

By Senator Benacquisto

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 14.20195, 16.618, 20.23, 27.52, 27.53, 27.710,
 4 28.22205, 28.35, 28.36, 39.821, 61.125, 63.212,
 5 68.096, 73.015, 97.053, 101.161, 101.657, 110.233,
 6 112.63, 117.021, 117.245, 117.265, 121.051, 161.74,
 7 163.3178, 163.356, 166.0493, 177.503, 185.35, 186.801,
 8 196.011, 206.11, 211.3103, 212.06, 212.08, 212.186,
 9 212.20, 213.053, 220.02, 220.13, 220.193, 252.365,
 10 259.037, 265.707, 282.318, 287.055, 287.09451,
 11 287.134, 288.955, 295.016, 295.017, 295.13, 298.225,
 12 316.193, 316.306, 316.5501, 318.18, 319.14, 320.08058,
 13 320.77, 320.771, 320.8225, 320.8251, 328.72, 343.922,
 14 350.113, 364.10, 365.172, 369.305, 373.4592, 376.301,
 15 376.3071, 376.86, 377.703, 379.2291, 379.245, 379.366,
 16 379.372, 381.02035, 381.986, 383.2162, 393.115,
 17 394.499, 395.1041, 395.40, 400.063, 400.191, 402.22,
 18 403.703, 403.7065, 403.8163, 403.854, 408.036,
 19 408.7057, 408.809, 409.964, 409.971, 409.978, 411.226,
 20 411.228, 413.271, 420.9071, 420.9075, 429.55,
 21 430.0402, 440.103, 443.131, 446.021, 458.3475,
 22 458.351, 459.0055, 459.023, 464.019, 465.0235,
 23 471.005, 480.046, 482.227, 491.009, 494.00611,
 24 497.262, 497.607, 506.20, 509.096, 526.143, 534.041,
 25 553.79, 553.791, 563.06, 578.11, 581.184, 607.0141,
 26 607.0732, 624.4055, 624.40711, 624.610, 625.091,
 27 625.161, 626.785, 626.9913, 626.99175, 626.992,
 28 627.021, 627.4133, 627.4147, 627.443, 627.6561,
 29 634.061, 636.228, 641.31, 641.3155, 651.105, 695.27,

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30 716.02, 732.603, 760.80, 768.042, 768.1326, 768.21,
 31 774.203, 790.333, 810.011, 843.085, 900.05, 944.613,
 32 948.062, 1002.385, 1003.52, 1004.435, 1004.79,
 33 1006.63, 1007.271, 1009.22, 1009.531, 1011.32,
 34 1011.45, 1013.45, 1013.735, F.S.; reenacting and
 35 amending s. 1002.395, F.S.; reenacting ss. 112.31455,
 36 121.71, 282.201, 960.07, 985.26, and 985.265, F.S.;
 37 and repealing ss. 316.0896 and 335.067, F.S.; deleting
 38 provisions that have expired, have become obsolete,
 39 have had their effect, have served their purpose, or
 40 have been impliedly repealed or superseded; replacing
 41 incorrect cross-references and citations; correcting
 42 grammatical, typographical, and like errors; removing
 43 inconsistencies, redundancies, and unnecessary
 44 repetition in the statutes; and improving the clarity
 45 of the statutes and facilitating their correct
 46 interpretation; providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Paragraph (d) of subsection (2) of section
 51 14.20195, Florida Statutes, is amended to read:

52 14.20195 Suicide Prevention Coordinating Council; creation;
 53 membership; duties.—There is created within the Statewide Office
 54 for Suicide Prevention a Suicide Prevention Coordinating
 55 Council. The council shall develop strategies for preventing
 56 suicide.

57 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
 58 shall consist of 27 voting members and one nonvoting member.

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59 ~~(d) For the members appointed by the director of the~~
60 ~~Statewide Office for Suicide Prevention, seven members shall be~~
61 ~~appointed to initial terms of 3 years, and seven members shall~~
62 ~~be appointed to initial terms of 4 years. For the members~~
63 ~~appointed by the Governor, two members shall be appointed to~~
64 ~~initial terms of 4 years, and two members shall be appointed to~~
65 ~~initial terms of 3 years. Thereafter, such Members shall be~~
66 appointed to terms of 4 years. Any vacancy on the coordinating
67 council shall be filled in the same manner as the original
68 appointment, and any member who is appointed to fill a vacancy
69 occurring because of death, resignation, or ineligibility for
70 membership shall serve only for the unexpired term of the
71 member's predecessor. A member is eligible for reappointment.
72 Reviser's note.—Amended to delete obsolete language.

73 Section 2. Subsection (9) of section 16.618, Florida
74 Statutes, is amended to read:

75 16.618 Direct-support organization.—

76 (9) A departmental employee, a direct-support organization
77 or council employee, a volunteer, or a director of ~~or~~ a
78 designated program may not:

79 (a) Receive a commission, fee, or financial benefit in
80 connection with serving on the council; or

81 (b) Be a business associate of any individual, firm, or
82 organization involved in the sale or the exchange of real or
83 personal property to the direct-support organization, the
84 council, or a designated program.

