

By Senator Simmons

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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 27.7045, 39.0134, 39.701, 55.203, 101.56065,
4 110.12302, 112.0455, 112.362, 119.0712, 153.74,
5 159.02, 161.091, 163.3177, 166.271, 189.031, 200.001,
6 200.065, 200.068, 200.141, 212.08, 213.0532, 218.39,
7 220.63, 238.05, 255.041, 255.254, 259.032, 272.135,
8 288.012, 311.12, 316.3025, 333.07, 336.71, 343.1003,
9 366.95, 373.236, 373.4149, 373.41492, 379.3751,
10 380.510, 383.402, 395.1012, 400.0065, 400.0070,
11 400.0081, 400.0087, 400.022, 400.141, 403.5363,
12 408.301, 409.978, 415.113, 456.074, 458.3265,
13 459.0137, 468.503, 468.509, 468.513, 468.514, 468.515,
14 468.518, 480.041, 480.043, 497.159, 546.10, 553.74,
15 559.55, 559.555, 560.141, 561.42, 561.57, 605.0410,
16 610.1201, 617.01301, 618.221, 624.5105, 625.012,
17 631.152, 631.737, 641.225, 719.108, 742.14, 752.001,
18 765.105, 765.2038, 787.29, 893.138, 944.4731, 945.215,
19 1001.65, 1002.3105, 1003.21, 1003.5716, 1012.22, and
20 1012.341, F.S.; reenacting and amending s. 1008.22,
21 F.S; and repealing ss. 200.185 and 624.35, F.S.;
22 deleting provisions that have expired, have become
23 obsolete, have had their effect, have served their
24 purpose, or have been impliedly repealed or
25 superseded; replacing incorrect cross-references and
26 citations; correcting grammatical, typographical, and
27 like errors; removing inconsistencies, redundancies,
28 and unnecessary repetition in the statutes; improving
29 the clarity of the statutes and facilitating their

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30 correct interpretation; and confirming the restoration
31 of provisions unintentionally omitted from
32 republication in the acts of the Legislature during
33 the amendatory process; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Section 27.7045, Florida Statutes, is amended to
38 read:

39 27.7045 Capital case proceedings; constitutionally
40 deficient representation.—Notwithstanding any other ~~another~~
41 provision of law, an attorney employed by the state or appointed
42 pursuant to s. 27.711 may not represent a person charged with a
43 capital offense at trial or on direct appeal or a person
44 sentenced to death in a postconviction proceeding if, in two
45 separate instances, a court, in a capital postconviction
46 proceeding, determined that such attorney provided
47 constitutionally deficient representation and relief was granted
48 as a result. This prohibition on representation shall be for a
49 period of 5 years, which commences at the time relief is granted
50 after the highest court having jurisdiction to review the
51 deficient representation determination has issued its final
52 order affirming the second such determination.

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

54 Section 2. Paragraph (c) of subsection (2) of section
55 39.0134, Florida Statutes, is amended to read:

56 39.0134 Appointed counsel; compensation.—

57 (2)

58 (c) The clerk of the court shall transfer monthly all

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59 attorney's fees and costs collected under this subsection to the
60 Department of Revenue for deposit into the Indigent Civil
61 Defense Trust Fund, to be used as appropriated by the
62 Legislature and consistent with s. 27.5111 ~~27.511~~.

63 Reviser's note.—Amended to conform to the fact that the Indigent
64 Civil Defense Trust Fund is created in s. 27.5111; the
65 trust fund is not referenced in s. 27.511.

66 Section 3. Paragraph (b) of subsection (3) of section
67 39.701, Florida Statutes, is amended to read:

68 39.701 Judicial review.—

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

70 (b) At the first judicial review hearing held subsequent to
71 the child's 17th birthday, the department shall provide the
72 court with an updated case plan that includes specific
73 information related to the independent living skills that the
74 child has acquired since the child's 13th birthday, or since the
75 date the child came into foster care, whichever came later.

76 1. For any child who ~~that~~ may meet the requirements for
77 appointment of a guardian pursuant to chapter 744, or a guardian
78 advocate pursuant to s. 393.12, the updated case plan must be
79 developed in a face-to-face conference with the child, if
80 appropriate; the child's attorney; any court-appointed guardian
81 ad litem; the temporary custodian of the child; and the parent,
82 if the parent's rights have not been terminated.

83 2. At the judicial review hearing, if the court determines
84 pursuant to chapter 744 that there is a good faith basis to
85 believe that the child qualifies for appointment of a guardian
86 advocate, limited guardian, or plenary guardian for the child
87 and that no less restrictive decisionmaking assistance will meet

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88 the child's needs:

89 a. The department shall complete a multidisciplinary report
90 which must include, but is not limited to, a psychosocial
91 evaluation and educational report if such a report has not been
92 completed within the previous 2 years.

93 b. The department shall identify one or more individuals
94 who are willing to serve as the guardian advocate pursuant to s.
95 393.12 or as the plenary or limited guardian pursuant to chapter
96 744. Any other interested parties or participants may make
97 efforts to identify such a guardian advocate, limited guardian,
98 or plenary guardian. The child's biological or adoptive family
99 members, including the child's parents if the parents' rights
100 have not been terminated, may not be considered for service as
101 the plenary or limited guardian unless the court enters a
102 written order finding that such an appointment is in the child's
103 best interests.

104 c. Proceedings may be initiated within 180 days after the
105 child's 17th birthday for the appointment of a guardian
106 advocate, plenary guardian, or limited guardian for the child in
107 a separate proceeding in the court division with jurisdiction
108 over guardianship matters and pursuant to chapter 744. The
109 Legislature encourages the use of pro bono representation to
110 initiate proceedings under this section.

111 3. In the event another interested party or participant
112 initiates proceedings for the appointment of a guardian
113 advocate, plenary guardian, or limited guardian for the child,
114 the department shall provide all necessary documentation and
115 information to the petitioner to complete a petition under s.
116 393.12 or chapter 744 within 45 days after the first judicial

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117 review hearing after the child's 17th birthday.

118 4. Any proceedings seeking appointment of a guardian
119 advocate or a determination of incapacity and the appointment of
120 a guardian must be conducted in a separate proceeding in the
121 court division with jurisdiction over guardianship matters and
122 pursuant to chapter 744.

123 Reviser's note.—Amended to confirm the editorial substitution of
124 the word "who" for the word "that" to conform to context.

125 Section 4. Paragraph (h) of subsection (1) of section
126 55.203, Florida Statutes, is repealed.

127 Reviser's note.—The referenced paragraph is repealed to delete a
128 provision that has served its purpose. The paragraph
129 requires an original judgment lien certificate for a lien
130 acquired by delivery of a writ of execution to a sheriff
131 prior to October 1, 2001, to include an affidavit by the
132 judgment creditor attesting that the person or entity
133 possesses any documentary evidence of the date of delivery
134 of the writ, and a statement of that date or a
135 certification by the sheriff of the date as provided in s.
136 30.17(4). Section 30.17 was repealed by s. 5, ch. 2005-2,
137 Laws of Florida.

138 Section 5. Paragraph (a) of subsection (2) of section
139 101.56065, Florida Statutes, is amended to read:

140 101.56065 Voting system defects; disclosure;
141 investigations; penalties.—

142 (2) (a) ~~No later than December 31, 2013, and, thereafter,~~ On
143 January 1 of every odd-numbered year, each vendor shall file a
144 written disclosure with the department identifying any known
145 defect in the voting system or the fact that there is no known

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146 defect, the effect of any defect on the operation and use of the
147 approved voting system, and any known corrective measures to
148 cure a defect, including, but not limited to, advisories and
149 bulletins issued to system users.

150 Reviser's note.—Amended to delete language that has served its
151 purpose.

152 Section 6. Section 110.12302, Florida Statutes, is amended
153 to read:

154 110.12302 Costing options for plan designs required for
155 contract solicitation; best value recommendations.—For the state
156 group insurance program, the Department of Management Services
157 shall require costing options for both fully insured and self-
158 insured plan designs, or some combination thereof, as part of
159 the department's solicitation for health maintenance
160 organization contracts. ~~Prior to contracting, the department~~
161 ~~shall recommend to the Legislature, no later than February 1,~~
162 ~~2011, the best value to the State group insurance program~~
163 ~~relating to health maintenance organizations.~~

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

165 Section 7. Paragraph (e) of subsection (10) of section
166 112.0455, Florida Statutes, is amended to read:

167 112.0455 Drug-Free Workplace Act.—

168 (10) EMPLOYER PROTECTION.—

169 (e) Nothing in this section shall be construed to operate
170 retroactively, ~~and nothing in this section shall abrogate the~~
171 ~~right of an employer under state law to conduct drug tests prior~~
172 ~~to January 1, 1990. A drug test conducted by an employer prior~~
173 ~~to January 1, 1990, is not subject to this section.~~

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

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175 Section 8. Subsection (3) of section 112.362, Florida
176 Statutes, is amended to read:

177 112.362 Recomputation of retirement benefits.—

178 (3) A member of any state-supported retirement system who
179 has already retired under a retirement plan or system which does
180 not require its members to participate in social security
181 pursuant to a modification of the federal-state social security
182 agreement as authorized by the provisions of chapter 650, who is
183 over 65 years of age, and who has not less than 10 years of
184 creditable service, or the surviving spouse or beneficiary of
185 said member who, if living, would be over 65 years of age, upon
186 application to the administrator, may have his or her present
187 monthly retirement benefits recomputed and receive a monthly
188 retirement allowance equal to \$10 multiplied by the total number
189 of years of creditable service. Effective July 1, 1978, this
190 minimum monthly benefit shall be equal to \$10.50 multiplied by
191 the total number of years of creditable service, and thereafter
192 said minimum monthly benefit shall be recomputed as provided in
193 paragraph (5)(a). This adjustment shall be made in accordance
194 with subsection (2). No retirement benefits shall be reduced
195 under this computation. Retirees receiving additional benefits
196 under the provisions of this subsection shall also receive the
197 cost-of-living adjustments provided by the appropriate state-
198 supported retirement system for the fiscal year beginning July
199 1, 1977, and for each fiscal year thereafter. The minimum
200 monthly benefit provided by this subsection ~~paragraph~~ shall not
201 apply to any member or the beneficiary of any member who retires
202 after June 30, 1978.

203 Reviser's note.—Amended to conform to context and to the fact

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204 that subsection (3) did not have paragraphs when it was
205 added by s. 1, ch. 78-364, Laws of Florida, nor does it
206 have paragraphs currently.

207 Section 9. Paragraph (c) of subsection (2) of section
208 119.0712, Florida Statutes, is amended to read:

209 119.0712 Executive branch agency-specific exemptions from
210 inspection or copying of public records.—

211 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

212 (c) E-mail addresses collected by the Department of Highway
213 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
214 320.95(2), or s. 322.08(9) ~~322.08(8)~~ are exempt from s.
215 119.07(1) and s. 24(a), Art. I of the State Constitution. This
216 exemption applies retroactively. This paragraph is subject to
217 the Open Government Sunset Review Act in accordance with s.
218 119.15 and shall stand repealed on October 2, 2020, unless
219 reviewed and saved from repeal through reenactment by the
220 Legislature.

221 Reviser's note.—Amended to conform to the redesignation of
222 subsections in s. 322.08 by s. 14, ch. 2015-163, Laws of
223 Florida.

224 Section 10. Subsection (2) of section 153.74, Florida
225 Statutes, is amended to read:

226 153.74 Issuance of certificates of indebtedness based on
227 assessments for assessable improvements.—

228 (2) The district may also issue assessment bonds or other
229 obligations payable from a special fund into which such
230 certificates of indebtedness referred to in the preceding
231 subsection may be deposited; or, if such certificates of
232 indebtedness have not been issued, the district may assign to

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233 such special fund for the benefit of the holders of such
234 assessment bonds or other obligations, or to a trustee for such
235 bondholders, the assessment liens provided for in s. 153.73(11)
236 ~~153.73(10)~~, unless such certificates of indebtedness or
237 assessment liens have been theretofore pledged for any bonds or
238 other obligations authorized hereunder. In the event of the
239 creation of such special fund and the issuance of such
240 assessment bonds or other obligations, the proceeds of such
241 certificates of indebtedness or assessment liens deposited
242 therein shall be used only for the payment of the assessment
243 bonds or other obligations issued as provided in this section.
244 The district is hereby authorized to covenant with the holders
245 of such assessment bonds or other obligations that it will
246 diligently and faithfully enforce and collect all the special
247 assessments and interest and penalties thereon for which such
248 certificates of indebtedness or assessment liens have been
249 deposited in or assigned to such fund, and to foreclose such
250 assessment liens so assigned to such special fund or represented
251 by the certificates of indebtedness deposited in said special
252 fund, after such assessment liens have become delinquent and
253 deposit the proceeds derived from such foreclosure, including
254 interest and penalties, in such special fund, and to further
255 make any other necessary covenants deemed necessary or advisable
256 in order to properly secure the holders of such assessment bonds
257 or other obligations.

258 Reviser's note.—Amended to correct an apparent error. Section
259 153.73(10) does not reference assessment liens; s.
260 153.73(11) (c) provides that all assessments constitute a
261 lien on the property assessed.

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262 Section 11. Subsection (16) of section 159.02, Florida
263 Statutes, is amended to read:

264 159.02 Definitions.—As used in this part, the following
265 words and terms shall have the following meanings, unless some
266 other meaning is plainly intended:

267 (16) The term "utilities services taxes" shall mean taxes
268 levied and collected on the purchase or sale of utilities
269 services pursuant to ~~ss. 167.431 and 167.45~~ or any other law.
270 Reviser's note.—Amended to delete references to ss. 167.431 and
271 167.45, which were repealed by s. 5, ch. 73-129, Laws of
272 Florida.

273 Section 12. Subsection (1) of section 161.091, Florida
274 Statutes, is amended to read:

275 161.091 Beach management; funding; repair and maintenance
276 strategy.—

277 (1) Subject to such appropriations as the Legislature may
278 make therefor from time to time, disbursements from the Land
279 Acquisition Trust Fund may be made by the department in order to
280 carry out the proper state responsibilities in a comprehensive,
281 long-range, statewide beach management plan for erosion control;
282 beach preservation, restoration, and nourishment; ~~and~~ storm and
283 hurricane protection; and other activities authorized for
284 beaches and shores pursuant to s. 28, Art. X of the State
285 Constitution. Legislative intent in appropriating such funds is
286 for the implementation of those projects that contribute most
287 significantly to addressing the state's beach erosion problems.
288 Reviser's note.—Amended to confirm the editorial deletion of the
289 word "and."

290 Section 13. Paragraph (a) of subsection (6) of section

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291 163.3177, Florida Statutes, is amended to read:

292 163.3177 Required and optional elements of comprehensive
293 plan; studies and surveys.—

294 (6) In addition to the requirements of subsections (1)-(5),
295 the comprehensive plan shall include the following elements:

296 (a) A future land use plan element designating proposed
297 future general distribution, location, and extent of the uses of
298 land for residential uses, commercial uses, industry,
299 agriculture, recreation, conservation, education, public
300 facilities, and other categories of the public and private uses
301 of land. The approximate acreage and the general range of
302 density or intensity of use shall be provided for the gross land
303 area included in each existing land use category. The element
304 shall establish the long-term end toward which land use programs
305 and activities are ultimately directed.

306 1. Each future land use category must be defined in terms
307 of uses included, and must include standards to be followed in
308 the control and distribution of population densities and
309 building and structure intensities. The proposed distribution,
310 location, and extent of the various categories of land use shall
311 be shown on a land use map or map series which shall be
312 supplemented by goals, policies, and measurable objectives.

313 2. The future land use plan and plan amendments shall be
314 based upon surveys, studies, and data regarding the area, as
315 applicable, including:

316 a. The amount of land required to accommodate anticipated
317 growth.

318 b. The projected permanent and seasonal population of the
319 area.

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- 320 c. The character of undeveloped land.
- 321 d. The availability of water supplies, public facilities,
322 and services.
- 323 e. The need for redevelopment, including the renewal of
324 blighted areas and the elimination of nonconforming uses which
325 are inconsistent with the character of the community.
- 326 f. The compatibility of uses on lands adjacent to or
327 closely proximate to military installations.
- 328 g. The compatibility of uses on lands adjacent to an
329 airport as defined in s. 330.35 and consistent with s. 333.02.
- 330 h. The discouragement of urban sprawl.
- 331 i. The need for job creation, capital investment, and
332 economic development that will strengthen and diversify the
333 community's economy.
- 334 j. The need to modify land uses and development patterns
335 within antiquated subdivisions.
- 336 3. The future land use plan element shall include criteria
337 to be used to:
- 338 a. Achieve the compatibility of lands adjacent or closely
339 proximate to military installations, considering factors
340 identified in s. 163.3175(5).
- 341 b. Achieve the compatibility of lands adjacent to an
342 airport as defined in s. 330.35 and consistent with s. 333.02.
- 343 c. Encourage preservation of recreational and commercial
344 working waterfronts for water-dependent uses in coastal
345 communities.
- 346 d. Encourage the location of schools proximate to urban
347 residential areas to the extent possible.
- 348 e. Coordinate future land uses with the topography and soil

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349 conditions, and the availability of facilities and services.

350 f. Ensure the protection of natural and historic resources.

351 g. Provide for the compatibility of adjacent land uses.

