



1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 14.20195, 14.31, 27.341, 27.405, 27.511, 39.3035,
 4 106.34, 119.071, 119.092, 121.091, 197.3632, 197.502,
 5 199.303, 206.8745, 213.755, 215.442, 215.444,
 6 215.4725, 252.357, 252.358, 258.501, 261.04, 261.20,
 7 284.02, 286.29, 288.0001, 288.101, 288.1258, 315.03,
 8 320.833, 320.865, 331.3051, 332.007, 344.26, 364.386,
 9 366.92, 373.036, 373.042, 373.470, 373.709, 376.303,
 10 379.2495, 381.986, 381.987, 394.75, 400.6045, 403.061,
 11 403.064, 408.0611, 408.062, 408.811, 408.9091,
 12 409.1754, 409.906, 409.913, 420.609, 429.52, 429.75,
 13 455.219, 456.013, 456.017, 456.041, 462.18, 471.003,
 14 475.451, 475.611, 477.014, 487.2071, 489.529, 490.012,
 15 497.140, 497.282, 497.468, 497.552, 497.553, 497.608,
 16 499.012, 499.01211, 509.049, 520.68, 554.115, 559.11,
 17 626.9541, 627.066, 627.285, 627.748, 663.532,
 18 741.0306, 744.331, 796.04, 817.311, 817.625, 876.24,
 19 905.37, 943.0311, 944.48, 948.03, 1000.06, 1001.215,
 20 1002.61, 1003.4282, 1003.491, 1003.621, 1004.4473,
 21 1006.735, 1007.01, 1011.67, 1011.71, and 1013.64,
 22 F.S.; and reenacting ss. 1001.42 and 1008.34, F.S.;
 23 deleting provisions that have expired, have become
 24 obsolete, have had their effect, have served their
 25 purpose, or have been impliedly repealed or



26 | superseded; replacing incorrect cross-references and
 27 | citations; correcting grammatical, typographical, and
 28 | like errors; removing inconsistencies, redundancies,
 29 | and unnecessary repetition in the statutes; and
 30 | improving the clarity of the statutes and facilitating
 31 | their correct interpretation; providing an effective
 32 | date.

33 |

34 | Be It Enacted by the Legislature of the State of Florida:

35 |

36 | Section 1. Paragraph (c) of subsection (1) of section
 37 | 14.20195, Florida Statutes, is amended to read:

38 | 14.20195 Suicide Prevention Coordinating Council;
 39 | creation; membership; duties.—There is created within the
 40 | Statewide Office for Suicide Prevention a Suicide Prevention
 41 | Coordinating Council. The council shall develop strategies for
 42 | preventing suicide.

43 | (1) SCOPE OF ACTIVITY.—The Suicide Prevention Coordinating
 44 | Council is a coordinating council as defined in s. 20.03 and
 45 | shall:

46 | (c) Make findings and recommendations regarding suicide
 47 | prevention programs and activities. The council shall prepare an
 48 | annual report and present it to the Governor, the President of
 49 | the Senate, and the Speaker of the House of Representatives by
 50 | January 1, ~~2008~~, and each year thereafter. The annual report



HB 7023, Engrossed 1

2018

51 must describe the status of existing and planned initiatives
52 identified in the statewide plan for suicide prevention and any
53 recommendations arising therefrom.

54 Reviser's note.—Amended to delete obsolete
55 language.

56 Section 2. Paragraph (a) of subsection (4) of section
57 14.31, Florida Statutes, is amended to read:

58 14.31 Florida Faith-based and Community-based Advisory
59 Council.—

60 (4) MEETINGS; ORGANIZATION.—

61 (a) ~~The first meeting of the council shall be held no~~
62 ~~later than August 1, 2006. Thereafter, the council shall meet at~~
63 ~~least once per quarter per calendar year. Meetings may be held~~
64 ~~via teleconference or other electronic means.~~

65 Reviser's note.—Amended to delete obsolete
66 language.

67 Section 3. Subsection (3) of section 27.341, Florida
68 Statutes, is amended to read:

69 27.341 Electronic filing and receipt of court documents.—

70 ~~(3) The Florida Prosecuting Attorneys Association shall~~
71 ~~file a report with the President of the Senate and the Speaker~~
72 ~~of the House of Representatives by March 1, 2012, describing the~~
73 ~~progress that each office of the state attorney has made to use~~
74 ~~the Florida Courts E-Portal or, if the case type is not approved~~
75 ~~for the Florida Courts E-Portal, separate clerks' offices~~



HB 7023, Engrossed 1

2018

76 ~~portals for purposes of electronic filing and documenting~~
77 ~~receipt of court documents. For any office of the state attorney~~
78 ~~that has not fully implemented an electronic filing and receipt~~
79 ~~system by March 1, 2012, the report must also include a~~
80 ~~description of the additional activities that are needed to~~
81 ~~complete the system for that office and the projected time~~
82 ~~necessary to complete the additional activities.~~

83 Reviser's note.—Amended to delete obsolete
84 language.

85 Section 4. Subsection (3) of section 27.405, Florida
86 Statutes, is amended to read:

87 27.405 Court-appointed counsel; Justice Administrative
88 Commission tracking and reporting.—

89 ~~(3) From October 1, 2005, through September 30, 2007, the~~
90 ~~commission shall also track and issue a report on the race,~~
91 ~~gender, and national origin of private court-appointed counsel~~
92 ~~for the Eleventh Judicial Circuit.~~

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

95 Section 5. Subsection (1) of section 27.511, Florida
96 Statutes, is amended to read:

97 27.511 Offices of criminal conflict and civil regional
98 counsel; legislative intent; qualifications; appointment;
99 duties.—

100 (1) It is the intent of the Legislature to provide



HB 7023, Engrossed 1

2018

101 adequate representation to persons entitled to court-appointed
102 counsel under the Federal or State Constitution or as authorized
103 by general law. It is the further intent of the Legislature to
104 provide adequate representation in a fiscally sound manner,
105 while safeguarding constitutional principles. Therefore, an
106 office of criminal conflict and civil regional counsel is
107 created within the geographic boundaries of each of the five
108 district courts of appeal. The regional counsel shall be
109 appointed as set forth in subsection (3) for each of the five
110 regional offices. ~~The offices shall commence fulfilling their~~
111 ~~constitutional and statutory purpose and duties on October 1,~~
112 ~~2007.~~

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

115 Section 6. Paragraph (c) of subsection (3) of section
116 39.3035, Florida Statutes, is amended to read:

117 39.3035 Child advocacy centers; standards; state funding.—

118 (3) A child advocacy center within this state may not
119 receive the funds generated pursuant to s. 938.10, state or
120 federal funds administered by a state agency, or any other funds
121 appropriated by the Legislature unless all of the standards of
122 subsection (1) are met and the screening requirement of
123 subsection (2) is met. The Florida Network of Children's
124 Advocacy Centers, Inc., shall be responsible for tracking and
125 documenting compliance with subsections (1) and (2) for any of



HB 7023, Engrossed 1

2018

126 the funds it administers to member child advocacy centers.

127 (c) At the end of each fiscal year, each children's
128 advocacy center receiving revenue as provided in this section
129 must provide a report to the board of directors of the Florida
130 Network of Children's Advocacy Centers, Inc., which reflects
131 center expenditures, all sources of revenue received, and
132 outputs that have been standardized and agreed upon by network
133 members and the board of directors, such as the number of
134 clients served, client demographic information, and number and
135 types of services provided. The Florida Network of Children's
136 Advocacy Centers, Inc., must compile reports from the centers
137 and provide a report to the President of the Senate and the
138 Speaker of the House of Representatives in August of each year
139 ~~beginning in 2005.~~

140 Reviser's note.—Amended to delete obsolete
141 language.

142 Section 7. Subsection (3) of section 106.34, Florida
143 Statutes, is amended to read:

144 106.34 Expenditure limits.—

145 (3) For purposes of this section, "Florida-registered
146 voter" means a voter who is registered to vote in Florida as of
147 June 30 of each odd-numbered year. The Division of Elections
148 shall certify the total number of Florida-registered voters no
149 later than July 31 of each odd-numbered year. Such total number
150 shall be calculated by adding the number of registered voters in



HB 7023, Engrossed 1

2018

151 each county as of June 30 in the year of the certification date.
152 ~~For the 2006 general election, the Division of Elections shall~~
153 ~~certify the total number of Florida-registered voters by July~~
154 ~~31, 2005.~~

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

157 Section 8. Paragraph (d) of subsection (4) of section
158 119.071, Florida Statutes, is amended to read:

159 119.071 General exemptions from inspection or copying of
160 public records.—

161 (4) AGENCY PERSONNEL INFORMATION.—

162 (d)1. For purposes of this paragraph, the term "telephone
163 numbers" includes home telephone numbers, personal cellular
164 telephone numbers, personal pager telephone numbers, and
165 telephone numbers associated with personal communications
166 devices.

167 2.a. The home addresses, telephone numbers, dates of
168 birth, and photographs of active or former sworn or civilian law
169 enforcement personnel, including correctional and correctional
170 probation officers, personnel of the Department of Children and
171 Families whose duties include the investigation of abuse,
172 neglect, exploitation, fraud, theft, or other criminal
173 activities, personnel of the Department of Health whose duties
174 are to support the investigation of child abuse or neglect, and
175 personnel of the Department of Revenue or local governments



176 | whose responsibilities include revenue collection and
177 | enforcement or child support enforcement; the names, home
178 | addresses, telephone numbers, photographs, dates of birth, and
179 | places of employment of the spouses and children of such
180 | personnel; and the names and locations of schools and day care
181 | facilities attended by the children of such personnel are exempt
182 | from s. 119.07(1) and s. 24(a), Art. I of the State
183 | Constitution. This sub-subparagraph is subject to the Open
184 | Government Sunset Review Act in accordance with s. 119.15 and
185 | shall stand repealed on October 2, 2022, unless reviewed and
186 | saved from repeal through reenactment by the Legislature.

187 | b. The home addresses, telephone numbers, dates of birth,
188 | and photographs of current or former nonsworn investigative
189 | personnel of the Department of Financial Services whose duties
190 | include the investigation of fraud, theft, workers' compensation
191 | coverage requirements and compliance, other related criminal
192 | activities, or state regulatory requirement violations; the
193 | names, home addresses, telephone numbers, dates of birth, and
194 | places of employment of the spouses and children of such
195 | personnel; and the names and locations of schools and day care
196 | facilities attended by the children of such personnel are exempt
197 | from s. 119.07(1) and s. 24(a), Art. I of the State
198 | Constitution. This sub-subparagraph is subject to the Open
199 | Government Sunset Review Act in accordance with s. 119.15 and
200 | shall stand repealed on October 2, 2021, unless reviewed and



201 saved from repeal through reenactment by the Legislature.

202 c. The home addresses, telephone numbers, dates of birth,
203 and photographs of current or former nonsworn investigative
204 personnel of the Office of Financial Regulation's Bureau of
205 Financial Investigations whose duties include the investigation
206 of fraud, theft, other related criminal activities, or state
207 regulatory requirement violations; the names, home addresses,
208 telephone numbers, dates of birth, and places of employment of
209 the spouses and children of such personnel; and the names and
210 locations of schools and day care facilities attended by the
211 children of such personnel are exempt from s. 119.07(1) and s.
212 24(a), Art. I of the State Constitution. This sub-subparagraph
213 is subject to the Open Government Sunset Review Act in
214 accordance with s. 119.15 and shall stand repealed on October 2,
215 2022, unless reviewed and saved from repeal through reenactment
216 by the Legislature.

217 d. The home addresses, telephone numbers, dates of birth,
218 and photographs of current or former firefighters certified in
219 compliance with s. 633.408; the names, home addresses, telephone
220 numbers, photographs, dates of birth, and places of employment
221 of the spouses and children of such firefighters; and the names
222 and locations of schools and day care facilities attended by the
223 children of such firefighters are exempt from s. 119.07(1) and
224 s. 24(a), Art. I of the State Constitution. This sub-
225 subparagraph is subject to the Open Government Sunset Review Act



226 | in accordance with s. 119.15, and shall stand repealed on
227 | October 2, 2022, unless reviewed and saved from repeal through
228 | reenactment by the Legislature.

229 | e. The home addresses, dates of birth, and telephone
230 | numbers of current or former justices of the Supreme Court,
231 | district court of appeal judges, circuit court judges, and
232 | county court judges; the names, home addresses, telephone
233 | numbers, dates of birth, and places of employment of the spouses
234 | and children of current or former justices and judges; and the
235 | names and locations of schools and day care facilities attended
236 | by the children of current or former justices and judges are
237 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
238 | Constitution. This sub-subparagraph is subject to the Open
239 | Government Sunset Review Act in accordance with s. 119.15 and
240 | shall stand repealed on October 2, 2022, unless reviewed and
241 | saved from repeal through reenactment by the Legislature.

242 | f. The home addresses, telephone numbers, dates of birth,
243 | and photographs of current or former state attorneys, assistant
244 | state attorneys, statewide prosecutors, or assistant statewide
245 | prosecutors; the names, home addresses, telephone numbers,
246 | photographs, dates of birth, and places of employment of the
247 | spouses and children of current or former state attorneys,
248 | assistant state attorneys, statewide prosecutors, or assistant
249 | statewide prosecutors; and the names and locations of schools
250 | and day care facilities attended by the children of current or



251 former state attorneys, assistant state attorneys, statewide
252 prosecutors, or assistant statewide prosecutors are exempt from
253 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

254 g. The home addresses, dates of birth, and telephone
255 numbers of general magistrates, special magistrates, judges of
256 compensation claims, administrative law judges of the Division
257 of Administrative Hearings, and child support enforcement
258 hearing officers; the names, home addresses, telephone numbers,
259 dates of birth, and places of employment of the spouses and
260 children of general magistrates, special magistrates, judges of
261 compensation claims, administrative law judges of the Division
262 of Administrative Hearings, and child support enforcement
263 hearing officers; and the names and locations of schools and day
264 care facilities attended by the children of general magistrates,
265 special magistrates, judges of compensation claims,
266 administrative law judges of the Division of Administrative
267 Hearings, and child support enforcement hearing officers are
268 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
269 Constitution. This sub-subparagraph is subject to the Open
270 Government Sunset Review Act in accordance with s. 119.15 and
271 shall stand repealed on October 2, 2022, unless reviewed and
272 saved from repeal through reenactment by the Legislature.

273 h. The home addresses, telephone numbers, dates of birth,
274 and photographs of current or former human resource, labor
275 relations, or employee relations directors, assistant directors,



HB 7023, Engrossed 1

2018

276 managers, or assistant managers of any local government agency
277 or water management district whose duties include hiring and
278 firing employees, labor contract negotiation, administration, or
279 other personnel-related duties; the names, home addresses,
280 telephone numbers, dates of birth, and places of employment of
281 the spouses and children of such personnel; and the names and
282 locations of schools and day care facilities attended by the
283 children of such personnel are exempt from s. 119.07(1) and s.
284 24(a), Art. I of the State Constitution.

285 i. The home addresses, telephone numbers, dates of birth,
286 and photographs of current or former code enforcement officers;
287 the names, home addresses, telephone numbers, dates of birth,
288 and places of employment of the spouses and children of such
289 personnel; and the names and locations of schools and day care
290 facilities attended by the children of such personnel are exempt
291 from s. 119.07(1) and s. 24(a), Art. I of the State
292 Constitution.

293 j. The home addresses, telephone numbers, places of
294 employment, dates of birth, and photographs of current or former
295 guardians ad litem, as defined in s. 39.820; the names, home
296 addresses, telephone numbers, dates of birth, and places of
297 employment of the spouses and children of such persons; and the
298 names and locations of schools and day care facilities attended
299 by the children of such persons are exempt from s. 119.07(1) and
300 s. 24(a), Art. I of the State Constitution. This sub-



301 subparagraph is subject to the Open Government Sunset Review Act
302 in accordance with s. 119.15 and shall stand repealed on October
303 2, 2022, unless reviewed and saved from repeal through
304 reenactment by the Legislature.

305 k. The home addresses, telephone numbers, dates of birth,
306 and photographs of current or former juvenile probation
307 officers, juvenile probation supervisors, detention
308 superintendents, assistant detention superintendents, juvenile
309 justice detention officers I and II, juvenile justice detention
310 officer supervisors, juvenile justice residential officers,
311 juvenile justice residential officer supervisors I and II,
312 juvenile justice counselors, juvenile justice counselor
313 supervisors, human services counselor administrators, senior
314 human services counselor administrators, rehabilitation
315 therapists, and social services counselors of the Department of
316 Juvenile Justice; the names, home addresses, telephone numbers,
317 dates of birth, and places of employment of spouses and children
318 of such personnel; and the names and locations of schools and
319 day care facilities attended by the children of such personnel
320 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
321 Constitution.

322 l. The home addresses, telephone numbers, dates of birth,
323 and photographs of current or former public defenders, assistant
324 public defenders, criminal conflict and civil regional counsel,
325 and assistant criminal conflict and civil regional counsel; the



HB 7023, Engrossed 1

2018

326 names, home addresses, telephone numbers, dates of birth, and
327 places of employment of the spouses and children of ~~such~~ current
328 or former public defenders, assistant public defenders, criminal
329 conflict and civil regional counsel, and assistant criminal
330 conflict and civil regional ~~or~~ counsel; and the names and
331 locations of schools and day care facilities attended by the
332 children of ~~such~~ current or former public defenders, assistant
333 public defenders, criminal conflict and civil regional counsel,
334 and assistant criminal conflict and civil regional ~~or~~ counsel
335 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
336 Constitution.

337 m. The home addresses, telephone numbers, dates of birth,
338 and photographs of current or former investigators or inspectors
339 of the Department of Business and Professional Regulation; the
340 names, home addresses, telephone numbers, dates of birth, and
341 places of employment of the spouses and children of such current
342 or former investigators and inspectors; and the names and
343 locations of schools and day care facilities attended by the
344 children of such current or former investigators and inspectors
345 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
346 Constitution. This sub-subparagraph is subject to the Open
347 Government Sunset Review Act in accordance with s. 119.15 and
348 shall stand repealed on October 2, 2022, unless reviewed and
349 saved from repeal through reenactment by the Legislature.

350 n. The home addresses, telephone numbers, and dates of



HB 7023, Engrossed 1

2018

351 birth of county tax collectors; the names, home addresses,
352 telephone numbers, dates of birth, and places of employment of
353 the spouses and children of such tax collectors; and the names
354 and locations of schools and day care facilities attended by the
355 children of such tax collectors are exempt from s. 119.07(1) and
356 s. 24(a), Art. I of the State Constitution. This sub-
357 subparagraph is subject to the Open Government Sunset Review Act
358 in accordance with s. 119.15 and shall stand repealed on October
359 2, 2022, unless reviewed and saved from repeal through
360 reenactment by the Legislature.

361 o. The home addresses, telephone numbers, dates of birth,
362 and photographs of current or former personnel of the Department
363 of Health whose duties include, or result in, the determination
364 or adjudication of eligibility for social security disability
365 benefits, the investigation or prosecution of complaints filed
366 against health care practitioners, or the inspection of health
367 care practitioners or health care facilities licensed by the
368 Department of Health; the names, home addresses, telephone
369 numbers, dates of birth, and places of employment of the spouses
370 and children of such personnel; and the names and locations of
371 schools and day care facilities attended by the children of such
372 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
373 the State Constitution. This sub-subparagraph is subject to the
374 Open Government Sunset Review Act in accordance with s. 119.15
375 and shall stand repealed on October 2, 2019, unless reviewed and



376 saved from repeal through reenactment by the Legislature.

377 p. The home addresses, telephone numbers, dates of birth,
378 and photographs of current or former impaired practitioner
379 consultants who are retained by an agency or current or former
380 employees of an impaired practitioner consultant whose duties
381 result in a determination of a person's skill and safety to
382 practice a licensed profession; the names, home addresses,
383 telephone numbers, dates of birth, and places of employment of
384 the spouses and children of such consultants or their employees;
385 and the names and locations of schools and day care facilities
386 attended by the children of such consultants or employees are
387 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
388 Constitution. This sub-subparagraph is subject to the Open
389 Government Sunset Review Act in accordance with s. 119.15 and
390 shall stand repealed on October 2, 2020, unless reviewed and
391 saved from repeal through reenactment by the Legislature.

392 q. The home addresses, telephone numbers, dates of birth,
393 and photographs of current or former emergency medical
394 technicians or paramedics certified under chapter 401; the
395 names, home addresses, telephone numbers, dates of birth, and
396 places of employment of the spouses and children of such
397 emergency medical technicians or paramedics; and the names and
398 locations of schools and day care facilities attended by the
399 children of such emergency medical technicians or paramedics are
400 exempt from s. 119.07(1) and s. 24(a), Art. I of the State



401 Constitution. This sub-subparagraph is subject to the Open
402 Government Sunset Review Act in accordance with s. 119.15 and
403 shall stand repealed on October 2, 2021, unless reviewed and
404 saved from repeal through reenactment by the Legislature.

405 r. The home addresses, telephone numbers, dates of birth,
406 and photographs of current or former personnel employed in an
407 agency's office of inspector general or internal audit
408 department whose duties include auditing or investigating waste,
409 fraud, abuse, theft, exploitation, or other activities that
410 could lead to criminal prosecution or administrative discipline;
411 the names, home addresses, telephone numbers, dates of birth,
412 and places of employment of spouses and children of such
413 personnel; and the names and locations of schools and day care
414 facilities attended by the children of such personnel are exempt
415 from s. 119.07(1) and s. 24(a), Art. I of the State

416 Constitution. This sub-subparagraph is subject to the Open
417 Government Sunset Review Act in accordance with s. 119.15 and
418 shall stand repealed on October 2, 2021, unless reviewed and
419 saved from repeal through reenactment by the Legislature.

420 3. An agency that is the custodian of the information
421 specified in subparagraph 2. and that is not the employer of the
422 officer, employee, justice, judge, or other person specified in
423 subparagraph 2. shall maintain the exempt status of that
424 information only if the officer, employee, justice, judge, other
425 person, or employing agency of the designated employee submits a



426 written request for maintenance of the exemption to the
427 custodial agency.

428 4. The exemptions in this paragraph apply to information
429 held by an agency before, on, or after the effective date of the
430 exemption.

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

432 Section 9. Section 119.092, Florida Statutes, is amended
433 to read:

434 119.092 Registration by federal employer's registration
435 number.—Each state agency which registers or licenses
436 corporations, partnerships, or other business entities shall
437 include, ~~by July 1, 1978,~~ within its numbering system, the
438 federal employer's identification number of each corporation,
439 partnership, or other business entity registered or licensed by
440 it. Any state agency may maintain a dual numbering system in
441 which the federal employer's identification number or the state
442 agency's own number is the primary identification number;
443 however, the records of such state agency shall be designed in
444 such a way that the record of any business entity is subject to
445 direct location by the federal employer's identification number.
446 The Department of State shall keep a registry of federal
447 employer's identification numbers of all business entities,
448 registered with the Division of Corporations, which registry of
449 numbers may be used by all state agencies.

450 Reviser's note.—Amended to delete obsolete



451 language.

452 Section 10. Paragraphs (b) and (c) of subsection (9) of
453 section 121.091, Florida Statutes, are amended to read:

454 121.091 Benefits payable under the system.—Benefits may
455 not be paid under this section unless the member has terminated
456 employment as provided in s. 121.021(39) (a) or begun
457 participation in the Deferred Retirement Option Program as
458 provided in subsection (13), and a proper application has been
459 filed in the manner prescribed by the department. The department
460 may cancel an application for retirement benefits when the
461 member or beneficiary fails to timely provide the information
462 and documents required by this chapter and the department's
463 rules. The department shall adopt rules establishing procedures
464 for application for retirement benefits and for the cancellation
465 of such application when the required information or documents
466 are not received.

467 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

468 (b) Any person whose retirement is effective before July
469 1, 2010, or whose participation in the Deferred Retirement
470 Option Program terminates before July 1, 2010, except under the
471 disability retirement provisions of subsection (4) or as
472 provided in s. 121.053, may be reemployed by an employer that
473 participates in a state-administered retirement system and
474 receive retirement benefits and compensation from that employer,
475 except that the person may not be reemployed by an employer



476 participating in the Florida Retirement System before meeting
477 the definition of termination in s. 121.021 and may not receive
478 both a salary from the employer and retirement benefits for 12
479 calendar months immediately subsequent to the date of
480 retirement. However, a DROP participant shall continue
481 employment and receive a salary during the period of
482 participation in the Deferred Retirement Option Program, as
483 provided in subsection (13).