85 Reviser's note.—Amended to confirm the editorial substitution of
86 the word "of" for the word "or" to conform to context.

87 Section 3. Paragraph (b) of subsection (2) of section

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88 20.23, Florida Statutes, is amended to read:

89 20.23 Department of Transportation.—There is created a
90 Department of Transportation which shall be a decentralized
91 agency.

92 (2)

93 (b) The commission shall:

94 1. Recommend major transportation policies for the
95 Governor's approval and assure that approved policies and any
96 revisions are properly executed.

97 2. Periodically review the status of the state
98 transportation system including highway, transit, rail, seaport,
99 intermodal development, and aviation components of the system
100 and recommend improvements to the Governor and the Legislature.

101 3. Perform an in-depth evaluation of the annual department
102 budget request, the Florida Transportation Plan, and the
103 tentative work program for compliance with all applicable laws
104 and established departmental policies. Except as specifically
105 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
106 not consider individual construction projects, but shall
107 consider methods of accomplishing the goals of the department in
108 the most effective, efficient, and businesslike manner.

109 4. Monitor the financial status of the department on a
110 regular basis to assure that the department is managing revenue
111 and bond proceeds responsibly and in accordance with law and
112 established policy.

113 5. Monitor on at least a quarterly basis, the efficiency,
114 productivity, and management of the department using performance
115 and production standards developed by the commission pursuant to
116 s. 334.045.

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117 6. Perform an in-depth evaluation of the factors causing
118 disruption of project schedules in the adopted work program and
119 recommend to the Governor and the Legislature methods to
120 eliminate or reduce the disruptive effects of these factors.

121 7. Recommend to the Governor and the Legislature
122 improvements to the department's organization in order to
123 streamline and optimize the efficiency of the department. In
124 reviewing the department's organization, the commission shall
125 determine if the current district organizational structure is
126 responsive to this state's changing economic and demographic
127 development patterns. The ~~initial~~ report by the commission must
128 be delivered to the Governor and the Legislature by December 15,
129 ~~2000, and each year thereafter~~, as appropriate. The commission
130 may retain experts as necessary to carry out this subparagraph,
131 and the department shall pay the expenses of the experts.

132 8. Monitor the efficiency, productivity, and management of
133 the agencies and authorities created under chapters 348 and 349;
134 the Mid-Bay Bridge Authority re-created pursuant to chapter
135 2000-411, Laws of Florida; and any authority formed under
136 chapter 343. The commission shall also conduct periodic reviews
137 of each agency's and authority's operations and budget,
138 acquisition of property, management of revenue and bond
139 proceeds, and compliance with applicable laws and generally
140 accepted accounting principles.

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

142 Section 4. Paragraph (d) of subsection (1) of section
143 27.52, Florida Statutes, is amended to read:

144 27.52 Determination of indigent status.—

145 (1) APPLICATION TO THE CLERK.—A person seeking appointment

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146 of a public defender under s. 27.51 based upon an inability to
147 pay must apply to the clerk of the court for a determination of
148 indigent status using an application form developed by the
149 Florida Clerks of Court Operations Corporation with final
150 approval by the Supreme Court.

151 (d) All application fees collected by the clerk under this
152 section shall be transferred monthly by the clerk to the
153 Department of Revenue for deposit in the Indigent Criminal
154 Defense Trust Fund administered by the Justice Administrative
155 Commission, to be used ~~to~~ as appropriated by the Legislature.
156 The clerk may retain 2 percent of application fees collected
157 monthly for administrative costs from which the clerk shall
158 remit \$0.20 from each application fee to the Department of
159 Revenue for deposit into the General Revenue Fund prior to
160 remitting the remainder to the Department of Revenue for deposit
161 in the Indigent Criminal Defense Trust Fund.

162 Reviser's note.—Amended to confirm the editorial deletion of the
163 word "to" to improve clarity.

164 Section 5. Subsection (4) of section 27.53, Florida
165 Statutes, is amended to read:

166 27.53 Appointment of assistants and other staff; method of
167 payment.—

168 (4) The five criminal conflict and civil regional counsel
169 may employ and establish, in the numbers authorized by the
170 General Appropriations Act, assistant regional counsel and other
171 staff and personnel in each judicial district pursuant to s.
172 29.006, who shall be paid from funds appropriated for that
173 purpose. Notwithstanding s. 790.01, s. 790.02, or s.
174 790.25(2)(a), an investigator employed by an office of criminal