352 h. Provide guidelines for the implementation of mixed-use
353 development including the types of uses allowed, the percentage
354 distribution among the mix of uses, or other standards, and the
355 density and intensity of each use.

356 4. The amount of land designated for future planned uses
357 shall provide a balance of uses that foster vibrant, viable
358 communities and economic development opportunities and address
359 outdated development patterns, such as antiquated subdivisions.
360 The amount of land designated for future land uses should allow
361 the operation of real estate markets to provide adequate choices
362 for permanent and seasonal residents and business and may not be
363 limited solely by the projected population. The element shall
364 accommodate at least the minimum amount of land required to
365 accommodate the medium projections as published by the Office of
366 Economic and Demographic Research for at least a 10-year
367 planning period unless otherwise limited under s. 380.05,
368 including related rules of the Administration Commission.

369 5. The future land use plan of a county may designate areas
370 for possible future municipal incorporation.

371 6. The land use maps or map series shall generally identify
372 and depict historic district boundaries and shall designate
373 historically significant properties meriting protection.

374 7. The future land use element must clearly identify the
375 land use categories in which public schools are an allowable
376 use. When delineating the land use categories in which public
377 schools are an allowable use, a local government shall include

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378 in the categories sufficient land proximate to residential
379 development to meet the projected needs for schools in
380 coordination with public school boards and may establish
381 differing criteria for schools of different type or size. Each
382 local government shall include lands contiguous to existing
383 school sites, to the maximum extent possible, within the land
384 use categories in which public schools are an allowable use.

385 8. Future land use map amendments shall be based upon the
386 following analyses:

387 a. An analysis of the availability of facilities and
388 services.

389 b. An analysis of the suitability of the plan amendment for
390 its proposed use considering the character of the undeveloped
391 land, soils, topography, natural resources, and historic
392 resources on site.

393 c. An analysis of the minimum amount of land needed to
394 achieve the goals and requirements of this section.

395 9. The future land use element and any amendment to the
396 future land use element shall discourage the proliferation of
397 urban sprawl.

398 a. The primary indicators that a plan or plan amendment
399 does not discourage the proliferation of urban sprawl are listed
400 below. The evaluation of the presence of these indicators shall
401 consist of an analysis of the plan or plan amendment within the
402 context of features and characteristics unique to each locality
403 in order to determine whether the plan or plan amendment:

404 (I) Promotes, allows, or designates for development
405 substantial areas of the jurisdiction to develop as low-
406 intensity, low-density, or single-use development or uses.

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407 (II) Promotes, allows, or designates significant amounts of
408 urban development to occur in rural areas at substantial
409 distances from existing urban areas while not using undeveloped
410 lands that are available and suitable for development.

411 (III) Promotes, allows, or designates urban development in
412 radial, strip, isolated, or ribbon patterns generally emanating
413 from existing urban developments.

414 (IV) Fails to adequately protect and conserve natural
415 resources, such as wetlands, floodplains, native vegetation,
416 environmentally sensitive areas, natural groundwater aquifer
417 recharge areas, lakes, rivers, shorelines, beaches, bays,
418 estuarine systems, and other significant natural systems.

419 (V) Fails to adequately protect adjacent agricultural areas
420 and activities, including silviculture, active agricultural and
421 silvicultural activities, passive agricultural activities, and
422 dormant, unique, and prime farmlands and soils.

423 (VI) Fails to maximize use of existing public facilities
424 and services.

425 (VII) Fails to maximize use of future public facilities and
426 services.

427 (VIII) Allows for land use patterns or timing which
428 disproportionately increase the cost in time, money, and energy
429 of providing and maintaining facilities and services, including
430 roads, potable water, sanitary sewer, stormwater management, law
431 enforcement, education, health care, fire and emergency
432 response, and general government.

433 (IX) Fails to provide a clear separation between rural and
434 urban uses.

435 (X) Discourages or inhibits infill development or the

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436 redevelopment of existing neighborhoods and communities.

437 (XI) Fails to encourage a functional mix of uses.

438 (XII) Results in poor accessibility among linked or related
439 land uses.

440 (XIII) Results in the loss of significant amounts of
441 functional open space.

442 b. The future land use element or plan amendment shall be
443 determined to discourage the proliferation of urban sprawl if it
444 incorporates a development pattern or urban form that achieves
445 four or more of the following:

446 (I) Directs or locates economic growth and associated land
447 development to geographic areas of the community in a manner
448 that does not have an adverse impact on and protects natural
449 resources and ecosystems.

450 (II) Promotes the efficient and cost-effective provision or
451 extension of public infrastructure and services.

452 (III) Promotes walkable and connected communities and
453 provides for compact development and a mix of uses at densities
454 and intensities that will support a range of housing choices and
455 a multimodal transportation system, including pedestrian,
456 bicycle, and transit, if available.

457 (IV) Promotes conservation of water and energy.

458 (V) Preserves agricultural areas and activities, including
459 silviculture, and dormant, unique, and prime farmlands and
460 soils.

461 (VI) Preserves open space and natural lands and provides
462 for public open space and recreation needs.

463 (VII) Creates a balance of land uses based upon demands of
464 the residential population for the nonresidential needs of an

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465 area.

466 (VIII) Provides uses, densities, and intensities of use and
467 urban form that would remediate an existing or planned
468 development pattern in the vicinity that constitutes sprawl or
469 if it provides for an innovative development pattern such as
470 transit-oriented developments or new towns as defined in s.
471 163.3164.

472 10. The future land use element shall include a future land
473 use map or map series.

474 a. The proposed distribution, extent, and location of the
475 following uses shall be shown on the future land use map or map
476 series:

477 (I) Residential.

478 (II) Commercial.

479 (III) Industrial.

480 (IV) Agricultural.

481 (V) Recreational.

482 (VI) Conservation.

483 (VII) Educational.

484 (VIII) Public.

485 b. The following areas shall also be shown on the future
486 land use map or map series, if applicable:

487 (I) Historic district boundaries and designated
488 historically significant properties.

489 (II) Transportation concurrency management area boundaries
490 or transportation concurrency exception area boundaries.

491 (III) Multimodal transportation district boundaries.

492 (IV) Mixed-use categories.

493 c. The following natural resources or conditions shall be

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494 shown on the future land use map or map series, if applicable:

495 (I) Existing and planned public potable waterwells, cones
496 of influence, and wellhead protection areas.

497 (II) Beaches and shores, including estuarine systems.

498 (III) Rivers, bays, lakes, floodplains, and harbors.

499 (IV) Wetlands.

500 (V) Minerals and soils.

501 (VI) Coastal high hazard areas.

502 ~~11. Local governments required to update or amend their~~
503 ~~comprehensive plan to include criteria and address compatibility~~
504 ~~of lands adjacent or closely proximate to existing military~~
505 ~~installations, or lands adjacent to an airport as defined in s.~~
506 ~~330.35 and consistent with s. 333.02, in their future land use~~
507 ~~plan element shall transmit the update or amendment to the state~~
508 ~~land planning agency by June 30, 2012.~~

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

510 Section 14. Subsection (1) of section 166.271, Florida
511 Statutes, is amended to read:

512 166.271 Surcharge on municipal facility parking fees.—

513 (1) The governing authority of any municipality with a
514 resident population of 200,000 or more, more than 20 percent of
515 the real property of which is exempt from ad valorem taxes, and
516 which is located in a county with a population of more than
517 500,000 may impose and collect, subject to referendum approval
518 by voters in the municipality, a discretionary per vehicle
519 surcharge of up to 15 percent of the amount charged for the
520 sale, lease, or rental of space at parking facilities within the
521 municipality which are open for use to the general public and
522 which are not airports, seaports, county administration

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523 buildings, or other projects as defined under ss. 125.011 and
524 125.015, ~~provided that this surcharge shall not take effect~~
525 ~~while any surcharge imposed pursuant to former s. 218.503(6)(a),~~
526 ~~is in effect.~~

527 Reviser's note.—Amended to delete obsolete language. The
528 surcharge imposed under former s. 218.503(6) expired
529 pursuant to its own terms, effective June 30, 2006;
530 confirmed by s. 6, ch. 2007-6, Laws of Florida, a reviser's
531 bill.

532 Section 15. Subsection (2) of section 189.031, Florida
533 Statutes, is amended to read:

534 189.031 Legislative intent for the creation of independent
535 special districts; special act prohibitions; model elements and
536 other requirements; local general-purpose government/Governor
537 and Cabinet creation authorizations.—

538 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21), Art.
539 III of the State Constitution, the Legislature hereby prohibits
540 special laws or general laws of local application which:

541 (a) Create independent special districts that do not, at a
542 minimum, conform to the minimum requirements in subsection (3);

543 (b) Exempt independent special district elections from the
544 appropriate requirements in s. 189.04;

545 (c) Exempt an independent special district from the
546 requirements for bond referenda in s. 189.042;

547 (d) Exempt an independent special district from the
548 reporting, notice, or public meetings requirements of s.
549 189.015, s. 189.016, s. 189.051, or s. 189.08; or

550 (e) Create an independent special district for which a
551 statement has not been submitted to the Legislature that

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552 documents the following:

- 553 1. The purpose of the proposed district;
- 554 2. The authority of the proposed district;
- 555 3. An explanation of why the district is the best
- 556 alternative; and
- 557 4. A resolution or official statement of the governing body
- 558 or an appropriate administrator of the local jurisdiction within
- 559 which the proposed district is located stating that the creation
- 560 of the proposed district is consistent with the approved local
- 561 government plans of the local governing body and that the local
- 562 government has no objection to the creation of the proposed
- 563 district.

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

565 Section 16. Paragraphs (l) and (m) of subsection (8) of

566 section 200.001, Florida Statutes, are amended to read:

567 200.001 Millages; definitions and general provisions.—

568 (8)

569 (l) "Maximum total county ad valorem taxes levied" means

570 the total taxes levied by a county, municipal service taxing

571 units of that county, and special districts dependent to that

572 county at their individual maximum millages, calculated pursuant

573 to s. 200.065(5) (a) for fiscal years 2009-2010 and thereafter

574 ~~and pursuant to s. 200.185 for fiscal years 2007-2008 and 2008-~~

575 ~~2009.~~

576 (m) "Maximum total municipal ad valorem taxes levied" means

577 the total taxes levied by a municipality and special districts

578 dependent to that municipality at their individual maximum

579 millages, calculated pursuant to s. 200.065(5) (b) for fiscal

580 years 2009-2010 and thereafter ~~and by s. 200.185 for fiscal~~

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581 ~~years 2007-2008 and 2008-2009.~~

582 Reviser's note.—Amended to delete obsolete language and to
583 conform to the repeal of s. 200.185 by this act.

584 Section 17. Paragraph (b) of subsection (5) and paragraphs
585 (d) and (e) of subsection (13) of section 200.065, Florida
586 Statutes, are amended to read:

587 200.065 Method of fixing millage.—

588 (5) In each fiscal year:

589 (b) The millage rate of a county or municipality, municipal
590 service taxing unit of that county, and any special district
591 dependent to that county or municipality may exceed the maximum
592 millage rate calculated pursuant to this subsection if the total
593 county ad valorem taxes levied or total municipal ad valorem
594 taxes levied do not exceed the maximum total county ad valorem
595 taxes levied or maximum total municipal ad valorem taxes levied
596 respectively. Voted millage and taxes levied by a municipality
597 or independent special district that has levied ad valorem taxes
598 for less than 5 years are not subject to this limitation. The
599 millage rate of a county authorized to levy a county public
600 hospital surtax under s. 212.055 may exceed the maximum millage
601 rate calculated pursuant to this subsection to the extent
602 necessary to account for the revenues required to be contributed
603 to the county public hospital. Total taxes levied may exceed the
604 maximum calculated pursuant to subsection (6) as a result of an
605 increase in taxable value above that certified in subsection (1)
606 if such increase is less than the percentage amounts contained
607 in subsection (6) or if the administrative adjustment cannot be
608 made because the value adjustment board is still in session at
609 the time the tax roll is extended; otherwise, millage rates

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610 subject to this subsection ~~or s. 200.185~~ may be reduced so that
611 total taxes levied do not exceed the maximum.

612

613 Any unit of government operating under a home rule charter
614 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
615 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
616 State Constitution of 1968, which is granted the authority in
617 the State Constitution to exercise all the powers conferred now
618 or hereafter by general law upon municipalities and which
619 exercises such powers in the unincorporated area shall be
620 recognized as a municipality under this subsection. For a
621 downtown development authority established before the effective
622 date of the 1968 State Constitution which has a millage that
623 must be approved by a municipality, the governing body of that
624 municipality shall be considered the governing body of the
625 downtown development authority for purposes of this subsection.

626 (13)

627 (d) If any county or municipality, dependent special
628 district of such county or municipality, or municipal service
629 taxing unit of such county is in violation of subsection (5) ~~or~~
630 ~~s. 200.185~~ because total county or municipal ad valorem taxes
631 exceeded the maximum total county or municipal ad valorem taxes,
632 respectively, that county or municipality shall forfeit the
633 distribution of local government half-cent sales tax revenues
634 during the 12 months following a determination of noncompliance
635 by the Department of Revenue as described in s. 218.63(3) and
636 this subsection. If the executive director of the Department of
637 Revenue determines that any county or municipality, dependent
638 special district of such county or municipality, or municipal

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639 service taxing unit of such county is in violation of subsection
640 (5) ~~or s. 200.185~~, the Department of Revenue and the county or
641 municipality, dependent special district of such county or
642 municipality, or municipal service taxing unit of such county
643 shall follow the procedures set forth in this paragraph or
644 paragraph (e). During the pendency of any procedure under
645 paragraph (e) or any administrative or judicial action to
646 challenge any action taken under this subsection, the tax
647 collector shall hold in escrow any revenues collected by the
648 noncomplying county or municipality, dependent special district
649 of such county or municipality, or municipal service taxing unit
650 of such county in excess of the amount allowed by subsection (5)
651 ~~or s. 200.185~~, as determined by the executive director. Such
652 revenues shall be held in escrow until the process required by
653 paragraph (e) is completed and approved by the department. The
654 department shall direct the tax collector to so hold such funds.
655 If the county or municipality, dependent special district of
656 such county or municipality, or municipal service taxing unit of
657 such county remedies the noncompliance, any moneys collected in
658 excess of the new levy or in excess of the amount allowed by
659 subsection (5) ~~or s. 200.185~~ shall be held in reserve until the
660 subsequent fiscal year and shall then be used to reduce ad
661 valorem taxes otherwise necessary. If the county or
662 municipality, dependent special district of such county or
663 municipality, or municipal service taxing unit of such county
664 does not remedy the noncompliance, the provisions of s. 218.63
665 shall apply.

666 (e) The following procedures shall be followed when the
667 executive director notifies any county or municipality,

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668 dependent special district of such county or municipality, or
669 municipal service taxing unit of such county that he or she has
670 determined that such taxing authority is in violation of
671 subsection (5) ~~or s. 200.185~~:

672 1. Within 30 days after the deadline for certification of
673 compliance required by s. 200.068, the executive director shall
674 notify any such county or municipality, dependent special
675 district of such county or municipality, or municipal service
676 taxing unit of such county of his or her determination regarding
677 subsection (5) ~~or s. 200.185~~ and that such taxing authority is
678 subject to subparagraph 2.

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

682 a. The advertisement shall appear within 15 days after
683 notice from the executive director.

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

687
688 THE PREVIOUS NOTICE PLACED BY THE ...(name of taxing
689 authority)... HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE
690 TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.
691

692 c. The millage newly adopted at such hearing shall not be
693 forwarded to the tax collector or property appraiser and may not
694 exceed the rate previously adopted or the amount allowed by
695 subsection (5) ~~or s. 200.185~~. Each taxing authority provided
696 notice pursuant to this paragraph shall recertify compliance

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697 with this chapter as provided in this section within 15 days
698 after the adoption of a millage at such hearing.

699 d. The determination of the executive director shall be
700 superseded if the executive director determines that the county
701 or municipality, dependent special district of such county or
702 municipality, or municipal service taxing unit of such county
703 has remedied the noncompliance. Such noncompliance shall be
704 determined to be remedied if any such taxing authority provided
705 notice by the executive director pursuant to this paragraph
706 adopts a new millage that does not exceed the maximum millage
707 allowed for such taxing authority under paragraph (5) (a) ~~or s.~~
708 ~~200.185(1)-(5)~~, or if any such county or municipality, dependent
709 special district of such county or municipality, or municipal
710 service taxing unit of such county adopts a lower millage
711 sufficient to reduce the total taxes levied such that total
712 taxes levied do not exceed the maximum as provided in paragraph
713 (5) (b) ~~or s. 200.185(8)~~.

714 e. If any such county or municipality, dependent special
715 district of such county or municipality, or municipal service
716 taxing unit of such county has not remedied the noncompliance or
717 recertified compliance with this chapter as provided in this
718 paragraph, and the executive director determines that the
719 noncompliance has not been remedied or compliance has not been
720 recertified, the county or municipality shall forfeit the
721 distribution of local government half-cent sales tax revenues
722 during the 12 months following a determination of noncompliance
723 by the Department of Revenue as described in s. 218.63(2) and
724 (3) and this subsection.

725 f. The determination of the executive director is not

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726 subject to chapter 120.