484 1. A retiree who violates such reemployment limitation
485 before completion of the 12-month limitation period must give
486 timely notice of this fact in writing to the employer and to the
487 Division of Retirement or the state board and shall have his or
488 her retirement benefits suspended for the months employed or the
489 balance of the 12-month limitation period as required in sub-
490 subparagraphs b. and c. A retiree employed in violation of this
491 paragraph and an employer who employs or appoints such person
492 are jointly and severally liable for reimbursement to the
493 retirement trust fund, including the Florida Retirement System
494 Trust Fund and the Florida Retirement System Investment Plan
495 Trust Fund ~~Public Employee Optional Retirement Program Trust~~
496 ~~Fund~~, from which the benefits were paid. The employer must have
497 a written statement from the retiree that he or she is not
498 retired from a state-administered retirement system. Retirement
499 benefits shall remain suspended until repayment has been made.
500 Benefits suspended beyond the reemployment limitation shall



501 apply toward repayment of benefits received in violation of the
502 reemployment limitation.

503 a. A district school board may reemploy a retiree as a
504 substitute or hourly teacher, education paraprofessional,
505 transportation assistant, bus driver, or food service worker on
506 a noncontractual basis after he or she has been retired for 1
507 calendar month. A district school board may reemploy a retiree
508 as instructional personnel, as defined in s. 1012.01(2)(a), on
509 an annual contractual basis after he or she has been retired for
510 1 calendar month. Any member who is reemployed within 1 calendar
511 month after retirement shall void his or her application for
512 retirement benefits. District school boards reemploying such
513 teachers, education paraprofessionals, transportation
514 assistants, bus drivers, or food service workers are subject to
515 the retirement contribution required by subparagraph 2.

516 b. A Florida College System institution board of trustees
517 may reemploy a retiree as an adjunct instructor or as a
518 participant in a phased retirement program within the Florida
519 College System, after he or she has been retired for 1 calendar
520 month. A member who is reemployed within 1 calendar month after
521 retirement shall void his or her application for retirement
522 benefits. Boards of trustees reemploying such instructors are
523 subject to the retirement contribution required in subparagraph
524 2. A retiree may be reemployed as an adjunct instructor for no
525 more than 780 hours during the first 12 months of retirement. A



526 retiree reemployed for more than 780 hours during the first 12
527 months of retirement must give timely notice in writing to the
528 employer and to the Division of Retirement or the state board of
529 the date he or she will exceed the limitation. The division
530 shall suspend his or her retirement benefits for the remainder
531 of the 12 months of retirement. Any retiree employed in
532 violation of this sub-subparagraph and any employer who employs
533 or appoints such person without notifying the division to
534 suspend retirement benefits are jointly and severally liable for
535 any benefits paid during the reemployment limitation period. The
536 employer must have a written statement from the retiree that he
537 or she is not retired from a state-administered retirement
538 system. Any retirement benefits received by the retiree while
539 reemployed in excess of 780 hours during the first 12 months of
540 retirement must be repaid to the Florida Retirement System Trust
541 Fund, and retirement benefits shall remain suspended until
542 repayment is made. Benefits suspended beyond the end of the
543 retiree's first 12 months of retirement shall apply toward
544 repayment of benefits received in violation of the 780-hour
545 reemployment limitation.

546 c. The State University System may reemploy a retiree as
547 an adjunct faculty member or as a participant in a phased
548 retirement program within the State University System after the
549 retiree has been retired for 1 calendar month. A member who is
550 reemployed within 1 calendar month after retirement shall void



551 his or her application for retirement benefits. The State
552 University System is subject to the retired contribution
553 required in subparagraph 2., as appropriate. A retiree may be
554 reemployed as an adjunct faculty member or a participant in a
555 phased retirement program for no more than 780 hours during the
556 first 12 months of his or her retirement. A retiree reemployed
557 for more than 780 hours during the first 12 months of retirement
558 must give timely notice in writing to the employer and to the
559 Division of Retirement or the state board of the date he or she
560 will exceed the limitation. The division shall suspend his or
561 her retirement benefits for the remainder of the 12 months. Any
562 retiree employed in violation of this sub-subparagraph and any
563 employer who employs or appoints such person without notifying
564 the division to suspend retirement benefits are jointly and
565 severally liable for any benefits paid during the reemployment
566 limitation period. The employer must have a written statement
567 from the retiree that he or she is not retired from a state-
568 administered retirement system. Any retirement benefits received
569 by the retiree while reemployed in excess of 780 hours during
570 the first 12 months of retirement must be repaid to the Florida
571 Retirement System Trust Fund, and retirement benefits shall
572 remain suspended until repayment is made. Benefits suspended
573 beyond the end of the retiree's first 12 months of retirement
574 shall apply toward repayment of benefits received in violation
575 of the 780-hour reemployment limitation.



576 d. The Board of Trustees of the Florida School for the
577 Deaf and the Blind may reemploy a retiree as a substitute
578 teacher, substitute residential instructor, or substitute nurse
579 on a noncontractual basis after he or she has been retired for 1
580 calendar month. Any member who is reemployed within 1 calendar
581 month after retirement shall void his or her application for
582 retirement benefits. The Board of Trustees of the Florida School
583 for the Deaf and the Blind reemploying such teachers,
584 residential instructors, or nurses is subject to the retirement
585 contribution required by subparagraph 2.

586 e. A developmental research school may reemploy a retiree
587 as a substitute or hourly teacher or an education
588 paraprofessional as defined in s. 1012.01(2) on a noncontractual
589 basis after he or she has been retired for 1 calendar month. A
590 developmental research school may reemploy a retiree as
591 instructional personnel, as defined in s. 1012.01(2)(a), on an
592 annual contractual basis after he or she has been retired for 1
593 calendar month after retirement. Any member who is reemployed
594 within 1 calendar month voids his or her application for
595 retirement benefits. A developmental research school that
596 reemploys retired teachers and education paraprofessionals is
597 subject to the retirement contribution required by subparagraph
598 2.

599 f. A charter school may reemploy a retiree as a substitute
600 or hourly teacher on a noncontractual basis after he or she has



601 | been retired for 1 calendar month. A charter school may reemploy
602 | a retired member as instructional personnel, as defined in s.
603 | 1012.01(2)(a), on an annual contractual basis after he or she
604 | has been retired for 1 calendar month after retirement. Any
605 | member who is reemployed within 1 calendar month voids his or
606 | her application for retirement benefits. A charter school that
607 | reemploys such teachers is subject to the retirement
608 | contribution required by subparagraph 2.

609 | 2. The employment of a retiree or DROP participant of a
610 | state-administered retirement system does not affect the average
611 | final compensation or years of creditable service of the retiree
612 | or DROP participant. Before July 1, 1991, upon employment of any
613 | person, other than an elected officer as provided in s. 121.053,
614 | who is retired under a state-administered retirement program,
615 | the employer shall pay retirement contributions in an amount
616 | equal to the unfunded actuarial liability portion of the
617 | employer contribution which would be required for regular
618 | members of the Florida Retirement System. Effective July 1,
619 | 1991, contributions shall be made as provided in s. 121.122 for
620 | retirees who have renewed membership or, as provided in
621 | subsection (13), for DROP participants.

622 | 3. Any person who is holding an elective public office
623 | which is covered by the Florida Retirement System and who is
624 | concurrently employed in nonelected covered employment may elect
625 | to retire while continuing employment in the elective public



626 office if he or she terminates his or her nonelected covered
627 employment. Such person shall receive his or her retirement
628 benefits in addition to the compensation of the elective office
629 without regard to the time limitations otherwise provided in
630 this subsection. A person who seeks to exercise the provisions
631 of this subparagraph as they existed before May 3, 1984, may not
632 be deemed to be retired under those provisions, unless such
633 person is eligible to retire under this subparagraph, as amended
634 by chapter 84-11, Laws of Florida.

635 (c) Any person whose retirement is effective on or after
636 July 1, 2010, or whose participation in the Deferred Retirement
637 Option Program terminates on or after July 1, 2010, who is
638 retired under this chapter, except under the disability
639 retirement provisions of subsection (4) or as provided in s.
640 121.053, may be reemployed by an employer that participates in a
641 state-administered retirement system and receive retirement
642 benefits and compensation from that employer. However, a person
643 may not be reemployed by an employer participating in the
644 Florida Retirement System before meeting the definition of
645 termination in s. 121.021 and may not receive both a salary from
646 the employer and retirement benefits for 6 calendar months after
647 meeting the definition of termination. However, a DROP
648 participant shall continue employment and receive a salary
649 during the period of participation in the Deferred Retirement
650 Option Program, as provided in subsection (13).



651 1. The reemployed retiree may not renew membership in the
652 Florida Retirement System, except as provided in s. 121.122.

653 2. The employer shall pay retirement contributions in an
654 amount equal to the unfunded actuarial liability portion of the
655 employer contribution that would be required for active members
656 of the Florida Retirement System in addition to the
657 contributions required by s. 121.76.

658 3. A retiree initially reemployed in violation of this
659 paragraph and an employer that employs or appoints such person
660 are jointly and severally liable for reimbursement of any
661 retirement benefits paid to the retirement trust fund from which
662 the benefits were paid, including the Florida Retirement System
663 Trust Fund and the Florida Retirement System Investment Plan
664 Trust Fund ~~Public Employee Optional Retirement Program Trust~~
665 ~~Fund~~, as appropriate. The employer must have a written statement
666 from the employee that he or she is not retired from a state-
667 administered retirement system. Retirement benefits shall remain
668 suspended until repayment is made. Benefits suspended beyond the
669 end of the retiree's 6-month reemployment limitation period
670 shall apply toward the repayment of benefits received in
671 violation of this paragraph.

672 Reviser's note.—Amended to conform to the
673 renaming of the trust fund by s. 27, ch. 2011-68, Laws of
674 Florida.

675 Section 11. Paragraph (b) of subsection (5) of section



HB 7023, Engrossed 1

2018

676 | 197.3632, Florida Statutes, is amended to read:

677 | 197.3632 Uniform method for the levy, collection, and
678 | enforcement of non-ad valorem assessments.-

679 | (5)

680 | (b) ~~Beginning in 2009,~~ By December 15 of each year, the
681 | tax collector shall provide to the department a copy of each
682 | local governing board's non-ad valorem assessment roll
683 | containing the data elements and in the format prescribed by the
684 | executive director. In addition, ~~beginning in 2008,~~ a report
685 | shall be provided to the department by December 15 of each year
686 | for each non-ad valorem assessment roll, including, but not
687 | limited to, the following information:

688 | 1. The name and type of local governing board levying the
689 | non-ad valorem assessment;

690 | 2. Whether or not the local government levies a property
691 | tax;

692 | 3. The basis for the levy;

693 | 4. The rate of assessment;

694 | 5. The total amount of non-ad valorem assessment levied;

695 | and

696 | 6. The number of parcels affected.

697 | Reviser's note.—Amended to delete obsolete
698 | language.

699 | Section 12. Paragraph (a) of subsection (5) of section
700 | 197.502, Florida Statutes, is amended to read:



701 197.502 Application for obtaining tax deed by holder of
702 tax sale certificate; fees.—

703 (5) (a) The tax collector may contract with a title company
704 or an abstract company to provide the minimum information
705 required in subsection (4), consistent with rules adopted by the
706 department. If additional information is required, the tax
707 collector must make a written request to the title or abstract
708 company stating the additional requirements. The tax collector
709 may select any title or abstract company, regardless of its
710 location, as long as the fee is reasonable, the minimum
711 information is submitted, and the title or abstract company is
712 authorized to do business in this state. The tax collector may
713 advertise and accept bids for the title or abstract company if
714 he or she considers it appropriate to do so.

715 1. The property information report must include the
716 letterhead of the person, firm, or company that makes the
717 search, and the signature of the individual who makes the search
718 or of an officer of the firm. The tax collector is not liable
719 for payment to the firm unless these requirements are met. The
720 report may be submitted to the tax collector in an electronic
721 format.

722 2. The tax collector may not accept or pay for any title
723 search or abstract if financial responsibility is not assumed
724 for the search. However, reasonable restrictions as to the
725 liability or responsibility of the title or abstract company are



HB 7023, Engrossed 1

2018

726 acceptable. Notwithstanding s. 627.7843(3), the tax collector
727 may contract for higher maximum liability limits.

728 3. In order to establish uniform prices for property
729 information reports within the county, the tax collector must
730 ensure that the contract for property information reports
731 include all requests for title searches or abstracts for a given
732 period of time.

733 Reviser's note.—Amended to correct an apparent
734 error. The word "reports" was stricken in error by s. 3,
735 ch. 2017-132, Laws of Florida; the intent is for the word
736 to remain.

737 Section 13. Subsection (3) of section 199.303, Florida
738 Statutes, is amended to read:

739 199.303 Declaration of legislative intent.—

740 ~~(3) It is hereby declared to be the specific intent of the~~
741 ~~Legislature that all annual intangible personal property taxes~~
742 ~~imposed as provided by law for calendar years 2006 and prior~~
743 ~~shall remain in full force and effect during the period~~
744 ~~specified by s. 95.091 for the year in which the tax was due. It~~
745 ~~is further the intent of the Legislature that the department~~
746 ~~continue to assess and collect all taxes due to the state under~~
747 ~~such provisions for all periods available for assessment, as~~
748 ~~provided for the year in which tax was due by s. 95.091.~~

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

750 Section 14. Paragraph (b) of subsection (8) of section



HB 7023, Engrossed 1

2018

751 206.8745, Florida Statutes, is amended to read:

752 206.8745 Credits and refund claims.—

753 (8) Undyed, tax-paid diesel fuel purchased in this state
754 and consumed by the engine of a qualified motor coach during
755 idle time for the purpose of running climate control systems and
756 maintaining electrical systems for the motor coach is subject to
757 a refund. As used in this subsection, the term "qualified motor
758 coach" means a privately owned vehicle that is designed to carry
759 nine or more passengers, that has a gross vehicle weight of at
760 least 33,000 pounds, that is used exclusively in the commercial
761 application of transporting passengers for compensation, and
762 that has the capacity to measure diesel fuel consumed in Florida
763 during idling, separate from diesel fuel consumed to propel the
764 vehicle in this state, by way of an on-board computer.

765 (b) The annual refund claim must be submitted before April
766 1 of the year following the year in which the tax was paid ~~and~~
767 ~~after December 31, 2000.~~

768

769 The Department of Revenue may adopt rules to administer this
770 subsection.

771 Reviser's note.—Amended to delete obsolete
772 language.

773 Section 15. Subsection (5) of section 213.755, Florida
774 Statutes, is amended to read:

775 213.755 Filing of returns and payment of taxes by



HB 7023, Engrossed 1

2018

776 | electronic means.—

777 | (5) ~~Beginning January 1, 2003,~~ Consolidated filers shall
778 | file returns and remit taxes by electronic means.

779 | Reviser's note.—Amended to delete obsolete
780 | language.

781 | Section 16. Subsection (1) of section 215.442, Florida
782 | Statutes, is amended to read:

783 | 215.442 Executive director; reporting requirements; public
784 | meeting.—

785 | (1) ~~Beginning October 2007 and quarterly thereafter,~~ The
786 | executive director shall present to the Board of Trustees of the
787 | State Board of Administration a quarterly report to include the
788 | following:

789 | (a) The name of each equity in which the State Board of
790 | Administration has invested for the quarter.

791 | (b) The industry category of each equity.

792 | Reviser's note.—Amended to delete obsolete
793 | language.

794 | Section 17. Subsection (1) of section 215.444, Florida
795 | Statutes, is amended to read:

796 | 215.444 Investment Advisory Council.—

797 | (1) There is created a nine-member ~~six-member~~ Investment
798 | Advisory Council to review the investments made by the staff of
799 | the Board of Administration and to make recommendations to the
800 | board regarding investment policy, strategy, and procedures.



HB 7023, Engrossed 1

2018

801 ~~Beginning February 1, 2011, the membership of the council shall~~
802 ~~be expanded to nine members.~~ The council shall meet with staff
803 of the board at least once each quarter and shall provide a
804 quarterly report directly to the Board of Trustees of the State
805 Board of Administration at a meeting of the board.

806 Reviser's note.—Amended to delete obsolete
807 language.

808 Section 18. Paragraph (a) of subsection (2) and paragraph
809 (a) of subsection (3) of section 215.4725, Florida Statutes, are
810 amended to read:

811 215.4725 Prohibited investments by the State Board of
812 Administration; companies that boycott Israel.—

813 (2) IDENTIFICATION OF COMPANIES.—

814 (a) ~~By August 1, 2016,~~ The public fund shall make its best
815 efforts to identify all scrutinized companies in which the
816 public fund has direct or indirect holdings or could possibly
817 have such holdings in the future. Such efforts include:

818 1. To the extent that the public fund finds it
819 appropriate, reviewing and relying on publicly available
820 information regarding companies that boycott Israel, including
821 information provided by nonprofit organizations, research firms,
822 international organizations, and government entities;

823 2. Contacting asset managers contracted by the public fund
824 for information regarding companies that boycott Israel; or

825 3. Contacting other institutional investors that prohibit



HB 7023, Engrossed 1

2018

826 such investments or that have engaged with companies that
827 boycott Israel.

828 (3) REQUIRED ACTIONS.—The public fund shall adhere to the
829 following procedures for assembling companies on the Scrutinized
830 Companies that Boycott Israel List.

831 (a) Engagement.—

832 1. The public fund shall immediately determine the
833 companies on the Scrutinized Companies that Boycott Israel List
834 in which the public fund owns direct or indirect holdings.

835 2. For each company newly identified under this paragraph
836 ~~after August 1, 2016,~~ the public fund shall send a written
837 notice informing the company of its scrutinized company status
838 and that it may become subject to investment prohibition by the
839 public fund. The notice must inform the company of the
840 opportunity to clarify its activities regarding the boycott of
841 Israel and encourage the company to cease the boycott of Israel
842 within 90 days in order to avoid qualifying for investment
843 prohibition.

844 3. If, within 90 days after the public fund's first
845 engagement with a company pursuant to this paragraph, the
846 company ceases a boycott of Israel, the company shall be removed
847 from the Scrutinized Companies that Boycott Israel List, and the
848 provisions of this section shall cease to apply to that company
849 unless that company resumes a boycott of Israel.

850 Reviser's note.—Amended to delete obsolete



HB 7023, Engrossed 1

2018

851 language.

852 Section 19. Section 252.357, Florida Statutes, is amended
853 to read:

854 252.357 Monitoring of nursing homes and assisted living
855 facilities during disaster.—The Florida Comprehensive Emergency
856 Management Plan shall permit the Agency for Health Care
857 Administration, working from the agency's offices or in the
858 Emergency Operations Center, ESF-8, to make initial contact with
859 each nursing home and assisted living facility in the disaster
860 area. The agency, by July 15, ~~2006~~, and annually thereafter,
861 shall publish on the Internet an emergency telephone number that
862 may be used by nursing homes and assisted living facilities to
863 contact the agency on a schedule established by the agency to
864 report requests for assistance. The agency may also provide the
865 telephone number to each facility when it makes the initial
866 facility call.

867 Reviser's note.—Amended to delete obsolete
868 language.

869 Section 20. Section 252.358, Florida Statutes, is amended
870 to read:

871 252.358 Emergency-preparedness prescription medication
872 refills.—All health insurers, managed care organizations, and
873 other entities that are licensed by the Office of Insurance
874 Regulation and provide prescription medication coverage as part
875 of a policy or contract shall waive time restrictions on



876 prescription medication refills, which include suspension of
877 electronic "refill too soon" edits to pharmacies, to enable
878 insureds or subscribers to refill prescriptions in advance, if
879 there are authorized refills remaining, and shall authorize
880 payment to pharmacies for at least a 30-day supply of any
881 prescription medication, regardless of the date upon which the
882 prescription had most recently been filled by a pharmacist, when
883 the following conditions occur:

884 (1) The person seeking the prescription medication refill
885 resides in a county that:

886 (a) Is under a hurricane warning issued by the National
887 Weather Service;

888 (b) Is declared to be under a state of emergency in an
889 executive order issued by the Governor; or

890 (c) Has activated its emergency operations center and its
891 emergency management plan.

892 (2) The prescription medication refill is requested within
893 30 days after the origination date of the conditions stated in
894 this section or until such conditions are terminated by the
895 issuing authority or no longer exist. The time period for the
896 waiver of prescription medication refills may be extended in 15-
897 or 30-day increments by emergency orders issued by the Office of
898 Insurance Regulation.

899
900 This section does not excuse or exempt an insured or subscriber



HB 7023, Engrossed 1

2018

901 from compliance with all other terms of the policy or contract
902 providing prescription medication coverage. ~~This section takes~~
903 ~~effect July 1, 2006.~~

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

906 Section 21. Paragraph (c) of subsection (7) of section
907 258.501, Florida Statutes, is amended to read:

908 258.501 Myakka River; wild and scenic segment.—

909 (7) MANAGEMENT COORDINATING COUNCIL.—

910 ~~(c) The Myakka River Management Coordinating Council shall~~
911 ~~prepare a report concerning the potential expansion of the~~
912 ~~Florida Wild and Scenic River designation to include the entire~~
913 ~~Myakka River. At a minimum, the report shall include a~~
914 ~~description of the extent of the Myakka River area that may be~~
915 ~~covered under the expanded designation and any recommendations~~
916 ~~or concerns of affected parties or other interests. During the~~
917 ~~development of the report, at least one public hearing shall be~~
918 ~~held in each of the affected areas of Manatee, Sarasota, and~~
919 ~~Charlotte Counties. The report shall be submitted to the~~
920 ~~Governor, the President of the Senate, and the Speaker of the~~
921 ~~House of Representatives no later than January 1, 2008.~~

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

924 Section 22. Subsection (1) of section 261.04, Florida
925 Statutes, is amended to read:



HB 7023, Engrossed 1

2018

926 261.04 Off-Highway Vehicle Recreation Advisory Committee;
927 members; appointment.—

928 (1) ~~Effective July 1, 2003,~~ The Off-Highway Vehicle
929 Recreation Advisory Committee is created within the Florida
930 Forest Service and consists of nine members, all of whom are
931 appointed by the Commissioner of Agriculture. The appointees
932 shall include one representative of the Department of
933 Agriculture and Consumer Services, one representative of the
934 Department of Highway Safety and Motor Vehicles, one
935 representative of the Department of Environmental Protection's
936 Office of Greenways and Trails, one representative of the Fish
937 and Wildlife Conservation Commission, one citizen with
938 scientific expertise in disciplines relating to ecology,
939 wildlife biology, or other environmental sciences, one
940 representative of a licensed off-highway vehicle dealer, and
941 three representatives of off-highway vehicle recreation groups.
942 In making these appointments, the commissioner shall consider
943 the places of residence of the members to ensure statewide
944 representation.

945 Reviser's note.—Amended to delete obsolete
946 language.

947 Section 23. Subsection (3) and paragraph (c) of subsection
948 (4) of section 261.20, Florida Statutes, are amended to read:

949 261.20 Operations of off-highway vehicles on public lands;
950 restrictions; safety courses; required equipment; prohibited



951 acts; penalties.—

952 (3) ~~Effective July 1, 2008,~~ While operating an off-highway
953 vehicle, a person who has not attained 16 years of age must have
954 in his or her possession a certificate evidencing the
955 satisfactory completion of an approved off-highway vehicle
956 safety course in this state or another jurisdiction. A
957 nonresident who has not attained 16 years of age and who is in
958 this state temporarily for a period not to exceed 30 days is
959 exempt from this subsection. Nothing contained in this chapter
960 shall prohibit an agency from requiring additional safety-
961 education courses for all operators.

962 (4)

963 (c) ~~On and after July 1, 2008,~~ Off-highway vehicles, when
964 operating pursuant to this chapter, shall be equipped with a
965 silencer or other device which limits sound emissions. Exhaust
966 noise must not exceed 96 decibels in the A-weighting scale for
967 vehicles manufactured after January 1, 1986, or 99 decibels in
968 the A-weighting scale for vehicles manufactured before January
969 1, 1986, when measured from a distance of 20 inches using test
970 procedures established by the Society of Automotive Engineers
971 under Standard J-1287. Off-highway vehicle manufacturers or
972 their agents prior to the sale to the general public in this
973 state of any new off-highway vehicle model manufactured after
974 January 1, 2008, shall provide to the department revolutions-
975 per-minute data needed to conduct the J-1287 test, where



HB 7023, Engrossed 1

2018

976 applicable.

