

By Senator Benacquisto

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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 20.2551, 101.5614, 122.34, 201.02, 394.907, 395.602,
4 395.603, and 395.604, F.S., to conform to the
5 directive of the Legislature in section 9 of chapter
6 2012-116, Laws of Florida, codified as section
7 11.242(5)(j), Florida Statutes, to prepare a reviser's
8 bill to omit all statutes and laws, or parts thereof,
9 which grant duplicative, redundant, or unused
10 rulemaking authority; amending ss. 101.6952, 102.141,
11 and 102.166, F.S., to conform cross-references;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (b) of subsection (2) of section
17 20.2551, Florida Statutes, is amended to read:

18 20.2551 Citizen support organizations; use of property;
19 audit; public records; partnerships.—

20 (2) USE OF PROPERTY.—

21 (b) The department may prescribe ~~by rule~~ any condition with
22 which a citizen support organization shall comply in order to
23 use fixed property or facilities of the department.

24 Section 2. Subsection (2) of section 101.5614, Florida
25 Statutes, is amended to read:

26 101.5614 Canvass of returns.—

27 ~~(2) The Department of State shall, in accordance with s.~~
28 ~~101.015, adopt rules that provide safeguards for the counting of~~
29 ~~votes at a precinct and at a central or regional location.~~

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30 Section 3. Paragraph (c) of subsection (1) of section
31 122.34, Florida Statutes, is amended to read:

32 122.34 Special provisions for certain sheriffs and full-
33 time deputy sheriffs.—

34 (1)

35 ~~(c) The department shall make such rules as are necessary~~
36 ~~for the effective administration of the intent of this section.~~

37 Section 4. Paragraph (c) of subsection (10) of section
38 201.02, Florida Statutes, is amended to read:

39 201.02 Tax on deeds and other instruments relating to real
40 property or interests in real property.—

41 (10)

42 ~~(c) The department may adopt rules to administer the method~~
43 ~~for reporting tax due under this subsection.~~

44 Section 5. Subsection (8) of section 394.907, Florida
45 Statutes, is amended to read:

46 394.907 Community mental health centers; quality assurance
47 programs.—

48 ~~(8) The department, in consultation with the agency, shall~~
49 ~~adopt rules to carry out this section.~~

50 Section 6. Subsection (4) of section 395.602, Florida
51 Statutes, is amended to read:

52 395.602 Rural hospitals.—

53 ~~(4) RULEMAKING AUTHORITY. The department may adopt all~~
54 ~~necessary rules pertaining to the standards of care applicable~~
55 ~~to rural hospital swing beds and the criteria whereby swing bed~~
56 ~~stays of longer than 30 days shall be authorized. The latter~~
57 ~~length-of-stay criteria shall include, but not be limited to,~~
58 ~~the medical needs of the patient, the county of residence of the~~

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59 ~~patient and patient's family, patient preference, proximity to~~
60 ~~relatives and friends, and distance to available nursing home~~
61 ~~beds, if any.~~

62 Section 7. Subsection (1) of section 395.603, Florida
63 Statutes, is amended to read:

64 395.603 Deactivation of general hospital beds; rural
65 hospital impact statement.-

66 (1) ~~The agency shall establish, by rule, a process by which~~
67 ~~a rural hospital, as defined in s. 395.602, that seeks licensure~~
68 ~~as a rural primary care hospital or as an emergency care~~
69 ~~hospital, or becomes a certified rural health clinic as defined~~
70 ~~in Pub. L. No. 95-210, or becomes a primary care program such as~~
71 ~~a county health department, community health center, or other~~
72 ~~similar outpatient program that provides preventive and curative~~
73 ~~services, may deactivate general hospital beds. Rural primary~~
74 ~~care hospitals and emergency care hospitals shall maintain the~~
75 ~~number of actively licensed general hospital beds necessary for~~
76 ~~the facility to be certified for Medicare reimbursement.~~
77 Hospitals that discontinue inpatient care to become rural health
78 care clinics or primary care programs shall deactivate all
79 licensed general hospital beds. All hospitals, clinics, and
80 programs with inactive beds shall provide 24-hour emergency
81 medical care by staffing an emergency room. Providers with
82 inactive beds shall be subject to the criteria in s. 395.1041.
83 ~~The agency shall specify in rule requirements for making 24-hour~~
84 ~~emergency care available. Inactive general hospital beds shall~~
85 ~~be included in the acute care bed inventory, maintained by the~~
86 ~~agency for certificate-of-need purposes, for 10 years from the~~
87 ~~date of deactivation of the beds. After 10 years have elapsed,~~

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88 inactive beds shall be excluded from the inventory. The agency
89 shall, at the request of the licensee, reactivate the inactive
90 general beds upon a showing by the licensee that licensure
91 requirements for the inactive general beds are met.