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175 conflict and civil regional counsel, while actually carrying out
176 official duties, is authorized to carry concealed weapons if the
177 investigator complies with s. 790.25(3)(o). However, such
178 investigators are not eligible for membership in the Special
179 Risk Class of the Florida Retirement System. The five regional
180 counsel shall jointly develop recommended modifications to the
181 classification plan and the salary and benefits plan for the
182 Justice Administrative Commission. The recommendations shall be
183 submitted to the commission, the office of the President of the
184 Senate, and the office of the Speaker of the House of
185 Representatives ~~by September 15, 2007, for the regional offices'~~
186 ~~initial establishment and~~ before January 1 of each year
187 ~~thereafter~~. Such recommendations shall be developed in
188 accordance with policies and procedures of the Executive Office
189 of the Governor established in s. 216.181. Each assistant
190 regional counsel appointed by the regional counsel under this
191 section shall serve at the pleasure of the regional counsel.
192 Each investigator employed by the regional counsel shall have
193 full authority to serve any witness subpoena or court order
194 issued by any court or judge in a criminal case in which the
195 regional counsel has been appointed to represent the accused.
196 Reviser's note.—Amended to delete obsolete language.

197 Section 6. Subsection (5) of section 27.710, Florida
198 Statutes, is amended to read:

199 27.710 Registry of attorneys applying to represent persons
200 in postconviction capital collateral proceedings; certification
201 of minimum requirements; appointment by trial court.—

202 (5) (a) Upon the motion of the capital collateral regional
203 counsel to withdraw ~~pursuant to s. 924.056(1)(a); or~~

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204 (b) Upon notification by the state attorney or the Attorney
205 General that:

206 1. Thirty days have elapsed since appointment of the
207 capital collateral regional counsel and no entry of appearance
208 has been filed ~~pursuant to s. 924.056~~; or

209 2. A person under sentence of death who was previously
210 represented by private counsel is currently unrepresented in a
211 postconviction capital collateral proceeding,

212
213 the executive director shall immediately notify the trial court
214 that imposed the sentence of death that the court must
215 immediately appoint an attorney, selected from the current
216 registry, to represent such person in collateral actions
217 challenging the legality of the judgment and sentence in the
218 appropriate state and federal courts. The court shall have the
219 authority to strike a notice of appearance filed by a Capital
220 Collateral Regional Counsel, if the court finds the notice was
221 not filed in good faith and may so notify the executive director
222 that the client is no longer represented by the Office of
223 Capital Collateral Regional Counsel. In making an assignment,
224 the court shall give priority to attorneys whose experience and
225 abilities in criminal law, especially in capital proceedings,
226 are known by the court to be commensurate with the
227 responsibility of representing a person sentenced to death. The
228 trial court must issue an order of appointment which contains
229 specific findings that the appointed counsel meets the statutory
230 requirements and has the high ethical standards necessary to
231 represent a person sentenced to death.

232 Reviser's note.—Amended to delete references to s. 924.056; the

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233 section was substantially reworded by s. 14, ch. 2013-216,
234 Laws of Florida, and no longer contains material relevant
235 to the text of s. 27.710(5).

236 Section 7. Section 28.22205, Florida Statutes, is amended
237 to read:

238 28.22205 Electronic filing process.—Each clerk of court
239 shall implement an electronic filing process. The purpose of the
240 electronic filing process is to reduce judicial costs in the
241 office of the clerk and the judiciary, increase timeliness in
242 the processing of cases, and provide the judiciary with case-
243 related information to allow for improved judicial case
244 management. The Legislature requests that, ~~no later than July 1,~~
245 ~~2009,~~ the Supreme Court set statewide standards for electronic
246 filing to be used by the clerks of court to implement electronic
247 filing. The standards should specify the required information
248 for the duties of the clerks of court and the judiciary for case
249 management. Revenues provided to counties and the clerk of court
250 under s. 28.24(12)(e) for information technology may also be
251 used to implement electronic filing processes.

252 Reviser's note.—Amended to delete obsolete language.

253 Section 8. Paragraph (f) of subsection (2) of section
254 28.35, Florida Statutes, is amended to read:

255 28.35 Florida Clerks of Court Operations Corporation.—

256 (2) The duties of the corporation shall include the
257 following:

258 (f) Approving the proposed budgets submitted by clerks of
259 the court pursuant to s. 28.36. The corporation must ensure that
260 the total combined budgets of the clerks of the court do not
261 exceed the total estimated revenues from fees, service charges,

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262 costs, and fines for court-related functions available for
263 court-related expenditures as determined by the most recent
264 Revenue Estimating Conference, plus the total of unspent
265 budgeted funds for court-related functions carried forward by
266 the clerks of the court from the previous county fiscal year and
267 plus the balance of funds remaining in the Clerks ~~Clerk~~ of the
268 Court Trust Fund after the transfer of funds to the General
269 Revenue Fund required pursuant to s. 28.37(3)(b). The
270 corporation may amend any individual clerk of the court budget
271 to ensure compliance with this paragraph and must consider
272 performance measures, workload performance standards, workload
273 measures, and expense data before modifying the budget. As part
274 of this process, the corporation shall:

275 1. Calculate the minimum amount of revenue necessary for
276 each clerk of the court to efficiently perform the list of
277 court-related functions specified in paragraph (3)(a). The
278 corporation shall apply the workload measures appropriate for
279 determining the individual level of review required to fund the
280 clerk's budget.