977 Reviser's note.—Amended to delete obsolete
978 language.

979 Section 24. Subsection (1) of section 284.02, Florida
980 Statutes, is amended to read:

981 284.02 Payment of premiums by each agency; handling of
982 funds; payment of losses and expenses.—

983 (1) Premiums as calculated on all coverages shall be
984 billed and charged to each state agency according to coverages
985 obtained from the fund for their benefit, and such obligation
986 shall be paid promptly by each agency from its operating budget
987 upon presentation of a bill therefor. ~~However, no state agency~~
988 ~~shall be liable for the cost of insurance protection under this~~
989 ~~section prior to July 1, 1971, if any obligation therefor would~~
990 ~~be incurred against unappropriated funds. After July 1, 1971,~~
991 Billings and the obligation to pay shall be based on coverage
992 provided during each fiscal year and annually thereafter.

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

995 Section 25. Subsection (2) of section 286.29, Florida
996 Statutes, is amended to read:

997 286.29 Climate-friendly public business.—The Legislature
998 recognizes the importance of leadership by state government in
999 the area of energy efficiency and in reducing the greenhouse gas
1000 emissions of state government operations. The following shall



HB 7023, Engrossed 1

2018

1001 pertain to all state agencies when conducting public business:

1002 (2) ~~Effective July 1, 2008,~~ State agencies shall contract
1003 for meeting and conference space only with hotels or conference
1004 facilities that have received the "Green Lodging" designation
1005 from the Department of Environmental Protection for best
1006 practices in water, energy, and waste efficiency standards,
1007 unless the responsible state agency head makes a determination
1008 that no other viable alternative exists. The Department of
1009 Environmental Protection is authorized to adopt rules to
1010 implement the "Green Lodging" program.

1011 Reviser's note.—Amended to delete obsolete
1012 language.

1013 Section 26. Paragraph (c) of subsection (2) of section
1014 288.0001, Florida Statutes, is amended to read:

1015 288.0001 Economic Development Programs Evaluation.—The
1016 Office of Economic and Demographic Research and the Office of
1017 Program Policy Analysis and Government Accountability (OPPAGA)
1018 shall develop and present to the Governor, the President of the
1019 Senate, the Speaker of the House of Representatives, and the
1020 chairs of the legislative appropriations committees the Economic
1021 Development Programs Evaluation.

1022 (2) The Office of Economic and Demographic Research and
1023 OPPAGA shall provide a detailed analysis of economic development
1024 programs as provided in the following schedule:

1025 (c) By January 1, 2016, and every 3 years thereafter, an



1026 analysis of the following:

1027 1. The qualified defense contractor and space flight
1028 business tax refund program established under s. 288.1045.

1029 2. The tax exemption for semiconductor, defense, or space
1030 technology sales established under s. 212.08(5)(j).

1031 3. The Military Base Protection Program established under
1032 s. 288.980.

1033 ~~4. The Manufacturing and Spaceport Investment Incentive~~
1034 ~~Program formerly established under s. 288.1083.~~

1035 4.5. The Quick Response Training Program established under
1036 s. 288.047.

1037 5.6. The Incumbent Worker Training Program established
1038 under s. 445.003.

1039 6.7. International trade and business development programs
1040 established or funded under s. 288.826.

1041 Reviser's note.—Amended to conform to the repeal
1042 of referenced s. 288.1083 by s. 6, ch. 2014-18, Laws of
1043 Florida, to confirm repeal of s. 288.1083 pursuant to its
1044 own terms effective July 1, 2013.

1045 Section 27. Paragraph (c) of subsection (3) of section
1046 288.101, Florida Statutes, is amended to read:

1047 288.101 Florida Job Growth Grant Fund.—

1048 (3) For purposes of this section:

1049 (c) "Targeted industry" means any industry identified in
1050 the most recent list provided to the Governor, the President of



1051 the Senate, and the Speaker of the House of Representatives in
 1052 accordance with s. 288.106(2)(q) ~~288.106(q)~~.

1053 Reviser's note.—Amended to confirm the editorial
 1054 substitution of a reference to s. 288.106(2)(q) for a
 1055 reference to s. 288.106(q) to provide the complete
 1056 citation.

1057 Section 28. Subsection (5) of section 288.1258, Florida
 1058 Statutes, is amended to read:

1059 288.1258 Entertainment industry qualified production
 1060 companies; application procedure; categories; duties of the
 1061 Department of Revenue; records and reports.—

1062 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 1063 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
 1064 and Entertainment shall keep annual records from the information
 1065 provided on taxpayer applications for tax exemption certificates
 1066 ~~beginning January 1, 2001~~. These records also must reflect a
 1067 ratio of the annual amount of sales and use tax exemptions under
 1068 this section, plus the incentives awarded pursuant to s.
 1069 288.1254 to the estimated amount of funds expended by certified
 1070 productions. In addition, the office shall maintain data showing
 1071 annual growth in Florida-based entertainment industry companies
 1072 and entertainment industry employment and wages. The employment
 1073 information must include an estimate of the full-time equivalent
 1074 positions created by each production that received tax credits
 1075 pursuant to s. 288.1254. The Office of Film and Entertainment



HB 7023, Engrossed 1

2018

1076 shall include this information in the annual report for the
1077 entertainment industry financial incentive program required
1078 under s. 288.1254(10).

1079 Reviser's note.—Amended to delete obsolete
1080 language.

1081 Section 29. Paragraph (b) of subsection (12) of section
1082 315.03, Florida Statutes, is amended to read:

1083 315.03 Grant of powers.—Each unit is hereby authorized and
1084 empowered:

1085 (12)

1086 (b) The Florida Seaport Transportation and Economic
1087 Development Council shall prepare an annual report detailing the
1088 amounts loaned, the projects financed by the loans, any interest
1089 earned, and loans outstanding. The report shall be submitted to
1090 the Governor, the President of the Senate, and the Speaker of
1091 the House of Representatives by January 1 of each year, ~~beginning in 2004.~~

1093 Reviser's note.—Amended to delete obsolete
1094 language.

1095 Section 30. Subsection (3) of section 320.833, Florida
1096 Statutes, is amended to read:

1097 320.833 Retention, destruction, and reproduction of
1098 records; electronic retention.—Records and documents of the
1099 Department of Highway Safety and Motor Vehicles, created in
1100 compliance with, and in the implementation of, chapter 319 and



HB 7023, Engrossed 1

2018

1101 this chapter, shall be retained by the department as specified
1102 in record retention schedules established under the general
1103 provisions of chapter 119. Further, the department is hereby
1104 authorized:

1105 (3) ~~Beginning December 1, 2001, the department may~~ To
1106 maintain all records required or obtained in compliance with,
1107 and in the implementation of, chapter 319 and this chapter
1108 exclusively by electronic means.

1109 Reviser's note.—Amended to delete obsolete
1110 language.

1111 Section 31. Section 320.865, Florida Statutes, is amended
1112 to read:

1113 320.865 Maintenance of records by the department.—
1114 ~~Beginning December 1, 2001,~~ The department shall maintain
1115 electronic records of all complaints filed against licensees
1116 licensed under the provisions of ss. 320.27, 320.61, 320.77,
1117 320.771, and 320.8225, any other provision of this chapter to
1118 the contrary notwithstanding. The records shall contain all
1119 enforcement actions taken against licensees and against
1120 unlicensed persons acting in a capacity which would require them
1121 to be licensed under those sections. The electronic file of each
1122 licensee and unlicensed person shall contain a record of any
1123 complaints filed against him or her and a record of any
1124 enforcement actions taken against him or her. The complainant
1125 and the referring agency, if there is one, shall be advised of



HB 7023, Engrossed 1

2018

1126 the disposition by the department of the complaint within 10
1127 days of such action.

1128 Reviser's note.—Amended to delete obsolete
1129 language.

1130 Section 32. Subsection (1) of section 331.3051, Florida
1131 Statutes, is amended to read:

1132 331.3051 Duties of Space Florida.—Space Florida shall:

1133 (1) Create a business plan to foster the growth and
1134 development of the aerospace industry. The business plan must
1135 address business development, finance, spaceport operations,
1136 research and development, workforce development, and education.
1137 The business plan must be ~~completed by March 1, 2007,~~ and be
1138 revised when determined as necessary by the board.

1139 Reviser's note.—Amended to delete obsolete
1140 language.

1141 Section 33. Subsection (8) of section 332.007, Florida
1142 Statutes, is amended to read:

1143 332.007 Administration and financing of aviation and
1144 airport programs and projects; state plan.—

1145 ~~(8) Notwithstanding any other law to the contrary, any~~
1146 ~~airport with direct intercontinental passenger service that is~~
1147 ~~located in a county with a population under 400,000 as of July~~
1148 ~~1, 2002, and that has a loan from the Department of~~
1149 ~~Transportation due in August of 2002 shall have such loan~~
1150 ~~extended until September 18, 2008.~~



1151 Reviser's note.—Amended to delete an obsolete
 1152 provision.

1153 Section 34. Paragraph (d) of subsection (1) of section
 1154 344.26, Florida Statutes, is amended to read:

1155 344.26 State Board of Administration; duties concerning
 1156 debt service.—

1157 (1)

1158 (d) It shall be the duty of all officials of any such
 1159 public body, county, district, municipality or other public
 1160 authority to turn over to said State Board of Administration
 1161 ~~within 30 days after May 27, 1943, or~~ within 30 days after the
 1162 execution ~~hereafter~~ of any such lease or purchase agreement by
 1163 Department of Transportation all moneys or other assets
 1164 applicable to, or available for, the payment of said bonds or
 1165 debentures, together with all records, books, documents or other
 1166 papers pertaining to said bonds or debentures.

1167 Reviser's note.—Amended to delete obsolete
 1168 language.

1169 Section 35. Subsection (1) of section 364.386, Florida
 1170 Statutes, is amended to read:

1171 364.386 Reports to the Legislature.—

1172 (1)(a) The commission shall submit to the President of the
 1173 Senate, the Speaker of the House of Representatives, and the
 1174 majority and minority leaders of the Senate and the House of
 1175 Representatives, on August 1, ~~2008,~~ and on an annual basis



HB 7023, Engrossed 1

2018

1176 ~~thereafter~~, a report on the status of competition in the
1177 telecommunications industry and a detailed exposition of the
1178 following:

1179 1. The ability of competitive providers to make
1180 functionally equivalent local exchange services available to
1181 both residential and business customers at competitive rates,
1182 terms, and conditions.

1183 2. The ability of consumers to obtain functionally
1184 equivalent services at comparable rates, terms, and conditions.

1185 3. The overall impact of competition on the maintenance of
1186 reasonably affordable and reliable high-quality
1187 telecommunications services.

1188 4. A listing and short description of any carrier disputes
1189 filed under s. 364.16.

1190 (b) The commission shall make an annual request to
1191 providers of local exchange telecommunications services on or
1192 before March 1, ~~2008~~, and on or before March 1 of each year
1193 ~~thereafter~~, for the data it requires to complete the report. A
1194 provider of local exchange telecommunications services shall
1195 file its response with the commission on or before April 15,
1196 ~~2008~~, and on or before April 15 of each year ~~thereafter~~.

1197 Reviser's note.—Amended to delete obsolete
1198 language.

1199 Section 36. Subsection (3) of section 366.92, Florida
1200 Statutes, is amended to read:



1201 366.92 Florida renewable energy policy.—

1202 (3) Each municipal electric utility and rural electric
 1203 cooperative shall develop standards for the promotion,
 1204 encouragement, and expansion of the use of renewable energy
 1205 resources and energy conservation and efficiency measures. On or
 1206 before April 1, ~~2009, and annually thereafter~~, each municipal
 1207 electric utility and electric cooperative shall submit to the
 1208 commission a report that identifies such standards.

1209 Reviser's note.—Amended to delete obsolete
 1210 language.

1211 Section 37. Paragraph (a) of subsection (7) of section
 1212 373.036, Florida Statutes, is amended to read:

1213 373.036 Florida water plan; district water management
 1214 plans.—

1215 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1216 (a) By March 1, ~~2006, and annually thereafter~~, each water
 1217 management district shall prepare and submit to the department,
 1218 the Governor, the President of the Senate, and the Speaker of
 1219 the House of Representatives a consolidated water management
 1220 district annual report on the management of water resources. In
 1221 addition, copies must be provided by the water management
 1222 districts to the chairs of all legislative committees having
 1223 substantive or fiscal jurisdiction over the districts and the
 1224 governing board of each county in the district having
 1225 jurisdiction or deriving any funds for operations of the



1226 district. Copies of the consolidated annual report must be made
1227 available to the public, either in printed or electronic format.

1228 Reviser's note.—Amended to delete obsolete
1229 language.

1230 Section 38. Subsection (3) of section 373.042, Florida
1231 Statutes, is amended to read:

1232 373.042 Minimum flows and minimum water levels.—

1233 (3) By November 15, ~~1997, and~~ annually ~~thereafter~~, each
1234 water management district shall submit to the department for
1235 review and approval a priority list and schedule for the
1236 establishment of minimum flows and minimum water levels for
1237 surface watercourses, aquifers, and surface waters within the
1238 district. The priority list and schedule shall identify those
1239 listed water bodies for which the district will voluntarily
1240 undertake independent scientific peer review; any reservations
1241 proposed by the district to be established pursuant to s.
1242 373.223(4); and those listed water bodies that have the
1243 potential to be affected by withdrawals in an adjacent district
1244 for which the department's adoption of a reservation pursuant to
1245 s. 373.223(4) or a minimum flow or minimum water level pursuant
1246 to subsection (1) may be appropriate. By March 1, ~~2006, and~~
1247 annually ~~thereafter~~, each water management district shall
1248 include its approved priority list and schedule in the
1249 consolidated annual report required by s. 373.036(7). The
1250 priority list shall be based upon the importance of the waters



1251 to the state or region and the existence of or potential for
1252 significant harm to the water resources or ecology of the state
1253 or region, and shall include those waters which are experiencing
1254 or may reasonably be expected to experience adverse impacts.
1255 Each water management district's priority list and schedule
1256 shall include all first magnitude springs, and all second
1257 magnitude springs within state or federally owned lands
1258 purchased for conservation purposes. The specific schedule for
1259 establishment of spring minimum flows and minimum water levels
1260 shall be commensurate with the existing or potential threat to
1261 spring flow from consumptive uses. Springs within the Suwannee
1262 River Water Management District, or second magnitude springs in
1263 other areas of the state, need not be included on the priority
1264 list if the water management district submits a report to the
1265 Department of Environmental Protection demonstrating that
1266 adverse impacts are not now occurring nor are reasonably
1267 expected to occur from consumptive uses during the next 20
1268 years. The priority list and schedule is not subject to any
1269 proceeding pursuant to chapter 120. Except as provided in
1270 subsection (4), the development of a priority list and
1271 compliance with the schedule for the establishment of minimum
1272 flows and minimum water levels pursuant to this subsection
1273 satisfies the requirements of subsection (1).

1274 Reviser's note.—Amended to delete obsolete
1275 language.



HB 7023, Engrossed 1

2018

1276 Section 39. Subsection (7) of section 373.470, Florida
1277 Statutes, is amended to read:
1278 373.470 Everglades restoration.—
1279 (7) ANNUAL REPORT.—To provide enhanced oversight of and
1280 accountability for the financial commitments established under
1281 this section and the progress made in the implementation of the
1282 comprehensive plan, the following information must be prepared
1283 annually as part of the consolidated annual report required by
1284 s. 373.036(7):
1285 (a) The district, in cooperation with the department,
1286 shall provide the following information as it relates to
1287 implementation of the comprehensive plan:
1288 1. An identification of funds, by source and amount,
1289 received by the state and by each local sponsor during the
1290 fiscal year.
1291 2. An itemization of expenditures, by source and amount,
1292 made by the state and by each local sponsor during the fiscal
1293 year.
1294 3. A description of the purpose for which the funds were
1295 expended.
1296 4. The unencumbered balance of funds remaining in trust
1297 funds or other accounts designated for implementation of the
1298 comprehensive plan.
1299 5. A schedule of anticipated expenditures for the next
1300 fiscal year.



1301 (b) The department shall prepare a detailed report on all
 1302 funds expended by the state and credited toward the state's
 1303 share of funding for implementation of the comprehensive plan.
 1304 The report shall include:

1305 1. A description of all expenditures, by source and
 1306 amount, from the former Conservation and Recreation Lands Trust
 1307 Fund, the Land Acquisition Trust Fund, the former Preservation
 1308 2000 Trust Fund, the Florida Forever Trust Fund, the Save Our
 1309 Everglades Trust Fund, and other named funds or accounts for the
 1310 acquisition or construction of project components or other
 1311 features or facilities that benefit the comprehensive plan.

1312 2. A description of the purposes for which the funds were
 1313 expended.

1314 3. The unencumbered fiscal-year-end balance that remains
 1315 in each trust fund or account identified in subparagraph 1.

1316 (c) The district, in cooperation with the department,
 1317 shall provide a detailed report on progress made in the
 1318 implementation of the comprehensive plan, including the status
 1319 of all project components initiated after the effective date of
 1320 this act or the date of the last report prepared under this
 1321 subsection, whichever is later.

1322
 1323 The information required in paragraphs (a), (b), and (c) shall
 1324 be provided as part of the consolidated annual report required
 1325 by s. 373.036(7). ~~The initial report is due by November 30,~~



HB 7023, Engrossed 1

2018

1326 | ~~2000, and~~ Each annual report ~~thereafter~~ is due by March 1.

1327 | Reviser's note.—Amended to delete obsolete
1328 | language.

1329 | Section 40. Subsection (9) of section 373.709, Florida
1330 | Statutes, is amended to read:

1331 | 373.709 Regional water supply planning.—

1332 | ~~(9) For any regional water supply plan that is scheduled~~
1333 | ~~to be updated before December 31, 2005, the deadline for such~~
1334 | ~~update shall be extended by 1 year.~~

1335 | Reviser's note.—Amended to delete obsolete
1336 | language.

1337 | Section 41. Paragraph (d) of subsection (1) of section
1338 | 376.303, Florida Statutes, is amended to read:

1339 | 376.303 Powers and duties of the Department of
1340 | Environmental Protection.—

1341 | (1) The department has the power and the duty to:

1342 | (d) Establish a registration program for drycleaning
1343 | facilities and wholesale supply facilities.

1344 | 1. Owners or operators of drycleaning facilities and
1345 | wholesale supply facilities and real property owners shall
1346 | jointly register each facility owned and in operation with the
1347 | department by June 30, 1995, pay initial registration fees by
1348 | December 31, 1995, and pay annual renewal registration fees by
1349 | December 31, 1996, and each year thereafter, in accordance with
1350 | this subsection. If the registration form cannot be jointly



HB 7023, Engrossed 1

2018

1351 submitted, then the applicant shall provide notice of the
1352 registration to other interested parties. The department shall
1353 establish reasonable requirements for the registration of such
1354 facilities. The department shall use reasonable efforts to
1355 identify and notify drycleaning facilities and wholesale supply
1356 facilities of the registration requirements by certified mail,
1357 return receipt requested. The department shall provide to the
1358 Department of Revenue a copy of each applicant's registration
1359 materials, within 30 working days of the receipt of the
1360 materials. This copy may be in such electronic format as the two
1361 agencies mutually designate.

1362 2.a. The department shall issue an invoice for annual
1363 registration fees to each registered drycleaning facility or
1364 wholesale supply facility by December 31 of each year. Owners of
1365 drycleaning facilities and wholesale supply facilities shall
1366 submit to the department an initial fee of \$100 and an annual
1367 renewal registration fee of \$100 for each drycleaning facility
1368 or wholesale supply facility owned and in operation. The fee
1369 shall be paid within 30 days after receipt of billing by the
1370 department. Facilities that fail to pay their renewal fee within
1371 30 days after receipt of billing are subject to a late fee of
1372 \$75.

1373 b. Revenues derived from registration, renewal, and late
1374 fees shall be deposited into the Water Quality Assurance Trust
1375 Fund to be used as provided in s. 376.3078.



HB 7023, Engrossed 1

2018

1376 3. ~~Effective March 1, 2009,~~ A registered drycleaning
1377 facility shall display in the vicinity of its drycleaning
1378 machines the original or a copy of a valid and current
1379 certificate evidencing registration with the department pursuant
1380 to this paragraph. ~~After that date,~~ A person may not sell or
1381 transfer any drycleaning solvents to an owner or operator of a
1382 drycleaning facility unless the owner or operator of the
1383 drycleaning facility displays the certificate issued by the
1384 department. Violators of this subparagraph are subject to the
1385 remedies available to the department pursuant to s. 376.302.

1386 Reviser's note.—Amended to delete obsolete
1387 language.

1388 Section 42. Subsection (5) of section 379.2495, Florida
1389 Statutes, is amended to read:

1390 379.2495 Florida Ships-2-Reefs Program; matching grant
1391 requirements.—

1392 (5) No later than January 1 of each year, ~~2009, and each~~
1393 ~~January 1 thereafter,~~ the commission shall submit a report to
1394 the Governor, the President of the Senate, and the Speaker of
1395 the House of Representatives detailing the expenditure of the
1396 funds appropriated to it for the purposes of carrying out the
1397 provisions of this section.

1398 Reviser's note.—Amended to delete obsolete
1399 language.

1400 Section 43. Paragraph (d) of subsection (14) of section



HB 7023, Engrossed 1

2018

1401 381.986, Florida Statutes, is amended to read:

1402 381.986 Medical use of marijuana.—

1403 (14) EXCEPTIONS TO OTHER LAWS.—

1404 (d) A licensed medical marijuana treatment center and its
1405 owners, managers, and employees are not subject to licensure or
1406 regulation under chapter 465 or chapter 499 for manufacturing,
1407 possessing, selling, delivering, distributing, dispensing, or
1408 lawfully disposing of marijuana or a marijuana delivery device,
1409 as provided in this section, in s. 381.988, and by department
1410 rule.

1411 Reviser's note.—Amended to confirm the editorial
1412 insertion of the word "in."

1413 Section 44. Paragraph (b) of subsection (1) of section
1414 381.987, Florida Statutes, is amended to read:

1415 381.987 Public records exemption for personal identifying
1416 information relating to medical marijuana held by the
1417 department.—

1418 (1) The following information is confidential and exempt
1419 from s. 119.07(1) and s. 24(a), Art. I of the State
1420 Constitution:

1421 (b) All personal identifying information collected for the
1422 purpose of issuing a patient's or caregiver's medical marijuana
1423 use registry identification card described in s. 381.986
1424 ~~381.896~~.

1425 Reviser's note.—Amended to correct an erroneous



1426 cross-reference. Section 381.986(7), as amended by s. 3,
1427 ch. 2017-232, Laws of Florida, authorizes and describes
1428 medical marijuana use registry identification cards.

1429 Section 45. Subsection (2) of section 394.75, Florida
1430 Statutes, is amended to read:

1431 394.75 State and district substance abuse and mental
1432 health plans.—

1433 (2) The state master plan shall also include:

1434 (a) A proposal for the development of a data system that
1435 will evaluate the effectiveness of programs and services
1436 provided to clients of the substance abuse and mental health
1437 service system.

1438 (b) A proposal to resolve the funding discrepancies
1439 between districts.

1440 (c) A methodology for the allocation of resources
1441 available from federal, state, and local sources and a
1442 description of the current level of funding available from each
1443 source.

1444 (d) A description of the statewide priorities for clients
1445 and services, and each district's priorities for clients and
1446 services.

1447 (e) Recommendations for methods of enhancing local
1448 participation in the planning, organization, and financing of
1449 substance abuse and mental health services.

1450 (f) A description of the current methods of contracting



HB 7023, Engrossed 1

2018

1451 for services, an assessment of the efficiency of these methods
1452 in providing accountability for contracted funds, and
1453 recommendations for improvements to the system of contracting.

1454 (g) Recommendations for improving access to services by
1455 clients and their families.

1456 (h) Guidelines and formats for the development of district
1457 plans.

1458 (i) Recommendations for future directions for the
1459 substance abuse and mental health service delivery system.

