

20161038er

1
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, 561.42, 561.57, 605.0410, 610.1201,
16 617.01301, 618.221, 624.5105, 625.012, 631.152,
17 631.737, 641.225, 719.108, 742.14, 752.001, 765.105,
18 765.2038, 787.29, 893.138, 944.4731, 945.215, 1001.65,
19 1002.3105, 1003.21, 1003.5716, 1012.22, and 1012.341,
20 F.S.; reenacting and amending s. 1008.22, F.S; and
21 repealing ss. 200.185 and 624.35, F.S.; deleting
22 provisions that have expired, have become obsolete,
23 have had their effect, have served their purpose, or
24 have been impliedly repealed or superseded; replacing
25 incorrect cross-references and citations; correcting
26 grammatical, typographical, and like errors; removing
27 inconsistencies, redundancies, and unnecessary
28 repetition in the statutes; improving the clarity of
29 the statutes and facilitating their correct

20161038er

30 interpretation; and confirming the restoration of
31 provisions unintentionally omitted from republication
32 in the acts of the Legislature during the amendatory
33 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

20161038er

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

20161038er

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

20161038er

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

20161038er

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.

20161038er

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

20161038er

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

20161038er

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.

20161038er

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

20161038er

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.

20161038er

- 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

20161038er

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

20161038er

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.

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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~~

20161038er

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

20161038er

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

20161038er

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,

20161038er

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

20161038er

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

20161038er

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

20161038er

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.

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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~~

20161038er

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~~

20161038er

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

20161038er

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

20161038er

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.

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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, and
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

20161038er

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

20161038er

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

20161038er

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

20161038er

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:

20161038er

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.—

20161038er

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

20161038er

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

20161038er

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
into a unit dose system compatible with the system used by the
nursing facility, if the pharmacist is requested to offer such
service. In order to be eligible for the repackaging, a resident
or the resident's spouse must receive prescription medication
benefits provided through a former employer as part of his or
her retirement benefits, a qualified pension plan as specified
in s. 4972 of the Internal Revenue Code, a federal retirement
program as specified under 5 C.F.R. part ~~s.~~ 831, or a long-term
care policy as defined in s. 627.9404(1). A pharmacist who
correctly repackages and relabels the medication and the nursing

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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:

20161038er

1625 (1) Section 796.07(4)(a)3.~~796.07(4)(e)~~, 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.

20161038er

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

20161038er

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

20161038er

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~~ 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

20161038er

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)~~(4)~~ "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.

20161038er

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

20161038er

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

20161038er

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

20161038er

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

20161038er

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)(c)~~, 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.

20161038er

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

20161038er

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

20161038er

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

20161038er

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 (a) of subsection (13) of section
2020 561.42, Florida Statutes, is amended to read:

2021 561.42 Tied house evil; financial aid and assistance to
2022 vendor by manufacturer, distributor, importer, primary American
2023 source of supply, brand owner or registrant, or any broker,
2024 sales agent, or sales person thereof, prohibited; procedure for
2025 enforcement; exception.—

2026 (13) A licensee under the Beverage Law may not possess or
2027 use, in physical or electronic format, any type of malt beverage
2028 coupon or malt beverage cross-merchandising coupon in this
2029 state, where:

2030 (a) The coupon is produced, sponsored, or furnished,

20161038er

2031 whether directly or indirectly, by an alcoholic ~~alcohol~~ beverage
2032 manufacturer, distributor, importer, brand owner, or brand
2033 registrant or any broker, sales agent, or sales person thereof;
2034 and

2035 Reviser's note.—Amended to conform to context and facilitate
2036 correct interpretation.

2037 Section 71. Subsection (4) of section 561.57, Florida
2038 Statutes, is amended to read:

2039 561.57 Deliveries by licensees.—

2040 (4) Nothing contained in this section shall prohibit
2041 deliveries by the licensee from his or her permitted storage
2042 area or deliveries by a distributor from the manufacturer to his
2043 or her licensed premises; nor shall a pool buying agent be
2044 prohibited from transporting pool purchases to the licensed
2045 premises of his or her members with the licensee's owned or
2046 leased vehicles, ~~and in such cases,~~. In addition, a licensed
2047 salesperson of wine and spirits is authorized to deliver
2048 alcoholic beverages in his or her vehicle on behalf of the
2049 distributor.

2050 Reviser's note.—Amended to confirm the editorial deletion of the
2051 phrase ", and in such cases," to conform to the striking of
2052 the remaining words of the sentence by s. 5, ch. 2015-12,
2053 Laws of Florida.

2054 Section 72. Paragraph (b) of subsection (2) of section
2055 605.0410, Florida Statutes, is amended to read:

2056 605.0410 Records to be kept; rights of member, manager, and
2057 person dissociated to information.—

2058 (2) In a member-managed limited liability company, the
2059 following rules apply:

20161038er

2060 (b) The company shall furnish to each member:

2061 1. Without demand, any information concerning the company's
2062 activities, affairs, financial condition, and other
2063 circumstances that is known to ~~that~~ the company ~~knows~~ and is
2064 material to the proper exercise of the member's rights and
2065 duties under the operating agreement or this chapter, except to
2066 the extent the company can establish that it reasonably believes
2067 the member already knows the information; and

2068 2. On demand, other information concerning the company's
2069 activities, affairs, financial condition, and other
2070 circumstances, except to the extent the demand or information
2071 demanded is unreasonable or otherwise improper under the
2072 circumstances.