727 Reviser's note.—Amended to conform to the repeal of s. 200.185
728 by this act.

729 Section 18. Section 200.068, Florida Statutes, is amended
730 to read:

731 200.068 Certification of compliance with this chapter.—Not
732 later than 30 days following adoption of an ordinance or
733 resolution establishing a property tax levy, each taxing
734 authority shall certify compliance with the provisions of this
735 chapter to the Department of Revenue. In addition to a statement
736 of compliance, such certification shall include a copy of the
737 ordinance or resolution so adopted; a copy of the certification
738 of value showing rolled-back millage and proposed millage rates,
739 as provided to the property appraiser pursuant to s. 200.065(1)
740 and (2) (b); maximum millage rates calculated pursuant to s.
741 200.065(5), ~~s. 200.185, or s. 200.186~~, together with values and
742 calculations upon which the maximum millage rates are based; and
743 a certified copy of the advertisement, as published pursuant to
744 s. 200.065(3). In certifying compliance, the governing body of
745 the county shall also include a certified copy of the notice
746 required under s. 194.037. However, if the value adjustment
747 board completes its hearings after the deadline for
748 certification under this section, the county shall submit such
749 copy to the department not later than 30 days following
750 completion of such hearings.

751 Reviser's note.—Amended to conform to the repeal of s. 200.185
752 by this act and to delete a reference to s. 200.186, which
753 was created by s. 28, ch. 2007-321, Laws of Florida,
754 effective contingent upon a constitutional amendment which

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755 did pass but for which the ballot language was ruled
756 unconstitutional; s. 200.186 did not become effective.

757 Section 19. Section 200.141, Florida Statutes, is amended
758 to read:

759 200.141 Millage following consolidation of city and county
760 functions.—Those cities or counties which now or hereafter
761 provide both municipal and county services as authorized under
762 ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885,
763 as preserved by s. (6) (e), Art. VIII of the State Constitution
764 of 1968, shall have the right to levy for county, district and
765 municipal purposes a millage up to 20 mills on the dollar of
766 assessed valuation under this section. For each increase in the
767 county millage above 10 mills which is attributable to an
768 assumption of municipal services by a county having home rule,
769 or for each increase in the municipal millage above 10 mills
770 which is attributable to an assumption of county services by a
771 city having home rule, there shall be a decrease in the millage
772 levied by each and every municipality which has a service or
773 services assumed by the county, or by the county which has a
774 service or services assumed by the city. Such decrease shall be
775 equal to the cost of that service or services assumed, so that
776 an amount equal to that cost shall be eliminated from the budget
777 of the county or city giving up the performance of such service
778 or services.

779 Reviser's note.—Amended to conform to the citation style used at
780 other provisions in the Florida Statutes citing to ss. 9-11
781 and 24 of Art. VIII of the State Constitution of 1885,
782 which were preserved by s. (6) (e), Art. VIII of the State
783 Constitution of 1968.

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784 Section 20. Section 200.185, Florida Statutes, is repealed.

785 Reviser's note.—The cited section, which relates to maximum
786 millage rates for the 2007-2008 and 2008-2009 fiscal years,
787 is repealed to delete a provision that has served its
788 purpose.

789 Section 21. Paragraph (o) of subsection (5) of section
790 212.08, Florida Statutes, is amended to read:

791 212.08 Sales, rental, use, consumption, distribution, and
792 storage tax; specified exemptions.—The sale at retail, the
793 rental, the use, the consumption, the distribution, and the
794 storage to be used or consumed in this state of the following
795 are hereby specifically exempt from the tax imposed by this
796 chapter.

797 (5) EXEMPTIONS; ACCOUNT OF USE.—

798 (o) *Building materials in redevelopment projects.*—

799 1. As used in this paragraph, the term:

800 a. "Building materials" means tangible personal property
801 that becomes a component part of a housing project or a mixed-
802 use project.

803 b. "Housing project" means the conversion of an existing
804 manufacturing or industrial building to a housing unit which is
805 in an urban high-crime area, an enterprise zone, an empowerment
806 zone, a Front Porch Florida Community, a designated brownfield
807 site for which a rehabilitation agreement with the Department of
808 Environmental Protection or a local government delegated by the
809 Department of Environmental Protection has been executed under
810 s. 376.80 and any abutting real property parcel within a
811 brownfield area, or an urban infill area; and in which the
812 developer agrees to set aside at least 20 percent of the housing

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813 units in the project for low-income and moderate-income persons
814 or the construction in a designated brownfield area of
815 affordable housing for persons described in s. 420.0004(9),
816 (11), (12), or (17) or in s. 159.603(7).

817 c. "Mixed-use project" means the conversion of an existing
818 manufacturing or industrial building to mixed-use units that
819 include artists' studios, art and entertainment services, or
820 other compatible uses. A mixed-use project must be located in an
821 urban high-crime area, an enterprise zone, an empowerment zone,
822 a Front Porch Florida Community, a designated brownfield site
823 for which a rehabilitation agreement with the Department of
824 Environmental Protection or a local government delegated by the
825 Department of Environmental Protection has been executed under
826 s. 376.80 and any abutting real property parcel within a
827 brownfield area, or an urban infill area; and the developer must
828 agree to set aside at least 20 percent of the square footage of
829 the project for low-income and moderate-income housing.

830 d. "Substantially completed" has the same meaning as
831 provided in s. 192.042(1).

832 2. Building materials used in the construction of a housing
833 project or mixed-use project are exempt from the tax imposed by
834 this chapter upon an affirmative showing to the satisfaction of
835 the department that the requirements of this paragraph have been
836 met. This exemption inures to the owner through a refund of
837 previously paid taxes. To receive this refund, the owner must
838 file an application under oath with the department which
839 includes:

840 a. The name and address of the owner.

841 b. The address and assessment roll parcel number of the

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842 project for which a refund is sought.

843 c. A copy of the building permit issued for the project.

844 d. A certification by the local building code inspector
845 that the project is substantially completed.

846 e. A sworn statement, under penalty of perjury, from the
847 general contractor licensed in this state with whom the owner
848 contracted to construct the project, which statement lists the
849 building materials used in the construction of the project and
850 the actual cost thereof, and the amount of sales tax paid on
851 these materials. If a general contractor was not used, the owner
852 shall provide this information in a sworn statement, under
853 penalty of perjury. Copies of invoices evidencing payment of
854 sales tax must be attached to the sworn statement.

855 3. An application for a refund under this paragraph must be
856 submitted to the department within 6 months after the date the
857 project is deemed to be substantially completed by the local
858 building code inspector. Within 30 working days after receipt of
859 the application, the department shall determine if it meets the
860 requirements of this paragraph. A refund approved pursuant to
861 this paragraph shall be made within 30 days after formal
862 approval of the application by the department.

863 4. The department shall establish by rule an application
864 form and criteria for establishing eligibility for exemption
865 under this paragraph.

866 5. The exemption shall apply to purchases of materials on
867 or after July 1, 2000.

868 Reviser's note.—Amended to confirm the editorial insertion of
869 the word "Florida" to conform to the full title of
870 communities receiving grants through the Front Porch

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871 Florida Initiative.

872 Section 22. Subsection (8) of section 213.0532, Florida
873 Statutes, is amended to read:

874 213.0532 Information-sharing agreements with financial
875 institutions.—

876 (8) Any financial records obtained pursuant to this section
877 may be disclosed only for the purpose of, and to the extent
878 necessary for, administration and enforcement of ~~to administer~~
879 ~~and enforce~~ the tax laws of this state.

880 Reviser's note.—Amended to improve sentence construction.

881 Section 23. Paragraph (b) of subsection (5) of section
882 218.39, Florida Statutes, is amended to read:

883 218.39 Annual financial audit reports.—

884 (5) At the conclusion of the audit, the auditor shall
885 discuss with the chair of the governing body of the local
886 governmental entity or the chair's designee, the elected
887 official of each county agency or the elected official's
888 designee, the chair of the district school board or the chair's
889 designee, the chair of the board of the charter school or the
890 chair's designee, or the chair of the board of the charter
891 technical career center or the chair's designee, as appropriate,
892 all of the auditor's comments that will be included in the audit
893 report. If the officer is not available to discuss the auditor's
894 comments, their discussion is presumed when the comments are
895 delivered in writing to his or her office. The auditor shall
896 notify each member of the governing body of a local governmental
897 entity, district school board, charter school, or charter
898 technical career center for which:

899 (b) A fund balance deficit in total or a deficit for that

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900 portion of a fund balance not classified as restricted,
901 committed, or nonspendable, or a total or unrestricted net
902 assets deficit, as reported on the fund financial statements of
903 entities required to report under governmental financial
904 reporting standards or on the basic financial statements of
905 entities required to report under not-for-profit financial
906 reporting standards, for which sufficient resources of the local
907 governmental entity, charter school, charter technical career
908 center, or district school board, as reported on the fund
909 financial statements, are not available to cover the deficit.
910 Resources available to cover reported deficits include fund
911 balance or net assets that are not otherwise restricted by
912 federal, state, or local laws, bond covenants, contractual
913 agreements, or other legal constraints. Property, plant, and
914 equipment, the disposal of which would impair the ability of a
915 local governmental entity, charter school, charter technical
916 career center, or district school board to carry out its
917 functions, are not considered resources available to cover
918 reported deficits.

919 Reviser's note.—Amended to facilitate correct understanding.

920 Section 24. Subsection (1) of section 220.63, Florida
921 Statutes, is amended to read:

922 220.63 Franchise tax imposed on banks and savings
923 associations.—

924 (1) A franchise tax measured by net income is hereby
925 imposed on every bank and savings association for each taxable
926 year commencing on or after January 1, 1973, ~~and for each~~
927 ~~taxable year which begins before and ends after January 1, 1973.~~
928 ~~The franchise tax base of any bank for a taxable year which~~

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929 ~~begins before and ends after January 1, 1972, shall be prorated~~
930 ~~in the manner prescribed for the proration of net income under~~
931 ~~s. 220.12(2).~~

932 Reviser's note.—Amended to delete an obsolete provision and
933 conform to the repeal of s. 220.12(2) by s. 14, ch. 90-203,
934 Laws of Florida.

935 Section 25. Paragraph (c) of subsection (3) of section
936 238.05, Florida Statutes, is amended to read:

937 238.05 Membership.—

938 (3) Except as otherwise provided in s. 238.07(9),
939 membership of any person in the retirement system will cease if
940 he or she is continuously unemployed as a teacher for a period
941 of more than 5 consecutive years, or upon the withdrawal by the
942 member of his or her accumulated contributions as provided in s.
943 238.07(13), or upon retirement, or upon death; provided that the
944 adjustments prescribed below are to be made for persons who
945 enter the Armed Forces of the United States during a period of
946 war or national emergency and for persons who are granted leaves
947 of absence. Any member of the retirement system who within 1
948 year before the time of entering the Armed Forces of the United
949 States was a teacher, as defined in s. 238.01, or was engaged in
950 other public educational work within the state, and member of
951 the Teachers' Retirement System at the time of induction, or who
952 has been or is granted leave of absence, shall be permitted to
953 elect to continue his or her membership in the Teachers'
954 Retirement System; and membership service shall be allowed for
955 the period covered by service in the Armed Forces of the United
956 States or by leave of absence under the following conditions:

957 ~~(c) Any person who served in the Armed Forces of the United~~

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958 ~~States in World War I, or who served as a registered nurse or~~
959 ~~nurse's aide in service connected with the Armed Forces of the~~
960 ~~United States during the period of World War I, and who is now a~~
961 ~~member of the Teachers' Retirement System and who, at or before~~
962 ~~the time of entering the Armed Forces or the service of the care~~
963 ~~and nursing of members of the Armed Forces of the United States,~~
964 ~~was a teacher as defined in s. 238.01 is entitled to prior~~
965 ~~service and out-of-state prior service credit in the Teachers'~~
966 ~~Retirement System for his or her period of such service.~~

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

968 Section 26. Section 255.041, Florida Statutes, is amended
969 to read:

970 255.041 Separate specifications for building contracts.—
971 Every officer, board, department, or ~~commission or commissions~~
972 charged with the duty of preparing specifications or awarding or
973 entering into contract for the erection, construction, or
974 altering of buildings for the state, when the entire cost of
975 such work shall exceed \$10,000, may have prepared separate
976 specifications for each of the following branches of work to be
977 performed:

- 978 (1) Heating and ventilating and accessories.
979 (2) Plumbing and gas fitting and accessories.
980 (3) Electrical installations.
981 (4) Air-conditioning, for the purpose of comfort cooling by
982 the lowering of temperature, and accessories.

983
984 All such specifications may be so drawn as to permit separate
985 and independent bidding upon each of the classes of work
986 enumerated in the above subdivisions. All contracts hereafter

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987 awarded by the state or a department, board, commissioner, or
988 officer thereof, for the erection, construction or alteration of
989 buildings, or any part thereof, may award the respective work
990 specified in the above subdivisions separately to responsible
991 and reliable persons, firms or corporations regularly engaged in
992 their respective line of work; provided, however, that all or
993 any part of the work specified in the above subdivisions may be
994 awarded to the same contractor.

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

996 Section 27. Subsection (2) of section 255.254, Florida
997 Statutes, is amended to read:

998 255.254 No facility constructed or leased without life-
999 cycle costs.—

1000 (2) ~~On and after January 1, 1979,~~ No state agency shall
1001 initiate construction or have construction initiated, prior to
1002 approval thereof by the department, on a facility or self-
1003 contained unit of any facility, the design and construction of
1004 which incorporates or contemplates the use of an energy system
1005 other than a solar energy system when the life-cycle costs
1006 analysis prepared by the department has determined that a solar
1007 energy system is the most cost-efficient energy system for the
1008 facility or unit.

1009 Reviser's note.—Amended to delete an obsolete provision.

1010 Section 28. Paragraph (b) of subsection (9) of section
1011 259.032, Florida Statutes, is amended to read:

1012 259.032 Conservation and recreation lands.—

1013 (9)

1014 (b) An amount of not less than 1.5 percent of the
1015 cumulative total of funds ever deposited into the former Florida

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1016 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
1017 shall be made available for the purposes of management,
1018 maintenance, and capital improvements, and for associated
1019 contractual services, for conservation and recreation lands
1020 acquired with funds deposited into the Land Acquisition Trust
1021 Fund pursuant to s. 28(a), Art. X of the State Constitution or
1022 pursuant to former s. 259.032, Florida Statutes 2014, former s.
1023 259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or
1024 previous programs for the acquisition of lands for conservation
1025 and recreation, including state forests, to which title is
1026 vested in the board of trustees and other conservation and
1027 recreation lands managed by a state agency. Each agency with
1028 management responsibilities shall annually request from the
1029 Legislature funds sufficient to fulfill such responsibilities to
1030 implement individual management plans. For the purposes of this
1031 paragraph, capital improvements shall include, but need not be
1032 limited to, perimeter fencing, signs, firelanes, access roads
1033 and trails, and minimal public accommodations, such as primitive
1034 campsites, garbage receptacles, and toilets. Any equipment
1035 purchased with funds provided pursuant to this paragraph may be
1036 used for the purposes described in this paragraph on any
1037 conservation and recreation lands managed by a state agency. The
1038 funding requirement created in this paragraph is subject to an
1039 annual evaluation by the Legislature to ensure that such
1040 requirement does not impact the respective trust fund in a
1041 manner that would prevent the trust fund from meeting other
1042 minimum requirements.

1043 Reviser's note.—Amended to conform to the termination of the
1044 Florida Preservation 2000 Trust Fund pursuant to s. 1, ch.

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1045 2015-229, Laws of Florida, and the repeal of s. 375.045,
1046 which created the trust fund, by s. 52, ch. 2015-229.

1047 Section 29. Paragraph (d) of subsection (2) of section
1048 272.135, Florida Statutes, is amended to read:

1049 272.135 Florida Historic Capitol Museum Director.—

1050 (2) The director shall:

1051 (d) Propose a strategic plan to the President of the Senate
1052 and the Speaker of the House of Representatives by May 1 of each
1053 year in which a general election is held and ~~shall~~ propose an
1054 annual operating plan.

1055 Reviser's note.—Amended to confirm the editorial deletion of the
1056 word "shall."

1057 Section 30. Subsection (4) of section 288.012, Florida
1058 Statutes, is amended to read:

1059 288.012 State of Florida international offices; state
1060 protocol officer; protocol manual.—The Legislature finds that
1061 the expansion of international trade and tourism is vital to the
1062 overall health and growth of the economy of this state. This
1063 expansion is hampered by the lack of technical and business
1064 assistance, financial assistance, and information services for
1065 businesses in this state. The Legislature finds that these
1066 businesses could be assisted by providing these services at
1067 State of Florida international offices. The Legislature further
1068 finds that the accessibility and provision of services at these
1069 offices can be enhanced through cooperative agreements or
1070 strategic alliances between private businesses and state, local,
1071 and international governmental entities.

1072 (4) The Department of Economic Opportunity, in connection
1073 with the establishment, operation, and management of any of its

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1074 offices located in another country, is exempt from the
1075 provisions of ss. 255.21, 255.25, and 255.254 relating to
1076 leasing of buildings; ss. 283.33 and 283.35 relating to bids for
1077 printing; ss. 287.001-287.20 relating to purchasing and motor
1078 vehicles; and ss. 282.003-282.00515 ~~282.003-282.0056~~ and
1079 282.702-282.7101 relating to communications, and from all
1080 statutory provisions relating to state employment.

1081 (a) The department may exercise such exemptions only upon
1082 prior approval of the Governor.

