the benefit of the scholarship or~~
303 ~~stipend holders.~~ All scholarship awards, expenses and costs of
304 administration shall be paid from moneys appropriated by the
305 Legislature and shall be paid upon vouchers approved by the
306 department and properly certified by the Chief Financial
307 Officer.

308 Section 19. Subsection (3) of section 402.47, Florida
309 Statutes, is amended to read:

310 402.47 Foster grandparent and retired senior volunteer
311 services to high-risk and handicapped children.—

312 ~~(3) The department may adopt rules necessary to implement~~
313 ~~the provisions of this section.~~

314 Section 20. Subsection (3) of section 403.414, Florida
315 Statutes, is amended to read:

316 403.414 Environmental award program.—

317 (3) ~~The department shall adopt rules to govern~~
318 ~~administration of the program.~~ An agency, municipality, county,
319 or other governmental unit; a private organization, institution,

2015706e1

320 or industry; the communications media; or an individual may
321 submit a nomination for an award to the department at any time.
322 A nomination must be submitted on a form adopted by the
323 department and must include information required by the
324 department to consider that nomination.

325 Section 21. Subsection (2) of section 403.7061, Florida
326 Statutes, is amended to read:

327 403.7061 Requirements for review of new waste-to-energy
328 facility capacity by the Department of Environmental
329 Protection.—

330 (2) Notwithstanding any other provisions of state law, the
331 department shall not issue a construction permit or
332 certification to build a waste-to-energy facility or expand an
333 existing waste-to-energy facility unless the facility meets the
334 requirements set forth in subsection (3). Any construction
335 permit issued by the department between January 1, 1993, and May
336 12, 1993, which does not address these new requirements is
337 invalid. These new requirements do not apply to the issuance of
338 permits or permit modifications to retrofit existing facilities
339 with new or improved pollution control equipment to comply with
340 state or federal law. ~~The department may initiate rulemaking to~~
341 ~~incorporate the criteria in subsection (3) into its permit~~
342 ~~review process.~~

343 Section 22. Subsection (4) of section 403.763, Florida
344 Statutes, is amended to read:

345 403.763 Grants to local governments.—

346 ~~(4) The department shall initiate rules on or before~~
347 ~~January 1, 1989, necessary to carry out the purposes of this~~
348 ~~section.~~

2015706e1

349 Section 23. Section 403.871, Florida Statutes, is amended
350 to read:

351 403.871 Fees.—The department shall, ~~by rule,~~ establish fees
352 to be paid by persons seeking licensure or license renewal to
353 cover the entire cost to the department of administering ss.
354 403.865-403.876, including, but not limited to, the costs
355 associated with application review and examination,
356 reexamination, licensing and renewal, renewal of an inactive
357 license, reactivation of an inactive license, recordmaking, and
358 recordkeeping, and the costs of ensuring compliance with ss.
359 403.865-403.876. The fees for license application and license
360 renewal shall be nonrefundable. The department shall establish
361 fees adequate to administer and implement ss. 403.865-403.876.

362 (1) The application fee may not exceed \$100 and is not
363 refundable.

364 (2) The renewal fee may not exceed \$100 and is not
365 refundable.

366 (3) All fees collected under this section must be deposited
367 into the Water Quality Assurance Trust Fund. The fees shall be
368 used exclusively to implement the provisions of ss. 403.865-
369 403.876.

370 Section 24. Subsection (2) of section 403.873, Florida
371 Statutes, is amended to read:

372 403.873 Renewal of license.—

373 (2) The department shall adopt ~~rules establishing a~~
374 procedure for the biennial renewal of licenses, including the
375 requirements for continuing education.

376 Section 25. Subsection (2) of section 403.874, Florida
377 Statutes, is amended to read:

2015706e1

378 403.874 Inactive status.—

379 (2) The department shall adopt ~~rules relating to licenses~~
380 ~~that have become inactive and for the reactivation of inactive~~
381 ~~licenses,~~ and procedures for null and void licenses and how to
382 obtain a new license after a license has become null and void.