2073 Reviser's note.—Amended to improve clarity and to facilitate
2074 correct interpretation.

2075 Section 73. Section 610.1201, Florida Statutes, is amended
2076 to read:

2077 610.1201 Severability.—If any provision of ss. 610.102-
2078 610.118 ~~610.102-610.119~~ or the application thereof to any person
2079 or circumstance is held invalid, such invalidity shall not
2080 affect other provisions or application of ss. 610.102-610.118
2081 ~~610.102-610.119~~ which can be given effect without the invalid
2082 provision or application, and to this end the provisions of ss.
2083 610.102-610.118 ~~610.102-610.119~~ are severable.

2084 Reviser's note.—Amended to conform to the repeal of s. 610.119
2085 by s. 1, ch. 2014-90, Laws of Florida.

2086 Section 74. Subsection (3) of section 617.01301, Florida
2087 Statutes, is amended to read:

2088 617.01301 Powers of Department of State.—

20161038er

2089 (3) The Department of State may, based upon its findings
2090 hereunder or as provided in s. 213.053(15) ~~213.053(13)~~, bring an
2091 action in circuit court to collect any penalties, fees, or taxes
2092 determined to be due and owing the state and to compel any
2093 filing, qualification, or registration required by law. In
2094 connection with such proceeding the department may, without
2095 prior approval by the court, file a lis pendens against any
2096 property owned by the corporation and may further certify any
2097 findings to the Department of Legal Affairs for the initiation
2098 of any action permitted pursuant to s. 617.0503 which the
2099 Department of Legal Affairs may deem appropriate.

2100 Reviser's note.—Amended to conform to the fact that s.

2101 213.053(15), not s. 2130.053(13), references the Department
2102 of State and to conform to similar provisions in ss.
2103 605.1104 and 607.0130.

2104 Section 75. Section 618.221, Florida Statutes, is amended
2105 to read:

2106 618.221 Conversion into a corporation for profit.—Any
2107 association incorporated under or that has adopted the
2108 provisions of this chapter, may, by a majority vote of its
2109 stockholders or members be brought under part I of chapter 607,
2110 as a corporation for profit by surrendering all right to carry
2111 on its business under this chapter, and the privileges and
2112 immunities incident thereto. It shall make out in duplicate a
2113 statement signed and sworn to by its directors to the effect
2114 that the association has, by a majority vote of its stockholders
2115 or members, decided to surrender all rights, powers, and
2116 privileges as a nonprofit cooperative marketing association
2117 under this chapter and to do business under and be bound by part

20161038er

2118 I of chapter 607, as a corporation for profit and has authorized
2119 all changes accordingly. Articles of incorporation shall be
2120 delivered to the Department of State for filing as required
2121 under part I of chapter 607, except that they shall be signed by
2122 the members of the then board of directors. The filing fees and
2123 taxes shall be as provided under part I of chapter 607. Such
2124 articles of incorporation shall adequately protect and preserve
2125 the relative rights of the stockholders or members of the
2126 association so converting into a corporation for profit;
2127 provided that no rights or obligations due any stockholder or
2128 member of such association or any other person, firm, or
2129 corporation which have ~~has~~ not been waived or satisfied shall be
2130 impaired by such conversion into a corporation for profit as
2131 herein authorized.

2132 Reviser's note.—Amended to improve clarity and facilitate
2133 correct interpretation.

2134 Section 76. Section 624.35, Florida Statutes, is repealed.

2135 Reviser's note.—Repealed to delete a provision that has served
2136 its purpose. Section 624.35 is the short title for the
2137 "Medicaid and Public Assistance Fraud Strike Force,"
2138 consisting of ss. 624.35, 624.351, and 624.352. Sections
2139 624.351 and 624.352 were repealed by ss. 21, 22, ch. 2015-
2140 3, Laws of Florida.

2141 Section 77. Paragraph (d) of subsection (2) of section
2142 624.5105, Florida Statutes, is amended to read:

2143 624.5105 Community contribution tax credit; authorization;
2144 limitations; eligibility and application requirements;
2145 administration; definitions; expiration.—

2146 (2) ELIGIBILITY REQUIREMENTS.—

20161038er

2147 (d) The project shall be located in an area that was
2148 designated as an enterprise zone pursuant to chapter 290 as of
2149 May 1, 2015, or a Front Porch Florida Community. Any project
2150 designed to provide housing opportunities for persons with
2151 special needs as defined in s. 420.0004 or to construct or
2152 rehabilitate housing for low-income or very-low-income
2153 households as defined in s. 420.9071(19) and (28) is exempt from
2154 the area requirement of this paragraph.