1083 (b) If approval for an exemption under this section is
1084 granted as an integral part of a plan of operation for a
1085 specified international office, such action shall constitute
1086 continuing authority for the department to exercise the
1087 exemption, but only in the context and upon the terms originally
1088 granted. Any modification of the approved plan of operation with
1089 respect to an exemption contained therein must be resubmitted to
1090 the Governor for his or her approval. An approval granted to
1091 exercise an exemption in any other context shall be restricted
1092 to the specific instance for which the exemption is to be
1093 exercised.

1094 (c) As used in this subsection, the term "plan of
1095 operation" means the plan developed pursuant to subsection (2).

1096 (d) Upon final action by the Governor with respect to a
1097 request to exercise the exemption authorized in this subsection,
1098 the department shall report such action, along with the original
1099 request and any modifications thereto, to the President of the
1100 Senate and the Speaker of the House of Representatives within 30
1101 days.

1102 Reviser's note.—Amended to conform to the repeal of s. 282.0056

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1103 by s. 12, ch. 2014-221, Laws of Florida.

1104 Section 31. Paragraph (b) of subsection (4) of section
1105 311.12, Florida Statutes, is amended to read:

1106 311.12 Seaport security.—

1107 (4) ACCESS TO SECURE AND RESTRICTED AREAS.—

1108 (b) A seaport may not charge a fee for the administration
1109 or production of any access control credential that requires or
1110 is associated with a fingerprint-based background check, in
1111 addition to the fee for the federal TWIC. Beginning July 1,
1112 2013, a seaport may not charge a fee for a seaport-specific
1113 access credential issued in addition to the federal TWIC, except
1114 under the following circumstances:

1115 1. The individual seeking to gain secured access is a new
1116 hire as defined under 33 C.F.R. part ~~s.~~ 105; or

1117 2. The individual has lost or misplaced his or her federal
1118 TWIC.

1119 Reviser's note.—Amended to facilitate correct interpretation.

1120 There is no 33 C.F.R. s. 105; there is a 33 C.F.R. part
1121 105, which relates to security of maritime facilities.

1122 Section 32. Subsection (5) of section 316.3025, Florida
1123 Statutes, is amended to read:

1124 316.3025 Penalties.—

1125 (5) Whenever any person or motor carrier as defined in
1126 chapter 320 violates the provisions of this section and becomes
1127 indebted to the state because of such violation and refuses to
1128 pay the appropriate penalty, in addition to the provisions of s.
1129 316.3026, such penalty becomes a lien upon the property
1130 including the motor vehicles of such person or motor carrier and
1131 such property may be seized and foreclosed by the state in a

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1132 civil action in any court of this state. It shall be presumed
1133 that the owner of the motor vehicle is liable for the sum, and
1134 the vehicle may be detained or impounded until the penalty is
1135 paid.

1136 Reviser's note.—Amended to improve clarity.

1137 Section 33. Paragraph (c) of subsection (3) of section
1138 333.07, Florida Statutes, is amended to read:

1139 333.07 Permits and variances.—

1140 (3) OBSTRUCTION MARKING AND LIGHTING.—

1141 ~~(c) Existing structures not in compliance on October 1,~~
1142 ~~1988, shall be required to comply whenever the existing marking~~
1143 ~~requires refurbishment, whenever the existing lighting requires~~
1144 ~~replacement, or within 5 years of October 1, 1988, whichever~~
1145 ~~occurs first.~~

1146 Reviser's note.—Amended to delete an obsolete provision.

1147 Section 34. Subsection (2) of section 336.71, Florida
1148 Statutes, is amended to read:

1149 336.71 Public-private cooperation in construction of county
1150 roads.—

1151 (2) The notice for the public hearing provided for in
1152 subsection (1) must be published at least 14 days before the
1153 date of the public meeting at which the governing board takes
1154 final action. The notice must identify the project and, the
1155 estimated cost of the project, and specify that the purpose for
1156 the public meeting is to consider whether it is in the public's
1157 best interest to accept the proposal and enter into an agreement
1158 pursuant thereto. The determination of cost savings pursuant to
1159 paragraph (1)(e) must be supported by a professional engineer's
1160 cost estimate made available to the public at least 14 days

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1161 before the public meeting and placed in the record for that
1162 meeting.

1163 Reviser's note.—Amended to improve clarity.

1164 Section 35. Subsection (13) of section 343.1003, Florida
1165 Statutes, is amended to read:

1166 343.1003 Northeast Florida Regional Transportation
1167 Commission.—

1168 (13) There shall be no liability on the part of, and no
1169 cause of action may arise against, any member for any action
1170 taken in the performance of his or her duties under this part.
1171 Reviser's note.—Amended to improve clarity.

1172 Section 36. Paragraph (e) of subsection (1) of section
1173 366.95, Florida Statutes, is amended to read:

1174 366.95 Financing for certain nuclear generating asset
1175 retirement or abandonment costs.—

1176 (1) DEFINITIONS.—As used in this section, the term:

1177 (e) "Financing costs" means:

1178 1. Interest and acquisition, defeasance, or redemption
1179 premiums payable on nuclear asset-recovery bonds;

1180 2. Any payment required under an ancillary agreement and
1181 any amount required to fund or replenish a reserve account or
1182 other accounts established under the terms of any indenture,
1183 ancillary agreement, or other financing documents pertaining to
1184 nuclear asset-recovery bonds;

1185 3. Any other cost related to issuing, supporting, repaying,
1186 refunding, and servicing nuclear asset-recovery bonds,
1187 including, but not limited to, servicing fees, accounting and
1188 auditing fees, trustee fees, legal fees, consulting fees,
1189 financial adviser fees, administrative fees, placement and

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1190 underwriting fees, capitalized interest, rating agency fees,
 1191 stock exchange listing and compliance fees, security
 1192 registration fees, filing fees, information technology
 1193 programming costs, and any other costs necessary to otherwise
 1194 ensure the timely payment of nuclear asset-recovery bonds or
 1195 other amounts or charges payable in connection with the bonds,
 1196 including costs related to obtaining the financing order;

1197 4. Any taxes and license fees imposed on the revenues
 1198 generated from the collection of the nuclear asset-recovery
 1199 charge;

1200 5. Any state and local taxes, franchise fees, gross
 1201 receipts taxes, and other taxes or similar charges, including,
 1202 but not limited to, regulatory assessment fees, in any such case
 1203 whether paid, payable, or accrued; and

1204 6. Any costs incurred by the commission for any outside
 1205 consultants or counsel pursuant to subparagraph (2)(c)2.

1206 Reviser's note.—Amended to improve clarity and facilitate
 1207 correct interpretation.

1208 Section 37. Subsection (8) of section 373.236, Florida
 1209 Statutes, is amended to read:

1210 373.236 Duration of permits; compliance reports.—

1211 (8) A water management district may issue a permit to an
 1212 applicant, as set forth in s. 163.3245(13), for the same period
 1213 of time as the applicant's approved master development order if
 1214 the master development order was issued under s. 380.06(21) by a
 1215 county which, at the time the order was issued, was designated
 1216 as a rural area of opportunity under s. 288.0656, was not
 1217 located in an area encompassed by a regional water supply plan
 1218 as set forth in s. 373.709(1), and was not located within the

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1219 basin management action plan of a first magnitude spring. In
1220 reviewing the permit application and determining the permit
1221 duration, the water management district shall apply s.
1222 163.3245(4)(b).

1223 Reviser's note.—Amended to confirm the editorial insertion of
1224 the word "was" to improve clarity.

1225 Section 38. Subsections (4) and (5) of section 373.4149,
1226 Florida Statutes, are amended to read:

1227 373.4149 Miami-Dade County Lake Belt Plan.—

1228 (4) The identification of the Miami-Dade County Lake Belt
1229 Area shall not preempt local land use jurisdiction, planning, or
1230 regulatory authority in regard to the use of land by private
1231 land owners. When amending local comprehensive plans, or
1232 implementing zoning regulations, development regulations, or
1233 other local regulations, Miami-Dade County shall strongly
1234 consider limestone mining activities and ancillary operations,
1235 such as lake excavation, including use of explosives, rock
1236 processing, cement, concrete and asphalt products manufacturing,
1237 and ancillary activities, within the rock mining supported and
1238 allowable areas of the Miami-Dade County Lake Belt Plan adopted
1239 by subsection (1); provided, however, that limerock mining
1240 activities are consistent with wellfield protection. Rezoning,
1241 amendments to local zoning and subdivision regulations, and
1242 amendments to local comprehensive plans concerning properties
1243 that are located within 1 mile of the Miami-Dade County Lake
1244 Belt Area shall be compatible with limestone mining activities.
1245 No rezonings, variances, amendments to local zoning and
1246 subdivision regulations which would result in an increase in
1247 residential density, or amendments to local comprehensive plans

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1248 for any residential purpose may be approved for any property
1249 located in sections 35 and 36 and the east one-half of sections
1250 24 and 25, Township 53 South, Range 39 East until such time as
1251 there is no active mining within 2 miles of the property. This
1252 section does not preclude residential development that complies
1253 with current regulations.

1254 (5) The secretary of the Department of Environmental
1255 Protection, the executive director of the Department of Economic
1256 Opportunity, the secretary of the Department of Transportation,
1257 the Commissioner of Agriculture, the executive director of the
1258 Fish and Wildlife Conservation Commission, and the executive
1259 director of the South Florida Water Management District may
1260 enter into agreements with landowners, developers, businesses,
1261 industries, individuals, and governmental agencies as necessary
1262 to effectuate the Miami-Dade County Lake Belt Plan and the
1263 provisions of this section.

1264 Reviser's note.—Amended to conform to context and to the full
1265 names of the Miami-Dade County Lake Belt Area and the
1266 Miami-Dade County Lake Belt Plan.

1267 Section 39. Subsection (7) of section 373.41492, Florida
1268 Statutes, is amended to read:

1269 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
1270 mitigation for mining activities within the Miami-Dade County
1271 Lake Belt.—

1272 (7) Payment of the mitigation fee imposed by this section
1273 satisfies the mitigation requirements imposed under ss. 373.403-
1274 373.439 and any applicable county ordinance for loss of the
1275 value and functions from mining of the wetlands identified as
1276 rock mining supported and allowable areas of the Miami-Dade

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1277 County Lake Belt Plan adopted by s. 373.4149(1). In addition, it
1278 is the intent of the Legislature that the payment of the
1279 mitigation fee imposed by this section satisfy all federal
1280 mitigation requirements for the wetlands mined.

1281 Reviser's note.—Amended to conform to context and to the full
1282 name of the Miami-Dade County Lake Belt Plan.

1283 Section 40. Paragraph (g) of subsection (1) of section
1284 379.3751, Florida Statutes, is amended to read:

1285 379.3751 Taking and possession of alligators; trapping
1286 licenses; fees.—

1287 (1)

1288 (g) A person engaged in the taking of alligators under any
1289 permit issued by the commission which authorizes the taking ~~take~~
1290 of alligators is not required to possess a management area
1291 permit under s. 379.354(8).

1292 Reviser's note.—Amended to confirm the editorial substitution of
1293 the word "taking" for the word "take" to improve clarity.

1294 Section 41. Paragraph (b) of subsection (7) of section
1295 380.510, Florida Statutes, is amended to read:

1296 380.510 Conditions of grants and loans.—

1297 (7) Any funds received by the trust pursuant to s.
1298 259.105(3)(c) or s. 375.041 shall be held separate and apart
1299 from any other funds held by the trust and used for the land
1300 acquisition purposes of this part.

1301 (b) All deeds or leases with respect to any real property
1302 acquired with funds received by the trust from the former
1303 Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or
1304 the Land Acquisition Trust Fund must contain such covenants and
1305 restrictions as are sufficient to ensure that the use of such

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1306 real property at all times complies with s. 375.051 and s. 9,
 1307 Art. XII of the State Constitution. Each deed or lease with
 1308 respect to any real property acquired with funds received by the
 1309 trust from the Florida Forever Trust Fund before July 1, 2015,
 1310 must contain covenants and restrictions sufficient to ensure
 1311 that the use of such real property at all times complies with s.
 1312 11(e), Art. VII of the State Constitution. Each deed or lease
 1313 with respect to any real property acquired with funds received
 1314 by the trust from the Florida Forever Trust Fund after July 1,
 1315 2015, must contain covenants and restrictions sufficient to
 1316 ensure that the use of such real property at all times complies
 1317 with s. 28, Art. X of the State Constitution. Each deed or lease
 1318 must contain a reversion, conveyance, or termination clause that
 1319 vests title in the Board of Trustees of the Internal Improvement
 1320 Trust Fund if any of the covenants or restrictions are violated
 1321 by the titleholder or leaseholder or by some third party with
 1322 the knowledge of the titleholder or leaseholder.

1323 Reviser's note.—Amended to conform to the termination of the
 1324 Florida Preservation 2000 Trust Fund pursuant to s. 1, ch.
 1325 2015-229, Laws of Florida, and the repeal of s. 375.045,
 1326 which created the trust fund, by s. 52, ch. 2015-229.

1327 Section 42. Paragraph (g) of subsection (5) of section
 1328 383.402, Florida Statutes, is amended to read:

1329 383.402 Child abuse death review; State Child Abuse Death
 1330 Review Committee; local child abuse death review committees.—

1331 (5) ACCESS TO AND USE OF RECORDS.—

1332 (g) A person who has attended a meeting of the state
 1333 committee or a local committee or who has otherwise participated
 1334 in activities authorized by this section may not be permitted or

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1335 required to testify in any civil, criminal, or administrative
1336 proceeding as to any records or information produced or
1337 presented to a committee during meetings or other activities
1338 authorized by this section. However, this paragraph ~~subsection~~
1339 does not prevent any person who testifies before the committee
1340 or who is a member of the committee from testifying as to
1341 matters otherwise within his or her knowledge. An organization,
1342 institution, committee member, or other person who furnishes
1343 information, data, reports, or records to the state committee or
1344 a local committee is not liable for damages to any person and is
1345 not subject to any other civil, criminal, or administrative
1346 recourse. This paragraph ~~subsection~~ does not apply to any person
1347 who admits to committing a crime.

1348 Reviser's note.—Amended to confirm the editorial substitution of
1349 the word "paragraph" for the word "subsection" to conform
1350 to the redesignation of subsection (14) as paragraph (5)(g)
1351 by s. 4, ch. 2015-79, Laws of Florida.

1352 Section 43. Subsection (1) of section 395.1012, Florida
1353 Statutes, is amended to read:

1354 395.1012 Patient safety.—

1355 (1) Each licensed facility must adopt a patient safety
1356 plan. A plan adopted to implement the requirements of 42 C.F.R.
1357 s. part 482.21 shall be deemed to comply with this requirement.

1358 Reviser's note.—Amended to facilitate correct interpretation.

1359 There is no 42 C.F.R. part 482.21; there is a 42 C.F.R. s.
1360 482.21, which requires a program for quality improvement
1361 and patient safety.

1362 Section 44. Paragraph (d) of subsection (1) of section
1363 400.0065, Florida Statutes, is amended to read:

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1364 400.0065 State Long-Term Care Ombudsman Program; duties and
1365 responsibilities.—

1366 (1) The purpose of the State Long-Term Care Ombudsman
1367 Program is to:

1368 (d) Ensure that residents have regular and timely access to
1369 the services provided through the State Long-Term Care Ombudsman
1370 Program and that residents and complainants receive timely
1371 responses from representatives of the State Long-Term Care
1372 Ombudsman Program to their complaints.

1373 Reviser's note.—Amended to confirm the editorial insertion of
1374 the word "Ombudsman" to conform to the name of the program
1375 established in s. 400.0063.

1376 Section 45. Paragraph (a) of subsection (3) of section
1377 400.0070, Florida Statutes, is amended to read:

1378 400.0070 Conflicts of interest.—

1379 (3) The department, in consultation with the state
1380 ombudsman, shall define by rule:

1381 (a) Situations that constitute a conflict of interest which
1382 could materially affect the objectivity or capacity of an
1383 individual to serve as a representative of the State Long-Term
1384 Care Ombudsman Program while carrying out the purposes of the
1385 State Long-Term Care Ombudsman Program as specified in this
1386 part.

1387 Reviser's note.—Amended to confirm the editorial insertion of
1388 the word "Ombudsman" to conform to the name of the program
1389 established in s. 400.0063.

1390 Section 46. Subsection (1) of section 400.0081, Florida
1391 Statutes, is amended to read:

1392 400.0081 Access to facilities, residents, and records.—

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1393 (1) A long-term care facility shall provide representatives
1394 of the State Long-Term Care Ombudsman Program with access to:

1395 (a) The long-term care facility and its residents.

1396 (b) Where appropriate, medical and social records of a
1397 resident for review if:

1398 1. The representative of the State Long-Term Care Ombudsman
1399 Program has the permission of the resident or the legal
1400 representative of the resident; or

1401 2. The resident is unable to consent to the review and does
1402 not have a legal representative.

1403 (c) Medical and social records of a resident as necessary
1404 to investigate a complaint, if:

1405 1. A legal representative or guardian of the resident
1406 refuses to give permission;

1407 2. The representative of the State Long-Term Care Ombudsman
1408 Program has reasonable cause to believe that the legal
1409 representative or guardian is not acting in the best interests
1410 of the resident; and

1411 3. The representative of the State Long-Term Care Ombudsman
1412 Program obtains the approval of the state ombudsman.

1413 (d) ~~Access to~~ Administrative records, policies, and
1414 documents to which residents or the general public have access.