281 2. Prepare a cost comparison of similarly situated clerks
282 of the court, based on county population and numbers of filings,
283 using the standard list of court-related functions specified in
284 paragraph (3)(a).

285 3. Conduct an annual base budget review and an annual
286 budget exercise examining the total budget of each clerk of the
287 court. The review shall examine revenues from all sources,
288 expenses of court-related functions, and expenses of noncourt-
289 related functions as necessary to determine that court-related
290 revenues are not being used for noncourt-related purposes. The

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291 review and exercise shall identify potential targeted budget
292 reductions in the percentage amount provided in Schedule VIII-B
293 of the state's previous year's legislative budget instructions,
294 as referenced in s. 216.023(3), or an equivalent schedule or
295 instruction as may be adopted by the Legislature.

296 4. Identify those proposed budgets containing funding for
297 items not included on the standard list of court-related
298 functions specified in paragraph (3)(a).

299 5. Identify those clerks projected to have court-related
300 revenues insufficient to fund their anticipated court-related
301 expenditures.

302 6. Use revenue estimates based on the official estimate for
303 funds from fees, service charges, costs, and fines for court-
304 related functions accruing to the clerks of the court made by
305 the Revenue Estimating Conference, as well as any unspent
306 budgeted funds for court-related functions carried forward by
307 the clerks of the court from the previous county fiscal year and
308 the balance of funds remaining in the Clerks ~~Clerk~~ of the Court
309 Trust Fund after the transfer of funds to the General Revenue
310 Fund required pursuant to s. 28.37(3)(b).

311 7. Identify pay and benefit increases in any proposed clerk
312 budget, including, but not limited to, cost of living increases,
313 merit increases, and bonuses.

314 8. Identify increases in anticipated expenditures in any
315 clerk budget that exceeds the current year budget by more than 3
316 percent.

317 9. Identify the budget of any clerk which exceeds the
318 average budget of similarly situated clerks by more than 10
319 percent.

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320
321 For the purposes of this paragraph, the term "unspent budgeted
322 funds for court-related functions" means undisbursed funds
323 included in the clerks of the courts budgets for court-related
324 functions established pursuant to this section and s. 28.36.
325 Reviser's note.—Amended to confirm the editorial substitution of
326 the word "Clerks" for the word "Clerk" to conform to the
327 correct name of the trust fund.

328 Section 9. Paragraph (b) of subsection (2) of section
329 28.36, Florida Statutes, is amended to read:

330 28.36 Budget procedure.—There is established a budget
331 procedure for the court-related functions of the clerks of the
332 court.

333 (2) Each proposed budget shall further conform to the
334 following requirements:

335 (b) The proposed budget must be balanced such that the
336 total of the estimated revenues available equals or exceeds the
337 total of the anticipated expenditures. Such revenues include
338 revenue projected to be received from fees, service charges,
339 costs, and fines for court-related functions during the fiscal
340 period covered by the budget, plus the total of unspent budgeted
341 funds for court-related functions carried forward by the clerk
342 of the court from the previous county fiscal year and plus the
343 portion of the balance of funds remaining in the Clerks ~~Clerk~~ of
344 the Court Trust Fund after the transfer of funds to the General
345 Revenue Fund required pursuant to s. 28.37(3)(b) which has been
346 allocated to each respective clerk of the court by the Florida
347 Clerks of Court Operations ~~Clerk of Courts~~ Corporation. For the
348 purposes of this paragraph, the term "unspent budgeted funds for

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349 court-related functions" means undisbursed funds included in the
350 clerk of the courts' budget for court related functions
351 established pursuant to s. 28.35 and this section. The
352 anticipated expenditures must be itemized as required by the
353 corporation.

354 Reviser's note.—Amended to confirm the editorial substitution of
355 the word "Clerks" for the word "Clerk" to conform to the
356 correct name of the Clerks of the Court Trust Fund; also
357 amended to correct a reference to conform to s. 28.35,
358 which created the Florida Clerks of Court Operations
359 Corporation.