2155 Reviser's note.—Amended to confirm the editorial insertion of
2156 the word "Florida" to conform to the full title of
2157 communities receiving grants through the Front Porch
2158 Florida Initiative.

2159 Section 78. Paragraph (b) of subsection (15) of section
2160 625.012, Florida Statutes, is amended to read:

2161 625.012 "Assets" defined.—In any determination of the
2162 financial condition of an insurer, there shall be allowed as
2163 "assets" only such assets as are owned by the insurer and which
2164 consist of:

2165 (15)

2166 (b) Assessments levied as monthly installments pursuant to
2167 s. 631.57(3)(e)3. ~~631.57(3)(e)1.c.~~ that are paid after policy
2168 surcharges are collected so that the recognition of assets is
2169 based on actual premium written offset by the obligation to the
2170 Florida Insurance Guaranty Association.

2171 Reviser's note.—Amended to conform to the redesignation of s.

2172 631.57(3)(e)1.c. as s. 631.57(3)(e)3. by s. 2, ch. 2015-65,
2173 Laws of Florida.

2174 Section 79. Subsection (2) of section 631.152, Florida
2175 Statutes, is amended to read:

20161038er

2176 631.152 Conduct of delinquency proceeding; foreign
2177 insurers.—

2178 (2) The domiciliary receiver for the purpose of liquidating
2179 an insurer domiciled in a reciprocal state shall be vested by
2180 operation of law with the title to all of the property (except
2181 statutory deposits, special statutory deposits, and property
2182 located in this state subject to a security interest),
2183 contracts, and rights of action, and all of the books and
2184 records of the insurer located in this state, and it shall have
2185 the immediate right to recover balances due from local agents
2186 and to obtain possession of any books and records of the insurer
2187 found in this state. It shall also be entitled to recover the
2188 property subject to a security interest, statutory deposits, and
2189 special statutory deposits of the insurer located in this state,
2190 except that upon the appointment of an ancillary receiver in
2191 this state, the ancillary receiver shall during the ancillary
2192 receivership proceeding have the sole right to recover such
2193 other assets. The ancillary receiver shall, as soon as
2194 practicable, liquidate from their respective securities those
2195 special deposit claims and secured claims which are proved and
2196 allowed in the ancillary proceeding in this state, and shall pay
2197 the necessary expenses of the proceeding. ~~All remaining assets~~
2198 It shall promptly transfer all remaining assets to the
2199 domiciliary receiver. Subject to the foregoing provisions, the
2200 ancillary receiver and its agents shall have the same powers and
2201 be subject to the same duties with respect to the administration
2202 of such assets as a receiver of an insurer domiciled in this
2203 state.

2204 Reviser's note.—Amended to improve clarity and facilitate

20161038er

2205 correct interpretation.

2206 Section 80. Section 631.737, Florida Statutes, is amended
2207 to read:

2208 631.737 Rescission and review generally.—The association
2209 shall review claims and matters regarding covered policies based
2210 upon the record available to it on and after the date of
2211 liquidation. Notwithstanding any other provision of this part,
2212 in order to allow for orderly claims administration by the
2213 association, entry of a liquidation order by a court of
2214 competent jurisdiction tolls for 1 year any rescission or
2215 noncontestable period allowed by the contract, by the policy, or
2216 by law. The association's obligation is to pay any valid
2217 insurance policy or contract claims, if warranted, after its
2218 independent de novo review of the policies, contracts, and
2219 claims presented to it, whether domestic or foreign, following a
2220 rehabilitation or a liquidation.

2221 Reviser's note.—Amended to improve clarity and facilitate
2222 correct interpretation.

2223 Section 81. Subsection (2) of section 641.225, Florida
2224 Statutes, is amended to read:

2225 641.225 Surplus requirements.—

2226 (2) The office shall not issue a certificate of authority,
2227 ~~except as provided in subsection (3),~~ unless the health
2228 maintenance organization has a minimum surplus in an amount
2229 which is the greater of:

2230 (a) Ten percent of their total liabilities based on their
2231 startup projection as set forth in this part;

2232 (b) Two percent of their total projected premiums based on
2233 their startup projection as set forth in this part; or

20161038er

2234 (c) \$1,500,000, plus all startup losses, excluding profits,
2235 projected to be incurred on their startup projection until the
2236 projection reflects statutory net profits for 12 consecutive
2237 months.

2238 Reviser's note.—Amended to conform to the repeal of s.

2239 641.225(3) by s. 31, ch. 2015-3, Laws of Florida.