1415 (e) Upon request, copies of all licensing and certification
1416 records maintained by the state with respect to a long-term care
1417 facility.

1418 Reviser's note.—The introductory paragraph to subsection (1) is
1419 amended to confirm the editorial insertion of the word
1420 "Ombudsman" to conform to the name of the program
1421 established in s. 400.0063. Paragraph (1)(d) is amended to

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1422 confirm the editorial deletion of the words "Access to" to
 1423 improve clarity.

1424 Section 47. Paragraph (c) of subsection (3) of section
 1425 400.0087, Florida Statutes, is amended to read:

1426 400.0087 Department oversight; funding.—

1427 (3) The department is responsible for ensuring that the
 1428 State Long-Term Care Ombudsman Program:

1429 (c) Provides appropriate training to representatives of the
 1430 State Long-Term Care Ombudsman Program ~~Office~~.

1431 Reviser's note.—Amended to substitute the term "State Long-Term
 1432 Care Ombudsman Program" for the term "State Long-Term Care
 1433 Ombudsman Office" to conform to context and revisions to
 1434 this material by ch. 2015-31, Laws of Florida.

1435 Section 48. Subsection (2) of section 400.022, Florida
 1436 Statutes, is amended to read:

1437 400.022 Residents' rights.—

1438 (2) The licensee for each nursing home shall orally inform
 1439 the resident of the resident's rights and provide a copy of the
 1440 statement required by subsection (1) to each resident or the
 1441 resident's legal representative at or before the resident's
 1442 admission to a facility. The licensee shall provide a copy of
 1443 the resident's rights to each staff member of the facility. Each
 1444 such licensee shall prepare a written plan and provide
 1445 appropriate staff training to implement the provisions of this
 1446 section. The written statement of rights must include a
 1447 statement that a resident may file a complaint with the agency
 1448 or state or local ombudsman council. The statement must be in
 1449 boldfaced type and include the telephone number and e-mail
 1450 address of the State Long-Term Care Ombudsman Program and the

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1451 telephone numbers of the local ombudsman council and the Elder
1452 Abuse Hotline operated by the Department of Children and
1453 Families.

1454 Reviser's note.—Amended to confirm the editorial insertion of
1455 the word "and" and to insert the word "telephone" to
1456 improve clarity.

1457 Section 49. Paragraph (d) of subsection (1) of section
1458 400.141, Florida Statutes, is amended to read:

1459 400.141 Administration and management of nursing home
1460 facilities.—

1461 (1) Every licensed facility shall comply with all
1462 applicable standards and rules of the agency and shall:

1463 (d) Provide for resident use of a community pharmacy as
1464 specified in s. 400.022(1)(q). Any other law to the contrary
1465 notwithstanding, a registered pharmacist licensed in Florida,
1466 that is under contract with a facility licensed under this
1467 chapter or chapter 429, shall repackage a nursing facility
1468 resident's bulk prescription medication which has been packaged
1469 by another pharmacist licensed in any state in the United States
1470 into a unit dose system compatible with the system used by the
1471 nursing facility, if the pharmacist is requested to offer such
1472 service. In order to be eligible for the repackaging, a resident
1473 or the resident's spouse must receive prescription medication
1474 benefits provided through a former employer as part of his or
1475 her retirement benefits, a qualified pension plan as specified
1476 in s. 4972 of the Internal Revenue Code, a federal retirement
1477 program as specified under 5 C.F.R. part ~~s.~~ 831, or a long-term
1478 care policy as defined in s. 627.9404(1). A pharmacist who
1479 correctly repackages and relabels the medication and the nursing

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1480 facility which correctly administers such repackaged medication
1481 under this paragraph may not be held liable in any civil or
1482 administrative action arising from the repackaging. In order to
1483 be eligible for the repackaging, a nursing facility resident for
1484 whom the medication is to be repackaged shall sign an informed
1485 consent form provided by the facility which includes an
1486 explanation of the repackaging process and which notifies the
1487 resident of the immunities from liability provided in this
1488 paragraph. A pharmacist who repackages and relabels prescription
1489 medications, as authorized under this paragraph, may charge a
1490 reasonable fee for costs resulting from the implementation of
1491 this provision.

1492 Reviser's note.—Amended to facilitate correct interpretation.

1493 There is no 5 C.F.R. s. 831; there is a 5 C.F.R. part 831,
1494 which relates to retirement.

1495 Section 50. Paragraph (b) of subsection (1) of section
1496 403.5363, Florida Statutes, is amended to read:

1497 403.5363 Public notices; requirements.—

1498 (1)

1499 (b) Public notices that must be published under this
1500 section include:

1501 1. The notice of the filing of an application, which must
1502 include a description of the proceedings required by this act.
1503 The notice must describe the provisions of s. 403.531(1) and (2)
1504 and give the date by which notice of intent to be a party or a
1505 petition to intervene in accordance with s. 403.527(2) must be
1506 filed. This notice must be published no more than 21 days after
1507 the application is filed. The notice shall, at a minimum, be
1508 one-half page in size in a standard size newspaper or a full

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1509 page in a tabloid size newspaper. The notice must include a map
1510 generally depicting all transmission corridors proper for
1511 certification.

1512 2. The notice of the certification hearing and any public
1513 hearing held under s. 403.527(4). The notice must include the
1514 date by which a person wishing to appear as a party must file
1515 the notice to do so. The notice of the originally scheduled
1516 certification hearing must be published at least 65 days before
1517 the date set for the certification hearing. The notice shall
1518 meet the size and map requirements set forth in subparagraph 1.

1519 3. The notice of the cancellation of the certification
1520 hearing under s. 403.527(6), if applicable. The notice must be
1521 published at least 3 days before the date of the originally
1522 scheduled certification hearing. The notice shall, at a minimum,
1523 be one-fourth page in size in a standard size newspaper or one-
1524 half page in a tabloid size newspaper. The notice shall not
1525 require a map to be included.

1526 4. The notice of the deferment of the certification hearing
1527 due to the acceptance of an alternate corridor under s.
1528 403.5271(1)(b)2. ~~403.5272(1)(b)2.~~ The notice must be published
1529 at least 7 days before the date of the originally scheduled
1530 certification hearing. The notice shall, at a minimum, be one-
1531 eighth page in size in a standard size newspaper or one-fourth
1532 page in a tabloid size newspaper. The notice shall not require a
1533 map to be included.

1534 5. If the notice of the rescheduled certification hearing
1535 required of an alternate proponent under s. 403.5271(1)(c) is
1536 not timely published or does not meet the notice requirements
1537 such that an alternate corridor is withdrawn under the

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1538 provisions of s. 403.5271(1)(c), the notice of the rescheduled
1539 hearing and any local hearings shall be provided by the
1540 applicant at least 30 days prior to the rescheduled
1541 certification hearing.

1542 6. The notice of the filing of a proposal to modify the
1543 certification submitted under s. 403.5315, if the department
1544 determines that the modification would require relocation or
1545 expansion of the transmission line right-of-way or a certified
1546 substation.

1547 Reviser's note.—Amended to conform to context and facilitate
1548 correct interpretation. Section 403.5272(1)(b)2. does not
1549 exist; s. 403.5271(1)(b)2. relates to certification
1550 hearings for alternate corridors.

1551 Section 51. Section 408.301, Florida Statutes, is amended
1552 to read:

1553 408.301 Legislative findings.—The Legislature has found
1554 that access to quality, affordable, health care for all
1555 Floridians is an important goal for the state. The Legislature
1556 recognizes that there are Floridians with special health care
1557 and social needs which require particular attention. The people
1558 served by the Department of Children and Families, the Agency
1559 for Persons with Disabilities, the Department of Health, and the
1560 Department of Elderly Affairs are examples of citizens with
1561 special needs. The Legislature further recognizes that the
1562 Medicaid program is an intricate part of the service delivery
1563 system for the special needs citizens. However, the Agency for
1564 Health Care Administration is not a service provider and does
1565 not develop or direct programs for the special needs citizens.
1566 Therefore, it is the intent of the Legislature that the Agency

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1567 for Health Care Administration work closely with the Department
 1568 of Children and Families, the Agency for Persons with
 1569 Disabilities, the Department of Health, and the Department of
 1570 Elderly Affairs in developing plans for assuring access to all
 1571 Floridians in order to assure that the needs of special needs
 1572 citizens are met.

1573 Reviser's note.—Amended to insert the word "needs" to conform to
 1574 context and facilitate correct interpretation.

1575 Section 52. Subsection (2) of section 409.978, Florida
 1576 Statutes, is amended to read:

1577 409.978 Long-term care managed care program.—

1578 (2) The agency shall make payments for long-term care,
 1579 including home and community-based services, using a managed
 1580 care model. Unless otherwise specified, ss. 409.961-409.969
 1581 ~~409.961-409.97~~ apply to the long-term care managed care program.

1582 Reviser's note.—Amended to conform to the repeal of s. 409.97 by
 1583 s. 11, ch. 2015-225, Laws of Florida.

1584 Section 53. Section 415.113, Florida Statutes, is amended
 1585 to read:

1586 415.113 Statutory construction; treatment by spiritual
 1587 means.—Nothing in ss. 415.101-415.1115 ~~415.101-415.112~~ shall be
 1588 construed to mean a person is abused, neglected, or in need of
 1589 emergency or protective services for the sole reason that the
 1590 person relies upon and is, therefore, being furnished treatment
 1591 by spiritual means through prayer alone in accordance with the
 1592 tenets and practices of a well-recognized church or religious
 1593 denomination or organization; nor shall anything in such
 1594 sections be construed to authorize, permit, or require any
 1595 medical care or treatment in contravention of the stated or

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1596 implied objection of such person. Such construction does not:
1597 (1) Eliminate the requirement that such a case be reported
1598 to the department;
1599 (2) Prevent the department from investigating such a case;
1600 or
1601 (3) Preclude a court from ordering, when the health of the
1602 individual requires it, the provision of medical services by a
1603 licensed physician or treatment by a duly accredited
1604 practitioner who relies solely on spiritual means for healing in
1605 accordance with the tenets and practices of a well-recognized
1606 church or religious denomination or organization.
1607 Reviser's note.—Amended to conform to the repeal of s. 415.112
1608 by s. 31, ch. 2015-4, Laws of Florida.
1609 Section 54. Paragraph (1) of subsection (5) of section
1610 456.074, Florida Statutes, is amended to read:
1611 456.074 Certain health care practitioners; immediate
1612 suspension of license.—
1613 (5) The department shall issue an emergency order
1614 suspending the license of a massage therapist or establishment
1615 as defined in chapter 480 upon receipt of information that the
1616 massage therapist, a person with an ownership interest in the
1617 establishment, or, for a corporation that has more than \$250,000
1618 of business assets in this state, the owner, officer, or
1619 individual directly involved in the management of the
1620 establishment has been convicted or found guilty of, or has
1621 entered a plea of guilty or nolo contendere to, regardless of
1622 adjudication, a felony offense under any of the following
1623 provisions of state law or a similar provision in another
1624 jurisdiction:

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1625 (1) Section 796.07(4)(a)3.~~796.07(4)(c)~~, relating to a
1626 felony of the third degree for a third or subsequent violation
1627 of s. 796.07, relating to prohibiting prostitution and related
1628 acts.

1629 Reviser's note.—Amended to conform to the redesignation of s.
1630 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,
1631 Laws of Florida.

1632 Section 55. Paragraph (a) of subsection (1) of section
1633 458.3265, Florida Statutes, is amended to read:

1634 458.3265 Pain-management clinics.—

1635 (1) REGISTRATION.—

1636 (a)1. As used in this section, the term:

1637 a. "Board eligible" means successful completion of an
1638 anesthesia, physical medicine and rehabilitation, rheumatology,
1639 or neurology residency program approved by the Accreditation
1640 Council for Graduate Medical Education or the American
1641 Osteopathic Association for a period of 6 years from successful
1642 completion of such residency program.

1643 b. "Chronic nonmalignant pain" means pain unrelated to
1644 cancer which persists beyond the usual course of disease or the
1645 injury that is the cause of the pain or more than 90 days after
1646 surgery.

1647 c. "Pain-management clinic" or "clinic" means any publicly
1648 or privately owned facility:

1649 (I) That advertises in any medium for any type of pain-
1650 management services; or

1651 (II) Where in any month a majority of patients are
1652 prescribed opioids, benzodiazepines, barbiturates, or
1653 carisoprodol for the treatment of chronic nonmalignant pain.

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- 1654 2. Each pain-management clinic must register with the
1655 department unless:
- 1656 a. That clinic is licensed as a facility pursuant to
1657 chapter 395;
- 1658 b. The majority of the physicians who provide services in
1659 the clinic primarily provide surgical services;
- 1660 c. The clinic is owned by a publicly held corporation whose
1661 shares are traded on a national exchange or on the over-the-
1662 counter market and whose total assets at the end of the
1663 corporation's most recent fiscal quarter exceeded \$50 million;
- 1664 d. The clinic is affiliated with an accredited medical
1665 school at which training is provided for medical students,
1666 residents, or fellows;
- 1667 e. The clinic does not prescribe controlled substances for
1668 the treatment of pain;
- 1669 f. The clinic is owned by a corporate entity exempt from
1670 federal taxation under 26 U.S.C. s. 501(c)(3);
- 1671 g. The clinic is wholly owned and operated by one or more
1672 board-eligible or board-certified anesthesiologists,
1673 physiatrists, rheumatologists, or neurologists; or
- 1674 h. The clinic is wholly owned and operated by a physician
1675 multispecialty practice where one or more board-eligible or
1676 board-certified medical specialists, who have also completed
1677 fellowships in pain medicine approved by the Accreditation
1678 Council for Graduate Medical Education, ~~or who are also board-~~
1679 certified in pain medicine by the American Board of Pain
1680 Medicine or a board approved by the American Board of Medical
1681 Specialties, the American Association of Physician Specialists,
1682 or the American Osteopathic Association, and perform

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1683 interventional pain procedures of the type routinely billed
1684 using surgical codes.
1685 Reviser's note.—Amended to facilitate correct interpretation and
1686 improve clarity.
1687 Section 56. Paragraph (a) of subsection (1) of section
1688 459.0137, Florida Statutes, is amended to read:
1689 459.0137 Pain-management clinics.—
1690 (1) REGISTRATION.—
1691 (a)1. As used in this section, the term:
1692 a. "Board eligible" means successful completion of an
1693 anesthesia, physical medicine and rehabilitation, rheumatology,
1694 or neurology residency program approved by the Accreditation
1695 Council for Graduate Medical Education or the American
1696 Osteopathic Association for a period of 6 years from successful
1697 completion of such residency program.
1698 b. "Chronic nonmalignant pain" means pain unrelated to
1699 cancer which persists beyond the usual course of disease or the
1700 injury that is the cause of the pain or more than 90 days after
1701 surgery.
1702 c. "Pain-management clinic" or "clinic" means any publicly
1703 or privately owned facility:
1704 (I) That advertises in any medium for any type of pain-
1705 management services; or
1706 (II) Where in any month a majority of patients are
1707 prescribed opioids, benzodiazepines, barbiturates, or
1708 carisoprodol for the treatment of chronic nonmalignant pain.
1709 2. Each pain-management clinic must register with the
1710 department unless:
1711 a. That clinic is licensed as a facility pursuant to

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1712 chapter 395;

1713 b. The majority of the physicians who provide services in
1714 the clinic primarily provide surgical services;

1715 c. The clinic is owned by a publicly held corporation whose
1716 shares are traded on a national exchange or on the over-the-
1717 counter market and whose total assets at the end of the
1718 corporation's most recent fiscal quarter exceeded \$50 million;

1719 d. The clinic is affiliated with an accredited medical
1720 school at which training is provided for medical students,
1721 residents, or fellows;

1722 e. The clinic does not prescribe controlled substances for
1723 the treatment of pain;

1724 f. The clinic is owned by a corporate entity exempt from
1725 federal taxation under 26 U.S.C. s. 501(c)(3);

1726 g. The clinic is wholly owned and operated by one or more
1727 board-eligible or board-certified anesthesiologists,
1728 physiatrists, rheumatologists, or neurologists; or

1729 h. The clinic is wholly owned and operated by a physician
1730 multispecialty practice where one or more board-eligible or
1731 board-certified medical specialists, who have also completed
1732 fellowships in pain medicine approved by the Accreditation
1733 Council for Graduate Medical Education or the American
1734 Osteopathic Association, ~~or~~ or who are also board-certified in pain
1735 medicine by the American Board of Pain Medicine or a board
1736 approved by the American Board of Medical Specialties, the
1737 American Association of Physician Specialists, or the American
1738 Osteopathic Association, and perform interventional pain
1739 procedures of the type routinely billed using surgical codes.

1740 Reviser's note.—Amended to facilitate correct interpretation and

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1741 improve clarity.

1742 Section 57. Subsections (1), (2), and (3) of section
1743 468.503, Florida Statutes, are amended and reordered to read:

1744 468.503 Definitions.—As used in this part:

1745 (1)~~(2)~~ "Board" means the Board of Medicine.

1746 (2)~~(3)~~ "Commission" means the Commission on Dietetic
1747 Registration, the credentialing agency of the Academy of
1748 Nutrition and Dietetics.

1749 (3)~~(1)~~ "Department" means the Department of Health ~~"Agency"~~
1750 ~~means the Agency for Health Care Administration.~~

1751 Reviser's note.—The definition of "department" as the

1752 "Department of Health" was substituted by the editors for a
1753 definition of "agency" as the "Agency for Health Care
1754 Administration" to conform to the fact that s.