1460

1461 A schedule, format, and procedure for development and review of
1462 the state master plan shall be adopted by the department by June
1463 of each year. The plan and annual updates must be submitted to
1464 the President of the Senate and the Speaker of the House of
1465 Representatives by January 1 of each year, ~~beginning January 1,~~
1466 ~~2001.~~

1467 Reviser's note.—Amended to delete obsolete
1468 language.

1469 Section 46. Paragraph (i) of subsection (1) of section
1470 400.6045, Florida Statutes, is amended to read:

1471 400.6045 Patients with Alzheimer's disease or other
1472 related disorders; staff training requirements; certain
1473 disclosures.—

1474 (1) A hospice licensed under this part must provide the
1475 following staff training:



HB 7023, Engrossed 1

2018

1476 ~~(i) An employee who is hired on or after July 1, 2003,~~
1477 ~~must complete the required training by July 1, 2004, or by the~~
1478 ~~deadline specified in this section, whichever is later.~~

1479 Reviser's note.—Amended to delete obsolete
1480 language.

1481 Section 47. Subsection (23) of section 403.061, Florida
1482 Statutes, is amended to read:

1483 403.061 Department; powers and duties.—The department
1484 shall have the power and the duty to control and prohibit
1485 pollution of air and water in accordance with the law and rules
1486 adopted and promulgated by it and, for this purpose, to:

1487 (23) Adopt rules and regulations to ensure that no
1488 detergents are sold in Florida ~~after December 31, 1972,~~ which
1489 are reasonably found to have a harmful or deleterious effect on
1490 human health or on the environment. Any regulations adopted
1491 pursuant to this subsection shall apply statewide. Subsequent to
1492 the promulgation of such rules and regulations, no county,
1493 municipality, or other local political subdivision shall adopt
1494 or enforce any local ordinance, special law, or local regulation
1495 governing detergents which is less stringent than state law or
1496 regulation. Regulations, ordinances, or special acts adopted by
1497 a county or municipality governing detergents shall be subject
1498 to approval by the department, except that regulations,
1499 ordinances, or special acts adopted by any county or
1500 municipality with a local pollution control program approved



1501 pursuant to s. 403.182 shall be approved as an element of the
 1502 local pollution control program.

1503
 1504 The department shall implement such programs in conjunction with
 1505 its other powers and duties and shall place special emphasis on
 1506 reducing and eliminating contamination that presents a threat to
 1507 humans, animals or plants, or to the environment.

1508 Reviser's note.—Amended to delete obsolete
 1509 language.

1510 Section 48. Subsection (16) of section 403.064, Florida
 1511 Statutes, is amended to read:

1512 403.064 Reuse of reclaimed water.—

1513 (16) Utilities implementing reuse projects are encouraged,
 1514 except in the case of use by electric utilities as defined in s.
 1515 366.02(2), to meter use of reclaimed water by all end users and
 1516 to charge for the use of reclaimed water based on the actual
 1517 volume used when such metering and charges can be shown to
 1518 encourage water conservation. Metering and the use of volume-
 1519 based rates are effective water management tools for the
 1520 following reuse activities: residential irrigation, agricultural
 1521 irrigation, industrial uses, landscape irrigation, irrigation of
 1522 other public access areas, commercial and institutional uses
 1523 such as toilet flushing, and transfers to other reclaimed water
 1524 utilities. ~~Beginning with the submittal due on January 1, 2005,~~
 1525 Each domestic wastewater utility that provides reclaimed water



HB 7023, Engrossed 1

2018

1526 for the reuse activities listed in this section shall include a
1527 summary of its metering and rate structure as part of its annual
1528 reuse report to the department.

1529 Reviser's note.—Amended to delete obsolete
1530 language.

1531 Section 49. Subsection (3) of section 408.0611, Florida
1532 Statutes, is amended to read:

1533 408.0611 Electronic prescribing clearinghouse.—

1534 (3) The agency shall work in collaboration with private
1535 sector electronic prescribing initiatives and relevant
1536 stakeholders to create a clearinghouse of information on
1537 electronic prescribing for health care practitioners, health
1538 care facilities, and pharmacies. These stakeholders shall
1539 include organizations that represent health care practitioners,
1540 organizations that represent health care facilities,
1541 organizations that represent pharmacies, organizations that
1542 operate electronic prescribing networks, organizations that
1543 create electronic prescribing products, and regional health
1544 information organizations. Specifically, the agency shall, ~~by~~
1545 ~~October 1, 2007~~:

1546 (a) Provide on its website:

1547 1. Information regarding the process of electronic
1548 prescribing and the availability of electronic prescribing
1549 products, including no-cost or low-cost products;

1550 2. Information regarding the advantages of electronic



HB 7023, Engrossed 1

2018

1551 prescribing, including using medication history data to prevent
1552 drug interactions, prevent allergic reactions, and deter doctor
1553 and pharmacy shopping for controlled substances;

1554 3. Links to federal and private sector websites that
1555 provide guidance on selecting an appropriate electronic
1556 prescribing product; and

1557 4. Links to state, federal, and private sector incentive
1558 programs for the implementation of electronic prescribing.

1559 (b) Convene quarterly meetings of the stakeholders to
1560 assess and accelerate the implementation of electronic
1561 prescribing.

1562 Reviser's note.—Amended to delete obsolete
1563 language.

1564 Section 50. Paragraphs (i) and (j) of subsection (1) of
1565 section 408.062, Florida Statutes, are amended to read:

1566 408.062 Research, analyses, studies, and reports.—

1567 (1) The agency shall conduct research, analyses, and
1568 studies relating to health care costs and access to and quality
1569 of health care services as access and quality are affected by
1570 changes in health care costs. Such research, analyses, and
1571 studies shall include, but not be limited to:

1572 (i) The use of emergency department services by patient
1573 acuity level and the implication of increasing hospital cost by
1574 providing nonurgent care in emergency departments. The agency
1575 shall submit an annual report based on this monitoring and



1576 assessment to the Governor, the Speaker of the House of
1577 Representatives, the President of the Senate, and the
1578 substantive legislative committees, due ~~with the first report~~
1579 ~~due~~ January 1, ~~2006~~.

1580 (j) The making available on its Internet website ~~beginning~~
1581 ~~no later than October 1, 2004~~, and in a hard-copy format upon
1582 request, of patient charge, volumes, length of stay, and
1583 performance indicators collected from health care facilities
1584 pursuant to s. 408.061(1)(a) for specific medical conditions,
1585 surgeries, and procedures provided in inpatient and outpatient
1586 facilities as determined by the agency. In making the
1587 determination of specific medical conditions, surgeries, and
1588 procedures to include, the agency shall consider such factors as
1589 volume, severity of the illness, urgency of admission,
1590 individual and societal costs, and whether the condition is
1591 acute or chronic. Performance outcome indicators shall be risk
1592 adjusted or severity adjusted, as applicable, using nationally
1593 recognized risk adjustment methodologies or software consistent
1594 with the standards of the Agency for Healthcare Research and
1595 Quality and as selected by the agency. The website shall also
1596 provide an interactive search that allows consumers to view and
1597 compare the information for specific facilities, a map that
1598 allows consumers to select a county or region, definitions of
1599 all of the data, descriptions of each procedure, and an
1600 explanation about why the data may differ from facility to



HB 7023, Engrossed 1

2018

1601 facility. Such public data shall be updated quarterly. The
1602 agency shall submit an annual status report on the collection of
1603 data and publication of health care quality measures to the
1604 Governor, the Speaker of the House of Representatives, the
1605 President of the Senate, and the substantive legislative
1606 committees, with the first status report due January 1, ~~2005~~.

1607 Reviser's note.—Amended to delete obsolete
1608 language.

1609 Section 51. Paragraph (a) of subsection (6) of section
1610 408.811, Florida Statutes, is amended to read:

1611 408.811 Right of inspection; copies; inspection reports;
1612 plan for correction of deficiencies.—

1613 (6) (a) Each licensee shall maintain as public information,
1614 available upon request, records of all inspection reports
1615 pertaining to that provider that have been filed by the agency
1616 unless those reports are exempt from or contain information that
1617 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1618 Constitution or is otherwise made confidential by law. ~~Effective~~
1619 ~~October 1, 2006~~, Copies of such reports shall be retained in the
1620 records of the provider for at least 3 years following the date
1621 the reports are filed and issued, regardless of a change of
1622 ownership.

1623 Reviser's note.—Amended to delete obsolete
1624 language.

1625 Section 52. Paragraph (d) of subsection (10) of section



1626 | 408.9091, Florida Statutes, is amended to read:

1627 | 408.9091 Cover Florida Health Care Access Program.—

1628 | (10) PROGRAM EVALUATION.—The agency and the office shall:

1629 | (d) Jointly submit by March 1, ~~2009~~, and annually
 1630 | ~~thereafter~~, a report to the Governor, the President of the
 1631 | Senate, and the Speaker of the House of Representatives which
 1632 | provides the information specified in paragraphs (a)-(c) and
 1633 | recommendations relating to the successful implementation and
 1634 | administration of the program.

1635 | Reviser's note.—Amended to delete obsolete
 1636 | language.

1637 | Section 53. Paragraph (a) of subsection (2) of section
 1638 | 409.1754, Florida Statutes, is amended to read:

1639 | 409.1754 Commercial sexual exploitation of children;
 1640 | screening and assessment; training; multidisciplinary staffings;
 1641 | service plans.—

1642 | (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

1643 | (a) The department, or a sheriff's office acting under s.
 1644 | 39.3065, shall conduct a multidisciplinary staffing for each
 1645 | child who ~~that~~ is a suspected or verified victim of commercial
 1646 | sexual exploitation. The department or sheriff's office shall
 1647 | coordinate the staffing and invite individuals involved in the
 1648 | child's care, including, but not limited to, the child, if
 1649 | appropriate; the child's family or legal guardian; the child's
 1650 | guardian ad litem; Department of Juvenile Justice staff; school



1651 district staff; local health and human services providers;
1652 victim advocates; and any other persons who may be able to
1653 assist the child.

1654 Reviser's note.—Amended to confirm the editorial
1655 substitution of the word "who" for the word "that."

1656 Section 54. Paragraph (b) of subsection (1) and subsection
1657 (26) of section 409.906, Florida Statutes, are amended to read:

1658 409.906 Optional Medicaid services.—Subject to specific
1659 appropriations, the agency may make payments for services which
1660 are optional to the state under Title XIX of the Social Security
1661 Act and are furnished by Medicaid providers to recipients who
1662 are determined to be eligible on the dates on which the services
1663 were provided. Any optional service that is provided shall be
1664 provided only when medically necessary and in accordance with
1665 state and federal law. Optional services rendered by providers
1666 in mobile units to Medicaid recipients may be restricted or
1667 prohibited by the agency. Nothing in this section shall be
1668 construed to prevent or limit the agency from adjusting fees,
1669 reimbursement rates, lengths of stay, number of visits, or
1670 number of services, or making any other adjustments necessary to
1671 comply with the availability of moneys and any limitations or
1672 directions provided for in the General Appropriations Act or
1673 chapter 216. If necessary to safeguard the state's systems of
1674 providing services to elderly and disabled persons and subject
1675 to the notice and review provisions of s. 216.177, the Governor



HB 7023, Engrossed 1

2018

1676 may direct the Agency for Health Care Administration to amend
1677 the Medicaid state plan to delete the optional Medicaid service
1678 known as "Intermediate Care Facilities for the Developmentally
1679 Disabled." Optional services may include:

1680 (1) ADULT DENTAL SERVICES.—

1681 (b) ~~Beginning July 1, 2006,~~ The agency may pay for full or
1682 partial dentures, the procedures required to seat full or
1683 partial dentures, and the repair and reline of full or partial
1684 dentures, provided by or under the direction of a licensed
1685 dentist, for a recipient who is 21 years of age or older.

1686 (26) HOME AND COMMUNITY-BASED SERVICES FOR AUTISM SPECTRUM
1687 DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—The agency is
1688 authorized to seek federal approval through a Medicaid waiver or
1689 a state plan amendment for the provision of occupational
1690 therapy, speech therapy, physical therapy, behavior analysis,
1691 and behavior assistant services to individuals who are 5 years
1692 of age and under and have a diagnosed developmental disability
1693 as defined in s. 393.063, autism spectrum disorder as defined in
1694 s. 627.6686, or Down syndrome, a genetic disorder caused by the
1695 presence of extra chromosomal material on chromosome 21. Causes
1696 of the syndrome may include Trisomy 21, Mosaicism, Robertsonian
1697 Translocation, and other duplications of a portion of chromosome
1698 21. Coverage for such services shall be limited to \$36,000
1699 annually and may not exceed \$108,000 in total lifetime benefits.
1700 The agency shall submit an annual report ~~beginning~~ on January 17



HB 7023, Engrossed 1

2018

1701 ~~2009,~~ to the President of the Senate, the Speaker of the House
1702 of Representatives, and the relevant committees of the Senate
1703 and the House of Representatives regarding progress on obtaining
1704 federal approval and recommendations for the implementation of
1705 these home and community-based services. The agency may not
1706 implement this subsection without prior legislative approval.

1707 Reviser's note.—Amended to delete obsolete
1708 language.

1709 Section 55. Section 409.913, Florida Statutes, is amended
1710 to read:

1711 409.913 Oversight of the integrity of the Medicaid
1712 program.—The agency shall operate a program to oversee the
1713 activities of Florida Medicaid recipients, and providers and
1714 their representatives, to ensure that fraudulent and abusive
1715 behavior and neglect of recipients occur to the minimum extent
1716 possible, and to recover overpayments and impose sanctions as
1717 appropriate. ~~Beginning January 1, 2003, and Each~~ January 1 ~~year~~
1718 ~~thereafter,~~ the agency and the Medicaid Fraud Control Unit of
1719 the Department of Legal Affairs shall submit a joint report to
1720 the Legislature documenting the effectiveness of the state's
1721 efforts to control Medicaid fraud and abuse and to recover
1722 Medicaid overpayments during the previous fiscal year. The
1723 report must describe the number of cases opened and investigated
1724 each year; the sources of the cases opened; the disposition of
1725 the cases closed each year; the amount of overpayments alleged



1726 | in preliminary and final audit letters; the number and amount of
1727 | fines or penalties imposed; any reductions in overpayment
1728 | amounts negotiated in settlement agreements or by other means;
1729 | the amount of final agency determinations of overpayments; the
1730 | amount deducted from federal claiming as a result of
1731 | overpayments; the amount of overpayments recovered each year;
1732 | the amount of cost of investigation recovered each year; the
1733 | average length of time to collect from the time the case was
1734 | opened until the overpayment is paid in full; the amount
1735 | determined as uncollectible and the portion of the uncollectible
1736 | amount subsequently reclaimed from the Federal Government; the
1737 | number of providers, by type, that are terminated from
1738 | participation in the Medicaid program as a result of fraud and
1739 | abuse; and all costs associated with discovering and prosecuting
1740 | cases of Medicaid overpayments and making recoveries in such
1741 | cases. The report must also document actions taken to prevent
1742 | overpayments and the number of providers prevented from
1743 | enrolling in or reenrolling in the Medicaid program as a result
1744 | of documented Medicaid fraud and abuse and must include policy
1745 | recommendations necessary to prevent or recover overpayments and
1746 | changes necessary to prevent and detect Medicaid fraud. All
1747 | policy recommendations in the report must include a detailed
1748 | fiscal analysis, including, but not limited to, implementation
1749 | costs, estimated savings to the Medicaid program, and the return
1750 | on investment. The agency must submit the policy recommendations



1751 and fiscal analyses in the report to the appropriate estimating
1752 conference, pursuant to s. 216.137, by February 15 of each year.
1753 The agency and the Medicaid Fraud Control Unit of the Department
1754 of Legal Affairs each must include detailed unit-specific
1755 performance standards, benchmarks, and metrics in the report,
1756 including projected cost savings to the state Medicaid program
1757 during the following fiscal year.

1758 (1) For the purposes of this section, the term:

1759 (a) "Abuse" means:

1760 1. Provider practices that are inconsistent with generally
1761 accepted business or medical practices and that result in an
1762 unnecessary cost to the Medicaid program or in reimbursement for
1763 goods or services that are not medically necessary or that fail
1764 to meet professionally recognized standards for health care.

1765 2. Recipient practices that result in unnecessary cost to
1766 the Medicaid program.

1767 (b) "Complaint" means an allegation that fraud, abuse, or
1768 an overpayment has occurred.

1769 (c) "Fraud" means an intentional deception or
1770 misrepresentation made by a person with the knowledge that the
1771 deception results in unauthorized benefit to herself or himself
1772 or another person. The term includes any act that constitutes
1773 fraud under applicable federal or state law.

1774 (d) "Medical necessity" or "medically necessary" means any
1775 goods or services necessary to palliate the effects of a



1776 terminal condition, or to prevent, diagnose, correct, cure,
1777 alleviate, or preclude deterioration of a condition that
1778 threatens life, causes pain or suffering, or results in illness
1779 or infirmity, which goods or services are provided in accordance
1780 with generally accepted standards of medical practice. For
1781 purposes of determining Medicaid reimbursement, the agency is
1782 the final arbiter of medical necessity. Determinations of
1783 medical necessity must be made by a licensed physician employed
1784 by or under contract with the agency and must be based upon
1785 information available at the time the goods or services are
1786 provided.

1787 (e) "Overpayment" includes any amount that is not
1788 authorized to be paid by the Medicaid program whether paid as a
1789 result of inaccurate or improper cost reporting, improper
1790 claiming, unacceptable practices, fraud, abuse, or mistake.

1791 (f) "Person" means any natural person, corporation,
1792 partnership, association, clinic, group, or other entity,
1793 whether or not such person is enrolled in the Medicaid program
1794 or is a provider of health care.

1795 (2) The agency shall conduct, or cause to be conducted by
1796 contract or otherwise, reviews, investigations, analyses,
1797 audits, or any combination thereof, to determine possible fraud,
1798 abuse, overpayment, or recipient neglect in the Medicaid program
1799 and shall report the findings of any overpayments in audit
1800 reports as appropriate. At least 5 percent of all audits shall



1801 be conducted on a random basis. As part of its ongoing fraud
1802 detection activities, the agency shall identify and monitor, by
1803 contract or otherwise, patterns of overutilization of Medicaid
1804 services based on state averages. The agency shall track
1805 Medicaid provider prescription and billing patterns and evaluate
1806 them against Medicaid medical necessity criteria and coverage
1807 and limitation guidelines adopted by rule. Medical necessity
1808 determination requires that service be consistent with symptoms
1809 or confirmed diagnosis of illness or injury under treatment and
1810 not in excess of the patient's needs. The agency shall conduct
1811 reviews of provider exceptions to peer group norms and shall,
1812 using statistical methodologies, provider profiling, and
1813 analysis of billing patterns, detect and investigate abnormal or
1814 unusual increases in billing or payment of claims for Medicaid
1815 services and medically unnecessary provision of services.

1816 (3) The agency may conduct, or may contract for,
1817 prepayment review of provider claims to ensure cost-effective
1818 purchasing; to ensure that billing by a provider to the agency
1819 is in accordance with applicable provisions of all Medicaid
1820 rules, regulations, handbooks, and policies and in accordance
1821 with federal, state, and local law; and to ensure that
1822 appropriate care is rendered to Medicaid recipients. Such
1823 prepayment reviews may be conducted as determined appropriate by
1824 the agency, without any suspicion or allegation of fraud, abuse,
1825 or neglect, and may last for up to 1 year. Unless the agency has



1826 | reliable evidence of fraud, misrepresentation, abuse, or
1827 | neglect, claims shall be adjudicated for denial or payment
1828 | within 90 days after receipt of complete documentation by the
1829 | agency for review. If there is reliable evidence of fraud,
1830 | misrepresentation, abuse, or neglect, claims shall be
1831 | adjudicated for denial of payment within 180 days after receipt
1832 | of complete documentation by the agency for review.

1833 | (4) Any suspected criminal violation identified by the
1834 | agency must be referred to the Medicaid Fraud Control Unit of
1835 | the Office of the Attorney General for investigation. The agency
1836 | and the Attorney General shall enter into a memorandum of
1837 | understanding, which must include, but need not be limited to, a
1838 | protocol for regularly sharing information and coordinating
1839 | casework. The protocol must establish a procedure for the
1840 | referral by the agency of cases involving suspected Medicaid
1841 | fraud to the Medicaid Fraud Control Unit for investigation, and
1842 | the return to the agency of those cases where investigation
1843 | determines that administrative action by the agency is
1844 | appropriate. Offices of the Medicaid program integrity program
1845 | and the Medicaid Fraud Control Unit of the Department of Legal
1846 | Affairs, shall, to the extent possible, be collocated. The
1847 | agency and the Department of Legal Affairs shall periodically
1848 | conduct joint training and other joint activities designed to
1849 | increase communication and coordination in recovering
1850 | overpayments.



1851 (5) A Medicaid provider is subject to having goods and
1852 services that are paid for by the Medicaid program reviewed by
1853 an appropriate peer-review organization designated by the
1854 agency. The written findings of the applicable peer-review
1855 organization are admissible in any court or administrative
1856 proceeding as evidence of medical necessity or the lack thereof.

1857 (6) Any notice required to be given to a provider under
1858 this section is presumed to be sufficient notice if sent to the
1859 address last shown on the provider enrollment file. It is the
1860 responsibility of the provider to furnish and keep the agency
1861 informed of the provider's current address. United States Postal
1862 Service proof of mailing or certified or registered mailing of
1863 such notice to the provider at the address shown on the provider
1864 enrollment file constitutes sufficient proof of notice. Any
1865 notice required to be given to the agency by this section must
1866 be sent to the agency at an address designated by rule.

1867 (7) When presenting a claim for payment under the Medicaid
1868 program, a provider has an affirmative duty to supervise the
1869 provision of, and be responsible for, goods and services claimed
1870 to have been provided, to supervise and be responsible for
1871 preparation and submission of the claim, and to present a claim
1872 that is true and accurate and that is for goods and services
1873 that:

1874 (a) Have actually been furnished to the recipient by the
1875 provider prior to submitting the claim.



HB 7023, Engrossed 1

2018

1876 (b) Are Medicaid-covered goods or services that are
1877 medically necessary.

1878 (c) Are of a quality comparable to those furnished to the
1879 general public by the provider's peers.

1880 (d) Have not been billed in whole or in part to a
1881 recipient or a recipient's responsible party, except for such
1882 copayments, coinsurance, or deductibles as are authorized by the
1883 agency.

1884 (e) Are provided in accord with applicable provisions of
1885 all Medicaid rules, regulations, handbooks, and policies and in
1886 accordance with federal, state, and local law.

1887 (f) Are documented by records made at the time the goods
1888 or services were provided, demonstrating the medical necessity
1889 for the goods or services rendered. Medicaid goods or services
1890 are excessive or not medically necessary unless both the medical
1891 basis and the specific need for them are fully and properly
1892 documented in the recipient's medical record.

1893
1894 The agency shall deny payment or require repayment for goods or
1895 services that are not presented as required in this subsection.

1896 (8) The agency shall not reimburse any person or entity
1897 for any prescription for medications, medical supplies, or
1898 medical services if the prescription was written by a physician
1899 or other prescribing practitioner who is not enrolled in the
1900 Medicaid program. This section does not apply:



1901 (a) In instances involving bona fide emergency medical
1902 conditions as determined by the agency;

1903 (b) To a provider of medical services to a patient in a
1904 hospital emergency department, hospital inpatient or outpatient
1905 setting, or nursing home;

1906 (c) To bona fide pro bono services by preapproved non-
1907 Medicaid providers as determined by the agency;

1908 (d) To prescribing physicians who are board-certified
1909 specialists treating Medicaid recipients referred for treatment
1910 by a treating physician who is enrolled in the Medicaid program;

1911 (e) To prescriptions written for dually eligible Medicare
1912 beneficiaries by an authorized Medicare provider who is not
1913 enrolled in the Medicaid program;

1914 (f) To other physicians who are not enrolled in the
1915 Medicaid program but who provide a medically necessary service
1916 or prescription not otherwise reasonably available from a
1917 Medicaid-enrolled physician; or

1918 (9) A Medicaid provider shall retain medical,
1919 professional, financial, and business records pertaining to
1920 services and goods furnished to a Medicaid recipient and billed
1921 to Medicaid for a period of 5 years after the date of furnishing
1922 such services or goods. The agency may investigate, review, or
1923 analyze such records, which must be made available during normal
1924 business hours. However, 24-hour notice must be provided if
1925 patient treatment would be disrupted. The provider must keep the



1926 agency informed of the location of the provider's Medicaid-
1927 related records. The authority of the agency to obtain Medicaid-
1928 related records from a provider is neither curtailed nor limited
1929 during a period of litigation between the agency and the
1930 provider.