2240 Section 82. Subsection (3) of section 719.108, Florida
2241 Statutes, is amended to read:

2242 719.108 Rents and assessments; liability; lien and
2243 priority; interest; collection; cooperative ownership.—

2244 (3) Rents and assessments, and installments on them, not
2245 paid when due bear interest at the rate provided in the
2246 cooperative documents from the date due until paid. This rate
2247 may not exceed the rate allowed by law and, if a rate is not
2248 provided in the cooperative documents, accrues at 18 percent per
2249 annum. If the cooperative documents or bylaws so provide, the
2250 association may charge an administrative late fee in addition to
2251 such interest, not to exceed the greater of \$25 or 5 percent of
2252 each installment of the assessment for each delinquent
2253 installment that the payment is late. Any payment received by an
2254 association must be applied first to any interest accrued by the
2255 association, then to any administrative late fee, then to any
2256 costs and reasonable attorney fees incurred in collection, and
2257 then to the delinquent assessment. The foregoing applies
2258 notwithstanding s. 673.3111, any purported accord and
2259 satisfaction, or any restrictive endorsement, designation, or
2260 instruction placed on or accompanying a payment. The preceding
2261 sentence ~~of~~ is intended to clarify existing law. A late fee is
2262 not subject to chapter 687 or s. 719.303(4).

20161038er

2263 Reviser's note.—Amended to confirm the editorial deletion of the
2264 word "of."

2265 Section 83. Section 742.14, Florida Statutes, is amended to
2266 read:

2267 742.14 Donation of eggs, sperm, or preembryos.—The donor of
2268 any egg, sperm, or preembryo, other than the commissioning
2269 couple or a father who has executed a preplanned adoption
2270 agreement under s. 63.213 ~~63.212~~, shall relinquish all maternal
2271 or paternal rights and obligations with respect to the donation
2272 or the resulting children. Only reasonable compensation directly
2273 related to the donation of eggs, sperm, and preembryos shall be
2274 permitted.

2275 Reviser's note.—Amended to conform to the deletion of material
2276 relating to entry into a preplanned adoption arrangement
2277 from s. 63.212 by s. 35, ch. 2003-58, Laws of Florida, and
2278 creation of s. 63.213 relating to preplanned adoption
2279 agreements by s. 36 of that act.

2280 Section 84. Subsection (3) of section 752.001, Florida
2281 Statutes, is amended to read:

2282 752.001 Definitions.—As used in this chapter, the term:
2283 (3) "Persistent vegetative state" has the same meaning as
2284 provided in s. 765.101(15) ~~765.101(12)~~.

2285 Reviser's note.—Amended to conform to the redesignation of s.
2286 765.101(12) as s. 765.101(15) by s. 2, ch. 2015-153, Laws
2287 of Florida.

2288 Section 85. Subsection (2) of section 765.105, Florida
2289 Statutes, is amended to read:

2290 765.105 Review of surrogate or proxy's decision.—

2291 (2) This section does not apply to a patient who is not

20161038er

2292 incapacitated and who has designated a surrogate who has
2293 immediate authority to make health care decisions or ~~and~~ receive
2294 health information, or both, on behalf of the patient.

2295 Reviser's note.—Amended to confirm the editorial substitution of
2296 the word "or" for the word "and" to conform to context and
2297 facilitate correct interpretation.

2298 Section 86. Section 765.2038, Florida Statutes, is amended
2299 to read:

2300 765.2038 Designation of health care surrogate for a minor;
2301 suggested form.—A written designation of a health care surrogate
2302 for a minor executed pursuant to this chapter may, but need not,
2303 ~~to be~~ in the following form:

2304
2305 DESIGNATION OF HEALTH CARE SURROGATE
2306 FOR MINOR
2307

2308 I/We, ...(name/names)..., the [....] natural guardian(s) as
2309 defined in s. 744.301(1), Florida Statutes; [....] legal
2310 custodian(s); [....] legal guardian(s) [check one] of the
2311 following minor(s):

2312
2313;
2314;
2315,

2316
2317 pursuant to s. 765.2035, Florida Statutes, designate the
2318 following person to act as my/our surrogate for health care
2319 decisions for such minor(s) in the event that I/we am/are not
2320 able or reasonably available to provide consent for medical

20161038er

2321 treatment and surgical and diagnostic procedures:

2322

2323 Name: ...(name)...

2324 Address: ...(address)...

2325 Zip Code: ...(zip code)...

2326 Phone: ...(telephone)...

2327

2328 If my/our designated health care surrogate for a minor is
2329 not willing, able, or reasonably available to perform his or her
2330 duties, I/we designate the following person as my/our alternate
2331 health care surrogate for a minor:

2332

2333 Name: ...(name)...

2334 Address: ...(address)...

2335 Zip Code: ...(zip code)...

2336 Phone: ...(telephone)...

2337

2338 I/We authorize and request all physicians, hospitals, or
2339 other providers of medical services to follow the instructions
2340 of my/our surrogate or alternate surrogate, as the case may be,
2341 at any time and under any circumstances whatsoever, with regard
2342 to medical treatment and surgical and diagnostic procedures for
2343 a minor, provided the medical care and treatment of any minor is
2344 on the advice of a licensed physician.

2345

2346 I/We fully understand that this designation will permit
2347 my/our designee to make health care decisions for a minor and to
2348 provide, withhold, or withdraw consent on my/our behalf, to
2349 apply for public benefits to defray the cost of health care, and

20161038er

2350 to authorize the admission or transfer of a minor to or from a
2351 health care facility.