383 Section 26. Subsection (1) of section 403.876, Florida
384 Statutes, is amended to read:

385 403.876 Grounds for disciplinary action.—

386 (1) The department shall establish, ~~by rule,~~ the grounds
387 for taking disciplinary action, including suspending or revoking
388 a valid license, placing a licensee on probation, refusing to
389 issue a license, refusing to renew a license, or refusing to
390 reactivate a license, and the imposition of an administrative
391 fine, not to exceed \$1,000 per count or offense. The fines
392 collected under this section shall be deposited into the Water
393 Quality Assurance Trust Fund.

394 Section 27. Subsection (3) of section 403.942, Florida
395 Statutes, is amended to read:

396 403.942 Superseded laws, regulations, and certification
397 power.—

398 ~~(3) The board shall have the power to adopt reasonable~~
399 ~~procedural rules to carry out its duties under ss. 403.9401-~~
400 ~~403.9425 and to give effect to the legislative intent that this~~
401 ~~act provide an efficient, centrally coordinated, one-stop~~
402 ~~licensing process.~~

403 Section 28. Subsection (3) of section 406.11, Florida
404 Statutes, is amended to read:

405 406.11 Examinations, investigations, and autopsies.—

406 ~~(3) The Medical Examiners Commission may adopt rules~~

2015706e1

407 ~~incorporating by reference parameters or guidelines of practice~~
408 ~~or standards of conduct relating to examinations,~~
409 ~~investigations, or autopsies performed by medical examiners.~~

410 Section 29. Subsection (8) of section 409.2598, Florida
411 Statutes, is amended to read:

412 409.2598 License suspension proceeding to enforce support
413 order.-

414 ~~(8) RULEMAKING AUTHORITY. The Department of Revenue may~~
415 ~~adopt rules to implement and enforce the requirements of this~~
416 ~~section.~~

417 Section 30. Subsections (3) and (4) of section 409.9102,
418 Florida Statutes, are amended to read:

419 409.9102 A qualified state Long-Term Care Insurance
420 Partnership Program in Florida.-The Agency for Health Care
421 Administration, in consultation with the Office of Insurance
422 Regulation and the Department of Children and Families, is
423 directed to establish a qualified state Long-Term Care Insurance
424 Partnership Program in Florida, in compliance with the
425 requirements of s. 1917(b) of the Social Security Act, as
426 amended.

427 ~~(3) The Agency for Health Care Administration is authorized~~
428 ~~to amend the Medicaid state plan and adopt rules pursuant to ss.~~
429 ~~120.536(1) and 120.54 to implement this section.~~

430 ~~(4)~~ The Department of Children and Families, when
431 determining eligibility for Medicaid long-term care services for
432 an individual who is the beneficiary of an approved long-term
433 care partnership program policy, shall reduce the total
434 countable assets of the individual by an amount equal to the
435 insurance benefit payments that are made to or on behalf of the

2015706e1

436 individual. ~~The department is authorized to adopt rules pursuant~~
437 ~~to ss. 120.536(1) and 120.54 to implement this subsection.~~

438 Section 31. Section 415.112, Florida Statutes, is repealed.

439 Section 32. Subsections (3) and (6) of section 420.526,
440 Florida Statutes, are amended to read:

441 420.526 Predevelopment Loan Program; loans and grants
442 authorized; activities eligible for support.—

443 (3) ~~The corporation shall establish rules for the equitable~~
444 ~~distribution of the funds in a manner that meets the need and~~
445 ~~demand for housing for the target population.~~ Funds shall be
446 made available under the program on a first-come, first-served
447 basis, unless otherwise established by corporation rule.
448 Sponsors of farmworker housing, if any, shall receive first
449 priority under this program.

450 (6) Terms and conditions of housing predevelopment loan
451 agreements shall be established ~~by rule~~ and shall include:

452 (a) Provision for interest, which shall be set at between 0
453 and 3 percent per year, as established by the corporation.