360 Section 10. Subsection (1) of section 39.821, Florida
361 Statutes, as amended by section 20 of chapter 2010-162, Laws of
362 Florida, and by section 2 of chapter 2010-114, Laws of Florida,
363 is amended to read:

364 39.821 Qualifications of guardians ad litem.—

365 (1) Because of the special trust or responsibility placed
366 in a guardian ad litem, the Guardian Ad Litem Program may use
367 any private funds collected by the program, or any state funds
368 so designated, to conduct a security background investigation
369 before certifying a volunteer to serve. A security background
370 investigation must include, but need not be limited to,
371 employment history checks, checks of references, local criminal
372 history records checks through local law enforcement agencies,
373 and statewide criminal history records checks through the
374 Department of Law Enforcement. Upon request, an employer shall
375 furnish a copy of the personnel record for the employee or
376 former employee who is the subject of a security background
377 investigation conducted under this section. The information

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378 contained in the personnel record may include, but need not be
379 limited to, disciplinary matters and the reason why the employee
380 was terminated from employment. An employer who releases a
381 personnel record for purposes of a security background
382 investigation is presumed to have acted in good faith and is not
383 liable for information contained in the record without a showing
384 that the employer maliciously falsified the record. A security
385 background investigation conducted under this section must
386 ensure that a person is not certified as a guardian ad litem if
387 the person has an arrest awaiting final disposition for, been
388 convicted of, regardless of adjudication, entered a plea of nolo
389 contendere or guilty to, or been adjudicated delinquent and the
390 record has not been sealed or expunged for, any offense
391 prohibited under the provisions listed in s. 435.04. All
392 applicants ~~certified on or after July 1, 2010,~~ must undergo a
393 level 2 background screening pursuant to chapter 435 before
394 being certified to serve as a guardian ad litem. In analyzing
395 and evaluating the information obtained in the security
396 background investigation, the program must give particular
397 emphasis to past activities involving children, including, but
398 not limited to, child-related criminal offenses or child abuse.
399 The program has sole discretion in determining whether to
400 certify a person based on his or her security background
401 investigation. The information collected pursuant to the
402 security background investigation is confidential and exempt
403 from s. 119.07(1).

404 Reviser's note.—Amended to delete obsolete language. Section 20,
405 ch. 2010-162, Laws of Florida, provided for a July 1, 2010,
406 start date; s. 2, ch. 2010-114, Laws of Florida, provided

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407 an August 1, 2010, date.

408 Section 11. Subsection (1) of section 61.125, Florida
409 Statutes, is reordered and amended to read:

410 61.125 Parenting coordination.—

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

412 (a) "Communication" means an oral or written statement, or
413 nonverbal conduct intended to make an assertion, by or to a
414 parenting coordinator, a participant, or a party made during
415 parenting coordination, or before parenting coordination if made
416 in furtherance of the parenting coordination process. The term
417 does not include the commission of a crime during parenting
418 coordination.

419 (b) "Office" means the Office of the State Courts
420 Administrator.

421 (c)~~(d)~~ "Parenting coordination" means a nonadversarial
422 dispute resolution process that is court ordered or agreed upon
423 by the parties.

424 (d)~~(e)~~ "Parenting coordinator" means an impartial third
425 party appointed by the court or agreed to by the parties whose
426 role is to assist the parties in successfully creating or
427 implementing a parenting plan.

428 (e)~~(f)~~ "Parenting Coordinator Review Board" means the board
429 appointed by the Chief Justice of the Florida Supreme Court to
430 consider complaints against qualified and court-appointed
431 parenting coordinators.

432 (f)~~(e)~~ "Participant" means any individual involved in the
433 parenting coordination process, other than the parenting
434 coordinator and the named parties, who takes part in an event in
435 person or by telephone, videoconference, or other electronic

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436 means.

437 (g) "Party" means a person participating directly, or
438 through a designated representative, in parenting coordination.
439 Reviser's note.—Amended to place paragraph (c) in alphabetical
440 order.

441 Section 12. Paragraph (h) of subsection (1) of section
442 63.212, Florida Statutes, is amended to read:

443 63.212 Prohibited acts; penalties for violation.—

444 (1) It is unlawful for any person:

445 (h) To contract for the purchase, sale, or transfer of
446 custody or parental rights in connection with any child, in
447 connection with any fetus yet unborn, or in connection with any
448 fetus identified in any way but not yet conceived, in return for
449 any valuable consideration. Any such contract is void and
450 unenforceable as against the public policy of this state.

451 However, fees, costs, and other incidental payments made in
452 accordance with statutory provisions for adoption, foster care,
453 and child welfare are permitted, and a person may agree to pay
454 expenses in connection with a preplanned adoption agreement as
455 specified in s. 63.213 below, but the payment of such expenses
456 may not be conditioned upon the transfer of parental rights.
457 Each petition for adoption which is filed in connection with a
458 preplanned adoption agreement must clearly identify the adoption
459 as a preplanned adoption arrangement and must include a copy of
460 the preplanned adoption agreement for review by the court.

461 Reviser's note.—Amended to conform to the fact that the language
462 "as specified below" referenced subparagraphs 1.-6. of
463 paragraph (h), which were stricken from the paragraph,
464 leaving only the introductory paragraph, by s. 35, ch.

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465 2003-58, Laws of Florida; s. 63.213, created by s. 36, ch.
466 2003-58, contains the material excised from s. 63.212(1)(h)
467 by s. 35 of that law.