2352
2353 I/We will notify and send a copy of this document to the
2354 following person(s) other than my/our surrogate, so that they
2355 may know the identity of my/our surrogate:

2356
2357 Name: ...(name)...

2358 Name: ...(name)...

2359
2360 Signed: ...(signature)...

2361 Date: ...(date)...

2362
2363 WITNESSES:

2364 1. ...(witness)...

2365 2. ...(witness)...

2366 Reviser's note.—Amended to confirm the editorial substitution of
2367 the word "not" for the word "to" to conform to context and
2368 facilitate correct interpretation.

2369 Section 87. Paragraph (b) of subsection (3) of section
2370 787.29, Florida Statutes, is amended to read:

2371 787.29 Human trafficking public awareness signs.—

2372 (3) The employer at each of the following establishments
2373 shall display a public awareness sign developed under subsection
2374 (4) in a conspicuous location that is clearly visible to the
2375 public and employees of the establishment:

2376 (b) A business or establishment that offers massage or
2377 bodywork services for compensation that is not owned by a health
2378 care practitioner ~~profession~~ regulated pursuant to chapter 456

20161038er

2379 and defined in s. 456.001.

2380 Reviser's note.—Amended to improve clarity and facilitate
2381 correct interpretation.

2382 Section 88. Paragraph (c) of subsection (3) of section
2383 893.138, Florida Statutes, is amended to read:

2384 893.138 Local administrative action to abate drug-related,
2385 prostitution-related, or stolen-property-related public
2386 nuisances and criminal gang activity.—

2387 (3) Any pain-management clinic, as described in s. 458.3265
2388 or s. 459.0137, which has been used on more than two occasions
2389 within a 6-month period as the site of a violation of:

2390 (c) Section 812.014, relating to ~~dealing in~~ theft;

2391
2392 may be declared to be a public nuisance, and such nuisance may
2393 be abated pursuant to the procedures provided in this section.

2394 Reviser's note.—Amended to conform to context.

2395 Section 89. Paragraph (b) of subsection (2) of section
2396 944.4731, Florida Statutes, is amended to read:

2397 944.4731 Addiction-Recovery Supervision Program.—

2398 (2)

2399 (b) An offender released under addiction-recovery
2400 supervision shall be subject to specified terms and conditions,
2401 including payment of the costs of supervision under s. 948.09
2402 and any other court-ordered payments, such as child support and
2403 restitution. If an offender has received a term of probation or
2404 community control to be served after release from incarceration,
2405 the period of probation or community control may not be
2406 substituted for addiction-recovery supervision and shall follow
2407 the term of addiction-recovery supervision. A panel of not fewer

20161038er

2408 than two ~~parole~~ commissioners shall establish the terms and
2409 conditions of supervision, and the terms and conditions must be
2410 included in the supervision order. In setting the terms and
2411 conditions of supervision, the commission shall weigh heavily
2412 the program requirements, including, but not limited to, work at
2413 paid employment while participating in treatment and traveling
2414 restrictions. The commission shall also determine whether an
2415 offender violates the terms and conditions of supervision and
2416 whether a violation warrants revocation of addiction-recovery
2417 supervision pursuant to s. 947.141. The commission shall review
2418 the offender's record for the purpose of establishing the terms
2419 and conditions of supervision. The commission may impose any
2420 special conditions it considers warranted from its review of the
2421 record. The length of supervision may not exceed the maximum
2422 penalty imposed by the court.

2423 Reviser's note.—Amended to conform to the renaming of the
2424 Florida Parole Commission as the Florida Commission on
2425 Offender Review by s. 4, ch. 2014-191, Laws of Florida.
2426 Section 90. Paragraph (a) of subsection (1) of section
2427 945.215, Florida Statutes, is amended to read:

2428 945.215 Inmate welfare and employee benefit trust funds.—

2429 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

2430 (a) ~~From~~ The net proceeds from operating inmate canteens,
2431 vending machines used primarily by inmates and visitors, hobby
2432 shops, and other such facilities must be deposited in the
2433 General Revenue Fund; however, funds necessary to purchase items
2434 for resale at inmate canteens and vending machines must be
2435 deposited into local bank accounts designated by the department.

2436 Reviser's note.—Amended to improve clarity and facilitate

20161038er

2437 correct interpretation.

2438 Section 91. Subsection (20) of section 1001.65, Florida
2439 Statutes, is amended to read:

2440 1001.65 Florida College System institution presidents;
2441 powers and duties.—The president is the chief executive officer
2442 of the Florida College System institution, shall be corporate
2443 secretary of the Florida College System institution board of
2444 trustees, and is responsible for the operation and
2445 administration of the Florida College System institution. Each
2446 Florida College System institution president shall:

2447 ~~(20) Establish a committee to consider requests for waivers~~
2448 ~~from the provisions of s. 1008.29 and approve or disapprove the~~
2449 ~~committee's recommendations.~~

2450 Reviser's note.—Amended to delete an obsolete provision and
2451 conform to the repeal of s. 1008.29 by s. 21, ch. 2009-59,
2452 Laws of Florida.