1755 20.43(3)(g)17. provides that Dietetics and Nutrition
1756 Practice, as provided under part X of chapter 468, is under
1757 the Division of Medical Quality Assurance of the Department
1758 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
1759 s. 20.43, and provided for department oversight of
1760 Dietetics and Nutrition Practice, effective July 1, 1997.

1761 Some references to the Agency for Health Care
1762 Administration were never conformed.

1763 Section 58. Subsections (1), (2), and (4) of section
1764 468.509, Florida Statutes, are amended to read:

1765 468.509 Dietitian/nutritionist; requirements for
1766 licensure.—

1767 (1) Any person desiring to be licensed as a
1768 dietitian/nutritionist shall apply to the department ~~agency~~ to
1769 take the licensure examination.

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1770 (2) The department ~~agency~~ shall examine any applicant who
1771 the board certifies has completed the application form and
1772 remitted the application and examination fees specified in s.
1773 468.508 and who:

1774 (a)1. Possesses a baccalaureate or postbaccalaureate degree
1775 with a major course of study in human nutrition, food and
1776 nutrition, dietetics, or food management, or an equivalent major
1777 course of study, from a school or program accredited, at the
1778 time of the applicant's graduation, by the appropriate
1779 accrediting agency recognized by the Commission on Recognition
1780 of Postsecondary Accreditation and the United States Department
1781 of Education; and

1782 2. Has completed a preprofessional experience component of
1783 not less than 900 hours or has education or experience
1784 determined to be equivalent by the board; or

1785 (b)1. Has an academic degree, from a foreign country, that
1786 has been validated by an accrediting agency approved by the
1787 United States Department of Education as equivalent to the
1788 baccalaureate or postbaccalaureate degree conferred by a
1789 regionally accredited college or university in the United
1790 States;

1791 2. Has completed a major course of study in human
1792 nutrition, food and nutrition, dietetics, or food management;
1793 and

1794 3. Has completed a preprofessional experience component of
1795 not less than 900 hours or has education or experience
1796 determined to be equivalent by the board.

1797 (4) The department ~~agency~~ shall license as a
1798 dietitian/nutritionist any applicant who has remitted the

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1799 initial licensure fee and has passed the examination in
1800 accordance with this section.

1801 Reviser's note.—The word "department" was substituted for the
1802 word "agency" by the editors to conform to the fact that s.
1803 20.43(3)(g)17. provides that Dietetics and Nutrition
1804 Practice, as provided under part X of chapter 468, is under
1805 the Division of Medical Quality Assurance of the Department
1806 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
1807 s. 20.43, and provided for department oversight of
1808 Dietetics and Nutrition Practice, effective July 1, 1997.
1809 Some references to the Agency for Health Care
1810 Administration were never conformed.

1811 Section 59. Subsections (1) and (3) of section 468.513,
1812 Florida Statutes, are amended to read:

1813 468.513 Dietitian/nutritionist; licensure by endorsement.—

1814 (1) The department ~~agency~~ shall issue a license to practice
1815 dietetics and nutrition by endorsement to any applicant who the
1816 board certifies as qualified, upon receipt of a completed
1817 application and the fee specified in s. 468.508.

1818 (3) The department ~~agency~~ shall not issue a license by
1819 endorsement under this section to any applicant who is under
1820 investigation in any jurisdiction for any act which would
1821 constitute a violation of this part or chapter 456 until such
1822 time as the investigation is complete and disciplinary
1823 proceedings have been terminated.

1824 Reviser's note.—The word "department" was substituted for the
1825 word "agency" by the editors to conform to the fact that s.
1826 20.43(3)(g)17. provides that Dietetics and Nutrition
1827 Practice, as provided under part X of chapter 468, is under

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1828 the Division of Medical Quality Assurance of the Department
 1829 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1830 s. 20.43, and provided for department oversight of
 1831 Dietetics and Nutrition Practice, effective July 1, 1997.
 1832 Some references to the Agency for Health Care
 1833 Administration were never conformed.

1834 Section 60. Section 468.514, Florida Statutes, is amended
 1835 to read:

1836 468.514 Renewal of license.—

1837 (1) The department ~~agency~~ shall renew a license under this
 1838 part upon receipt of the renewal application, fee, and proof of
 1839 the successful completion of continuing education requirements
 1840 as determined by the board.

1841 (2) The department ~~agency~~ shall adopt rules establishing a
 1842 procedure for the biennial renewal of licenses under this part.
 1843 Reviser's note.—The word "department" was substituted for the
 1844 word "agency" by the editors to conform to the fact that s.
 1845 20.43(3)(g)17. provides that Dietetics and Nutrition
 1846 Practice, as provided under part X of chapter 468, is under
 1847 the Division of Medical Quality Assurance of the Department
 1848 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1849 s. 20.43, and provided for department oversight of
 1850 Dietetics and Nutrition Practice, effective July 1, 1997.
 1851 Some references to the Agency for Health Care
 1852 Administration were never conformed.

1853 Section 61. Subsection (2) of section 468.515, Florida
 1854 Statutes, is amended to read:

1855 468.515 Inactive status.—

1856 (2) The department ~~agency~~ shall reactivate a license under

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1857 this part upon receipt of the reactivation application, fee, and
1858 proof of the successful completion of continuing education
1859 prescribed by the board.

1860 Reviser's note.—The word "department" was substituted for the
1861 word "agency" by the editors to conform to the fact that s.
1862 20.43(3)(g)17. provides that Dietetics and Nutrition
1863 Practice, as provided under part X of chapter 468, is under
1864 the Division of Medical Quality Assurance of the Department
1865 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
1866 s. 20.43, and provided for department oversight of
1867 Dietetics and Nutrition Practice, effective July 1, 1997.
1868 Some references to the Agency for Health Care
1869 Administration were never conformed.

1870 Section 62. Paragraph (a) of subsection (1) and subsection
1871 (3) of section 468.518, Florida Statutes, are amended to read:
1872 468.518 Grounds for disciplinary action.—

1873 (1) The following acts constitute grounds for denial of a
1874 license or disciplinary action, as specified in s. 456.072(2):

1875 (a) Violating any provision of this part, any board or
1876 department ~~agency~~ rule adopted pursuant thereto, or any lawful
1877 order of the board or department ~~agency~~ previously entered in a
1878 disciplinary hearing held pursuant to this part, or failing to
1879 comply with a lawfully issued subpoena of the department ~~agency~~.

1880 The provisions of this paragraph also apply to any order or
1881 subpoena previously issued by the Department of Health during
1882 its period of regulatory control over this part.

1883 (3) The department ~~agency~~ shall reissue the license of a
1884 disciplined dietitian/nutritionist or nutrition counselor upon
1885 certification by the board that the disciplined

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1886 dietitian/nutritionist or nutrition counselor has complied with
1887 all of the terms and conditions set forth in the final order.
1888 Reviser's note.—The word "department" was substituted for the
1889 word "agency" by the editors to conform to the fact that s.
1890 20.43(3)(g)17. provides that Dietetics and Nutrition
1891 Practice, as provided under part X of chapter 468, is under
1892 the Division of Medical Quality Assurance of the Department
1893 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
1894 s. 20.43, and provided for department oversight of
1895 Dietetics and Nutrition Practice, effective July 1, 1997.
1896 Some references to the Agency for Health Care
1897 Administration were never conformed.

1898 Section 63. Paragraph (1) of subsection (7) of section
1899 480.041, Florida Statutes, is amended to read:

1900 480.041 Massage therapists; qualifications; licensure;
1901 endorsement.—

1902 (7) The board shall deny an application for a new or
1903 renewal license if an applicant has been convicted or found
1904 guilty of, or enters a plea of guilty or nolo contendere to,
1905 regardless of adjudication, a felony offense under any of the
1906 following provisions of state law or a similar provision in
1907 another jurisdiction:

1908 (1) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
1909 felony of the third degree for a third or subsequent violation
1910 of s. 796.07, relating to prohibiting prostitution and related
1911 acts.

1912 Reviser's note.—Amended to conform to the redesignation of s.
1913 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,
1914 Laws of Florida.

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1915 Section 64. Paragraph (1) of subsection (8) of section
 1916 480.043, Florida Statutes, is amended to read:

1917 480.043 Massage establishments; requisites; licensure;
 1918 inspection.—

1919 (8) The department shall deny an application for a new or
 1920 renewal license if a person with an ownership interest in the
 1921 establishment or, for a corporation that has more than \$250,000
 1922 of business assets in this state, the owner, officer, or
 1923 individual directly involved in the management of the
 1924 establishment has been convicted or found guilty of, or entered
 1925 a plea of guilty or nolo contendere to, regardless of
 1926 adjudication, a felony offense under any of the following
 1927 provisions of state law or a similar provision in another
 1928 jurisdiction:

1929 (1) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
 1930 felony of the third degree for a third or subsequent violation
 1931 of s. 796.07, relating to prohibiting prostitution and related
 1932 acts.

1933 Reviser's note.—Amended to conform to the redesignation of s.
 1934 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,
 1935 Laws of Florida.

1936 Section 65. Subsection (3) of section 497.159, Florida
 1937 Statutes, is amended to read:

1938 497.159 Crimes.—

1939 (3) Any person who willfully obstructs the department or
 1940 its examiner in any examination or investigation authorized by
 1941 this chapter commits a misdemeanor of the second degree ~~and is,~~
 1942 ~~in addition to any disciplinary action under this chapter,~~
 1943 punishable as provided in s. 775.082 or s. 775.083, in addition

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1944 to any disciplinary action under this chapter. The initiation of
 1945 action in any court by or on behalf of any licensee to terminate
 1946 or limit any examination or investigation under this chapter
 1947 shall not constitute a violation under this subsection.

1948 Reviser's note.—Amended to facilitate correct interpretation and
 1949 improve clarity.

1950 Section 66. Paragraph (a) of subsection (6) of section
 1951 546.10, Florida Statutes, is amended to read:

1952 546.10 Amusement games or machines.—

1953 (6) (a) A Type B amusement game or machine may only be
 1954 operated at:

1955 1. A facility as defined in s. 721.05(17) that is under the
 1956 control of a timeshare plan.†

1957 2. A public lodging establishment or public food service
 1958 establishment licensed pursuant to chapter 509.†

1959 3. The following premises, if the owner or operator of the
 1960 premises has a current license issued by the Department of
 1961 Business and Professional Regulation pursuant to chapter 509,
 1962 chapter 561, chapter 562, chapter 563, chapter 564, chapter 565,
 1963 chapter 567, or chapter 568:

1964 a. An arcade amusement center;

1965 b. A bowling center, as defined in s. 849.141; or

1966 c. A truck stop.

1967 Reviser's note.—Amended to improve punctuation.

1968 Section 67. Paragraph (q) of subsection (1) of section
 1969 553.74, Florida Statutes, is amended to read:

1970 553.74 Florida Building Commission.—

1971 (1) The Florida Building Commission is created and located
 1972 within the Department of Business and Professional Regulation

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1973 for administrative purposes. Members are appointed by the
1974 Governor subject to confirmation by the Senate. The commission
1975 is composed of 27 members, consisting of the following:

1976 (q) One member of the building products manufacturing
1977 industry who is authorized to do business in this state and is
1978 actively engaged in the industry. The Florida Building Material
1979 Association, the Florida Concrete and Products ~~Product~~
1980 Association, and the Fenestration Manufacturers Association are
1981 encouraged to recommend a list of candidates for consideration.
1982 Reviser's note.—Amended to conform to the correct name of the
1983 Florida Concrete and Products Association.

1984 Section 68. Paragraph (b) of subsection (7) of section
1985 559.55, Florida Statutes, is amended to read:

1986 559.55 Definitions.—The following terms shall, unless the
1987 context otherwise indicates, have the following meanings for the
1988 purpose of this part:

1989 (7) "Debt collector" means any person who uses any
1990 instrumentality of commerce within this state, whether initiated
1991 from within or outside this state, in any business the principal
1992 purpose of which is the collection of debts, or who regularly
1993 collects or attempts to collect, directly or indirectly, debts
1994 owed or due or asserted to be owed or due another. The term
1995 "debt collector" includes any creditor who, in the process of
1996 collecting her or his own debts, uses any name other than her or
1997 his own which would indicate that a third person is collecting
1998 or attempting to collect such debts. The term does not include:

1999 (b) Any person while acting as a debt collector for another
2000 person, both of whom are related by common ownership or
2001 affiliated by corporate control, if the person is acting as a

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2002 debt collector for persons to whom it is so related or
 2003 affiliated and if the principal business of such persons is not
 2004 the collection of debts;

2005 Reviser's note.—Amended to confirm the editorial insertion of
 2006 the word "is."

2007 Section 69. Subsection (7) of section 559.555, Florida
 2008 Statutes, is amended to read:

2009 559.555 Registration of consumer collection agencies;
 2010 procedure.—

2011 ~~(7) A consumer collection agency registrant whose initial~~
 2012 ~~registration was approved and issued by the office pursuant to~~
 2013 ~~this section before October 1, 2014, and who seeks renewal of~~
 2014 ~~the registration must submit fingerprints for each control~~
 2015 ~~person for live-scan processing as described in paragraph~~
 2016 ~~(2)(c). The fingerprints must be submitted before renewing a~~
 2017 ~~registration that is scheduled to expire on December 31, 2014.~~

2018 Reviser's note.—Amended to delete an obsolete provision.

2019 Section 70. Paragraph (c) of subsection (1) of section
 2020 560.141, Florida Statutes, is amended to read:

2021 560.141 License application.—

2022 (1) To apply for a license as a money services business
 2023 under this chapter, the applicant must submit:

2024 (c) Fingerprints for each person listed in subparagraph
 2025 (a)3. for live-scan processing in accordance with rules adopted
 2026 by the commission.

2027 1. The fingerprints may be submitted through a third-party
 2028 vendor authorized by the Department of Law Enforcement to
 2029 provide live-scan fingerprinting.

2030 2. The Department of Law Enforcement must conduct the state

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2031 criminal history background check, and a federal criminal
2032 history background check must be conducted through the Federal
2033 Bureau of Investigation.

2034 3. All fingerprints submitted to the Department of Law
2035 Enforcement must be submitted electronically and entered into
2036 the statewide automated fingerprint identification system
2037 established in s. 943.05(2)(b) and available for use in
2038 accordance with s. 943.05(2)(g) and (h). The office shall pay an
2039 annual fee to the Department of Law Enforcement to participate
2040 in the system and shall inform the Department of Law Enforcement
2041 of any person whose fingerprints no longer must be retained.

2042 4. The costs of fingerprint processing, including the cost
2043 of retaining the fingerprints, shall be borne by the person
2044 subject to the background check.

2045 5. The office shall review the results of the state and
2046 federal criminal history background checks and determine whether
2047 the applicant meets licensure requirements.

2048 6. For purposes of this paragraph, fingerprints are not
2049 required to be submitted if the applicant is a publicly traded
2050 corporation or is exempted from this chapter under s.
2051 560.104(1). The term "publicly traded" means a stock is
2052 currently traded on a national securities exchange registered
2053 with the federal Securities and Exchange Commission or traded on
2054 an exchange in a country other than the United States regulated
2055 by a regulator equivalent to the Securities and Exchange
2056 Commission and the disclosure and reporting requirements of such
2057 regulator are substantially similar to those of the commission.

2058 ~~7. Licensees initially approved before October 1, 2013, who~~
2059 ~~are seeking renewal must submit fingerprints for each person~~

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2060 ~~listed in subparagraph (a)3. for live-scan processing pursuant~~
2061 ~~to this paragraph. Such fingerprints must be submitted before~~
2062 ~~renewing a license that is scheduled to expire between April 30,~~
2063 ~~2014, and December 31, 2015.~~

2064 Reviser's note.—Amended to delete an obsolete provision.

2065 Section 71. Paragraph (a) of subsection (13) of section
2066 561.42, Florida Statutes, is amended to read:

2067 561.42 Tied house evil; financial aid and assistance to
2068 vendor by manufacturer, distributor, importer, primary American
2069 source of supply, brand owner or registrant, or any broker,
2070 sales agent, or sales person thereof, prohibited; procedure for
2071 enforcement; exception.—

2072 (13) A licensee under the Beverage Law may not possess or
2073 use, in physical or electronic format, any type of malt beverage
2074 coupon or malt beverage cross-merchandising coupon in this
2075 state, where:

2076 (a) The coupon is produced, sponsored, or furnished,
2077 whether directly or indirectly, by an alcoholic ~~alcohol~~ beverage
2078 manufacturer, distributor, importer, brand owner, or brand
2079 registrant or any broker, sales agent, or sales person thereof;
2080 and

2081 Reviser's note.—Amended to conform to context and facilitate
2082 correct interpretation.

2083 Section 72. Subsection (4) of section 561.57, Florida
2084 Statutes, is amended to read:

2085 561.57 Deliveries by licensees.—

2086 (4) Nothing contained in this section shall prohibit
2087 deliveries by the licensee from his or her permitted storage
2088 area or deliveries by a distributor from the manufacturer to his

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2089 or her licensed premises; nor shall a pool buying agent be
2090 prohibited from transporting pool purchases to the licensed
2091 premises of his or her members with the licensee's owned or
2092 leased vehicles, ~~and in such cases,~~. In addition, a licensed
2093 salesperson of wine and spirits is authorized to deliver
2094 alcoholic beverages in his or her vehicle on behalf of the
2095 distributor.