468 Section 13. Subsection (2) of section 68.096, Florida
469 Statutes, is amended to read:

470 68.096 Definitions.—For purposes of this act:

471 (2) "Eligible client" means a person whose income is equal
472 to or below 150 percent of the then-current federal poverty
473 guidelines prescribed for the size of the household of the
474 person seeking assistance by the United States Department of
475 Health and Human Services or disabled veterans who are in
476 receipt of, or eligible to receive, United States Department of
477 Veterans Affairs ~~Veterans Administration~~ pension benefits or
478 supplemental security income.

479 Reviser's note.—Amended to conform to the renaming of the
480 Veterans Administration as the United States Department of
481 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

482 Section 14. Subsections (1) and (2) of section 73.015,
483 Florida Statutes, are amended to read:

484 73.015 Presuit negotiation.—

485 (1) ~~Effective July 1, 2000,~~ Before an eminent domain
486 proceeding is brought under this chapter or chapter 74, the
487 condemning authority must attempt to negotiate in good faith
488 with the fee owner of the parcel to be acquired, must provide
489 the fee owner with a written offer and, if requested, a copy of
490 the appraisal upon which the offer is based, and must attempt to
491 reach an agreement regarding the amount of compensation to be
492 paid for the parcel.

493 (a) No later than the time the initial written or oral

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494 offer of compensation for acquisition is made to the fee owner,
495 the condemning authority must notify the fee owner of the
496 following:

497 1. That all or a portion of his or her property is
498 necessary for a project.

499 2. The nature of the project for which the parcel is
500 considered necessary, and the parcel designation of the property
501 to be acquired.

502 3. That, within 15 business days after receipt of a request
503 by the fee owner, the condemning authority will provide a copy
504 of the appraisal report upon which the offer to the fee owner is
505 based; copies, to the extent prepared, of the right-of-way maps
506 or other documents that depict the proposed taking; and copies,
507 to the extent prepared, of the construction plans that depict
508 project improvements to be constructed on the property taken and
509 improvements to be constructed adjacent to the remaining
510 property, including, but not limited to, plan, profile, cross-
511 section, drainage, and pavement marking sheets, and driveway
512 connection detail. The condemning authority shall provide any
513 additional plan sheets within 15 days of request.

514 4. The fee owner's statutory rights under ss. 73.091 and
515 73.092, or alternatively provide copies of these provisions of
516 law.

517 5. The fee owner's rights and responsibilities under
518 paragraphs (b) and (c) and subsection (4), or alternatively
519 provide copies of these provisions of law.

520 (b) The condemning authority must provide a written offer
521 of compensation to the fee owner as to the value of the property
522 sought to be appropriated and, where less than the entire

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523 property is sought to be appropriated, any damages to the
524 remainder caused by the taking. The owner must be given at least
525 30 days after either receipt of the notice or the date the
526 notice is returned as undeliverable by the postal authorities to
527 respond to the offer, before the condemning authority files a
528 condemnation proceeding for the parcel identified in the offer.

529 (c) The notice and written offer must be sent by certified
530 mail, return receipt requested, to the fee owner's last known
531 address listed on the county ad valorem tax roll. Alternatively,
532 the notice and written offer may be personally delivered to the
533 fee owner of the property. If there is more than one owner of a
534 property, notice to one owner constitutes notice to all owners
535 of the property. The return of the notice as undeliverable by
536 the postal authorities constitutes compliance with this
537 provision. The condemning authority is not required to give
538 notice or a written offer to a person who acquires title to the
539 property after the notice required by this section has been
540 given.

541 (d) Notwithstanding this subsection, with respect to lands
542 acquired under s. 253.025, the condemning authority is not
543 required to give the fee owner the current appraisal before
544 executing an option contract.

545 (2) ~~Effective July 1, 2000,~~ Before an eminent domain
546 proceeding is brought under this chapter or chapter 74 by the
547 Department of Transportation or by a county, municipality,
548 board, district, or other public body for the condemnation of
549 right-of-way, the condemning authority must make a good faith
550 effort to notify the business owners, including lessees, who
551 operate a business located on the property to be acquired.

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552 (a) The condemning authority must notify the business owner
553 of the following:

554 1. That all or a portion of his or her property is
555 necessary for a project.

556 2. The nature of the project for which the parcel is
557 considered necessary, and the parcel designation of the property
558 to be acquired.

559 3. That, within 15 business days after receipt of a request
560 by the business owner, the condemning authority will provide a
561 copy of the appraisal report upon which the offer to the fee
562 owner is based; copies, to the extent prepared, of the right-of-
563 way maps or other documents that depict the proposed taking; and
564 copies, to the extent prepared, of the construction plans that
565 depict project improvements to be constructed on the property
566 taken and improvements to be constructed adjacent to the
567 remaining property, including, but not limited to, plan,
568 profile, cross-section, drainage, pavement marking sheets, and
569 driveway connection detail. The condemning authority shall
570 provide any additional plan sheets within 15 days of request.

571 4. The business owner's statutory rights under ss. 73.071,
572 73.091, and 73.092.