2453 Section 92. Subsection (5) of section 1002.3105, Florida
2454 Statutes, is amended to read:

2455 1002.3105 Academically Challenging Curriculum to Enhance
2456 Learning (ACCEL) options.—

2457 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
2458 meets the applicable grade 9 cohort graduation requirements of
2459 s. 1003.4282 (3) (a)-(e) or s. 1003.4282 (9) (a) 1.-5.

2460 ~~1003.4282 (10) (a) 1.-5., (b) 1.-5., (c) 1.-5., or (d) 1.-5.,~~ earns
2461 three credits in electives, and earns a cumulative grade point
2462 average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard
2463 high school diploma in a form prescribed by the State Board of
2464 Education.

2465 Reviser's note.— Amended to conform to the redesignation of s.

20161038er

2466 1003.4282(10) as s. 1003.4282(9) by the editors to conform
2467 to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws
2468 of Florida.

2469 Section 93. Paragraph (e) of subsection (1) of section
2470 1003.21, Florida Statutes, is amended to read:

2471 1003.21 School attendance.—

2472 (1)

2473 (e) Consistent with rules adopted by the State Board of
2474 Education, children with disabilities who have attained the age
2475 of 3 years shall be eligible for admission to public special
2476 education programs and for related services. Children with
2477 disabilities younger than 3 years of age who are deaf or hard of
2478 hearing, visually impaired, dual sensory impaired,
2479 orthopedically impaired, or other health impaired or who have
2480 experienced traumatic brain injury, who have autism spectrum
2481 disorder, have established conditions, or who exhibit
2482 developmental delays or intellectual disabilities may be
2483 eligible for special programs and may receive services in
2484 accordance with rules of the State Board of Education. Rules for
2485 the identification of established conditions for children birth
2486 through 2 years of age and developmental delays for children
2487 birth through 5 years of age must be adopted by the State Board
2488 of Education.

2489 Reviser's note.—Amended to improve clarity.

2490 Section 94. Paragraph (b) of subsection (2) of section
2491 1003.5716, Florida Statutes, is amended to read:

2492 1003.5716 Transition to postsecondary education and career
2493 opportunities.—All students with disabilities who are 3 years of
2494 age to 21 years of age have the right to a free, appropriate

20161038er

2495 public education. As used in this section, the term "IEP" means
2496 individual education plan.

2497 (2) Beginning not later than the first IEP to be in effect
2498 when the student attains the age of 16, or younger if determined
2499 appropriate by the parent and the IEP team, the IEP must include
2500 the following statements that must be updated annually:

2501 (b) A statement of intent to receive a standard high school
2502 diploma before the student attains the age of 22 and a
2503 description of how the student will fully meet the requirements
2504 in s. 1003.4282, including, but not limited to, a portfolio
2505 pursuant to s. 1003.4282(10)(b) ~~1003.4282(11)(b)~~ which meets the
2506 criteria specified in State Board of Education rule. The IEP
2507 must also specify the outcomes and additional benefits expected
2508 by the parent and the IEP team at the time of the student's
2509 graduation.

2510 Reviser's note.—Amended to conform to the redesignation of s.
2511 1003.4282(11) as s. 1003.4282(10) by the editors to conform
2512 to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws
2513 of Florida.

2514 Section 95. Subsection (1) of section 1008.22, Florida
2515 Statutes, is reenacted, and paragraph (d) of subsection (7) of
2516 that section is amended, to read:

2517 1008.22 Student assessment program for public schools.—

2518 (1) PURPOSE.—The primary purpose of the student assessment
2519 program is to provide student academic achievement and learning
2520 gains data to students, parents, teachers, school
2521 administrators, and school district staff. This data is to be
2522 used by districts to improve instruction; by students, parents,
2523 and teachers to guide learning objectives; by education

20161038er

2524 researchers to assess national and international education
2525 comparison data; and by the public to assess the cost benefit of
2526 the expenditure of taxpayer dollars. The program must be
2527 designed to:

2528 (a) Assess the achievement level and annual learning gains
2529 of each student in English Language Arts and mathematics and the
2530 achievement level in all other subjects assessed.

2531 (b) Provide data for making decisions regarding school
2532 accountability, recognition, and improvement of operations and
2533 management, including schools operating for the purpose of
2534 providing educational services to youth in Department of
2535 Juvenile Justice programs.

2536 (c) Identify the educational strengths and needs of
2537 students and the readiness of students to be promoted to the
2538 next grade level or to graduate from high school.

2539 (d) Assess how well educational goals and curricular
2540 standards are met at the school, district, state, national, and
2541 international levels.

2542 (e) Provide information to aid in the evaluation and
2543 development of educational programs and policies.

2544 (f) When available, provide instructional personnel with
2545 information on student achievement of standards and benchmarks
2546 in order to improve instruction.