2096 Reviser's note.—Amended to confirm the editorial deletion of the
2097 phrase “, and in such cases,” to conform to the striking of
2098 the remaining words of the sentence by s. 5, ch. 2015-12,
2099 Laws of Florida.

2100 Section 73. Paragraph (b) of subsection (2) of section
2101 605.0410, Florida Statutes, is amended to read:

2102 605.0410 Records to be kept; rights of member, manager, and
2103 person dissociated to information.—

2104 (2) In a member-managed limited liability company, the
2105 following rules apply:

2106 (b) The company shall furnish to each member:

2107 1. Without demand, any information concerning the company's
2108 activities, affairs, financial condition, and other
2109 circumstances that is known to ~~that~~ the company ~~knows~~ and is
2110 material to the proper exercise of the member's rights and
2111 duties under the operating agreement or this chapter, except to
2112 the extent the company can establish that it reasonably believes
2113 the member already knows the information; and

2114 2. On demand, other information concerning the company's
2115 activities, affairs, financial condition, and other
2116 circumstances, except to the extent the demand or information
2117 demanded is unreasonable or otherwise improper under the

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2118 circumstances.

2119 Reviser's note.—Amended to improve clarity and to facilitate
2120 correct interpretation.

2121 Section 74. Section 610.1201, Florida Statutes, is amended
2122 to read:

2123 610.1201 Severability.—If any provision of ss. 610.102-
2124 610.118 ~~610.102-610.119~~ or the application thereof to any person
2125 or circumstance is held invalid, such invalidity shall not
2126 affect other provisions or application of ss. 610.102-610.118
2127 ~~610.102-610.119~~ which can be given effect without the invalid
2128 provision or application, and to this end the provisions of ss.
2129 610.102-610.118 ~~610.102-610.119~~ are severable.

2130 Reviser's note.—Amended to conform to the repeal of s. 610.119
2131 by s. 1, ch. 2014-90, Laws of Florida.

2132 Section 75. Subsection (3) of section 617.01301, Florida
2133 Statutes, is amended to read:

2134 617.01301 Powers of Department of State.—

2135 (3) The Department of State may, based upon its findings
2136 hereunder or as provided in s. 213.053(15) ~~213.053(13)~~, bring an
2137 action in circuit court to collect any penalties, fees, or taxes
2138 determined to be due and owing the state and to compel any
2139 filing, qualification, or registration required by law. In
2140 connection with such proceeding the department may, without
2141 prior approval by the court, file a lis pendens against any
2142 property owned by the corporation and may further certify any
2143 findings to the Department of Legal Affairs for the initiation
2144 of any action permitted pursuant to s. 617.0503 which the
2145 Department of Legal Affairs may deem appropriate.

2146 Reviser's note.—Amended to conform to the fact that s.

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2147 213.053(15), not s. 2130.053(13), references the Department
2148 of State and to conform to similar provisions in ss.
2149 605.1104 and 607.0130.

2150 Section 76. Section 618.221, Florida Statutes, is amended
2151 to read:

2152 618.221 Conversion into a corporation for profit.—Any
2153 association incorporated under or that has adopted the
2154 provisions of this chapter, may, by a majority vote of its
2155 stockholders or members be brought under part I of chapter 607,
2156 as a corporation for profit by surrendering all right to carry
2157 on its business under this chapter, and the privileges and
2158 immunities incident thereto. It shall make out in duplicate a
2159 statement signed and sworn to by its directors to the effect
2160 that the association has, by a majority vote of its stockholders
2161 or members, decided to surrender all rights, powers, and
2162 privileges as a nonprofit cooperative marketing association
2163 under this chapter and to do business under and be bound by part
2164 I of chapter 607, as a corporation for profit and has authorized
2165 all changes accordingly. Articles of incorporation shall be
2166 delivered to the Department of State for filing as required
2167 under part I of chapter 607, except that they shall be signed by
2168 the members of the then board of directors. The filing fees and
2169 taxes shall be as provided under part I of chapter 607. Such
2170 articles of incorporation shall adequately protect and preserve
2171 the relative rights of the stockholders or members of the
2172 association so converting into a corporation for profit;
2173 provided that no rights or obligations due any stockholder or
2174 member of such association or any other person, firm, or
2175 corporation which have ~~has~~ not been waived or satisfied shall be

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2176 impaired by such conversion into a corporation for profit as
2177 herein authorized.

2178 Reviser's note.—Amended to improve clarity and facilitate
2179 correct interpretation.

2180 Section 77. Section 624.35, Florida Statutes, is repealed.

2181 Reviser's note.—Repealed to delete a provision that has served
2182 its purpose. Section 624.35 is the short title for the
2183 "Medicaid and Public Assistance Fraud Strike Force,"
2184 consisting of ss. 624.35, 624.351, and 624.352. Sections
2185 624.351 and 624.352 were repealed by ss. 21, 22, ch. 2015-
2186 3, Laws of Florida.

2187 Section 78. Paragraph (d) of subsection (2) of section
2188 624.5105, Florida Statutes, is amended to read:

2189 624.5105 Community contribution tax credit; authorization;
2190 limitations; eligibility and application requirements;
2191 administration; definitions; expiration.—

2192 (2) ELIGIBILITY REQUIREMENTS.—

2193 (d) The project shall be located in an area that was
2194 designated as an enterprise zone pursuant to chapter 290 as of
2195 May 1, 2015, or a Front Porch Florida Community. Any project
2196 designed to provide housing opportunities for persons with
2197 special needs as defined in s. 420.0004 or to construct or
2198 rehabilitate housing for low-income or very-low-income
2199 households as defined in s. 420.9071(19) and (28) is exempt from
2200 the area requirement of this paragraph.

2201 Reviser's note.—Amended to confirm the editorial insertion of
2202 the word "Florida" to conform to the full title of
2203 communities receiving grants through the Front Porch
2204 Florida Initiative.

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2205 Section 79. Paragraph (b) of subsection (15) of section
2206 625.012, Florida Statutes, is amended to read:

2207 625.012 "Assets" defined.—In any determination of the
2208 financial condition of an insurer, there shall be allowed as
2209 "assets" only such assets as are owned by the insurer and which
2210 consist of:

2211 (15)

2212 (b) Assessments levied as monthly installments pursuant to
2213 s. 631.57(3)(e)3. ~~631.57(3)(e)1.c.~~ that are paid after policy
2214 surcharges are collected so that the recognition of assets is
2215 based on actual premium written offset by the obligation to the
2216 Florida Insurance Guaranty Association.

2217 Reviser's note.—Amended to conform to the redesignation of s.

2218 631.57(3)(e)1.c. as s. 631.57(3)(e)3. by s. 2, ch. 2015-65,
2219 Laws of Florida.

2220 Section 80. Subsection (2) of section 631.152, Florida
2221 Statutes, is amended to read:

2222 631.152 Conduct of delinquency proceeding; foreign
2223 insurers.—

2224 (2) The domiciliary receiver for the purpose of liquidating
2225 an insurer domiciled in a reciprocal state shall be vested by
2226 operation of law with the title to all of the property (except
2227 statutory deposits, special statutory deposits, and property
2228 located in this state subject to a security interest),
2229 contracts, and rights of action, and all of the books and
2230 records of the insurer located in this state, and it shall have
2231 the immediate right to recover balances due from local agents
2232 and to obtain possession of any books and records of the insurer
2233 found in this state. It shall also be entitled to recover the

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2234 property subject to a security interest, statutory deposits, and
2235 special statutory deposits of the insurer located in this state,
2236 except that upon the appointment of an ancillary receiver in
2237 this state, the ancillary receiver shall during the ancillary
2238 receivership proceeding have the sole right to recover such
2239 other assets. The ancillary receiver shall, as soon as
2240 practicable, liquidate from their respective securities those
2241 special deposit claims and secured claims which are proved and
2242 allowed in the ancillary proceeding in this state, and shall pay
2243 the necessary expenses of the proceeding. ~~All remaining assets~~
2244 It shall promptly transfer all remaining assets to the
2245 domiciliary receiver. Subject to the foregoing provisions, the
2246 ancillary receiver and its agents shall have the same powers and
2247 be subject to the same duties with respect to the administration
2248 of such assets as a receiver of an insurer domiciled in this
2249 state.

2250 Reviser's note.—Amended to improve clarity and facilitate
2251 correct interpretation.

2252 Section 81. Section 631.737, Florida Statutes, is amended
2253 to read:

2254 631.737 Rescission and review generally.—The association
2255 shall review claims and matters regarding covered policies based
2256 upon the record available to it on and after the date of
2257 liquidation. Notwithstanding any other provision of this part,
2258 in order to allow for orderly claims administration by the
2259 association, entry of a liquidation order by a court of
2260 competent jurisdiction tolls for 1 year any rescission or
2261 noncontestable period allowed by the contract, by the policy, or
2262 by law. The association's obligation is to pay any valid

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2263 insurance policy or contract claims, if warranted, after its
 2264 independent de novo review of the policies, contracts, and
 2265 claims presented to it, whether domestic or foreign, following a
 2266 rehabilitation or a liquidation.

2267 Reviser's note.—Amended to improve clarity and facilitate
 2268 correct interpretation.

2269 Section 82. Subsection (2) of section 641.225, Florida
 2270 Statutes, is amended to read:

2271 641.225 Surplus requirements.—

2272 (2) The office shall not issue a certificate of authority,
 2273 ~~except as provided in subsection (3),~~ unless the health
 2274 maintenance organization has a minimum surplus in an amount
 2275 which is the greater of:

2276 (a) Ten percent of their total liabilities based on their
 2277 startup projection as set forth in this part;

2278 (b) Two percent of their total projected premiums based on
 2279 their startup projection as set forth in this part; or

2280 (c) \$1,500,000, plus all startup losses, excluding profits,
 2281 projected to be incurred on their startup projection until the
 2282 projection reflects statutory net profits for 12 consecutive
 2283 months.

2284 Reviser's note.—Amended to conform to the repeal of s.

2285 641.225(3) by s. 31, ch. 2015-3, Laws of Florida.

2286 Section 83. Subsection (3) of section 719.108, Florida
 2287 Statutes, is amended to read:

2288 719.108 Rents and assessments; liability; lien and
 2289 priority; interest; collection; cooperative ownership.—

2290 (3) Rents and assessments, and installments on them, not
 2291 paid when due bear interest at the rate provided in the

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2292 cooperative documents from the date due until paid. This rate
 2293 may not exceed the rate allowed by law and, if a rate is not
 2294 provided in the cooperative documents, accrues at 18 percent per
 2295 annum. If the cooperative documents or bylaws so provide, the
 2296 association may charge an administrative late fee in addition to
 2297 such interest, not to exceed the greater of \$25 or 5 percent of
 2298 each installment of the assessment for each delinquent
 2299 installment that the payment is late. Any payment received by an
 2300 association must be applied first to any interest accrued by the
 2301 association, then to any administrative late fee, then to any
 2302 costs and reasonable attorney fees incurred in collection, and
 2303 then to the delinquent assessment. The foregoing applies
 2304 notwithstanding s. 673.3111, any purported accord and
 2305 satisfaction, or any restrictive endorsement, designation, or
 2306 instruction placed on or accompanying a payment. The preceding
 2307 sentence ~~of~~ is intended to clarify existing law. A late fee is
 2308 not subject to chapter 687 or s. 719.303(4).

2309 Reviser's note.—Amended to confirm the editorial deletion of the
 2310 word "of."

2311 Section 84. Section 742.14, Florida Statutes, is amended to
 2312 read:

2313 742.14 Donation of eggs, sperm, or preembryos.—The donor of
 2314 any egg, sperm, or preembryo, other than the commissioning
 2315 couple or a father who has executed a preplanned adoption
 2316 agreement under s. 63.213 ~~63.212~~, shall relinquish all maternal
 2317 or paternal rights and obligations with respect to the donation
 2318 or the resulting children. Only reasonable compensation directly
 2319 related to the donation of eggs, sperm, and preembryos shall be
 2320 permitted.

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2321 Reviser's note.—Amended to conform to the deletion of material
2322 relating to entry into a preplanned adoption arrangement
2323 from s. 63.212 by s. 35, ch. 2003-58, Laws of Florida, and
2324 creation of s. 63.213 relating to preplanned adoption
2325 agreements by s. 36 of that act.

2326 Section 85. Subsection (3) of section 752.001, Florida
2327 Statutes, is amended to read:

2328 752.001 Definitions.—As used in this chapter, the term:

2329 (3) "Persistent vegetative state" has the same meaning as
2330 provided in s. 765.101(15) ~~765.101(12)~~.

2331 Reviser's note.—Amended to conform to the redesignation of s.
2332 765.101(12) as s. 765.101(15) by s. 2, ch. 2015-153, Laws
2333 of Florida.

2334 Section 86. Subsection (2) of section 765.105, Florida
2335 Statutes, is amended to read:

2336 765.105 Review of surrogate or proxy's decision.—

2337 (2) This section does not apply to a patient who is not
2338 incapacitated and who has designated a surrogate who has
2339 immediate authority to make health care decisions or ~~and~~ receive
2340 health information, or both, on behalf of the patient.

2341 Reviser's note.—Amended to confirm the editorial substitution of
2342 the word "or" for the word "and" to conform to context and
2343 facilitate correct interpretation.

2344 Section 87. Section 765.2038, Florida Statutes, is amended
2345 to read:

2346 765.2038 Designation of health care surrogate for a minor;
2347 suggested form.—A written designation of a health care surrogate
2348 for a minor executed pursuant to this chapter may, but need not,
2349 ~~be~~ in the following form:

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DESIGNATION OF HEALTH CARE SURROGATE
FOR MINOR

I/We, ...(name/names)..., the [....] natural guardian(s) as defined in s. 744.301(1), Florida Statutes; [....] legal custodian(s); [....] legal guardian(s) [check one] of the following minor(s):

.....;
.....;
.....,

pursuant to s. 765.2035, Florida Statutes, designate the following person to act as my/our surrogate for health care decisions for such minor(s) in the event that I/we am/are not able or reasonably available to provide consent for medical treatment and surgical and diagnostic procedures:

Name: ...(name)...
Address: ...(address)...
Zip Code: ...(zip code)...
Phone: ...(telephone)...

If my/our designated health care surrogate for a minor is not willing, able, or reasonably available to perform his or her duties, I/we designate the following person as my/our alternate health care surrogate for a minor:

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2379 Name: ...(name)...

2380 Address: ...(address)...

2381 Zip Code: ...(zip code)...

2382 Phone: ...(telephone)...

2383

2384 I/We authorize and request all physicians, hospitals, or
2385 other providers of medical services to follow the instructions
2386 of my/our surrogate or alternate surrogate, as the case may be,
2387 at any time and under any circumstances whatsoever, with regard
2388 to medical treatment and surgical and diagnostic procedures for
2389 a minor, provided the medical care and treatment of any minor is
2390 on the advice of a licensed physician.

2391

2392 I/We fully understand that this designation will permit
2393 my/our designee to make health care decisions for a minor and to
2394 provide, withhold, or withdraw consent on my/our behalf, to
2395 apply for public benefits to defray the cost of health care, and
2396 to authorize the admission or transfer of a minor to or from a
2397 health care facility.

2398

2399 I/We will notify and send a copy of this document to the
2400 following person(s) other than my/our surrogate, so that they
2401 may know the identity of my/our surrogate:

2402

2403 Name: ...(name)...

2404 Name: ...(name)...

2405

2406 Signed: ...(signature)...

2407 Date: ...(date)...

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2408

2409 WITNESSES:

2410 1. ... (witness)...

2411 2. ... (witness)...

2412 Reviser's note.—Amended to confirm the editorial substitution of
 2413 the word "not" for the word "to" to conform to context and
 2414 facilitate correct interpretation.

2415 Section 88. Paragraph (b) of subsection (3) of section
 2416 787.29, Florida Statutes, is amended to read:

2417 787.29 Human trafficking public awareness signs.—

2418 (3) The employer at each of the following establishments
 2419 shall display a public awareness sign developed under subsection
 2420 (4) in a conspicuous location that is clearly visible to the
 2421 public and employees of the establishment:

2422 (b) A business or establishment that offers massage or
 2423 bodywork services for compensation that is not owned by a health
 2424 care practitioner ~~profession~~ regulated pursuant to chapter 456
 2425 and defined in s. 456.001.