92 Section 8. Subsection (3) of section 395.604, Florida
93 Statutes, is amended to read:

94 395.604 Other rural hospital programs.—

95 ~~(3) The agency may adopt licensure rules for rural primary~~
96 ~~care hospitals and essential access community hospitals. Such~~
97 ~~rules must conform to s. 395.1055.~~

98 Section 9. Paragraph (b) of subsection (3) of section
99 101.6952, Florida Statutes, is amended to read:

100 101.6952 Vote-by-mail ballots for absent uniformed services
101 and overseas voters.—

102 (3)

103 (b) A federal write-in absentee ballot may not be canvassed
104 until 7 p.m. on the day of the election. A federal write-in
105 absentee ballot from an overseas voter in a presidential
106 preference primary or general election may not be canvassed
107 until the conclusion of the 10-day period specified in
108 subsection (5). Each federal write-in absentee ballot received
109 by 7 p.m. on the day of the election shall be canvassed pursuant
110 to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68, unless the elector's
111 official vote-by-mail ballot is received by 7 p.m. on election
112 day. Each federal write-in absentee ballot from an overseas
113 voter in a presidential preference primary or general election
114 received by 10 days after the date of the election shall be
115 canvassed pursuant to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68,
116 unless the overseas voter's official vote-by-mail ballot is

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117 received by 10 days after the date of the election. If the
118 elector's official vote-by-mail ballot is received by 7 p.m. on
119 election day, or, for an overseas voter in a presidential
120 preference primary or general election, no later than 10 days
121 after the date of the election, the federal write-in absentee
122 ballot is invalid and the official vote-by-mail ballot shall be
123 canvassed. The time shall be regulated by the customary time in
124 standard use in the county seat of the locality.

125 Section 10. Paragraph (a) of subsection (4) and paragraph
126 (a) of subsection (7) of section 102.141, Florida Statutes, are
127 amended to read:

128 102.141 County canvassing board; duties.—

129 (4) (a) The supervisor of elections shall upload into the
130 county's election management system by 7 p.m. on the day before
131 the election the results of all early voting and vote-by-mail
132 ballots that have been canvassed and tabulated by the end of the
133 early voting period. Pursuant to ss. 101.5614(8) ~~101.5614(9)~~,
134 101.657, and 101.68(2), the tabulation of votes cast or the
135 results of such uploads may not be made public before the close
136 of the polls on election day.

137 (7) If the unofficial returns reflect that a candidate for
138 any office was defeated or eliminated by one-half of a percent
139 or less of the votes cast for such office, that a candidate for
140 retention to a judicial office was retained or not retained by
141 one-half of a percent or less of the votes cast on the question
142 of retention, or that a measure appearing on the ballot was
143 approved or rejected by one-half of a percent or less of the
144 votes cast on such measure, a recount shall be ordered of the
145 votes cast with respect to such office or measure. The Secretary

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146 of State is responsible for ordering recounts in federal, state,
147 and multicounty races. The county canvassing board or the local
148 board responsible for certifying the election is responsible for
149 ordering recounts in all other races. A recount need not be
150 ordered with respect to the returns for any office, however, if
151 the candidate or candidates defeated or eliminated from
152 contention for such office by one-half of a percent or less of
153 the votes cast for such office request in writing that a recount
154 not be made.

155 (a) Each canvassing board responsible for conducting a
156 recount shall put each marksense ballot through automatic
157 tabulating equipment and determine whether the returns correctly
158 reflect the votes cast. If any marksense ballot is physically
159 damaged so that it cannot be properly counted by the automatic
160 tabulating equipment during the recount, a true duplicate shall
161 be made of the damaged ballot pursuant to the procedures in s.
162 101.5614(4) ~~101.5614(5)~~. Immediately before the start of the
163 recount, a test of the tabulating equipment shall be conducted
164 as provided in s. 101.5612. If the test indicates no error, the
165 recount tabulation of the ballots cast shall be presumed correct
166 and such votes shall be canvassed accordingly. If an error is
167 detected, the cause therefor shall be ascertained and corrected
168 and the recount repeated, as necessary. The canvassing board
169 shall immediately report the error, along with the cause of the
170 error and the corrective measures being taken, to the Department
171 of State. No later than 11 days after the election, the
172 canvassing board shall file a separate incident report with the
173 Department of State, detailing the resolution of the matter and
174 identifying any measures that will avoid a future recurrence of

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175 the error.

176 Section 11. Paragraph (b) of subsection (5) of section
177 102.166, Florida Statutes, is amended to read:

178 102.166 Manual recounts of overvotes and undervotes.—

179 (5) Procedures for a manual recount are as follows:

180 (b) Each duplicate ballot prepared pursuant to s.

181 101.5614(4) ~~101.5614(5)~~ or s. 102.141(7) shall be compared with
182 the original ballot to ensure the correctness of the duplicate.

183 Reviser's note.—Amends or repeals provisions of the Florida

184 Statutes pursuant to the directive of the Legislature in s.
185 9, ch. 2012-116, Laws of Florida, codified as s.

186 11.242(5)(j), Florida Statutes, to prepare a reviser's bill
187 to omit all statutes and laws, or parts thereof, which
188 grant duplicative, redundant, or unused rulemaking
189 authority.

190 Section 12. This act shall take effect on the 60th day
191 after adjournment sine die of the session of the Legislature in
192 which enacted.