2547 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

2548 (d) A school district may not schedule more than 5 percent
2549 of a student's total school hours in a school year to administer
2550 statewide, standardized assessments and district-required local
2551 assessments. The district must secure written consent from a
2552 student's parent before administering district-required local

20161038er

2553 assessments that, after applicable statewide, standardized
2554 assessments are scheduled, exceed the 5 percent test
2555 administration limit for that student under this paragraph. The
2556 5 percent test administration limit for a student under this
2557 paragraph may be exceeded as needed to provide test
2558 accommodations that are required by an IEP or are appropriate
2559 for an English language learner who is currently receiving
2560 services in a program operated in accordance with an approved
2561 English language learner district plan pursuant to s. 1003.56.
2562 Notwithstanding this paragraph, a student may choose within a
2563 school year to take an examination or assessment adopted by
2564 State Board of Education rule pursuant to this section and ss.
2565 1007.27, 1008.30, and 1008.44.
2566 Reviser's note.—Section 7, ch. 2015-6, Laws of Florida,
2567 purported to amend subsection (1) but did not publish
2568 paragraphs (a)-(e). Absent affirmative evidence of
2569 legislative intent to repeal the omitted paragraphs,
2570 subsection (1) is reenacted to confirm the omission was not
2571 intended. Paragraph (7)(d) is amended to confirm the
2572 editorial insertion of the word "assessments" to conform to
2573 context.
2574 Section 96. Paragraph (c) of subsection (1) of section
2575 1012.22, Florida Statutes, is amended to read:
2576 1012.22 Public school personnel; powers and duties of the
2577 district school board.—The district school board shall:
2578 (1) Designate positions to be filled, prescribe
2579 qualifications for those positions, and provide for the
2580 appointment, compensation, promotion, suspension, and dismissal
2581 of employees as follows, subject to the requirements of this

20161038er

2582 chapter:

2583 (c) *Compensation and salary schedules.*—

2584 1. Definitions.—As used in this paragraph:

2585 a. "Adjustment" means an addition to the base salary
2586 schedule that is not a bonus and becomes part of the employee's
2587 permanent base salary and shall be considered compensation under
2588 s. 121.021(22).

2589 b. "Grandfathered salary schedule" means the salary
2590 schedule or schedules adopted by a district school board before
2591 July 1, 2014, pursuant to subparagraph 4.

2592 c. "Instructional personnel" means instructional personnel
2593 as defined in s. 1012.01(2)(a)-(d), excluding substitute
2594 teachers.

2595 d. "Performance salary schedule" means the salary schedule
2596 or schedules adopted by a district school board pursuant to
2597 subparagraph 5.

2598 e. "Salary schedule" means the schedule or schedules used
2599 to provide the base salary for district school board personnel.

2600 f. "School administrator" means a school administrator as
2601 defined in s. 1012.01(3)(c).

2602 g. "Supplement" means an annual addition to the base salary
2603 for the term of the negotiated supplement as long as the
2604 employee continues his or her employment for the purpose of the
2605 supplement. A supplement does not become part of the employee's
2606 continuing base salary but shall be considered compensation
2607 under s. 121.021(22).

2608 2. Cost-of-living adjustment.—A district school board may
2609 provide a cost-of-living salary adjustment if the adjustment:

2610 a. Does not discriminate among comparable classes of

20161038er

2611 employees based upon the salary schedule under which they are
2612 compensated.

2613 b. Does not exceed 50 percent of the annual adjustment
2614 provided to instructional personnel rated as effective.

2615 3. Advanced degrees.—A district school board may not use
2616 advanced degrees in setting a salary schedule for instructional
2617 personnel or school administrators hired on or after July 1,
2618 2011, unless the advanced degree is held in the individual's
2619 area of certification and is only a salary supplement.

2620 4. Grandfathered salary schedule.—

2621 a. The district school board shall adopt a salary schedule
2622 or salary schedules to be used as the basis for paying all
2623 school employees hired before July 1, 2014. Instructional
2624 personnel on annual contract as of July 1, 2014, shall be placed
2625 on the performance salary schedule adopted under subparagraph 5.
2626 Instructional personnel on continuing contract or professional
2627 service contract may opt into the performance salary schedule if
2628 the employee relinquishes such contract and agrees to be
2629 employed on an annual contract under s. 1012.335. Such an
2630 employee shall be placed on the performance salary schedule and
2631 may not return to continuing contract or professional service
2632 contract status. Any employee who opts into the performance
2633 salary schedule may not return to the grandfathered salary
2634 schedule.

2635 b. In determining the grandfathered salary schedule for
2636 instructional personnel, a district school board must base a
2637 portion of each employee's compensation upon performance
2638 demonstrated under s. 1012.34 and shall provide differentiated
2639 pay for both instructional personnel and school administrators

20161038er

2640 based upon district-determined factors, including, but not
2641 limited to, additional responsibilities, school demographics,
2642 critical shortage areas, and level of job performance
2643 difficulties.