454 (b) Provision of a schedule for the repayment of principal
455 and interest for a term not to exceed 3 years or initiation of
456 permanent financing, whichever event occurs first. However, the
457 corporation may extend the term of a loan for an additional
458 period if extraordinary circumstances exist and if such
459 extension would not jeopardize the corporation's security
460 interest.

461 (c) Provision of reasonable security for the housing
462 predevelopment loan to ensure the repayment of the principal and
463 any interest accrued within the term specified.

464 (d) Provisions to ensure that the land acquired will be

2015706e1

465 used for the development of housing and related services for the
466 target population.

467 (e) Provisions to ensure, to the extent possible, that any
468 accrued savings in cost due to the availability of these funds
469 will be passed on to the target population in the form of lower
470 land prices. The corporation shall ensure that such savings in
471 land prices shall be passed on in the form of lower prices or
472 rents for dwellings constructed on such land.

473 (f) Provisions to ensure that any land acquired through
474 assistance under ss. 420.521-420.529 for housing for the target
475 population shall not be disposed of or alienated in a manner
476 that violates Title VII of the 1968 Civil Rights Act, which
477 specifically prohibits discrimination based on race, sex, color,
478 religion, or national origin or that violates other applicable
479 federal or state laws.

480 Section 33. Section 420.527, Florida Statutes, is amended
481 to read:

482 420.527 Application procedure.—

483 (1) ~~Applications shall be submitted to the corporation in a~~
484 ~~form that it establishes by rule.~~

485 ~~(2) By rule,~~ The corporation shall establish the criteria
486 for determining threshold compliance with corporation
487 objectives. Final decisions regarding funding shall be approved
488 by the corporation board. The corporation board shall determine
489 the tentative loan or grant amount available to each program
490 participant. The actual loan or grant amount shall be determined
491 pursuant to rule specifying credit underwriting procedures.

492 (2) ~~(3)~~ The criteria to be used to determine threshold
493 compliance shall include, but are not limited to, the following:

2015706e1

- 494 (a) Income target objectives of the corporation.
- 495 (b) Sponsor's agreement to reserve more than the minimum
496 number of units for low-income households and very-low-income
497 households.
- 498 (c) Projects requiring the least amount of predevelopment
499 funds compared to total predevelopment costs.
- 500 (d) Sponsor's prior experience.
- 501 (e) Commitments of other financing.
- 502 (f) Sponsor's ability to proceed.
- 503 (g) Project's consistency with the local government
504 comprehensive plan.

505 Section 34. Subsection (3) of section 429.44, Florida
506 Statutes, is amended to read:

507 429.44 Construction and renovation; requirements.—

508 ~~(3) The department may adopt rules to establish procedures~~
509 ~~and specify the documentation necessary to implement this~~
510 ~~section.~~

511 Section 35. Paragraph (b) of subsection (1) of section
512 467.0125, Florida Statutes, is amended to read:

513 467.0125 Licensure by endorsement.—

514 (1) The department shall issue a license by endorsement to
515 practice midwifery to an applicant who, upon applying to the
516 department, demonstrates to the department that she or he:

517 (b) Has completed a 4-month prelicensure course conducted
518 by an approved program and has submitted documentation to the
519 department of successful completion. ~~The department shall~~
520 ~~determine by rule the content of the prelicensure course.~~

521 Section 36. Subsection (1) of section 467.013, Florida
522 Statutes, is amended to read:

2015706e1

523 467.013 Inactive status.—A licensee may request that his or
524 her license be placed in an inactive status by making
525 application to the department and paying a fee.

526 (1) An inactive license may be renewed for one additional
527 biennium upon application to the department and payment of the
528 applicable biennium renewal fee. The department shall establish
529 ~~by rule~~ procedures and fees for applying to place a license on
530 inactive status, renewing an inactive license, and reactivating
531 an inactive license. The fee for any of these procedures may not
532 exceed the biennial renewal fee established by the department.