573 5. The business owner's rights and responsibilities under
574 paragraphs (b) and (c) and subsection (4).

575 (b) The notice must be made subsequent to or concurrent
576 with the condemning authority's making the written offer of
577 compensation to the fee owner pursuant to subsection (1). The
578 notice must be sent by certified mail, return receipt requested,
579 to the address of the registered agent for the business located
580 on the property to be acquired, or if no agent is registered, by

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581 certified mail or personal delivery to the address of the
582 business located on the property to be acquired. Notice to one
583 owner of a multiple ownership business constitutes notice to all
584 business owners of that business. The return of the notice as
585 undeliverable by the postal authorities constitutes compliance
586 with these provisions. The condemning authority is not required
587 to give notice to a person who acquires an interest in the
588 business after the notice required by this section has been
589 given. Once notice has been made to business owners under this
590 subsection, the condemning authority may file a condemnation
591 proceeding pursuant to chapter 73 or chapter 74 for the property
592 identified in the notice.

593 (c) If the business qualifies for business damages pursuant
594 to s. 73.071(3)(b) and the business intends to claim business
595 damages, the business owner must, within 180 days after either
596 receipt of the notice or the date the notice is returned as
597 undeliverable by the postal authorities, or at a later time
598 mutually agreed to by the condemning authority and the business
599 owner, submit to the condemning authority a good faith written
600 offer to settle any claims of business damage. The written offer
601 must be sent to the condemning authority by certified mail,
602 return receipt requested. Absent a showing of a good faith
603 justification for the failure to submit a business damage offer
604 within 180 days, the court must strike the business owner's
605 claim for business damages in any condemnation proceeding. If
606 the court finds that the business owner has made a showing of a
607 good faith justification for the failure to timely submit a
608 business damage offer, the court shall grant the business owner
609 up to 180 days within which to submit a business damage offer,

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610 which the condemning authority must respond to within 120 days.

611 1. The business damage offer must include an explanation of
612 the nature, extent, and monetary amount of such damage and must
613 be prepared by the owner, a certified public accountant, or a
614 business damage expert familiar with the nature of the
615 operations of the owner's business. The business owner shall
616 also provide to the condemning authority copies of the owner's
617 business records that substantiate the good faith offer to
618 settle the business damage claim. If additional information is
619 needed beyond data that may be obtained from business records
620 existing at the time of the offer, the business owner and
621 condemning authority may agree on a schedule for the submission
622 of such information.

623 2. As used in this paragraph, the term "business records"
624 includes, but is not limited to, copies of federal income tax
625 returns, federal income tax withholding statements, federal
626 miscellaneous income tax statements, state sales tax returns,
627 balance sheets, profit and loss statements, and state corporate
628 income tax returns for the 5 years preceding notification which
629 are attributable to the business operation on the property to be
630 acquired, and other records relied upon by the business owner
631 that substantiate the business damage claim.

632 (d) Within 120 days after receipt of the good faith
633 business damage offer and accompanying business records, the
634 condemning authority must, by certified mail, accept or reject
635 the business owner's offer or make a counteroffer. Failure of
636 the condemning authority to respond to the business damage
637 offer, or rejection thereof pursuant to this section, must be
638 deemed to be a counteroffer of zero dollars for purposes of

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639 subsequent application of s. 73.092(1).

640 Reviser's note.—Amended to delete obsolete language.

641 Section 15. Paragraph (a) of subsection (5) of section
642 97.053, Florida Statutes, is amended to read:

643 97.053 Acceptance of voter registration applications.—

644 (5) (a) A voter registration application is complete if it
645 contains the following information necessary to establish the
646 applicant's eligibility pursuant to s. 97.041, including:

647 1. The applicant's name.

648 2. The applicant's address of legal residence, including a
649 distinguishing apartment, suite, lot, room, or dormitory room
650 number or other identifier, if appropriate. Failure to include a
651 distinguishing apartment, suite, lot, room, or dormitory room or
652 other identifier on a voter registration application does not
653 impact a voter's eligibility to register to vote or cast a
654 ballot, and such an omission may not serve as the basis for a
655 challenge to a voter's eligibility or reason to not count a
656 ballot.

657 3. The applicant's date of birth.

658 4. A mark in the checkbox affirming that the applicant is a
659 citizen of the United States.

660 5.a. The applicant's current and valid Florida driver
661 license number or the identification number from a Florida
662 identification card issued under s. 322.051, or

663 b. If the applicant has not been issued a current and valid
664 Florida driver license or a Florida identification card, the
665 last four digits of the applicant's social security number.

666

667 In case an applicant has not been issued a current and valid

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668 Florida driver license, Florida identification card, or social
669 security number, the applicant shall affirm this fact in the
670 manner prescribed in the uniform statewide voter registration
671 application.

672 6. A mark in the applicable checkbox affirming that the
673 applicant has not been convicted of a felony or that, if
674 convicted, has had his or her civil rights restored through
675 executive clemency, or has had his or her voting rights restored
676 pursuant to s. 4, Art. VI of the State Constitution.