2426 Reviser's note.—Amended to improve clarity and facilitate
 2427 correct interpretation.

2428 Section 89. Paragraph (c) of subsection (3) of section
 2429 893.138, Florida Statutes, is amended to read:

2430 893.138 Local administrative action to abate drug-related,
 2431 prostitution-related, or stolen-property-related public
 2432 nuisances and criminal gang activity.—

2433 (3) Any pain-management clinic, as described in s. 458.3265
 2434 or s. 459.0137, which has been used on more than two occasions
 2435 within a 6-month period as the site of a violation of:

2436 (c) Section 812.014, relating to ~~dealing in~~ theft;

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2437
2438 may be declared to be a public nuisance, and such nuisance may
2439 be abated pursuant to the procedures provided in this section.
2440 Reviser's note.—Amended to conform to context.
2441 Section 90. Paragraph (b) of subsection (2) of section
2442 944.4731, Florida Statutes, is amended to read:
2443 944.4731 Addiction-Recovery Supervision Program.—
2444 (2)
2445 (b) An offender released under addiction-recovery
2446 supervision shall be subject to specified terms and conditions,
2447 including payment of the costs of supervision under s. 948.09
2448 and any other court-ordered payments, such as child support and
2449 restitution. If an offender has received a term of probation or
2450 community control to be served after release from incarceration,
2451 the period of probation or community control may not be
2452 substituted for addiction-recovery supervision and shall follow
2453 the term of addiction-recovery supervision. A panel of not fewer
2454 than two ~~parole~~ commissioners shall establish the terms and
2455 conditions of supervision, and the terms and conditions must be
2456 included in the supervision order. In setting the terms and
2457 conditions of supervision, the commission shall weigh heavily
2458 the program requirements, including, but not limited to, work at
2459 paid employment while participating in treatment and traveling
2460 restrictions. The commission shall also determine whether an
2461 offender violates the terms and conditions of supervision and
2462 whether a violation warrants revocation of addiction-recovery
2463 supervision pursuant to s. 947.141. The commission shall review
2464 the offender's record for the purpose of establishing the terms
2465 and conditions of supervision. The commission may impose any

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2466 special conditions it considers warranted from its review of the
 2467 record. The length of supervision may not exceed the maximum
 2468 penalty imposed by the court.

2469 Reviser's note.—Amended to conform to the renaming of the
 2470 Florida Parole Commission as the Florida Commission on
 2471 Offender Review by s. 4, ch. 2014-191, Laws of Florida.

2472 Section 91. Paragraph (a) of subsection (1) of section
 2473 945.215, Florida Statutes, is amended to read:

2474 945.215 Inmate welfare and employee benefit trust funds.—

2475 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

2476 (a) ~~From~~ The net proceeds from operating inmate canteens,
 2477 vending machines used primarily by inmates and visitors, hobby
 2478 shops, and other such facilities must be deposited in the
 2479 General Revenue Fund; however, funds necessary to purchase items
 2480 for resale at inmate canteens and vending machines must be
 2481 deposited into local bank accounts designated by the department.

2482 Reviser's note.—Amended to improve clarity and facilitate
 2483 correct interpretation.

2484 Section 92. Subsection (20) of section 1001.65, Florida
 2485 Statutes, is amended to read:

2486 1001.65 Florida College System institution presidents;
 2487 powers and duties.—The president is the chief executive officer
 2488 of the Florida College System institution, shall be corporate
 2489 secretary of the Florida College System institution board of
 2490 trustees, and is responsible for the operation and
 2491 administration of the Florida College System institution. Each
 2492 Florida College System institution president shall:

2493 ~~(20) Establish a committee to consider requests for waivers~~
 2494 ~~from the provisions of s. 1008.29 and approve or disapprove the~~

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2495 ~~committee's recommendations.~~

2496 Reviser's note.—Amended to delete an obsolete provision and
2497 conform to the repeal of s. 1008.29 by s. 21, ch. 2009-59,
2498 Laws of Florida.

2499 Section 93. Subsection (5) of section 1002.3105, Florida
2500 Statutes, is amended to read:

2501 1002.3105 Academically Challenging Curriculum to Enhance
2502 Learning (ACCEL) options.—

2503 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
2504 meets the applicable grade 9 cohort graduation requirements of
2505 s. 1003.4282(3)(a)-(e) or s. 1003.4282(9)(a)1.-5.

2506 ~~1003.4282(10)(a)1.-5.,~~ (b)1.-5., (c)1.-5., or (d)1.-5., earns
2507 three credits in electives, and earns a cumulative grade point
2508 average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard
2509 high school diploma in a form prescribed by the State Board of
2510 Education.

2511 Reviser's note.— Amended to conform to the redesignation of s.
2512 1003.4282(10) as s. 1003.4282(9) by the editors to conform
2513 to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws
2514 of Florida.

2515 Section 94. Paragraph (e) of subsection (1) of section
2516 1003.21, Florida Statutes, is amended to read:

2517 1003.21 School attendance.—

2518 (1)

2519 (e) Consistent with rules adopted by the State Board of
2520 Education, children with disabilities who have attained the age
2521 of 3 years shall be eligible for admission to public special
2522 education programs and for related services. Children with
2523 disabilities younger than 3 years of age who are deaf or hard of

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2524 hearing, + visually impaired, + dual sensory impaired, +
 2525 orthopedically impaired, or ~~+~~ other health impaired or ~~+~~ who have
 2526 experienced traumatic brain injury, + ~~who~~ have autism spectrum
 2527 disorder, have ~~+~~ established conditions, or ~~who~~ exhibit
 2528 developmental delays or intellectual disabilities may be
 2529 eligible for special programs and may receive services in
 2530 accordance with rules of the State Board of Education. Rules for
 2531 the identification of established conditions for children birth
 2532 through 2 years of age and developmental delays for children
 2533 birth through 5 years of age must be adopted by the State Board
 2534 of Education.

2535 Reviser's note.—Amended to improve clarity.

2536 Section 95. Paragraph (b) of subsection (2) of section
 2537 1003.5716, Florida Statutes, is amended to read:

2538 1003.5716 Transition to postsecondary education and career
 2539 opportunities.—All students with disabilities who are 3 years of
 2540 age to 21 years of age have the right to a free, appropriate
 2541 public education. As used in this section, the term "IEP" means
 2542 individual education plan.

2543 (2) Beginning not later than the first IEP to be in effect
 2544 when the student attains the age of 16, or younger if determined
 2545 appropriate by the parent and the IEP team, the IEP must include
 2546 the following statements that must be updated annually:

2547 (b) A statement of intent to receive a standard high school
 2548 diploma before the student attains the age of 22 and a
 2549 description of how the student will fully meet the requirements
 2550 in s. 1003.4282, including, but not limited to, a portfolio
 2551 pursuant to s. 1003.4282(10)(b) ~~1003.4282(11)(b)~~ which meets the
 2552 criteria specified in State Board of Education rule. The IEP

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2553 must also specify the outcomes and additional benefits expected
2554 by the parent and the IEP team at the time of the student's
2555 graduation.

2556 Reviser's note.—Amended to conform to the redesignation of s.
2557 1003.4282(11) as s. 1003.4282(10) by the editors to conform
2558 to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws
2559 of Florida.

2560 Section 96. Subsection (1) of section 1008.22, Florida
2561 Statutes, is reenacted, and paragraph (d) of subsection (7) of
2562 that section is amended, to read:

2563 1008.22 Student assessment program for public schools.—

2564 (1) PURPOSE.—The primary purpose of the student assessment
2565 program is to provide student academic achievement and learning
2566 gains data to students, parents, teachers, school
2567 administrators, and school district staff. This data is to be
2568 used by districts to improve instruction; by students, parents,
2569 and teachers to guide learning objectives; by education
2570 researchers to assess national and international education
2571 comparison data; and by the public to assess the cost benefit of
2572 the expenditure of taxpayer dollars. The program must be
2573 designed to:

2574 (a) Assess the achievement level and annual learning gains
2575 of each student in English Language Arts and mathematics and the
2576 achievement level in all other subjects assessed.

2577 (b) Provide data for making decisions regarding school
2578 accountability, recognition, and improvement of operations and
2579 management, including schools operating for the purpose of
2580 providing educational services to youth in Department of
2581 Juvenile Justice programs.

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2582 (c) Identify the educational strengths and needs of
2583 students and the readiness of students to be promoted to the
2584 next grade level or to graduate from high school.

2585 (d) Assess how well educational goals and curricular
2586 standards are met at the school, district, state, national, and
2587 international levels.

2588 (e) Provide information to aid in the evaluation and
2589 development of educational programs and policies.

2590 (f) When available, provide instructional personnel with
2591 information on student achievement of standards and benchmarks
2592 in order to improve instruction.

2593 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

2594 (d) A school district may not schedule more than 5 percent
2595 of a student's total school hours in a school year to administer
2596 statewide, standardized assessments and district-required local
2597 assessments. The district must secure written consent from a
2598 student's parent before administering district-required local
2599 assessments that, after applicable statewide, standardized
2600 assessments are scheduled, exceed the 5 percent test
2601 administration limit for that student under this paragraph. The
2602 5 percent test administration limit for a student under this
2603 paragraph may be exceeded as needed to provide test
2604 accommodations that are required by an IEP or are appropriate
2605 for an English language learner who is currently receiving
2606 services in a program operated in accordance with an approved
2607 English language learner district plan pursuant to s. 1003.56.
2608 Notwithstanding this paragraph, a student may choose within a
2609 school year to take an examination or assessment adopted by
2610 State Board of Education rule pursuant to this section and ss.

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2611 1007.27, 1008.30, and 1008.44.

2612 Reviser's note.—Section 7, ch. 2015-6, Laws of Florida,
2613 purported to amend subsection (1) but did not publish
2614 paragraphs (a)-(e). Absent affirmative evidence of
2615 legislative intent to repeal the omitted paragraphs,
2616 subsection (1) is reenacted to confirm the omission was not
2617 intended. Paragraph (7)(d) is amended to confirm the
2618 editorial insertion of the word "assessments" to conform to
2619 context.

2620 Section 97. Paragraph (c) of subsection (1) of section
2621 1012.22, Florida Statutes, is amended to read:

2622 1012.22 Public school personnel; powers and duties of the
2623 district school board.—The district school board shall:

2624 (1) Designate positions to be filled, prescribe
2625 qualifications for those positions, and provide for the
2626 appointment, compensation, promotion, suspension, and dismissal
2627 of employees as follows, subject to the requirements of this
2628 chapter:

2629 (c) *Compensation and salary schedules.*—

2630 1. Definitions.—As used in this paragraph:

2631 a. "Adjustment" means an addition to the base salary
2632 schedule that is not a bonus and becomes part of the employee's
2633 permanent base salary and shall be considered compensation under
2634 s. 121.021(22).

2635 b. "Grandfathered salary schedule" means the salary
2636 schedule or schedules adopted by a district school board before
2637 July 1, 2014, pursuant to subparagraph 4.

2638 c. "Instructional personnel" means instructional personnel
2639 as defined in s. 1012.01(2)(a)-(d), excluding substitute

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2640 teachers.

2641 d. "Performance salary schedule" means the salary schedule
2642 or schedules adopted by a district school board pursuant to
2643 subparagraph 5.

2644 e. "Salary schedule" means the schedule or schedules used
2645 to provide the base salary for district school board personnel.

2646 f. "School administrator" means a school administrator as
2647 defined in s. 1012.01(3)(c).

2648 g. "Supplement" means an annual addition to the base salary
2649 for the term of the negotiated supplement as long as the
2650 employee continues his or her employment for the purpose of the
2651 supplement. A supplement does not become part of the employee's
2652 continuing base salary but shall be considered compensation
2653 under s. 121.021(22).

2654 2. Cost-of-living adjustment.—A district school board may
2655 provide a cost-of-living salary adjustment if the adjustment:

2656 a. Does not discriminate among comparable classes of
2657 employees based upon the salary schedule under which they are
2658 compensated.

2659 b. Does not exceed 50 percent of the annual adjustment
2660 provided to instructional personnel rated as effective.

2661 3. Advanced degrees.—A district school board may not use
2662 advanced degrees in setting a salary schedule for instructional
2663 personnel or school administrators hired on or after July 1,
2664 2011, unless the advanced degree is held in the individual's
2665 area of certification and is only a salary supplement.

2666 4. Grandfathered salary schedule.—

2667 a. The district school board shall adopt a salary schedule
2668 or salary schedules to be used as the basis for paying all

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2669 school employees hired before July 1, 2014. Instructional
2670 personnel on annual contract as of July 1, 2014, shall be placed
2671 on the performance salary schedule adopted under subparagraph 5.
2672 Instructional personnel on continuing contract or professional
2673 service contract may opt into the performance salary schedule if
2674 the employee relinquishes such contract and agrees to be
2675 employed on an annual contract under s. 1012.335. Such an
2676 employee shall be placed on the performance salary schedule and
2677 may not return to continuing contract or professional service
2678 contract status. Any employee who opts into the performance
2679 salary schedule may not return to the grandfathered salary
2680 schedule.

2681 b. In determining the grandfathered salary schedule for
2682 instructional personnel, a district school board must base a
2683 portion of each employee's compensation upon performance
2684 demonstrated under s. 1012.34 and shall provide differentiated
2685 pay for both instructional personnel and school administrators
2686 based upon district-determined factors, including, but not
2687 limited to, additional responsibilities, school demographics,
2688 critical shortage areas, and level of job performance
2689 difficulties.

2690 5. Performance salary schedule.—By July 1, 2014, the
2691 district school board shall adopt a performance salary schedule
2692 that provides annual salary adjustments for instructional
2693 personnel and school administrators based upon performance
2694 determined under s. 1012.34. Employees hired on or after July 1,
2695 2014, or employees who choose to move from the grandfathered
2696 salary schedule to the performance salary schedule shall be
2697 compensated pursuant to the performance salary schedule once

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2698 they have received the appropriate performance evaluation for
2699 this purpose. ~~However, a classroom teacher whose performance~~
2700 ~~evaluation utilizes student learning growth measures established~~
2701 ~~under s. 1012.34(7)(c) shall remain under the grandfathered~~
2702 ~~salary schedule until his or her teaching assignment changes to~~
2703 ~~a subject for which there is an assessment or the school~~
2704 ~~district establishes equally appropriate measures of student~~
2705 ~~learning growth as defined under s. 1012.34 and rules of the~~
2706 ~~State Board of Education.~~

2707 a. Base salary.—The base salary shall be established as
2708 follows:

2709 (I) The base salary for instructional personnel or school
2710 administrators who opt into the performance salary schedule
2711 shall be the salary paid in the prior year, including
2712 adjustments only.

2713 (II) Beginning July 1, 2014, instructional personnel or
2714 school administrators new to the district, returning to the
2715 district after a break in service without an authorized leave of
2716 absence, or appointed for the first time to a position in the
2717 district in the capacity of instructional personnel or school
2718 administrator shall be placed on the performance salary
2719 schedule.

2720 b. Salary adjustments.—Salary adjustments for highly
2721 effective or effective performance shall be established as
2722 follows:

2723 (I) The annual salary adjustment under the performance
2724 salary schedule for an employee rated as highly effective must
2725 be greater than the highest annual salary adjustment available
2726 to an employee of the same classification through any other

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2727 salary schedule adopted by the district.

2728 (II) The annual salary adjustment under the performance
2729 salary schedule for an employee rated as effective must be equal
2730 to at least 50 percent and no more than 75 percent of the annual
2731 adjustment provided for a highly effective employee of the same
2732 classification.

2733 (III) The performance salary schedule shall not provide an
2734 annual salary adjustment for an employee who receives a rating
2735 other than highly effective or effective for the year.

2736 c. Salary supplements.—In addition to the salary
2737 adjustments, each district school board shall provide for salary
2738 supplements for activities that must include, but are not
2739 limited to:

2740 (I) Assignment to a Title I eligible school.

2741 (II) Assignment to a school that earned a grade of "F" or
2742 three consecutive grades of "D" pursuant to s. 1008.34 such that
2743 the supplement remains in force for at least 1 year following
2744 improved performance in that school.

2745 (III) Certification and teaching in critical teacher
2746 shortage areas. Statewide critical teacher shortage areas shall
2747 be identified by the State Board of Education under s. 1012.07.
2748 However, the district school board may identify other areas of
2749 critical shortage within the school district for purposes of
2750 this sub-sub-subparagraph and may remove areas identified by the
2751 state board which do not apply within the school district.

2752 (IV) Assignment of additional academic responsibilities.

2753
2754 If budget constraints in any given year limit a district school
2755 board's ability to fully fund all adopted salary schedules, the

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2756 performance salary schedule shall not be reduced on the basis of
2757 total cost or the value of individual awards in a manner that is
2758 proportionally greater than reductions to any other salary
2759 schedules adopted by the district.

2760 Reviser's note.—Amended to conform to the repeal of s.

2761 1012.34(7)(e) by s. 12, ch. 2015-6, Laws of Florida.

2762 Section 98. Subsection (2) of section 1012.341, Florida
2763 Statutes, is amended to read:

2764 1012.341 Exemption from performance evaluation system and
2765 compensation and salary schedule requirements.—

2766 (2) ~~By October 1, 2014,~~ and By October 1 annually
2767 ~~thereafter~~, the superintendent of Hillsborough County School
2768 District shall attest, in writing, to the Commissioner of
2769 Education that:

2770 (a) The instructional personnel and school administrator
2771 evaluation systems base at least 40 percent of an employee's
2772 performance evaluation upon student performance and that student
2773 performance is the single greatest component of an employee's
2774 evaluation.

2775 (b) The instructional personnel and school administrator
2776 evaluation systems adopt the Commissioner of Education's student
2777 learning growth formula for statewide assessments as provided
2778 under s. 1012.34(7).

2779 (c) The school district's instructional personnel and
2780 school administrator compensation system awards salary increases
2781 based upon sustained student performance.

2782 (d) The school district's contract system awards
2783 instructional personnel and school administrators based upon
2784 student performance and removes ineffective employees.

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2786 This section is repealed August 1, 2017, unless reviewed and
2787 reenacted by the Legislature.

2788 Reviser's note.—Amended to delete an obsolete provision.

2789 Section 99. This act shall take effect on the 60th day
2790 after adjournment sine die of the session of the Legislature in
2791 which enacted.