533 Section 37. Subsections (4) and (6) of section 467.019,
534 Florida Statutes, are amended to read:

535 467.019 Records and reports.—

536 (4) ~~The department shall adopt rules requiring that~~ A
537 midwife shall keep a record of each patient served. Such record
538 must document, but need not be limited to, each consultation,
539 referral, transport, transfer of care, and emergency care
540 rendered by the midwife and must include all subsequent updates
541 and copy of the birth certificate. These records shall be kept
542 on file for a minimum of 5 years following the date of the last
543 entry in the records.

544 (6) ~~The department shall adopt rules to provide for~~
545 ~~maintaining~~ Patient records of a deceased midwife or a midwife
546 who terminates or relocates a private practice shall be
547 maintained pursuant to department requirements.

548 Section 38. Section 468.1165, Florida Statutes, is amended
549 to read:

550 468.1165 Professional employment experience requirement.—
551 Every applicant for licensure as a speech-language pathologist

2015706e1

552 must demonstrate, prior to licensure, a minimum of 9 months of
553 full-time professional employment, or the equivalent in part-
554 time professional employment. Each applicant for licensure as an
555 audiologist must demonstrate, prior to licensure, a minimum of
556 11 months of full-time professional employment, or the
557 equivalent in part-time professional employment. ~~The board, by~~
558 ~~rule, shall establish standards for obtaining and verifying the~~
559 ~~required professional employment experience.~~

560 Section 39. Subsection (1) of section 468.307, Florida
561 Statutes, is amended to read:

562 468.307 Certificate; issuance; display.—

563 (1) The department shall issue a certificate to each
564 candidate who has met the requirements of ss. 468.304 and
565 468.306 or has qualified under s. 468.3065. The department may
566 ~~by rule~~ establish a subcategory of a certificate issued under
567 this part limiting the certificateholder to a specific procedure
568 or specific type of equipment. The first regular certificate
569 issued to a new certificateholder expires on the last day of the
570 certificateholder's birth month and shall be valid for at least
571 12 months but no more than 24 months. However, if the new
572 certificateholder already holds a regular, active certificate in
573 a different category under this part, the new certificate shall
574 be combined with and expire on the same date as the existing
575 certificate.

576 Section 40. Subsection (2) of section 468.3851, Florida
577 Statutes, is amended to read:

578 468.3851 Renewal of license.—

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

2015706e1

581 Section 41. Section 468.3852, Florida Statutes, is amended
582 to read:

583 468.3852 Reactivation of license; fee.—The board shall
584 prescribe ~~by rule~~ a fee not to exceed \$250 for the reactivation
585 of an inactive license. The fee shall be in addition to the
586 current biennial renewal fee.

587 Section 42. Subsection (1) of section 468.404, Florida
588 Statutes, is amended to read:

589 468.404 License; fees; renewals.—

590 (1) The department ~~by rule~~ shall establish biennial fees
591 for initial licensing, renewal of license, and reinstatement of
592 license, none of which fees shall exceed \$400. The department
593 may ~~by rule~~ establish a delinquency fee of no more than \$50. The
594 fees shall be adequate to proportionately fund the expenses of
595 the department which are allocated to the regulation of talent
596 agencies and shall be based on the department's estimate of the
597 revenue required to administer this part.

598 Section 43. Subsections (1) and (2) of section 468.435,
599 Florida Statutes, are amended to read:

600 468.435 Fees; establishment; disposition.—

601 (1) The council shall, ~~by rule,~~ establish fees for the
602 described purposes and within the ranges specified in this
603 section:

604 (a) Application fee: not less than \$25, or more than \$50.

605 (b) Examination fee: not less than \$25, or more than \$100.

606 (c) Initial license fee: not less than \$25, or more than
607 \$100.

608 (d) Renewal of license fee: not less than \$25, or more than
609 \$100.

2015706e1

610 (e) Delinquent license fee: not less than \$25, or more than
611 \$50.

612 (f) Inactive license fee: not less than \$10, or more than
613 \$25.

614 (2) Until the council establishes ~~adopts rules establishing~~
615 fees under subsection (1), the lower amount in each range shall
616 apply.

617 Section 44. Subsection (4) of section 468.532, Florida
618 Statutes, is amended to read:

619 468.532 Discipline.—

620 (4) The board shall specify ~~by rule~~ the penalties for any
621 violation of this part.