1931 (10) Payments for the services of billing agents or
1932 persons participating in the preparation of a Medicaid claim
1933 shall not be based on amounts for which they bill nor based on
1934 the amount a provider receives from the Medicaid program.

1935 (11) The agency shall deny payment or require repayment
1936 for inappropriate, medically unnecessary, or excessive goods or
1937 services from the person furnishing them, the person under whose
1938 supervision they were furnished, or the person causing them to
1939 be furnished.

1940 (12) The complaint and all information obtained pursuant
1941 to an investigation of a Medicaid provider, or the authorized
1942 representative or agent of a provider, relating to an allegation
1943 of fraud, abuse, or neglect are confidential and exempt from the
1944 provisions of s. 119.07(1):

1945 (a) Until the agency takes final agency action with
1946 respect to the provider and requires repayment of any
1947 overpayment, or imposes an administrative sanction;

1948 (b) Until the Attorney General refers the case for
1949 criminal prosecution;

1950 (c) Until 10 days after the complaint is determined



HB 7023, Engrossed 1

2018

1951 without merit; or

1952 (d) At all times if the complaint or information is
1953 otherwise protected by law.

1954 (13) The agency shall terminate participation of a
1955 Medicaid provider in the Medicaid program and may seek civil
1956 remedies or impose other administrative sanctions against a
1957 Medicaid provider, if the provider or any principal, officer,
1958 director, agent, managing employee, or affiliated person of the
1959 provider, or any partner or shareholder having an ownership
1960 interest in the provider equal to 5 percent or greater, has been
1961 convicted of a criminal offense under federal law or the law of
1962 any state relating to the practice of the provider's profession,
1963 or a criminal offense listed under s. 408.809(4), s.
1964 409.907(10), or s. 435.04(2). If the agency determines that the
1965 provider did not participate or acquiesce in the offense,
1966 termination will not be imposed. If the agency effects a
1967 termination under this subsection, the agency shall take final
1968 agency action.

1969 (14) If the provider has been suspended or terminated from
1970 participation in the Medicaid program or the Medicare program by
1971 the Federal Government or any state, the agency must immediately
1972 suspend or terminate, as appropriate, the provider's
1973 participation in this state's Medicaid program for a period no
1974 less than that imposed by the Federal Government or any other
1975 state, and may not enroll such provider in this state's Medicaid



1976 | program while such foreign suspension or termination remains in
1977 | effect. The agency shall also immediately suspend or terminate,
1978 | as appropriate, a provider's participation in this state's
1979 | Medicaid program if the provider participated or acquiesced in
1980 | any action for which any principal, officer, director, agent,
1981 | managing employee, or affiliated person of the provider, or any
1982 | partner or shareholder having an ownership interest in the
1983 | provider equal to 5 percent or greater, was suspended or
1984 | terminated from participating in the Medicaid program or the
1985 | Medicare program by the Federal Government or any state. This
1986 | sanction is in addition to all other remedies provided by law.

1987 | (15) The agency shall seek a remedy provided by law,
1988 | including, but not limited to, any remedy provided in
1989 | subsections (13) and (16) and s. 812.035, if:

1990 | (a) The provider's license has not been renewed, or has
1991 | been revoked, suspended, or terminated, for cause, by the
1992 | licensing agency of any state;

1993 | (b) The provider has failed to make available or has
1994 | refused access to Medicaid-related records to an auditor,
1995 | investigator, or other authorized employee or agent of the
1996 | agency, the Attorney General, a state attorney, or the Federal
1997 | Government;

1998 | (c) The provider has not furnished or has failed to make
1999 | available such Medicaid-related records as the agency has found
2000 | necessary to determine whether Medicaid payments are or were due



2001 and the amounts thereof;

2002 (d) The provider has failed to maintain medical records
2003 made at the time of service, or prior to service if prior
2004 authorization is required, demonstrating the necessity and
2005 appropriateness of the goods or services rendered;

2006 (e) The provider is not in compliance with provisions of
2007 Medicaid provider publications that have been adopted by
2008 reference as rules in the Florida Administrative Code; with
2009 provisions of state or federal laws, rules, or regulations; with
2010 provisions of the provider agreement between the agency and the
2011 provider; or with certifications found on claim forms or on
2012 transmittal forms for electronically submitted claims that are
2013 submitted by the provider or authorized representative, as such
2014 provisions apply to the Medicaid program;

2015 (f) The provider or person who ordered, authorized, or
2016 prescribed the care, services, or supplies has furnished, or
2017 ordered or authorized the furnishing of, goods or services to a
2018 recipient which are inappropriate, unnecessary, excessive, or
2019 harmful to the recipient or are of inferior quality;

2020 (g) The provider has demonstrated a pattern of failure to
2021 provide goods or services that are medically necessary;

2022 (h) The provider or an authorized representative of the
2023 provider, or a person who ordered, authorized, or prescribed the
2024 goods or services, has submitted or caused to be submitted false
2025 or a pattern of erroneous Medicaid claims;



2026 (i) The provider or an authorized representative of the
2027 provider, or a person who has ordered, authorized, or prescribed
2028 the goods or services, has submitted or caused to be submitted a
2029 Medicaid provider enrollment application, a request for prior
2030 authorization for Medicaid services, a drug exception request,
2031 or a Medicaid cost report that contains materially false or
2032 incorrect information;

2033 (j) The provider or an authorized representative of the
2034 provider has collected from or billed a recipient or a
2035 recipient's responsible party improperly for amounts that should
2036 not have been so collected or billed by reason of the provider's
2037 billing the Medicaid program for the same service;

2038 (k) The provider or an authorized representative of the
2039 provider has included in a cost report costs that are not
2040 allowable under a Florida Title XIX reimbursement plan after the
2041 provider or authorized representative had been advised in an
2042 audit exit conference or audit report that the costs were not
2043 allowable;

2044 (l) The provider is charged by information or indictment
2045 with fraudulent billing practices or an offense referenced in
2046 subsection (13). The sanction applied for this reason is limited
2047 to suspension of the provider's participation in the Medicaid
2048 program for the duration of the indictment unless the provider
2049 is found guilty pursuant to the information or indictment;

2050 (m) The provider or a person who ordered, authorized, or



2051 | prescribed the goods or services is found liable for negligent
 2052 | practice resulting in death or injury to the provider's patient;

2053 | (n) The provider fails to demonstrate that it had
 2054 | available during a specific audit or review period sufficient
 2055 | quantities of goods, or sufficient time in the case of services,
 2056 | to support the provider's billings to the Medicaid program;

2057 | (o) The provider has failed to comply with the notice and
 2058 | reporting requirements of s. 409.907;

2059 | (p) The agency has received reliable information of
 2060 | patient abuse or neglect or of any act prohibited by s. 409.920;
 2061 | or

2062 | (q) The provider has failed to comply with an agreed-upon
 2063 | repayment schedule.

2064 |
 2065 | A provider is subject to sanctions for violations of this
 2066 | subsection as the result of actions or inactions of the
 2067 | provider, or actions or inactions of any principal, officer,
 2068 | director, agent, managing employee, or affiliated person of the
 2069 | provider, or any partner or shareholder having an ownership
 2070 | interest in the provider equal to 5 percent or greater, in which
 2071 | the provider participated or acquiesced.

2072 | (16) The agency shall impose any of the following
 2073 | sanctions or disincentives on a provider or a person for any of
 2074 | the acts described in subsection (15):

2075 | (a) Suspension for a specific period of time of not more



HB 7023, Engrossed 1

2018

2076 | than 1 year. Suspension precludes participation in the Medicaid
2077 | program, which includes any action that results in a claim for
2078 | payment to the Medicaid program for furnishing, supervising a
2079 | person who is furnishing, or causing a person to furnish goods
2080 | or services.

2081 | (b) Termination for a specific period of time ranging from
2082 | more than 1 year to 20 years. Termination precludes
2083 | participation in the Medicaid program, which includes any action
2084 | that results in a claim for payment to the Medicaid program for
2085 | furnishing, supervising a person who is furnishing, or causing a
2086 | person to furnish goods or services.

2087 | (c) Imposition of a fine of up to \$5,000 for each
2088 | violation. Each day that an ongoing violation continues, such as
2089 | refusing to furnish Medicaid-related records or refusing access
2090 | to records, is considered a separate violation. Each instance of
2091 | improper billing of a Medicaid recipient; each instance of
2092 | including an unallowable cost on a hospital or nursing home
2093 | Medicaid cost report after the provider or authorized
2094 | representative has been advised in an audit exit conference or
2095 | previous audit report of the cost unallowability; each instance
2096 | of furnishing a Medicaid recipient goods or professional
2097 | services that are inappropriate or of inferior quality as
2098 | determined by competent peer judgment; each instance of
2099 | knowingly submitting a materially false or erroneous Medicaid
2100 | provider enrollment application, request for prior authorization



2101 for Medicaid services, drug exception request, or cost report;
2102 each instance of inappropriate prescribing of drugs for a
2103 Medicaid recipient as determined by competent peer judgment; and
2104 each false or erroneous Medicaid claim leading to an overpayment
2105 to a provider is considered a separate violation.

2106 (d) Immediate suspension, if the agency has received
2107 information of patient abuse or neglect or of any act prohibited
2108 by s. 409.920. Upon suspension, the agency must issue an
2109 immediate final order under s. 120.569(2)(n).

2110 (e) A fine, not to exceed \$10,000, for a violation of
2111 paragraph (15)(i).

2112 (f) Imposition of liens against provider assets,
2113 including, but not limited to, financial assets and real
2114 property, not to exceed the amount of fines or recoveries
2115 sought, upon entry of an order determining that such moneys are
2116 due or recoverable.

2117 (g) Prepayment reviews of claims for a specified period of
2118 time.

2119 (h) Comprehensive followup reviews of providers every 6
2120 months to ensure that they are billing Medicaid correctly.

2121 (i) Corrective-action plans that remain in effect for up
2122 to 3 years and that are monitored by the agency every 6 months
2123 while in effect.

2124 (j) Other remedies as permitted by law to effect the
2125 recovery of a fine or overpayment.



2126
2127 If a provider voluntarily relinquishes its Medicaid provider
2128 number or an associated license, or allows the associated
2129 licensure to expire after receiving written notice that the
2130 agency is conducting, or has conducted, an audit, survey,
2131 inspection, or investigation and that a sanction of suspension
2132 or termination will or would be imposed for noncompliance
2133 discovered as a result of the audit, survey, inspection, or
2134 investigation, the agency shall impose the sanction of
2135 termination for cause against the provider. The agency's
2136 termination with cause is subject to hearing rights as may be
2137 provided under chapter 120. The Secretary of Health Care
2138 Administration may make a determination that imposition of a
2139 sanction or disincentive is not in the best interest of the
2140 Medicaid program, in which case a sanction or disincentive may
2141 not be imposed.

2142 (17) In determining the appropriate administrative
2143 sanction to be applied, or the duration of any suspension or
2144 termination, the agency shall consider:

2145 (a) The seriousness and extent of the violation or
2146 violations.

2147 (b) Any prior history of violations by the provider
2148 relating to the delivery of health care programs which resulted
2149 in either a criminal conviction or in administrative sanction or
2150 penalty.



2151 (c) Evidence of continued violation within the provider's
2152 management control of Medicaid statutes, rules, regulations, or
2153 policies after written notification to the provider of improper
2154 practice or instance of violation.

2155 (d) The effect, if any, on the quality of medical care
2156 provided to Medicaid recipients as a result of the acts of the
2157 provider.

2158 (e) Any action by a licensing agency respecting the
2159 provider in any state in which the provider operates or has
2160 operated.

2161 (f) The apparent impact on access by recipients to
2162 Medicaid services if the provider is suspended or terminated, in
2163 the best judgment of the agency.

2164
2165 The agency shall document the basis for all sanctioning actions
2166 and recommendations.

2167 (18) The agency may take action to sanction, suspend, or
2168 terminate a particular provider working for a group provider,
2169 and may suspend or terminate Medicaid participation at a
2170 specific location, rather than or in addition to taking action
2171 against an entire group.

2172 (19) The agency shall establish a process for conducting
2173 followup reviews of a sampling of providers who have a history
2174 of overpayment under the Medicaid program. This process must
2175 consider the magnitude of previous fraud or abuse and the



2176 potential effect of continued fraud or abuse on Medicaid costs.

2177 (20) In making a determination of overpayment to a
2178 provider, the agency must use accepted and valid auditing,
2179 accounting, analytical, statistical, or peer-review methods, or
2180 combinations thereof. Appropriate statistical methods may
2181 include, but are not limited to, sampling and extension to the
2182 population, parametric and nonparametric statistics, tests of
2183 hypotheses, and other generally accepted statistical methods.
2184 Appropriate analytical methods may include, but are not limited
2185 to, reviews to determine variances between the quantities of
2186 products that a provider had on hand and available to be
2187 purveyed to Medicaid recipients during the review period and the
2188 quantities of the same products paid for by the Medicaid program
2189 for the same period, taking into appropriate consideration sales
2190 of the same products to non-Medicaid customers during the same
2191 period. In meeting its burden of proof in any administrative or
2192 court proceeding, the agency may introduce the results of such
2193 statistical methods as evidence of overpayment.

2194 (21) When making a determination that an overpayment has
2195 occurred, the agency shall prepare and issue an audit report to
2196 the provider showing the calculation of overpayments. The
2197 agency's determination must be based solely upon information
2198 available to it before issuance of the audit report and, in the
2199 case of documentation obtained to substantiate claims for
2200 Medicaid reimbursement, based solely upon contemporaneous



2201 records. The agency may consider addenda or modifications to a
2202 note that was made contemporaneously with the patient care
2203 episode if the addenda or modifications are germane to the note.
2204 (22) The audit report, supported by agency work papers,
2205 showing an overpayment to a provider constitutes evidence of the
2206 overpayment. A provider may not present or elicit testimony on
2207 direct examination or cross-examination in any court or
2208 administrative proceeding, regarding the purchase or acquisition
2209 by any means of drugs, goods, or supplies; sales or divestment
2210 by any means of drugs, goods, or supplies; or inventory of
2211 drugs, goods, or supplies, unless such acquisition, sales,
2212 divestment, or inventory is documented by written invoices,
2213 written inventory records, or other competent written
2214 documentary evidence maintained in the normal course of the
2215 provider's business. A provider may not present records to
2216 contest an overpayment or sanction unless such records are
2217 contemporaneous and, if requested during the audit process, were
2218 furnished to the agency or its agent upon request. This
2219 limitation does not apply to Medicaid cost report audits. This
2220 limitation does not preclude consideration by the agency of
2221 addenda or modifications to a note if the addenda or
2222 modifications are made before notification of the audit, the
2223 addenda or modifications are germane to the note, and the note
2224 was made contemporaneously with a patient care episode.
2225 Notwithstanding the applicable rules of discovery, all



2226 | documentation to be offered as evidence at an administrative
2227 | hearing on a Medicaid overpayment or an administrative sanction
2228 | must be exchanged by all parties at least 14 days before the
2229 | administrative hearing or be excluded from consideration.

2230 | (23) (a) In an audit or investigation of a violation
2231 | committed by a provider which is conducted pursuant to this
2232 | section, the agency is entitled to recover all investigative,
2233 | legal, and expert witness costs if the agency's findings were
2234 | not contested by the provider or, if contested, the agency
2235 | ultimately prevailed.

2236 | (b) The agency has the burden of documenting the costs,
2237 | which include salaries and employee benefits and out-of-pocket
2238 | expenses. The amount of costs that may be recovered must be
2239 | reasonable in relation to the seriousness of the violation and
2240 | must be set taking into consideration the financial resources,
2241 | earning ability, and needs of the provider, who has the burden
2242 | of demonstrating such factors.

2243 | (c) The provider may pay the costs over a period to be
2244 | determined by the agency if the agency determines that an
2245 | extreme hardship would result to the provider from immediate
2246 | full payment. Any default in payment of costs may be collected
2247 | by any means authorized by law.

2248 | (24) If the agency imposes an administrative sanction
2249 | pursuant to subsection (13), subsection (14), or subsection
2250 | (15), except paragraphs (15) (e) and (o), upon any provider or



2251 any principal, officer, director, agent, managing employee, or
2252 affiliated person of the provider who is regulated by another
2253 state entity, the agency shall notify that other entity of the
2254 imposition of the sanction within 5 business days. Such
2255 notification must include the provider's or person's name and
2256 license number and the specific reasons for sanction.

2257 (25) (a) The agency shall withhold Medicaid payments, in
2258 whole or in part, to a provider upon receipt of reliable
2259 evidence that the circumstances giving rise to the need for a
2260 withholding of payments involve fraud, willful
2261 misrepresentation, or abuse under the Medicaid program, or a
2262 crime committed while rendering goods or services to Medicaid
2263 recipients. If it is determined that fraud, willful
2264 misrepresentation, abuse, or a crime did not occur, the payments
2265 withheld must be paid to the provider within 14 days after such
2266 determination. Amounts not paid within 14 days accrue interest
2267 at the rate of 10 percent per year, beginning after the 14th
2268 day.

2269 (b) The agency shall deny payment, or require repayment,
2270 if the goods or services were furnished, supervised, or caused
2271 to be furnished by a person who has been suspended or terminated
2272 from the Medicaid program or Medicare program by the Federal
2273 Government or any state.

2274 (c) Overpayments owed to the agency bear interest at the
2275 rate of 10 percent per year from the date of final determination



2276 of the overpayment by the agency, and payment arrangements must
2277 be made within 30 days after the date of the final order, which
2278 is not subject to further appeal.

2279 (d) The agency, upon entry of a final agency order, a
2280 judgment or order of a court of competent jurisdiction, or a
2281 stipulation or settlement, may collect the moneys owed by all
2282 means allowable by law, including, but not limited to, notifying
2283 any fiscal intermediary of Medicare benefits that the state has
2284 a superior right of payment. Upon receipt of such written
2285 notification, the Medicare fiscal intermediary shall remit to
2286 the state the sum claimed.

2287 (e) The agency may institute amnesty programs to allow
2288 Medicaid providers the opportunity to voluntarily repay
2289 overpayments. The agency may adopt rules to administer such
2290 programs.

2291 (26) The agency may impose administrative sanctions
2292 against a Medicaid recipient, or the agency may seek any other
2293 remedy provided by law, including, but not limited to, the
2294 remedies provided in s. 812.035, if the agency finds that a
2295 recipient has engaged in solicitation in violation of s. 409.920
2296 or that the recipient has otherwise abused the Medicaid program.

2297 (27) When the Agency for Health Care Administration has
2298 made a probable cause determination and alleged that an
2299 overpayment to a Medicaid provider has occurred, the agency,
2300 after notice to the provider, shall:



2301 (a) Withhold, and continue to withhold during the pendency
 2302 of an administrative hearing pursuant to chapter 120, any
 2303 medical assistance reimbursement payments until such time as the
 2304 overpayment is recovered, unless within 30 days after receiving
 2305 notice thereof the provider:

- 2306 1. Makes repayment in full; or
- 2307 2. Establishes a repayment plan that is satisfactory to
- 2308 the Agency for Health Care Administration.

2309 (b) Withhold, and continue to withhold during the pendency
 2310 of an administrative hearing pursuant to chapter 120, medical
 2311 assistance reimbursement payments if the terms of a repayment
 2312 plan are not adhered to by the provider.

2313 (28) Venue for all Medicaid program integrity cases lies
 2314 in Leon County, at the discretion of the agency.

2315 (29) Notwithstanding other provisions of law, the agency
 2316 and the Medicaid Fraud Control Unit of the Department of Legal
 2317 Affairs may review a provider's Medicaid-related and non-
 2318 Medicaid-related records in order to determine the total output
 2319 of a provider's practice to reconcile quantities of goods or
 2320 services billed to Medicaid with quantities of goods or services
 2321 used in the provider's total practice.

2322 (30) The agency shall terminate a provider's participation
 2323 in the Medicaid program if the provider fails to reimburse an
 2324 overpayment or pay an agency-imposed fine that has been
 2325 determined by final order, not subject to further appeal, within



2326 30 days after the date of the final order, unless the provider
2327 and the agency have entered into a repayment agreement.

2328 (31) If a provider requests an administrative hearing
2329 pursuant to chapter 120, such hearing must be conducted within
2330 90 days following assignment of an administrative law judge,
2331 absent exceptionally good cause shown as determined by the
2332 administrative law judge or hearing officer. Upon issuance of a
2333 final order, the outstanding balance of the amount determined to
2334 constitute the overpayment and fines is due. If a provider fails
2335 to make payments in full, fails to enter into a satisfactory
2336 repayment plan, or fails to comply with the terms of a repayment
2337 plan or settlement agreement, the agency shall withhold
2338 reimbursement payments for Medicaid services until the amount
2339 due is paid in full.

2340 (32) Duly authorized agents and employees of the agency
2341 shall have the power to inspect, during normal business hours,
2342 the records of any pharmacy, wholesale establishment, or
2343 manufacturer, or any other place in which drugs and medical
2344 supplies are manufactured, packed, packaged, made, stored, sold,
2345 or kept for sale, for the purpose of verifying the amount of
2346 drugs and medical supplies ordered, delivered, or purchased by a
2347 provider. The agency shall provide at least 2 business days'
2348 prior notice of any such inspection. The notice must identify
2349 the provider whose records will be inspected, and the inspection
2350 shall include only records specifically related to that



2351 provider.

2352 (33) In accordance with federal law, Medicaid recipients
2353 convicted of a crime pursuant to 42 U.S.C. s. 1320a-7b may be
2354 limited, restricted, or suspended from Medicaid eligibility for
2355 a period not to exceed 1 year, as determined by the agency head
2356 or designee.

2357 (34) To deter fraud and abuse in the Medicaid program, the
2358 agency may limit the number of Schedule II and Schedule III
2359 refill prescription claims submitted from a pharmacy provider.
2360 The agency shall limit the allowable amount of reimbursement of
2361 prescription refill claims for Schedule II and Schedule III
2362 pharmaceuticals if the agency or the Medicaid Fraud Control Unit
2363 determines that the specific prescription refill was not
2364 requested by the Medicaid recipient or authorized representative
2365 for whom the refill claim is submitted or was not prescribed by
2366 the recipient's medical provider or physician. Any such refill
2367 request must be consistent with the original prescription.

2368 (35) The Office of Program Policy Analysis and Government
2369 Accountability shall provide a report to the President of the
2370 Senate and the Speaker of the House of Representatives on a
2371 biennial basis, beginning January 31, 2006, on the agency's
2372 efforts to prevent, detect, and deter, as well as recover funds
2373 lost to, fraud and abuse in the Medicaid program.

2374 (36) The agency may provide to a sample of Medicaid
2375 recipients or their representatives through the distribution of



2376 explanations of benefits information about services reimbursed
2377 by the Medicaid program for goods and services to such
2378 recipients, including information on how to report inappropriate
2379 or incorrect billing to the agency or other law enforcement
2380 entities for review or investigation, information on how to
2381 report criminal Medicaid fraud to the Medicaid Fraud Control
2382 Unit's toll-free hotline number, and information about the
2383 rewards available under s. 409.9203. The explanation of benefits
2384 may not be mailed for Medicaid independent laboratory services
2385 as described in s. 409.905(7) or for Medicaid certified match
2386 services as described in ss. 409.9071 and 1011.70.

2387 (37) The agency shall post on its website a current list
2388 of each Medicaid provider, including any principal, officer,
2389 director, agent, managing employee, or affiliated person of the
2390 provider, or any partner or shareholder having an ownership
2391 interest in the provider equal to 5 percent or greater, who has
2392 been terminated for cause from the Medicaid program or
2393 sanctioned under this section. The list must be searchable by a
2394 variety of search parameters and provide for the creation of
2395 formatted lists that may be printed or imported into other
2396 applications, including spreadsheets. The agency shall update
2397 the list at least monthly.