2644 5. Performance salary schedule.—By July 1, 2014, the
2645 district school board shall adopt a performance salary schedule
2646 that provides annual salary adjustments for instructional
2647 personnel and school administrators based upon performance
2648 determined under s. 1012.34. Employees hired on or after July 1,
2649 2014, or employees who choose to move from the grandfathered
2650 salary schedule to the performance salary schedule shall be
2651 compensated pursuant to the performance salary schedule once
2652 they have received the appropriate performance evaluation for
2653 this purpose. ~~However, a classroom teacher whose performance~~
2654 ~~evaluation utilizes student learning growth measures established~~
2655 ~~under s. 1012.34(7)(e) shall remain under the grandfathered~~
2656 ~~salary schedule until his or her teaching assignment changes to~~
2657 ~~a subject for which there is an assessment or the school~~
2658 ~~district establishes equally appropriate measures of student~~
2659 ~~learning growth as defined under s. 1012.34 and rules of the~~
2660 ~~State Board of Education.~~

2661 a. Base salary.—The base salary shall be established as
2662 follows:

2663 (I) The base salary for instructional personnel or school
2664 administrators who opt into the performance salary schedule
2665 shall be the salary paid in the prior year, including
2666 adjustments only.

2667 (II) Beginning July 1, 2014, instructional personnel or
2668 school administrators new to the district, returning to the

20161038er

2669 district after a break in service without an authorized leave of
2670 absence, or appointed for the first time to a position in the
2671 district in the capacity of instructional personnel or school
2672 administrator shall be placed on the performance salary
2673 schedule.

2674 b. Salary adjustments.—Salary adjustments for highly
2675 effective or effective performance shall be established as
2676 follows:

2677 (I) The annual salary adjustment under the performance
2678 salary schedule for an employee rated as highly effective must
2679 be greater than the highest annual salary adjustment available
2680 to an employee of the same classification through any other
2681 salary schedule adopted by the district.

2682 (II) The annual salary adjustment under the performance
2683 salary schedule for an employee rated as effective must be equal
2684 to at least 50 percent and no more than 75 percent of the annual
2685 adjustment provided for a highly effective employee of the same
2686 classification.

2687 (III) The performance salary schedule shall not provide an
2688 annual salary adjustment for an employee who receives a rating
2689 other than highly effective or effective for the year.

2690 c. Salary supplements.—In addition to the salary
2691 adjustments, each district school board shall provide for salary
2692 supplements for activities that must include, but are not
2693 limited to:

2694 (I) Assignment to a Title I eligible school.

2695 (II) Assignment to a school that earned a grade of "F" or
2696 three consecutive grades of "D" pursuant to s. 1008.34 such that
2697 the supplement remains in force for at least 1 year following

20161038er

2698 improved performance in that school.

2699 (III) Certification and teaching in critical teacher
2700 shortage areas. Statewide critical teacher shortage areas shall
2701 be identified by the State Board of Education under s. 1012.07.
2702 However, the district school board may identify other areas of
2703 critical shortage within the school district for purposes of
2704 this sub-sub-subparagraph and may remove areas identified by the
2705 state board which do not apply within the school district.

2706 (IV) Assignment of additional academic responsibilities.

2707

2708 If budget constraints in any given year limit a district school
2709 board's ability to fully fund all adopted salary schedules, the
2710 performance salary schedule shall not be reduced on the basis of
2711 total cost or the value of individual awards in a manner that is
2712 proportionally greater than reductions to any other salary
2713 schedules adopted by the district.

2714 Reviser's note.—Amended to conform to the repeal of s.

2715 1012.34(7)(e) by s. 12, ch. 2015-6, Laws of Florida.

2716 Section 97. Subsection (2) of section 1012.341, Florida
2717 Statutes, is amended to read:

2718 1012.341 Exemption from performance evaluation system and
2719 compensation and salary schedule requirements.—

2720 (2) ~~By October 1, 2014, and~~ By October 1 annually
2721 ~~thereafter~~, the superintendent of Hillsborough County School
2722 District shall attest, in writing, to the Commissioner of
2723 Education that:

2724 (a) The instructional personnel and school administrator
2725 evaluation systems base at least 40 percent of an employee's
2726 performance evaluation upon student performance and that student

20161038er

2727 performance is the single greatest component of an employee's
2728 evaluation.

2729 (b) The instructional personnel and school administrator
2730 evaluation systems adopt the Commissioner of Education's student
2731 learning growth formula for statewide assessments as provided
2732 under s. 1012.34(7).

2733 (c) The school district's instructional personnel and
2734 school administrator compensation system awards salary increases
2735 based upon sustained student performance.

2736 (d) The school district's contract system awards
2737 instructional personnel and school administrators based upon
2738 student performance and removes ineffective employees.

2739
2740 This section is repealed August 1, 2017, unless reviewed and
2741 reenacted by the Legislature.

2742 Reviser's note.—Amended to delete an obsolete provision.

2743 Section 98. This act shall take effect on the 60th day
2744 after adjournment sine die of the session of the Legislature in
2745 which enacted.