622 Section 45. Subsection (1) of section 468.8312, Florida
623 Statutes, is amended to read:

624 468.8312 Fees.—

625 (1) The department, ~~by rule,~~ may establish fees to be paid
626 for applications, examination, reexamination, licensing and
627 renewal, inactive status application and reactivation of
628 inactive licenses, recordkeeping, and applications for providers
629 of continuing education. The department may also establish ~~by~~
630 ~~rule~~ a delinquency fee. Fees shall be based on department
631 estimates of the revenue required to implement the provisions of
632 this part. All fees shall be remitted with the appropriate
633 application, examination, or license.

634 Section 46. Subsection (2) of section 468.8317, Florida
635 Statutes, is amended to read:

636 468.8317 Inactive license.—

637 (2) A license that becomes inactive may be reactivated upon
638 application to the department. ~~The department may prescribe by~~

2015706e1

639 ~~rule continuing education requirements as a condition of~~
640 ~~reactivating a license. The rules may not require more than one~~
641 ~~renewal cycle of continuing education to reactivate a license.~~

642 Section 47. Subsection (1) of section 468.8412, Florida
643 Statutes, is amended to read:

644 468.8412 Fees.—

645 (1) The department, ~~by rule,~~ may establish fees to be paid
646 for application, examination, reexamination, licensing and
647 renewal, inactive status application and reactivation of
648 inactive licenses, and application for providers of continuing
649 education. The department may also establish ~~by rule~~ a
650 delinquency fee. Fees shall be based on department estimates of
651 the revenue required to implement the provisions of this part.
652 All fees shall be remitted with the application, examination,
653 reexamination, licensing and renewal, inactive status
654 application and reactivation of inactive licenses, and
655 application for providers of continuing education.

656 Section 48. Subsection (2) of section 476.214, Florida
657 Statutes, is amended to read:

658 476.214 Grounds for suspending, revoking, or refusing to
659 grant license or certificate.—

660 ~~(2) The board shall adopt rules relating to the suspension~~
661 ~~or revocation of licenses or certificates of registration under~~
662 ~~this section pursuant to the provisions of chapter 120.~~

663 Section 49. Subsections (1) and (4) of section 477.022,
664 Florida Statutes, are amended to read:

665 477.022 Examinations.—

666 (1) ~~The board shall specify by rule the general areas of~~
667 ~~competency to be covered by examinations for the licensing under~~

2015706e1

668 ~~this chapter of cosmetologists. The rules shall include the~~
669 ~~relative weight assigned in grading each area, the grading~~
670 ~~criteria to be used by the examiner, and the score necessary to~~
671 ~~achieve a passing grade.~~ The board shall ensure that
672 examinations adequately measure both an applicant's competency
673 and her or his knowledge of related statutory requirements.
674 Professional testing services may be utilized to formulate the
675 examinations. The board may, ~~by rule,~~ offer a written clinical
676 examination or a performance examination, or both, in addition
677 to a written theory examination.

678 ~~(4) The board shall adopt rules providing for reexamination~~
679 ~~of applicants who have failed the examinations.~~

680 Section 50. Paragraph (c) of subsection (3), paragraph (b)
681 of subsection (5), paragraph (a) of subsection (8), and
682 subsection (10) of section 479.07, Florida Statutes, are amended
683 to read:

684 479.07 Sign permits.—

685 (3)

686 (c) The annual permit fee for each sign facing shall be
687 established by the department ~~by rule~~ in an amount sufficient to
688 offset the total cost to the department for the program, but may
689 not be greater than \$100. The first-year fee may be prorated by
690 payment of an amount equal to one-fourth of the annual fee for
691 each remaining whole quarter or partial quarter of the permit
692 year. Applications received after the end of the third quarter
693 of the permit year must include fees for the last quarter of the
694 current year and fees for the succeeding year.