2398 (38) In order to improve the detection of health care
2399 fraud, use technology to prevent and detect fraud, and maximize
2400 the electronic exchange of health care fraud information, the



HB 7023, Engrossed 1

2018

2401 agency shall:

2402 (a) Compile, maintain, and publish on its website a
2403 detailed list of all state and federal databases that contain
2404 health care fraud information and update the list at least
2405 biannually;

2406 (b) Develop a strategic plan to connect all databases that
2407 contain health care fraud information to facilitate the
2408 electronic exchange of health information between the agency,
2409 the Department of Health, the Department of Law Enforcement, and
2410 the Attorney General's Office. The plan must include recommended
2411 standard data formats, fraud identification strategies, and
2412 specifications for the technical interface between state and
2413 federal health care fraud databases;

2414 (c) Monitor innovations in health information technology,
2415 specifically as it pertains to Medicaid fraud prevention and
2416 detection; and

2417 (d) Periodically publish policy briefs that highlight
2418 available new technology to prevent or detect health care fraud
2419 and projects implemented by other states, the private sector, or
2420 the Federal Government which use technology to prevent or detect
2421 health care fraud.

2422 Reviser's note.—Amended to delete obsolete
2423 language.

2424 Section 56. Subsection (7) of section 420.609, Florida
2425 Statutes, is amended to read:



HB 7023, Engrossed 1

2018

2426 420.609 Affordable Housing Study Commission.—Because the
2427 Legislature firmly supports affordable housing in Florida for
2428 all economic classes:

2429 (7) By July 15 of each year ~~beginning in 2001~~, the
2430 commission shall prepare and submit to the Governor, the
2431 President of the Senate, and the Speaker of the House of
2432 Representatives a report detailing its findings and making
2433 specific program, legislative, and funding recommendations and
2434 any other recommendations it deems appropriate.

2435 Reviser's note.—Amended to delete obsolete
2436 language.

2437 Section 57. Subsection (4) of section 429.52, Florida
2438 Statutes, is amended to read:

2439 429.52 Staff training and educational programs; core
2440 educational requirement.—

2441 (4) ~~Effective January 1, 2004~~, A new facility
2442 administrator must complete the required training and education,
2443 including the competency test, within a reasonable time after
2444 being employed as an administrator, as determined by the
2445 department. Failure to do so is a violation of this part and
2446 subjects the violator to an administrative fine as prescribed in
2447 s. 429.19. Administrators licensed in accordance with part II of
2448 chapter 468 are exempt from this requirement. Other licensed
2449 professionals may be exempted, as determined by the department
2450 by rule.



2451 Reviser's note.—Amended to delete obsolete
 2452 language.

2453 Section 58. Subsection (3) of section 429.75, Florida
 2454 Statutes, is amended to read:

2455 429.75 Training and education programs.—

2456 (3) ~~Effective January 1, 2004,~~ Providers must complete the
 2457 training and education program within a reasonable time
 2458 determined by the department. Failure to complete the training
 2459 and education program within the time set by the department is a
 2460 violation of this part and subjects the provider to revocation
 2461 of the license.

2462 Reviser's note.—Amended to delete obsolete
 2463 language.

2464 Section 59. Paragraph (a) of subsection (7) of section
 2465 455.219, Florida Statutes, is amended to read:

2466 455.219 Fees; receipts; disposition; periodic management
 2467 reports.—

2468 (7) (a) The department, or a board thereunder, shall waive
 2469 the initial licensing fee for a member of the Armed Services of
 2470 the United States who ~~that~~ has served on active duty, the spouse
 2471 of a member of the Armed Services of the United States who was
 2472 married to the member during a period of active duty, the
 2473 surviving spouse of a member of the Armed Services of the United
 2474 States who at the time of death was serving on active duty, or a
 2475 low-income individual upon application by the individual in a



HB 7023, Engrossed 1

2018

2476 format prescribed by the department. The application format must
2477 include the applicant's signature, under penalty of perjury, and
2478 supporting documentation as required by the department. For
2479 purposes of this subsection, the term "low-income individual"
2480 means a person whose household income, before taxes, is at or
2481 below 130 percent of the federal poverty guidelines prescribed
2482 for the family's household size by the United States Department
2483 of Health and Human Services, proof of which may be shown
2484 through enrollment in a state or federal public assistance
2485 program that requires participants to be at or below 130 percent
2486 of the federal poverty guidelines to qualify.

2487 Reviser's note.—Amended to confirm the editorial
2488 substitution of the word "who" for the word "that."

2489 Section 60. Paragraph (a) of subsection (1) of section
2490 456.013, Florida Statutes, is amended to read:

2491 456.013 Department; general licensing provisions.—

2492 (1)(a) Any person desiring to be licensed in a profession
2493 within the jurisdiction of the department shall apply to the
2494 department in writing to take the licensure examination. The
2495 application shall be made on a form prepared and furnished by
2496 the department. The application form must be available on the
2497 World Wide Web and the department may accept electronically
2498 submitted applications ~~beginning July 1, 2001~~. The application
2499 shall require the social security number of the applicant,
2500 except as provided in paragraphs (b) and (c). The form shall be



2501 | supplemented as needed to reflect any material change in any
2502 | circumstance or condition stated in the application which takes
2503 | place between the initial filing of the application and the
2504 | final grant or denial of the license and which might affect the
2505 | decision of the department. If an application is submitted
2506 | electronically, the department may require supplemental
2507 | materials, including an original signature of the applicant and
2508 | verification of credentials, to be submitted in a nonelectronic
2509 | format. An incomplete application shall expire 1 year after
2510 | initial filing. In order to further the economic development
2511 | goals of the state, and notwithstanding any law to the contrary,
2512 | the department may enter into an agreement with the county tax
2513 | collector for the purpose of appointing the county tax collector
2514 | as the department's agent to accept applications for licenses
2515 | and applications for renewals of licenses. The agreement must
2516 | specify the time within which the tax collector must forward any
2517 | applications and accompanying application fees to the
2518 | department.

2519 | Reviser's note.—Amended to delete obsolete
2520 | language.

2521 | Section 61. Subsection (6) of section 456.017, Florida
2522 | Statutes, is amended to read:

2523 | 456.017 Examinations.—

2524 | (6) In addition to meeting any other requirements for
2525 | licensure by examination or by endorsement, and notwithstanding



HB 7023, Engrossed 1

2018

2526 the provisions in paragraph (1)(c), an applicant may be required
2527 by a board, or the department when there is no board, to certify
2528 competency in state laws and rules relating to the applicable
2529 practice act. ~~Beginning October 1, 2001,~~ All laws and rules
2530 examinations shall be administered electronically unless the
2531 laws and rules examination is administered concurrently with
2532 another written examination for that profession or unless the
2533 electronic administration would be substantially more expensive.

2534 Reviser's note.—Amended to delete obsolete
2535 language.

2536 Section 62. Paragraphs (a) and (b) of subsection (1) of
2537 section 456.041, Florida Statutes, are amended to read:

2538 456.041 Practitioner profile; creation.—

2539 (1)(a) The Department of Health shall compile the
2540 information submitted pursuant to s. 456.039 into a practitioner
2541 profile of the applicant submitting the information, except that
2542 the Department of Health shall develop a format to compile
2543 uniformly any information submitted under s. 456.039(4)(b).

2544 ~~Beginning July 1, 2001,~~ The Department of Health may compile the
2545 information submitted pursuant to s. 456.0391 into a
2546 practitioner profile of the applicant submitting the
2547 information. The protocol submitted pursuant to s. 464.012(3)
2548 must be included in the practitioner profile of the advanced
2549 registered nurse practitioner.

2550 (b) ~~Beginning July 1, 2005,~~ The department shall verify



2551 the information submitted by the applicant under s. 456.039
2552 concerning disciplinary history and medical malpractice claims
2553 at the time of initial licensure and license renewal using the
2554 National Practitioner Data Bank. The physician profiles shall
2555 reflect the disciplinary action and medical malpractice claims
2556 as reported by the National Practitioner Data Bank, and shall
2557 include information relating to liability and disciplinary
2558 actions obtained as a result of a search of the National
2559 Practitioner Data Bank.

2560 Reviser's note.—Amended to delete obsolete
2561 language.

2562 Section 63. Subsection (1) of section 462.18, Florida
2563 Statutes, is amended to read:

2564 462.18 Educational requirements.—

2565 (1) At the time each licensee shall renew her or his
2566 license as otherwise provided in this chapter, each licensee,
2567 ~~beginning with the license renewal due May 1, 1944,~~ in addition
2568 to the payment of the regular renewal fee, shall furnish to the
2569 department satisfactory evidence that, in the year preceding
2570 each such application for renewal, the licensee has attended the
2571 2-day educational program as promulgated and conducted by the
2572 Florida Naturopathic Physicians Association, Inc., or, as a
2573 substitute therefor, the equivalent of that program as approved
2574 by the department. The department shall send a written notice to
2575 this effect to every person holding a valid license to practice



HB 7023, Engrossed 1

2018

2576 naturopathy within this state at least 30 days prior to May 1 in
2577 each even-numbered ~~biennial~~ year, directed to the last known
2578 address of such licensee, and shall enclose with the notice
2579 proper blank forms for application for annual license renewal.
2580 All of the details and requirements of the aforesaid educational
2581 program shall be adopted and prescribed by the department. In
2582 the event of national emergencies, or for sufficient reason, the
2583 department shall have the power to excuse the naturopathic
2584 physicians as a group or as individuals from taking this
2585 postgraduate course.

2586 Reviser's note.—Amended to delete obsolete
2587 language.

2588 Section 64. Paragraph (h) of subsection (2) of section
2589 471.003, Florida Statutes, is amended to read:

2590 471.003 Qualifications for practice; exemptions.—

2591 (2) The following persons are not required to be licensed
2592 under the provisions of this chapter as a licensed engineer:

2593 (h) Any electrical, plumbing, air-conditioning, or
2594 mechanical contractor whose practice includes the design and
2595 fabrication of electrical, plumbing, air-conditioning, or
2596 mechanical systems, respectively, which she or he installs by
2597 virtue of a license issued under chapter 489, under former part
2598 I of chapter 553, Florida Statutes 2001, or under any special
2599 act or ordinance when working on any construction project which:

2600 1. Requires an electrical or plumbing or air-conditioning



HB 7023, Engrossed 1

2018

2601 and refrigeration system with a value of \$125,000 or less; and
2602 2.a. Requires an aggregate service capacity of 600 amperes
2603 (240 volts) or less on a residential electrical system or 800
2604 amperes (240 volts) or less on a commercial or industrial
2605 electrical system;

2606 b. Requires a plumbing system with fewer than 250 fixture
2607 units; or

2608 c. Requires a heating, ventilation, and air-conditioning
2609 system not to exceed a 15-ton-per-system capacity, or if the
2610 project is designed to accommodate 100 or fewer persons.

2611 Reviser's note.—Amended to reflect the repeal of
2612 former part I of chapter 553, Florida Statutes 2001,
2613 relating to plumbing, by s. 68, ch. 98-287, Laws of
2614 Florida, as amended by s. 108, ch. 2000-141, s. 39, ch.
2615 2001-186, and s. 8, ch. 2001-372, Laws of Florida.

2616 Section 65. Subsection (8) of section 475.451, Florida
2617 Statutes, is amended to read:

2618 475.451 Schools teaching real estate practice.—

2619 (8) ~~Beginning October 1, 2006,~~ Each person, school, or
2620 institution permitted under this section is required to keep
2621 registration records, course rosters, attendance records, a file
2622 copy of each examination and progress test, and all student
2623 answer sheets for a period of at least 3 years subsequent to the
2624 beginning of each course and make them available to the
2625 department for inspection and copying upon request.



2626 Reviser's note.—Amended to delete obsolete
2627 language.

2628 Section 66. Paragraph (j) of subsection (1) of section
2629 475.611, Florida Statutes, is amended to read:

2630 475.611 Definitions.—

2631 (1) As used in this part, the term:

2632 (j) "Board" means the Florida Real Estate Appraisal Board
2633 established under s. 475.613 ~~this section~~.

2634 Reviser's note.—Amended to facilitate correct
2635 interpretation. The Florida Real Estate Appraisal Board is
2636 established under s. 475.613.

2637 Section 67. Section 477.014, Florida Statutes, is amended
2638 to read:

2639 477.014 Qualifications for practice.—~~On and after January~~
2640 ~~1, 1979,~~ No person other than a duly licensed cosmetologist
2641 shall practice cosmetology or use the name or title of
2642 cosmetologist.

2643 Reviser's note.—Amended to delete obsolete
2644 language.

2645 Section 68. Subsection (4) of section 487.2071, Florida
2646 Statutes, is amended to read:

2647 487.2071 Penalties against violators; worker relief;
2648 monitoring complaints of retaliation.—

2649 ~~(4) The department shall monitor all complaints of~~
2650 ~~retaliation that it receives and report its findings to the~~



HB 7023, Engrossed 1

2018

2651 ~~President of the Senate and the Speaker of the House of~~
2652 ~~Representatives on or before October 1, 2008. The report shall~~
2653 ~~include the number of such complaints received, the~~
2654 ~~circumstances surrounding the complaints, and the actions taken~~
2655 ~~concerning the complaints.~~

2656 Reviser's note.—Amended to delete obsolete
2657 language.

2658 Section 69. Section 489.529, Florida Statutes, is amended
2659 to read:

2660 489.529 Alarm verification calls required.—All residential
2661 or commercial intrusion/burglary alarms that have central
2662 monitoring must have a central monitoring verification call made
2663 to a telephone number associated with the premises generating
2664 the alarm signal, before alarm monitor personnel contact
2665 ~~contacting~~ a law enforcement agency for alarm dispatch. The
2666 central monitoring station must employ call-verification methods
2667 for the premises generating the alarm signal if the first call
2668 is not answered. However, verification calling is not required
2669 if:

2670 (1) The intrusion/burglary alarm has a properly operating
2671 visual or auditory sensor that enables the monitoring personnel
2672 to verify the alarm signal; or

2673 (2) The intrusion/burglary alarm is installed on a
2674 premises that is used for the storage of firearms or ammunition
2675 by a person who holds a valid federal firearms license as a



HB 7023, Engrossed 1

2018

2676 manufacturer, importer, or dealer of firearms or ammunition,
2677 provided the customer notifies the alarm monitoring company that
2678 he or she holds such license and would like to bypass the two-
2679 call verification protocol. Upon initiation of a new alarm
2680 monitoring service contract, the alarm monitoring company shall
2681 make reasonable efforts to inform a customer who holds a valid
2682 federal firearms license as a manufacturer, importer, or dealer
2683 of firearms or ammunition of his or her right to opt out of the
2684 two-call verification protocol.

2685 Reviser's note.—Amended to confirm the editorial
2686 substitution of the word "contact" for the word
2687 "contacting."

2688 Section 70. Subsection (8) of section 490.012, Florida
2689 Statutes, is amended to read:

2690 490.012 Violations; penalties; injunction.—

2691 (8) ~~Effective October 1, 2000,~~ A person may not practice
2692 juvenile sexual offender therapy in this state, as the practice
2693 is defined in s. 490.0145, for compensation, unless the person
2694 holds an active license issued under this chapter and meets the
2695 requirements to practice juvenile sexual offender therapy. An
2696 unlicensed person may be employed by a program operated by or
2697 under contract with the Department of Juvenile Justice or the
2698 Department of Children and Families if the program employs a
2699 professional who is licensed under chapter 458, chapter 459, s.
2700 490.0145, or s. 491.0144 who manages or supervises the treatment



2701 services.

2702 Reviser's note.—Amended to delete obsolete
2703 language.

2704 Section 71. Subsection (5) of section 497.140, Florida
2705 Statutes, is amended to read:

2706 497.140 Fees.—

2707 (5) The department shall charge a fee not to exceed \$25
2708 for the certification of a public record. The fee shall be
2709 determined by rule of the department. The department shall
2710 assess a fee for duplication of a public record as provided in
2711 s. 119.07(4) ~~119.07(1)(a) and (e)~~.

2712 Reviser's note.—Amended to correct a cross-
2713 reference. Provisions relating to fees were moved from s.
2714 119.07(1) to s. 119.07(4) by s. 7, ch. 2004-335, Laws of
2715 Florida.

2716 Section 72. Subsection (9) of section 497.282, Florida
2717 Statutes, is amended to read:

2718 497.282 Disclosure of information to public.—A licensee
2719 offering to provide burial rights, merchandise, or services to
2720 the public shall:

2721 (9) ~~Effective October 1, 2006,~~ Display in its offices for
2722 free distribution to all potential customers, and provide to all
2723 customers at the time of sale, a brochure explaining how and by
2724 whom cemeteries and preneed sales are regulated; summarizing
2725 consumer rights under the law; and providing the name, address,



HB 7023, Engrossed 1

2018

2726 and phone number of the department's consumer affairs division.
2727 The format and content of the brochure shall be as prescribed by
2728 rule. The licensing authority may cause the publication of such
2729 brochures and by rule establish requirements that cemetery and
2730 preneed licensees purchase and make available such brochures as
2731 so published, in the licensee's offices, to all potential
2732 customers.

2733 Reviser's note.—Amended to delete obsolete
2734 language.

2735 Section 73. Subsection (8) of section 497.468, Florida
2736 Statutes, is amended to read:

2737 497.468 Disclosure of information to the public.—A preneed
2738 licensee offering to provide burial rights, merchandise, or
2739 services to the public shall:

2740 (8) ~~Effective October 1, 2006,~~ Display in its offices for
2741 free distribution to all potential customers, and provide to all
2742 customers at the time of sale, a brochure explaining how and by
2743 whom preneed sales are regulated, summarizing consumer rights
2744 under the law, and providing the name, address, and phone number
2745 of the department's consumer affairs division. The format and
2746 content of the brochure shall be as prescribed by rule. The
2747 licensing authority may cause the publication of such brochures
2748 and by rule require that preneed licensees purchase and make
2749 available such brochures as so published, in the licensee's
2750 offices, to all potential customers.



2751 Reviser's note.—Amended to delete obsolete
 2752 language.
 2753 Section 74. Section 497.552, Florida Statutes, is amended
 2754 to read:
 2755 497.552 Required facilities.—~~Effective January 1, 2006,~~ A
 2756 monument establishment shall at all times have and maintain a
 2757 full-service place of business at a specific street address or
 2758 location in Florida complying with the following requirements:
 2759 (1) It shall include an office for the conduct of its
 2760 business including the reception of customers.
 2761 (2) It shall include a display area in which is displayed
 2762 a selection of monuments, markers, and related products for
 2763 inspection by customers prior to sale.
 2764 (3) Its office and display area shall normally be open to
 2765 the public weekdays during normal business hours.
 2766 (4) It shall have facilities on site for inscribing
 2767 monuments and equipment to deliver and install markers and
 2768 monuments.
 2769 (5) It shall comply with any local government zoning
 2770 regulations and may not be located on tax-exempt property.
 2771 Reviser's note.—Amended to delete obsolete
 2772 language.
 2773 Section 75. Subsections (2), (3), (4), and (5) of section
 2774 497.553, Florida Statutes, are amended to read:
 2775 497.553 Regulation of monument establishments.—



2776 (2) ~~Commencing January 1, 2006,~~ All retail sales by
2777 monument establishments shall be on a sales agreement form filed
2778 by the monument establishment with and approved by the licensing
2779 authority. Sales agreement forms must provide a complete
2780 description of any monument, marker, or related product to be
2781 delivered, and shall prominently and clearly specify the agreed
2782 date for delivery and installation. Procedures for submission
2783 and approval of such forms shall be established by rule.

2784 (3) ~~Commencing January 1, 2006,~~ All monument
2785 establishments shall have written procedures for the receipt,
2786 investigation, and disposition of customer complaints, and shall
2787 ensure that their staff who receive or process such complaints
2788 are familiar with and follow such procedures.

2789 (4) ~~Commencing January 1, 2006,~~ All monument
2790 establishments shall maintain for inspection by the department
2791 records of written complaints received by the monument
2792 establishment. Such complaint records shall include a
2793 chronological log of written complaints received, in which the
2794 name and address of each complainant and date of complaint is
2795 entered consecutively within 10 business days of receipt of each
2796 complaint. The licensing authority may by rule establish
2797 requirements regarding the format of complaint logs, including
2798 whether they may be maintained electronically or shall be
2799 maintained by pen and ink on paper; the licensing authority may
2800 by order direct a licensee to maintain complaint logs by pen and



HB 7023, Engrossed 1

2018

2801 ink in writing. The original or complete copy of each written
2802 complaint received by a monument establishment, and all
2803 subsequent correspondence related to such complaint, shall be
2804 maintained by the monument establishment, for inspection by the
2805 department, for the longer of 24 months or 12 months after the
2806 most recent department inspection during which the complaint was
2807 in the monument establishment's complaint records and available
2808 for the department's review.

2809 (5) ~~Commencing January 1, 2006,~~ The failure of a monument
2810 establishment to deliver and install a purchased monument or
2811 marker by the date agreed in the sales agreement shall entitle
2812 the customer to a full refund of all amounts paid by the
2813 customer for the monument and its delivery and installation,
2814 unless the monument establishment has obtained a written
2815 agreement from the customer extending the delivery date. Such
2816 refund shall be made within 30 days after receipt by the
2817 monument establishment of the customer's written request for a
2818 refund. This subsection does not preclude the purchase and
2819 installation of a new monument from any other registered
2820 monument establishment or licensee.

2821 Reviser's note.—Amended to delete obsolete
2822 language.

2823 Section 76. Subsection (2) of section 497.608, Florida
2824 Statutes, is amended to read:

2825 497.608 Liability for unintentional commingling of the



2826 residue of the cremation process.—

2827 (2) The operator of a cinerator facility shall establish
2828 written procedures for the removal of cremated remains, to the
2829 extent possible, resulting from the cremation of a human body
2830 and the postcremation processing, shipping, packing, or
2831 identifying of those remains. The operator of a cinerator
2832 facility shall file its written procedures, and any revisions to
2833 those written procedures, with the licensing authority for its
2834 approval, and ~~effective January 1, 2006,~~ the cremation facility
2835 shall not be operated unless it has and follows such written
2836 procedures approved by the licensing authority; provided, the
2837 licensing authority may adopt by rule standard uniform
2838 procedures for the removal of such cremated remains, which may
2839 be adopted by any cinerator facility in lieu of promulgating,
2840 filing, and obtaining approval of procedures. A cinerator
2841 facility choosing to utilize standard uniform procedures
2842 specified by rule shall file notice of its choice with the
2843 licensing authority pursuant to procedures and forms specified
2844 by rule.

2845 Reviser's note.—Amended to delete obsolete
2846 language.

2847 Section 77. Paragraph (d) of subsection (9) of section
2848 499.012, Florida Statutes, is amended to read:

2849 499.012 Permit application requirements.—

2850 (9)



2851 (d) For purposes of applying for renewal of a permit under
2852 subsection (8) or certification under subsection (15) ~~(16)~~, a
2853 person may submit the following in lieu of satisfying the
2854 requirements of paragraphs (a), (b), and (c):

2855 1. A photograph of the individual taken within 180 days;
2856 and

2857 2. A copy of the personal information statement form most
2858 recently submitted to the department and a certification under
2859 oath, on a form specified by the department, that the individual
2860 has reviewed the previously submitted personal information
2861 statement form and that the information contained therein
2862 remains unchanged.

2863 Reviser's note.—Amended to reflect the
2864 renumbering of former subsection (16) as subsection (15) by
2865 s. 7, ch. 2016-212, Laws of Florida.

2866 Section 78. Paragraphs (a) and (b) of subsection (2) of
2867 section 499.01211, Florida Statutes, are amended to read:

2868 499.01211 Drug Wholesale Distributor Advisory Council.—

2869 (2) The Secretary of Business and Professional Regulation
2870 or his or her designee and the Secretary of Health Care
2871 Administration or her or his designee shall be members of the
2872 council. The Secretary of Business and Professional Regulation
2873 shall appoint 10 additional members to the council who shall be
2874 appointed to a term of 4 years each, as follows:

2875 (a) Three persons, each of whom is employed by a different



HB 7023, Engrossed 1

2018

2876 prescription drug wholesale distributor permitted under this
2877 part which operates nationally ~~and is a primary wholesale~~
2878 ~~distributor~~ as defined in s. 499.003.

2879 (b) One person employed by a prescription drug wholesale
2880 distributor permitted under this part ~~which is a secondary~~
2881 ~~wholesale distributor,~~ as defined in s. 499.003.