695 (5)

696 (b) If a permit tag is lost, stolen, or destroyed, the

2015706e1

697 permittee to whom the tag was issued must apply to the
698 department for a replacement tag. The department shall establish
699 ~~adopt a rule establishing~~ a service fee for replacement tags in
700 an amount that will recover the actual cost of providing the
701 replacement tag. Upon receipt of the application accompanied by
702 the service fee, the department shall issue a replacement permit
703 tag.

704 (8) (a) In order to reduce peak workloads, the department
705 may provide ~~adopt rules providing~~ for staggered expiration dates
706 for licenses and permits. Unless otherwise provided for by rule,
707 All licenses and permits expire annually on January 15. All
708 license and permit renewal fees are required to be submitted to
709 the department by no later than the expiration date. At least
710 105 days before the expiration date of licenses and permits, the
711 department shall send to each permittee a notice of fees due for
712 all licenses and permits that were issued to him or her before
713 the date of the notice. Such notice must list the permits and
714 the permit fees due for each sign facing. The permittee shall,
715 no later than 45 days before the expiration date, advise the
716 department of any additions, deletions, or errors contained in
717 the notice. Permit tags that are not renewed shall be returned
718 to the department for cancellation by the expiration date.
719 Permits that are not renewed or are canceled shall be certified
720 in writing at that time as canceled or not renewed by the
721 permittee, and permit tags for such permits shall be returned to
722 the department or shall be accounted for by the permittee in
723 writing, which writing shall be submitted with the renewal fee
724 payment or the cancellation certification. However, failure of a
725 permittee to submit a permit cancellation does not affect the

2015706e1

726 nonrenewal of a permit. Before cancellation of a permit, the
727 permittee shall provide written notice to all persons or
728 entities having a right to advertise on the sign that the
729 permittee intends to cancel the permit.

730 (10) Commercial or industrial zoning that is not
731 comprehensively enacted or that is enacted primarily to permit
732 signs may not be recognized as commercial or industrial zoning
733 for purposes of this provision, and permits may not be issued
734 for signs in such areas. ~~The department shall adopt rules that~~
735 ~~provide criteria to determine whether such zoning is~~
736 ~~comprehensively enacted or enacted primarily to permit signs.~~

737 Section 51. Subsection (4) of section 481.205, Florida
738 Statutes, is amended to read:

739 481.205 Board of Architecture and Interior Design.—

740 (4) The board may establish ~~by rule~~ minimum procedures,
741 documentation, and other requirements for indicating evidence of
742 the exercise of responsible supervising control by a person
743 licensed under this part in connection with work performed both
744 inside and outside the licensee's office.

745 Section 52. Subsection (1) of section 502.121, Florida
746 Statutes, is amended to read:

747 502.121 Future dairy farms and milk and frozen dessert
748 plants.—

749 (1) All future construction or extensive alteration of milk
750 houses, milking barns, stables, parlors, transfer stations, and
751 milk and frozen dessert plants regulated under this chapter must
752 meet certain minimum specifications and requirements which the
753 department shall establish ~~by rule~~.

754 Section 53. Subsection (4) of section 509.035, Florida

2015706e1

755 Statutes, is amended to read:

756 509.035 Immediate closure due to severe public health
757 threat.—The division shall, upon proper finding, immediately
758 issue an order to close an establishment licensed under this
759 chapter in the instance of a severe and immediate public health
760 or safety or welfare threat as follows:

761 ~~(4) The division may further adopt rules for issuing~~
762 ~~emergency orders after business hours and on weekends and~~
763 ~~holidays in order to ensure the timely closure of an~~
764 ~~establishment under this section.~~

765 Reviser's note.—Amends or repeals provisions of the Florida
766 Statutes pursuant to the directive of the Legislature in s.
767 9, ch. 2012-116, Laws of Florida, codified as s.
768 11.242(5)(j), Florida Statutes, to prepare a reviser's bill
769 to omit all statutes and laws, or parts thereof, which
770 grant duplicative, redundant, or unused rulemaking
771 authority.

772 Section 54. This act shall take effect on the 60th day
773 after adjournment sine die of the session of the Legislature in
774 which enacted.