2882 Reviser's note.—Amended to conform to the fact
2883 that s. 2, ch. 2016-212, Laws of Florida, deleted the
2884 definitions for "primary wholesale distributor" and
2885 "secondary wholesale distributor" in s. 499.003, but
2886 retained the definition for "wholesale distributor."

2887 Section 79. Paragraph (b) of subsection (6) of section
2888 509.049, Florida Statutes, is amended to read:

2889 509.049 Food service employee training.—

2890 (6)

2891 (b) ~~Effective January 1, 2005,~~ Each third-party provider
2892 shall provide the following information on each employee upon
2893 certification and recertification: the name of the certified
2894 food service employee, the employee's date of birth, the
2895 employing food service establishment, the name of the certified
2896 food manager who conducted the training, the training date, and
2897 the certification expiration date. This information shall be
2898 reported electronically to the division, in a format prescribed
2899 by the division, within 30 days of certification or
2900 recertification. The division shall compile the information into



HB 7023, Engrossed 1

2018

2901 an electronic database that is not directly or indirectly owned,
2902 maintained, or installed by any nongovernmental provider of food
2903 service training. A public food service establishment that
2904 trains its employees using its own in-house, proprietary food
2905 safety training program approved by the division, and which uses
2906 its own employees to provide this training, shall be exempt from
2907 the electronic reporting requirements of this paragraph, and
2908 from the card or certificate requirement of paragraph (a).

2909 Reviser's note.—Amended to delete obsolete
2910 language.

2911 Section 80. Subsection (6) of section 520.68, Florida
2912 Statutes, is amended to read:

2913 520.68 Persons not required to be licensed.—No home
2914 improvement finance seller's or seller's license shall be
2915 required under this act of any person when acting in any
2916 capacity or type of transaction set forth in this section:

2917 (6) Retail establishments, including employees thereof,
2918 which are licensed under part III ~~II~~ of this chapter and which
2919 engage in home improvements as an incidental part of their
2920 business. However, such retail establishments and their
2921 employees shall be governed by all other provisions contained in
2922 this act.

2923 Reviser's note.—Amended to conform to the
2924 redesignation of part II of chapter 520 as part III by s.
2925 5, ch. 2017-118, Laws of Florida.



2926 Section 81. Paragraph (c) of subsection (2) of section
 2927 554.115, Florida Statutes, is amended to read:

2928 554.115 Disciplinary proceedings.—

2929 (2) The department may deny, refuse to renew, suspend, or
 2930 revoke a certificate of competency upon proof that:

2931 (c) The boiler inspector:

2932 1. Gave false or forged information to the department, to
 2933 an authorized inspection agency, or to another boiler inspector
 2934 for the purpose of obtaining a certificate of operation; or

2935 2. Inspected any boiler regulated under this chapter
 2936 without having obtained a valid certificate of competency.

2937 Reviser's note.—Amended to confirm the editorial
 2938 insertion of the word "to" to provide clarity.

2939 Section 82. Section 559.11, Florida Statutes, is amended
 2940 to read:

2941 559.11 Budget planning prohibited.—No person, firm,
 2942 corporation, or association, ~~shall after June 17, 1959,~~ engage
 2943 in the business of budget planning as defined in s. 559.10;
 2944 provided, the provisions of this part shall not be construed to
 2945 affect any contract for services to facilitate accelerated
 2946 payment of a mortgage loan.

2947 Reviser's note.—Amended to delete obsolete
 2948 language and improve clarity.

2949 Section 83. Paragraph (dd) of subsection (1) of section
 2950 626.9541, Florida Statutes, is amended to read:



2951 626.9541 Unfair methods of competition and unfair or
 2952 deceptive acts or practices defined.—

2953 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 2954 ACTS.—The following are defined as unfair methods of competition
 2955 and unfair or deceptive acts or practices:

2956 (dd) Life insurance limitations based on past foreign
 2957 travel experiences or future foreign travel plans.—

2958 1. An insurer may not refuse life insurance to; refuse to
 2959 continue the life insurance of; or limit the amount, extent, or
 2960 kind of life insurance coverage available to an individual based
 2961 solely on the individual's past lawful foreign travel
 2962 experiences.

2963 2. An insurer may not refuse life insurance to; refuse to
 2964 continue the life insurance of; or limit the amount, extent, or
 2965 kind of life insurance coverage available to an individual based
 2966 solely on the individual's future lawful travel plans unless the
 2967 insurer can demonstrate and the Office of Insurance Regulation
 2968 determines that:

2969 a. Individuals who travel are a separate actuarially
 2970 supportable class whose risk of loss is different from those
 2971 individuals who do not travel; and

2972 b. Such risk classification is based upon sound actuarial
 2973 principles and actual or reasonably anticipated experience that
 2974 correlates to the risk of travel to a specific destination.

2975 3. The commission may adopt rules pursuant to ss.



2976 | 120.536(1) and 120.54 necessary to implement this paragraph and
 2977 | may provide for limited exceptions that are based upon national
 2978 | or international emergency conditions that affect the public
 2979 | health, safety, and welfare and that are consistent with public
 2980 | policy.

2981 | 4. Each market conduct examination of a life insurer
 2982 | conducted pursuant to s. 624.3161 shall include a review of
 2983 | every application under which such insurer refused to issue life
 2984 | insurance; refused to continue life insurance; or limited the
 2985 | amount, extent, or kind of life insurance issued, based upon
 2986 | future lawful travel plans.

2987 | 5. The administrative fines provided in s. 624.4211(2) and
 2988 | (3) shall be trebled for violations of this paragraph.

2989 | 6. The Office of Insurance Regulation shall report to the
 2990 | President of the Senate and the Speaker of the House of
 2991 | Representatives by March 1, ~~2007, and on the same date~~ annually
 2992 | ~~thereafter~~, on the implementation of this paragraph. The report
 2993 | shall include, but not be limited to, the number of applications
 2994 | under which life insurance was denied, continuance was refused,
 2995 | or coverage was limited based on future travel plans; the number
 2996 | of insurers taking such action; and the reason for taking each
 2997 | such action.

2998 | Reviser's note.—Amended to delete obsolete
 2999 | language.

3000 | Section 84. Subsection (4) of section 627.066, Florida



HB 7023, Engrossed 1

2018

3001 Statutes, is amended to read:

3002 627.066 Excessive profits for motor vehicle insurance
3003 prohibited.—

3004 (4) Each insurer group shall also file a schedule of
3005 Florida private passenger automobile loss and loss adjustment
3006 experience for each of the 3 most recent accident years. The
3007 incurred losses and loss adjustment expenses shall be valued as
3008 of March 31 of the year following the close of the accident
3009 year, developed to an ultimate basis, and at two 12-month
3010 intervals thereafter, each developed to an ultimate basis, so
3011 that a total of three evaluations will be provided for each
3012 accident year. ~~The first year to be so reported shall be~~
3013 ~~accident year 1976, so that the reporting of 3 accident years~~
3014 ~~will not take place until accident years 1977 and 1978 have~~
3015 ~~become available.~~

3016 Reviser's note.—Amended to delete an obsolete
3017 provision.

3018 Section 85. Section 627.285, Florida Statutes, is amended
3019 to read:

3020 627.285 Independent actuarial peer review of workers'
3021 compensation rating organization.—The Financial Services
3022 Commission shall at least once every other year contract for an
3023 independent actuarial peer review and analysis of the ratemaking
3024 processes of any licensed rating organization that makes rate
3025 filings for workers' compensation insurance, and the rating



3026 organization shall fully cooperate in the peer review. The
 3027 contract shall require submission of a final report to the
 3028 commission, the President of the Senate, and the Speaker of the
 3029 House of Representatives by February 1. ~~The first report shall~~
 3030 ~~be submitted by February 1, 2004.~~ The costs of the independent
 3031 actuarial peer review shall be paid from the Workers'
 3032 Compensation Administration Trust Fund.

3033 Reviser's note.—Amended to delete obsolete
 3034 language.

3035 Section 86. Paragraph (b) of subsection (1) of section
 3036 627.748, Florida Statutes, is amended to read:

3037 627.748 Transportation network companies.—

3038 (1) DEFINITIONS.—As used in this section, the term:

3039 (b) "Prearranged ride" means the provision of
 3040 transportation by a TNC driver to a rider, beginning when a TNC
 3041 driver accepts a ride requested by a rider through a digital
 3042 network controlled by a transportation network company,
 3043 continuing while the TNC driver transports the rider, and ending
 3044 when the last rider exits from and is no longer occupying the
 3045 TNC vehicle. The term does not include a taxicab, for-hire
 3046 vehicle, or street hail service and does not include ridesharing
 3047 as defined in s. 341.031, carpool as defined in s. 450.28, or
 3048 any other type of service in which the driver receives a fee
 3049 that does not exceed the driver's cost to provide the ride.

3050 Reviser's note.—Amended to confirm the editorial



3051 insertion of the word "in."
3052 Section 87. Paragraph (h) of subsection (1) of section
3053 663.532, Florida Statutes, is amended to read:
3054 663.532 Qualification.—
3055 (1) To qualify as a qualified limited service affiliate
3056 under this part, a proposed qualified limited service affiliate
3057 must file a written notice with the office, in the manner and on
3058 a form prescribed by the commission. Such written notice must
3059 include:
3060 (h) Disclosure of any instance occurring within the prior
3061 10 years when the proposed qualified limited service affiliate's
3062 director, executive officer, principal shareholder, manager,
3063 managing member, or equivalent position was:
3064 1. Arrested for, charged with, or convicted of, or ~~wh~~
3065 pled guilty or nolo contendere to, regardless of adjudication,
3066 any offense that is punishable by imprisonment for a term
3067 exceeding 1 year, or to any offense that involves money
3068 laundering, currency transaction reporting, tax evasion,
3069 facilitating or furthering terrorism, fraud, theft, larceny,
3070 embezzlement, fraudulent conversion, misappropriation of
3071 property, dishonesty, breach of trust, breach of fiduciary duty,
3072 or moral turpitude, or that is otherwise related to the
3073 operation of a financial institution;
3074 2. Fined or sanctioned as a result of a complaint to the
3075 office or any other state or federal regulatory agency; or



HB 7023, Engrossed 1

2018

3076 3. Ordered to pay a fine or penalty in a proceeding
3077 initiated by a federal, state, foreign, or local law enforcement
3078 agency or an international agency related to money laundering,
3079 currency transaction reporting, tax evasion, facilitating or
3080 furthering terrorism, fraud, theft, larceny, embezzlement,
3081 fraudulent conversion, misappropriation of property, dishonesty,
3082 breach of trust, breach of fiduciary duty, or moral turpitude,
3083 or that is otherwise related to the operation of a financial
3084 institution.

3085
3086 The proposed qualified limited service affiliate may provide
3087 additional information in the form of exhibits when attempting
3088 to satisfy any of the qualification requirements. All
3089 information that the proposed qualified limited service
3090 affiliate desires to present to support the written notice must
3091 be submitted with the notice.

3092 Reviser's note.—Amended to confirm the editorial
3093 deletion of the word "who."

3094 Section 88. Subsection (5) of section 741.0306, Florida
3095 Statutes, is amended to read:

3096 741.0306 Creation of a family law handbook.—

3097 ~~(5) The existing family law handbook shall be reviewed and~~
3098 ~~a report provided to the Legislature by October 1, 2008, or as~~
3099 ~~soon thereafter as practicable, with recommendations for~~
3100 ~~updating the handbook.~~



3101 Reviser's note.—Amended to delete an obsolete
 3102 provision.

3103 Section 89. Paragraph (d) of subsection (2) of section
 3104 744.331, Florida Statutes, is amended to read:

3105 744.331 Procedures to determine incapacity.—

3106 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

3107 (d) ~~Effective January 1, 2007,~~ An attorney seeking to be
 3108 appointed by a court for incapacity and guardianship proceedings
 3109 must have completed a minimum of 8 hours of education in
 3110 guardianship. A court may waive the initial training requirement
 3111 for an attorney who has served as a court-appointed attorney in
 3112 incapacity proceedings or as an attorney of record for guardians
 3113 for not less than 3 years. ~~The education requirement of this~~
 3114 ~~paragraph does not apply to the office of criminal conflict and~~
 3115 ~~civil regional counsel until July 1, 2008.~~

3116 Reviser's note.—Amended to delete obsolete
 3117 language.

3118 Section 90. Subsection (1) of section 796.04, Florida
 3119 Statutes, is amended to read:

3120 796.04 Forcing, compelling, or coercing another to become
 3121 a prostitute.—

3122 (1) ~~After May 1, 1943,~~ It shall be unlawful for anyone to
 3123 force, compel, or coerce another to become a prostitute.

3124 Reviser's note.—Amended to delete obsolete
 3125 language.



HB 7023, Engrossed 1

2018

3126 Section 91. Subsection (1) of section 817.311, Florida
3127 Statutes, is amended to read:

3128 817.311 Unlawful use of badges, etc.—

3129 (1) ~~From and after May 9, 1949,~~ Any person who shall wear
3130 or display a badge, button, insignia or other emblem, or shall
3131 use the name of or claim to be a member of any benevolent,
3132 fraternal, social, humane, or charitable organization, which
3133 organization is entitled to the exclusive use of such name and
3134 such badge, button, insignia or emblem either in the identical
3135 form or in such near resemblance thereto as to be a colorable
3136 imitation thereof, unless such person is entitled so to do under
3137 the laws, rules and regulations of such organization, shall be
3138 guilty of a misdemeanor of the first degree, punishable as
3139 provided in s. 775.082 or s. 775.083.

3140 Reviser's note.—Amended to delete obsolete
3141 language.

3142 Section 92. Paragraph (c) of subsection (2) of section
3143 817.625, Florida Statutes, is amended to read:

3144 817.625 Use of scanning device, skimming device, or
3145 reencoder to defraud; possession of skimming device; penalties.—

3146 (2)

3147 (c) It is a felony of the third degree, punishable as
3148 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
3149 to knowingly possess, sell, or deliver a skimming device. This
3150 paragraph does not apply to the following individuals while



HB 7023, Engrossed 1

2018

3151 acting within the scope of their ~~his or her~~ official duties:

3152 1. An employee, officer, or agent of:

3153 a. A law enforcement agency or criminal prosecuting
3154 authority for the state or the Federal Government;

3155 b. The state courts system as defined in s. 25.382 or the
3156 federal court system; or

3157 c. An executive branch agency in this state.

3158 2. A financial or retail security investigator employed by
3159 a merchant.

3160 Reviser's note.—Amended to confirm the editorial
3161 substitution of the word "their" for the words "his or
3162 her."

3163 Section 93. Section 876.24, Florida Statutes, is amended
3164 to read:

3165 876.24 Membership in subversive organization; penalty.—It
3166 shall be unlawful for any person ~~after the effective date of~~
3167 ~~this law~~ to become or ~~after July 1, 1953,~~ to remain a member of
3168 a subversive organization or a foreign subversive organization
3169 knowing said organization to be a subversive organization or
3170 foreign subversive organization. Any person convicted of
3171 violating this section shall be guilty of a felony of the third
3172 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3173 775.084.

3174 Reviser's note.—Amended to delete obsolete
3175 language.



HB 7023, Engrossed 1

2018

3176 Section 94. Subsection (1) of section 905.37, Florida
3177 Statutes, is amended to read:

3178 905.37 List of prospective jurors; impanelment;
3179 composition of jury; compensation.—

3180 (1) ~~On or before July 15, 1973, and~~ Not later than the
3181 first week in December of each year ~~thereafter~~, the chief judge
3182 of each judicial circuit shall cause to be compiled a list of
3183 persons called and certified for jury duty in each of the
3184 several counties in the circuit. From the lists of persons
3185 certified for jury duty in each of the several counties in his
3186 or her judicial circuit, the chief judge shall select by lot and
3187 at random a list of eligible prospective grand jurors from each
3188 county. The number of prospective statewide grand jurors to be
3189 selected from each county shall be determined on the basis of 3
3190 such jurors for each 3,000 residents, or fraction thereof, in
3191 each county. When such lists are compiled, the chief judge of
3192 each judicial circuit shall cause the lists to be submitted to
3193 the state courts administrator ~~on or before August 15, 1973, and~~
3194 not later than February 15 of each year ~~thereafter~~.

3195 Reviser's note.—Amended to delete obsolete
3196 language.

3197 Section 95. Subsection (2) of section 943.0311, Florida
3198 Statutes, is amended to read:

3199 943.0311 Chief of Domestic Security; duties of the
3200 department with respect to domestic security.—



HB 7023, Engrossed 1

2018

3201 (2) The chief shall conduct or cause to be conducted by
3202 the personnel and with the resources of the state agency, state
3203 university, or community college that owns or leases a building,
3204 facility, or structure, security assessments of buildings,
3205 facilities, and structures owned or leased by state agencies,
3206 state universities, and community colleges using methods and
3207 instruments made available by the department. Each entity making
3208 such an assessment shall prioritize its security needs based on
3209 the findings of its assessment. Each state agency, state
3210 university, and community college shall cooperate with the
3211 department and provide the assistance of employees within
3212 existing resources to provide to the chief information in the
3213 format requested by the chief. The chief must report to the
3214 Governor, the President of the Senate, and the Speaker of the
3215 House of Representatives if any state agency, state university,
3216 or community college substantially fails to cooperate with the
3217 chief in making a security assessment of the buildings,
3218 facilities, and structures of the state agency, state
3219 university, or community college.

3220 ~~(a) The initial assessment of each building, facility, or~~
3221 ~~structure owned or leased by a state agency, state university,~~
3222 ~~or community college shall be completed by the state agency,~~
3223 ~~state university, or community college and shall be provided to~~
3224 ~~the chief no later than November 1, 2004.~~

3225 ~~(b)~~ Assessments of any building, facility, or structure



HB 7023, Engrossed 1

2018

3226 owned or leased by a state agency, state university, or
3227 community college not previously provided to the chief ~~under~~
3228 ~~paragraph (a)~~ must be completed by the state agency, state
3229 university, or community college and provided to the chief
3230 before occupying or substantially modifying such building,
3231 facility, or structure. The chief may request additional
3232 assessments to ensure that the security assessments of
3233 buildings, facilities, and structures, owned or leased by state
3234 agencies, state universities, and community colleges, remain
3235 reasonably current and valid.

3236 Reviser's note.—Paragraph (a) is amended to
3237 delete an obsolete provision. Paragraph (b) is amended to
3238 conform to the deletion of paragraph (a).

3239 Section 96. Section 944.48, Florida Statutes, is amended
3240 to read:

3241 944.48 Service of sentence.—Whenever any prisoner is
3242 convicted under the provisions of ss. 944.44-944.47, ~~944.41-~~
3243 ~~944.47~~ the punishment of imprisonment imposed shall be served
3244 consecutively to any former sentence imposed upon any prisoner
3245 convicted hereunder.

3246 Reviser's note.—Amended to correct a cross-
3247 reference and to improve clarity. Section 944.41 was
3248 repealed by s. 177, ch. 71-355, Laws of Florida; s. 944.42
3249 was repealed by s. 7, ch. 96-293, Laws of Florida; and s.
3250 944.43 was repealed by s. 1, ch. 81-88, Laws of Florida.



3251 The first section in the range is now s. 944.44.
 3252 Section 97. Paragraph (1) of subsection (1) of section
 3253 948.03, Florida Statutes, is amended to read:

3254 948.03 Terms and conditions of probation.—

3255 (1) The court shall determine the terms and conditions of
 3256 probation. Conditions specified in this section do not require
 3257 oral pronouncement at the time of sentencing and may be
 3258 considered standard conditions of probation. These conditions
 3259 may include among them the following, that the probationer or
 3260 offender in community control shall:

3261 (1)1. Submit to random testing as directed by the
 3262 probation officer or the professional staff of the treatment
 3263 center where he or she is receiving treatment to determine the
 3264 presence or use of alcohol or controlled substances.

3265 2. If the offense was a controlled substance violation and
 3266 the period of probation immediately follows a period of
 3267 incarceration in the state correctional ~~correction~~ system, the
 3268 conditions must include a requirement that the offender submit
 3269 to random substance abuse testing intermittently throughout the
 3270 term of supervision, upon the direction of the probation
 3271 officer.

3272 Reviser's note.—Amended to confirm the editorial
 3273 substitution of the word "correctional" for the word
 3274 "correction" to conform to context.

3275 Section 98. Subsection (2) of section 1000.06, Florida



HB 7023, Engrossed 1

2018

3276 Statutes, is amended to read:

3277 1000.06 Display of flags.—

3278 (2) Each public K-20 educational institution that is
3279 provided or authorized by the Constitution and laws of Florida
3280 shall display daily in each classroom the flag of the United
3281 States. The flag must be made in the United States, must be at
3282 least 2 feet by 3 feet, and must be properly displayed in
3283 accordance with Title 4 U.S.C. Each educational institution
3284 shall acquire the necessary number of flags to implement the
3285 provisions of this subsection. The principal, director, or
3286 president of each educational institution shall attempt to
3287 acquire the flags through donations or fundraising for 1 year
3288 prior to securing other funding sources or allocating funds for
3289 the purchase of flags. The president of each state university or
3290 Florida College System institution must present to the governing
3291 board of the institution the results of donations and
3292 fundraising activities relating to the acquisition of flags
3293 prior to requesting the governing board to approve a funding
3294 source for the purchase of flags. ~~A flag must be displayed in~~
3295 ~~each classroom pursuant to this subsection no later than August~~
3296 ~~1, 2005.~~

3297 Reviser's note.—Amended to delete obsolete
3298 language.

3299 Section 99. Subsection (3) of section 1001.215, Florida
3300 Statutes, is amended to read:



HB 7023, Engrossed 1

2018

3301 1001.215 Just Read, Florida! Office.—There is created in
3302 the Department of Education the Just Read, Florida! Office. The
3303 office is fully accountable to the Commissioner of Education and
3304 shall:

3305 (3) Work with the Lastinger Center for Learning at the
3306 University of Florida to develop training for K-12 teachers,
3307 reading coaches, and school principals on effective content-
3308 area-specific reading strategies; the integration of content-
3309 rich curriculum from other core subject areas into reading
3310 instruction; and evidence-based reading strategies identified in
3311 subsection (8) ~~(7)~~ to improve student reading performance. For
3312 secondary teachers, emphasis shall be on technical text. These
3313 strategies must be developed for all content areas in the K-12
3314 curriculum.

3315 Reviser's note.—Amended to confirm the editorial
3316 substitution of a reference to subsection (8) for a
3317 reference to subsection (7) to conform to context.
3318 Subsection (7) relates to implementation of a comprehensive
3319 reading plan; subsection (8) relates to identification of
3320 evidence-based reading instructional and intervention
3321 programs.

3322 Section 100. Subsection (18) of section 1001.42, Florida
3323 Statutes, is reenacted to read:

3324 1001.42 Powers and duties of district school board.—The
3325 district school board, acting as a board, shall exercise all



3326 powers and perform all duties listed below:

3327 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
3328 Maintain a system of school improvement and education
3329 accountability as provided by statute and State Board of
3330 Education rule. This system of school improvement and education
3331 accountability shall be consistent with, and implemented
3332 through, the district's continuing system of planning and
3333 budgeting required by this section and ss. 1008.385, 1010.01,
3334 and 1011.01. This system of school improvement and education
3335 accountability shall comply with the provisions of ss. 1008.33,
3336 1008.34, 1008.345, and 1008.385 and include the following:

3337 (a) School improvement plans.—The district school board
3338 shall annually approve and require implementation of a new,
3339 amended, or continuation school improvement plan for each school
3340 in the district which has a school grade of "D" or "F"; has a
3341 significant gap in achievement on statewide, standardized
3342 assessments administered pursuant to s. 1008.22 by one or more
3343 student subgroups, as defined in the federal Elementary and
3344 Secondary Education Act (ESEA), 20 U.S.C. s.
3345 6311(b)(2)(C)(v)(II); has not significantly increased the
3346 percentage of students passing statewide, standardized
3347 assessments; has not significantly increased the percentage of
3348 students demonstrating Learning Gains, as defined in s. 1008.34
3349 and as calculated under s. 1008.34(3)(b), who passed statewide,
3350 standardized assessments; or has significantly lower graduation



3351 rates for a subgroup when compared to the state's graduation
3352 rate. The improvement plan of a school that meets the
3353 requirements of this paragraph shall include strategies for
3354 improving these results. The state board shall adopt rules
3355 establishing thresholds and for determining compliance with this
3356 paragraph.

3357 (b) Early warning system.—

3358 1. A school that serves any students in kindergarten
3359 through grade 8 shall implement an early warning system to
3360 identify students in such grades who need additional support to
3361 improve academic performance and stay engaged in school. The
3362 early warning system must include the following early warning
3363 indicators:

3364 a. Attendance below 90 percent, regardless of whether
3365 absence is excused or a result of out-of-school suspension.

3366 b. One or more suspensions, whether in school or out of
3367 school.

3368 c. Course failure in English Language Arts or mathematics
3369 during any grading period.

3370 d. A Level 1 score on the statewide, standardized
3371 assessments in English Language Arts or mathematics or, for
3372 students in kindergarten through grade 3, a substantial reading
3373 deficiency under s. 1008.25(5)(a).

3374

3375 A school district may identify additional early warning



3376 indicators for use in a school's early warning system. The
3377 system must include data on the number of students identified by
3378 the system as exhibiting two or more early warning indicators,
3379 the number of students by grade level who exhibit each early
3380 warning indicator, and a description of all intervention
3381 strategies employed by the school to improve the academic
3382 performance of students identified by the early warning system.

3383 2. A school-based team responsible for implementing the
3384 requirements of this paragraph shall monitor the data from the
3385 early warning system. The team may include a school
3386 psychologist. When a student exhibits two or more early warning
3387 indicators, the team, in consultation with the student's parent,
3388 shall determine appropriate intervention strategies for the
3389 student unless the student is already being served by an
3390 intervention program at the direction of a school-based,
3391 multidisciplinary team. Data and information relating to a
3392 student's early warning indicators must be used to inform any
3393 intervention strategies provided to the student.

3394 (c) Public disclosure.—The district school board shall
3395 provide information regarding the performance of students and
3396 educational programs as required pursuant to ss. 1008.22 and
3397 1008.385 and implement a system of school reports as required by
3398 statute and State Board of Education rule which shall include
3399 schools operating for the purpose of providing educational
3400 services to students in Department of Juvenile Justice programs,



3401 and for those schools, report on the elements specified in s.
3402 1003.52(17). Annual public disclosure reports shall be in an
3403 easy-to-read report card format and shall include the school's
3404 grade, high school graduation rate calculated without high
3405 school equivalency examinations, disaggregated by student
3406 ethnicity, and performance data as specified in state board
3407 rule.

3408 (d) School improvement funds.—The district school board
3409 shall provide funds to schools for developing and implementing
3410 school improvement plans. Such funds shall include those funds
3411 appropriated for the purpose of school improvement pursuant to
3412 s. 24.121(5)(c).

3413 Reviser's note.—Section 38, ch. 2017-116, Laws of
3414 Florida, purported to amend subsection (18), but did not
3415 publish paragraphs (c) and (d). Absent affirmative evidence
3416 of legislative intent to repeal them, paragraphs (c) and
3417 (d) are reenacted to confirm the omission was not intended.
3418 Section 101. Subsection (7) of section 1002.61, Florida
3419 Statutes, is amended to read:

3420 1002.61 Summer prekindergarten program delivered by public
3421 schools and private prekindergarten providers.—

3422 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7), each
3423 prekindergarten class in the summer prekindergarten program,
3424 regardless of whether the class is a public school's or private
3425 prekindergarten provider's class, must be composed of at least 4



3426 students but may not exceed 12 students ~~beginning with the 2009~~
3427 ~~summer session~~. In order to protect the health and safety of
3428 students, each public school or private prekindergarten provider
3429 must also provide appropriate adult supervision for students at
3430 all times. This subsection does not supersede any requirement
3431 imposed on a provider under ss. 402.301-402.319.

3432 Reviser's note.—Amended to delete obsolete
3433 language.

3434 Section 102. Subsection (10) of section 1003.4282, Florida
3435 Statutes, is amended to read:

3436 1003.4282 Requirements for a standard high school
3437 diploma.—

3438 (10) STUDENTS WITH DISABILITIES.—Beginning with students
3439 entering grade 9 in the 2014-2015 school year, this subsection
3440 applies to a student with a disability.

3441 (a) A parent of the student with a disability shall, in
3442 collaboration with the individual education plan (IEP) team
3443 during the transition planning process pursuant to s. 1003.5716,
3444 declare an intent for the student to graduate from high school
3445 with either a standard high school diploma or a certificate of
3446 completion. A student with a disability who does not satisfy the
3447 standard high school diploma requirements pursuant to this
3448 section shall be awarded a certificate of completion.

3449 (b) The following options, in addition to the other
3450 options specified in this section, may be used to satisfy the



3451 standard high school diploma requirements, as specified in the
3452 student's individual education plan:

3453 1. For a student with a disability for whom the IEP team
3454 has determined that the Florida Alternate Assessment is the most
3455 appropriate measure of the student's skills:

3456 a. A combination of course substitutions, assessments,
3457 industry certifications, other acceleration options, or
3458 occupational completion points appropriate to the student's
3459 unique skills and abilities that meet the criteria established
3460 by State Board of Education rule.

3461 b. A portfolio of quantifiable evidence that documents a
3462 student's mastery of academic standards through rigorous metrics
3463 established by State Board of Education rule. A portfolio may
3464 include, but is not limited to, documentation of work
3465 experience, internships, community service, and postsecondary
3466 credit.

3467 2. For a student with a disability for whom the IEP team
3468 has determined that mastery of academic and employment
3469 competencies is the most appropriate way for a student to
3470 demonstrate his or her skills:

3471 a. Documented completion of the minimum high school
3472 graduation requirements, including the number of course credits
3473 prescribed by rules of the State Board of Education.

3474 b. Documented achievement of all annual goals and short-
3475 term objectives for academic and employment competencies,



3476 industry certifications, and occupational completion points
3477 specified in the student's transition plan. The documentation
3478 must be verified by the IEP team.

3479 c. Documented successful employment for the number of
3480 hours per week specified in the student's transition plan, for
3481 the equivalent of 1 semester, and payment of a minimum wage in
3482 compliance with the requirements of the federal Fair Labor
3483 Standards Act.

3484 d. Documented mastery of the academic and employment
3485 competencies, industry certifications, and occupational
3486 completion points specified in the student's transition plan.
3487 The documentation must be verified by the IEP team, the
3488 employer, and the teacher. The transition plan must be developed
3489 and signed by the student, parent, teacher, and employer before
3490 placement in employment and must identify the following:

3491 (I) The expected academic and employment competencies,
3492 industry certifications, and occupational completion points;

3493 (II) The criteria for determining and certifying mastery
3494 of the competencies;

3495 (III) The work schedule and the minimum number of hours to
3496 be worked per week; and

3497 (IV) A description of the supervision to be provided by
3498 the school district.

3499 3. Any change to the high school graduation option
3500 specified in the student's IEP must be approved by the parent



3501 and is subject to verification for appropriateness by an
3502 independent reviewer selected by the parent as provided in s.
3503 1003.572.

3504 (c) A student with a disability who meets the standard
3505 high school diploma requirements in this section may defer the
3506 receipt of a standard high school diploma if the student:

3507 1. Has an individual education plan that prescribes
3508 special education, transition planning, transition services, or
3509 related services through age 21; and

3510 2. Is enrolled in accelerated college credit instruction
3511 pursuant to s. 1007.27, industry certification courses that lead
3512 to college credit, a collegiate high school program, courses
3513 necessary to satisfy the Scholar designation requirements, or a
3514 structured work-study, internship, or preapprenticeship program.

3515 (d) A student with a disability who receives a certificate
3516 of completion and has an individual education plan that
3517 prescribes special education, transition planning, transition
3518 services, or related services through 21 years of age may
3519 continue to receive the specified instruction and services.

3520 (e) Any waiver of the statewide, standardized assessment
3521 requirements by the individual education plan team, pursuant to
3522 s. 1008.22(3)(c), must be approved by the parent and is subject
3523 to verification for appropriateness by an independent reviewer
3524 selected by the parent as provided for in s. 1003.572.

3525



3526 The State Board of Education shall adopt rules under ss.
3527 120.536(1) and 120.54 to implement this subsection ~~paragraph~~,
3528 including rules that establish the minimum requirements for
3529 students described in this subsection ~~paragraph~~ to earn a
3530 standard high school diploma. The State Board of Education shall
3531 adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

3532 Reviser's note.—Amended to confirm the editorial
3533 substitution of a reference to "subsection" for a reference
3534 to "paragraph" to conform to context. The flush left
3535 language following paragraph (e) is a part of subsection
3536 (10) and not any single paragraph.

3537 Section 103. Paragraphs (e) and (f) of subsection (3) of
3538 section 1003.491, Florida Statutes, are amended to read:

3539 1003.491 Florida Career and Professional Education Act.—
3540 The Florida Career and Professional Education Act is created to
3541 provide a statewide planning partnership between the business
3542 and education communities in order to attract, expand, and
3543 retain targeted, high-value industry and to sustain a strong,
3544 knowledge-based economy.

3545 (3) The strategic 3-year plan developed jointly by the
3546 local school district, local workforce development boards,
3547 economic development agencies, and state-approved postsecondary
3548 institutions shall be constructed and based on:

3549 (e) Strategies to provide personalized student advisement,
3550 including a parent-participation component, and coordination



3551 with middle grades to promote and support career-themed courses
3552 and education planning ~~as required under s. 1003.4156;~~

3553 (f) Alignment of requirements for middle school career
3554 planning ~~under s. 1003.4156(1)(e)~~, middle and high school career
3555 and professional academies or career-themed courses leading to
3556 industry certification or postsecondary credit, and high school
3557 graduation requirements;

3558 Reviser's note.—Amended to conform to the
3559 deletion of s. 1003.4156(1)(e) by s. 2, ch. 2017-55, Laws
3560 of Florida, and s. 60, ch. 2017-116, Laws of Florida.
3561 Section 1003.4156(1)(e) related to career and education
3562 planning to be completed in 6th, 7th, or 8th grade.

3563 Section 104. Paragraph (j) of subsection (2) of section
3564 1003.621, Florida Statutes, is amended to read:

3565 1003.621 Academically high-performing school districts.—It
3566 is the intent of the Legislature to recognize and reward school
3567 districts that demonstrate the ability to consistently maintain
3568 or improve their high-performing status. The purpose of this
3569 section is to provide high-performing school districts with
3570 flexibility in meeting the specific requirements in statute and
3571 rules of the State Board of Education.

3572 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
3573 high-performing school district shall comply with all of the
3574 provisions in chapters 1000-1013, and rules of the State Board
3575 of Education which implement these provisions, pertaining to the



3576 following:

3577 (j) Those statutes relating to instructional materials,
3578 except that s. 1006.37, relating to the requisition of state-
3579 adopted materials from the depository under contract with the
3580 publisher, and s. 1006.40(3)(b) ~~1006.40(3)(a)~~, relating to the
3581 use of 50 percent of the instructional materials allocation,
3582 shall be eligible for exemption.

3583 Reviser's note.—Amended to correct a cross-
3584 reference. Section 1006.40(3)(b) relates to the use of 50
3585 percent of the annual allocation; s. 1006.40(3)(a) provides
3586 that the annual allocation may be used only for the
3587 purchase of instructional materials that align with state
3588 standards and are included on the state-adopted list,
3589 except as expressly provided.

3590 Section 105. Paragraph (f) of subsection (1) of section
3591 1004.4473, Florida Statutes, is amended to read:

3592 1004.4473 Industrial hemp pilot projects.—

3593 (1) As used in this section, the term:

3594 (f) "Qualified project partner" means a public, nonprofit,
3595 or private entity that:

3596 1. Has a principal place of business ~~is~~ in this state.

3597 2. Has access to a grow site and research facility located
3598 in this state which is acceptable for the cultivation,
3599 processing, and manufacturing of industrial hemp and hemp
3600 products, as determined by the department.



3601 3. Submits a comprehensive business or research plan
3602 acceptable to the partnering university.

3603 4. Provides proof of prior experience in or knowledge of,
3604 or demonstrates an interest in and commitment to, the
3605 cultivation, processing, manufacturing, or research of
3606 industrial hemp, as determined by the department.

3607 Reviser's note.—Amended to confirm the editorial
3608 deletion of the word "is" to improve clarity.

3609 Section 106. Paragraph (b) of subsection (4) of section
3610 1006.735, Florida Statutes, is amended to read:

3611 1006.735 Complete Florida Plus Program.—The Complete
3612 Florida Plus Program is created at the University of West
3613 Florida.

3614 (4) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND
3615 SUPPORT.—The Complete Florida Plus Program shall make available
3616 on a statewide basis online services and support, including:

3617 (b) A K-20 statewide computer-assisted student advising
3618 system which shall support career and education planning for the
3619 K-12 system and the process of advising, registering, and
3620 certifying postsecondary students for graduation and which shall
3621 include a degree audit and an articulation component. Florida
3622 College System institutions and state universities shall
3623 interface institutional advising systems with the statewide
3624 computer-assisted student advising system. At a minimum, the
3625 statewide computer-assisted student advising system shall:



- 3626 1. Allow a student to access the system at any time.
- 3627 2. Support K-12 career and education planning ~~required by~~
3628 ~~s. 1003.4156(1)(c)~~.
- 3629 3. Allow a student to search public postsecondary
3630 education institutions and identify course options that will
3631 meet the requirements of a selected path toward a degree.
- 3632 4. Audit transcripts of students enrolled in a public
3633 postsecondary education institution to assess current academic
3634 standing, the requirements for a student to transfer to another
3635 institution, and all requirements necessary for graduation.
- 3636 5. Serve as the official statewide repository for the
3637 common prerequisite manual, admissions information for
3638 transferring programs, foreign language requirements, residency
3639 requirements, and statewide articulation agreements.
- 3640 6. Provide information relating to career descriptions and
3641 corresponding educational requirements, admissions requirements,
3642 and available sources of student financial assistance.
- 3643 7. Provide the admissions application for transient
3644 students pursuant to paragraph (a) which must include the
3645 electronic transfer and receipt of information and records for:
- 3646 a. Admissions and readmissions.
- 3647 b. Financial aid.
- 3648 c. Transfer of credit awarded by the institution offering
3649 the course to the transient student's degree-granting
3650 institution.



3651 Reviser's note.—Amended to conform to the
3652 deletion of s. 1003.4156(1)(e) by s. 2, ch. 2017-55, Laws
3653 of Florida, and s. 60, ch. 2017-116, Laws of Florida.
3654 Section 1003.4156(1)(e) related to career and education
3655 planning to be completed in 6th, 7th, or 8th grade.
3656 Section 107. Paragraph (i) of subsection (3) of section
3657 1007.01, Florida Statutes, is amended to read:
3658 1007.01 Articulation; legislative intent; purpose; role of
3659 the State Board of Education and the Board of Governors;
3660 Articulation Coordinating Committee.—
3661 (3) The Commissioner of Education, in consultation with
3662 the Chancellor of the State University System, shall establish
3663 the Articulation Coordinating Committee, which shall make
3664 recommendations related to statewide articulation policies and
3665 issues regarding access, quality, and reporting of data
3666 maintained by the K-20 data warehouse, established pursuant to
3667 ss. 1001.10 and 1008.31, to the Higher Education Coordination
3668 Council, the State Board of Education, and the Board of
3669 Governors. The committee shall consist of two members each
3670 representing the State University System, the Florida College
3671 System, public career and technical education, K-12 education,
3672 and nonpublic postsecondary education and one member
3673 representing students. The chair shall be elected from the
3674 membership. The Office of K-20 Articulation shall provide
3675 administrative support for the committee. The committee shall:



HB 7023, Engrossed 1

2018

3676 ~~(i) Make recommendations regarding the cost and~~
3677 ~~requirements to develop and implement an online system for~~
3678 ~~collecting and analyzing data regarding requests for transfer of~~
3679 ~~credit by postsecondary education students. The online system,~~
3680 ~~at a minimum, must collect information regarding the total~~
3681 ~~number of credit transfer requests denied and the reason for~~
3682 ~~each denial. Recommendations shall be reported to the President~~
3683 ~~of the Senate and the Speaker of the House of Representatives on~~
3684 ~~or before January 31, 2015.~~

3685 Reviser's note.—Amended to delete an obsolete
3686 provision.

3687 Section 108. Paragraph (a) of subsection (1) of section
3688 1008.34, Florida Statutes, is reenacted to read:

3689 1008.34 School grading system; school report cards;
3690 district grade.—

3691 (1) DEFINITIONS.—For purposes of the statewide,
3692 standardized assessment program and school grading system, the
3693 following terms are defined:

3694 (a) "Achievement level," "student achievement," or
3695 "achievement" describes the level of content mastery a student
3696 has acquired in a particular subject as measured by a statewide,
3697 standardized assessment administered pursuant to s.
3698 1008.22 (3) (a) and (b). There are five achievement levels. Level
3699 1 is the lowest achievement level, level 5 is the highest
3700 achievement level, and level 3 indicates satisfactory



3701 performance. A student passes an assessment if the student
3702 achieves a level 3, level 4, or level 5. For purposes of the
3703 Florida Alternate Assessment administered pursuant to s.
3704 1008.22(3)(c), the state board shall provide, in rule, the
3705 number of achievement levels and identify the achievement levels
3706 that are considered passing.

3707 Reviser's note.—Reenacted to publish the correct
3708 text of paragraph (1)(a) and to correct an input error made
3709 in the compilation of the statutes.

3710 Section 109. Subsection (2) of section 1011.67, Florida
3711 Statutes, is amended to read:

3712 1011.67 Funds for instructional materials.—

3713 (2) Annually by July 1 and before the release of
3714 instructional materials funds, each district school
3715 superintendent shall certify to the Commissioner of Education
3716 that the district school board has approved a comprehensive
3717 staff development plan that supports fidelity of implementation
3718 of instructional materials programs, including verification that
3719 training was provided; that the materials are being implemented
3720 as designed; and, beginning July 1, 2021, for core reading
3721 materials and reading intervention materials used in
3722 kindergarten through grade 5, that the materials meet the
3723 requirements of s. 1001.215(8) ~~1001.215(7)~~. This subsection does
3724 not preclude school districts from purchasing or using other
3725 materials to supplement reading instruction and provide



HB 7023, Engrossed 1

2018

3726 additional skills practice.

3727 Reviser's note.—Amended to conform to the
3728 redesignation of s. 1001.215(7) as s. 1001.215(8) by s. 16,
3729 ch. 2017-116, Laws of Florida.

3730 Section 110. Subsection (1) of section 1011.71, Florida
3731 Statutes, is amended to read:

3732 1011.71 District school tax.—

3733 (1) If the district school tax is not provided in the
3734 General Appropriations Act or the substantive bill implementing
3735 the General Appropriations Act, each district school board
3736 desiring to participate in the state allocation of funds for
3737 current operation as prescribed by s. 1011.62(16) ~~1011.62(15)~~
3738 shall levy on the taxable value for school purposes of the
3739 district, exclusive of millage voted under s. 9(b) or s. 12,
3740 Art. VII of the State Constitution, a millage rate not to exceed
3741 the amount certified by the commissioner as the minimum millage
3742 rate necessary to provide the district required local effort for
3743 the current year, pursuant to s. 1011.62(4)(a)1. In addition to
3744 the required local effort millage levy, each district school
3745 board may levy a nonvoted current operating discretionary
3746 millage. The Legislature shall prescribe annually in the
3747 appropriations act the maximum amount of millage a district may
3748 levy.

3749 Reviser's note.—Amended to conform to the
3750 redesignation of s. 1011.62(15) as s. 1011.62(16) by s. 4,



3751 ch. 2017-116, Laws of Florida.
 3752 Section 111. Paragraph (b) of subsection (6) of section
 3753 1013.64, Florida Statutes, is amended to read:
 3754 1013.64 Funds for comprehensive educational plant needs;
 3755 construction cost maximums for school district capital
 3756 projects.—Allocations from the Public Education Capital Outlay
 3757 and Debt Service Trust Fund to the various boards for capital
 3758 outlay projects shall be determined as follows:
 3759 (6)
 3760 (b)1. A district school board may not use funds from the
 3761 following sources: Public Education Capital Outlay and Debt
 3762 Service Trust Fund; School District and Community College
 3763 District Capital Outlay and Debt Service Trust Fund; Classrooms
 3764 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
 3765 levy of ad valorem property taxes provided in s. 1011.71(2);
 3766 Classrooms for Kids Program funds provided in s. 1013.735;
 3767 District Effort Recognition Program funds provided in s.
 3768 1013.736; or High Growth District Capital Outlay Assistance
 3769 Grant Program funds provided in s. 1013.738 for any new
 3770 construction of educational plant space with a total cost per
 3771 student station, including change orders, that equals more than:
 3772 a. \$17,952 for an elementary school,
 3773 b. \$19,386 for a middle school, or
 3774 c. \$25,181 for a high school,
 3775



3776 (January 2006) as adjusted annually to reflect increases or
3777 decreases in the Consumer Price Index.

3778 2. School districts shall maintain accurate documentation
3779 related to the costs of all new construction of educational
3780 plant space reported to the Department of Education pursuant to
3781 paragraph (d). The Auditor General shall review the
3782 documentation maintained by the school districts and verify
3783 compliance with the limits under this paragraph during its
3784 scheduled operational audits of the school district. The
3785 department shall make the final determination on district
3786 compliance based on the recommendation of the Auditor General.

3787 ~~3. The Office of Economic and Demographic Research, in~~
3788 ~~consultation with the department, shall conduct a study of the~~
3789 ~~cost per student station amounts using the most recent available~~
3790 ~~information on construction costs. In this study, the costs per~~
3791 ~~student station should represent the costs of classroom~~
3792 ~~construction and administrative offices as well as the~~
3793 ~~supplemental costs of core facilities, including required media~~
3794 ~~centers, gymnasiums, music rooms, cafeterias and their~~
3795 ~~associated kitchens and food service areas, vocational areas,~~
3796 ~~and other defined specialty areas, including exceptional student~~
3797 ~~education areas. The study must take into account appropriate~~
3798 ~~cost-effectiveness factors in school construction and should~~
3799 ~~include input from industry experts. The Office of Economic and~~
3800 ~~Demographic Research must provide the results of the study and~~



HB 7023, Engrossed 1

2018

3801 ~~recommendations on the cost per student station to the Governor,~~
3802 ~~the President of the Senate, and the Speaker of the House of~~
3803 ~~Representatives no later than January 31, 2017.~~

3804 ~~4. The Office of Program Policy Analysis and Government~~
3805 ~~Accountability (OPPAGA) shall conduct a study of the State~~
3806 ~~Requirements for Education Facilities (SREF) to identify current~~
3807 ~~requirements that can be eliminated or modified in order to~~
3808 ~~decrease the cost of construction of educational facilities~~
3809 ~~while ensuring student safety. OPPAGA must provide the results~~
3810 ~~of the study, and an overall recommendation as to whether SREF~~
3811 ~~should be retained, to the Governor, the President of the~~
3812 ~~Senate, and the Speaker of the House of Representatives no later~~
3813 ~~than January 31, 2017.~~

3814 3.5. Effective July 1, 2017, in addition to the funding
3815 sources listed in subparagraph 1., a district school board may
3816 not use funds from any sources for new construction of
3817 educational plant space with a total cost per student station,
3818 including change orders, which equals more than the current
3819 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
3820 shall subsequently be adjusted annually to reflect increases or
3821 decreases in the Consumer Price Index. However, if a contract
3822 has been executed for architectural and design services or for
3823 construction management services before July 1, 2017, a district
3824 school board may use funds from any source for the new
3825 construction of educational plant space and such funds are



HB 7023, Engrossed 1

2018

3826 exempt from the total cost per student station requirements.

3827 4.6 A district school board must not use funds from the
3828 Public Education Capital Outlay and Debt Service Trust Fund or
3829 the School District and Community College District Capital
3830 Outlay and Debt Service Trust Fund for any new construction of
3831 an ancillary plant that exceeds 70 percent of the average cost
3832 per square foot of new construction for all schools.

3833 Reviser's note.—Amended to delete provisions that
3834 have served their purposes.

3835 Section 112. This act shall take effect on the 60th day
3836 after adjournment sine die of the session of the Legislature in
3837 which enacted.