677 7. A mark in the checkbox affirming that the applicant has
678 not been adjudicated mentally incapacitated with respect to
679 voting or that, if so adjudicated, has had his or her right to
680 vote restored.

681 8. The original signature or a digital signature
682 transmitted by the Department of Highway Safety and Motor
683 Vehicles of the applicant swearing or affirming under the
684 penalty for false swearing pursuant to s. 104.011 that the
685 information contained in the registration application is true
686 and subscribing to the oath required by s. 3, Art. VI of the
687 State Constitution and s. 97.051.

688 Reviser's note.—Amended to confirm the editorial insertion of
689 the word "to" to improve clarity.

690 Section 16. Subsection (1) of section 101.161, Florida
691 Statutes, is amended to read:

692 101.161 Referenda; ballots.—

693 (1) Whenever a constitutional amendment or other public
694 measure is submitted to the vote of the people, a ballot summary
695 of such amendment or other public measure shall be printed in
696 clear and unambiguous language on the ballot after the list of

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697 candidates, followed by the word "yes" and also by the word
698 "no," and shall be styled in such a manner that a "yes" vote
699 will indicate approval of the proposal and a "no" vote will
700 indicate rejection. The ballot summary of the amendment or other
701 public measure and the ballot title to appear on the ballot
702 shall be embodied in the constitutional revision commission
703 proposal, constitutional convention proposal, taxation and
704 budget reform commission proposal, or enabling resolution or
705 ordinance. The ballot summary of the amendment or other public
706 measure shall be an explanatory statement, not exceeding 75
707 words in length, of the chief purpose of the measure. In
708 addition, for every amendment proposed by initiative, the ballot
709 shall include, following the ballot summary, a separate
710 financial impact statement concerning the measure prepared by
711 the Financial Impact Estimating Conference in accordance with s.
712 100.371(13) ~~100.371(5)~~. The ballot title shall consist of a
713 caption, not exceeding 15 words in length, by which the measure
714 is commonly referred to or spoken of. This subsection does not
715 apply to constitutional amendments or revisions proposed by
716 joint resolution.

717 Reviser's note.—Amended to conform to the redesignation of s.
718 100.371(5) as s. 100.371(13) by s. 3, ch. 2019-64, Laws of
719 Florida.

720 Section 17. Paragraph (a) of subsection (1) of section
721 101.657, Florida Statutes, is amended to read:

722 101.657 Early voting.—

723 (1) (a) As a convenience to the voter, the supervisor of
724 elections shall allow an elector to vote early in the main or
725 branch office of the supervisor. The supervisor shall mark,

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726 code, indicate on, or otherwise track the voter's precinct for
727 each early voted ballot. In order for a branch office to be used
728 for early voting, it shall be a permanent facility of the
729 supervisor and shall have been designated and used as such for
730 at least 1 year prior to the election. The supervisor may also
731 designate any city hall, permanent public library facility,
732 fairground, civic center, courthouse, county commission
733 building, stadium, convention center, government-owned senior
734 center, or government-owned community center as an early voting
735 site ~~sites~~; however, if so designated, the sites must be
736 geographically located so as to provide all voters in the county
737 an equal opportunity to cast a ballot, insofar as is
738 practicable, and must provide sufficient nonpermitted parking to
739 accommodate the anticipated amount of voters. In addition, a
740 supervisor may designate one early voting site per election in
741 an area of the county that does not have any of the eligible
742 early voting locations. Such additional early voting site must
743 be geographically located so as to provide all voters in that
744 area with an equal opportunity to cast a ballot, insofar as is
745 practicable, and must provide sufficient nonpermitted parking to
746 accommodate the anticipated amount of voters. Each county shall,
747 at a minimum, operate the same total number of early voting
748 sites for a general election which the county operated for the
749 2012 general election. The results or tabulation of votes cast
750 during early voting may not be made before the close of the
751 polls on election day. Results shall be reported by precinct.
752 Reviser's note.—Amended to improve sentence construction.

753 Section 18. Subsection (3) of section 110.233, Florida
754 Statutes, is amended to read:

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755 110.233 Political activities and unlawful acts prohibited.-

756 (3) No person shall, directly or indirectly, give, render,
757 pay, offer, solicit, or accept any money, service, or other
758 valuable consideration for or on account of any appointment,
759 proposed appointment, promotion or proposed promotion to, or any
760 advantage in, a position in the career service. ~~The provisions
761 of this subsection do not apply to a private employment agency
762 licensed pursuant to the provisions of chapter 449 when the
763 services of such private employment agency are requested by a
764 state agency, board, department, or commission and neither the
765 state nor any political subdivision pays the private employment
766 agency for such services.~~

767 Reviser's note.-Amended to delete obsolete language. Chapter 449
768 was repealed by s. 9, ch. 81-170, Laws of Florida.

769 Section 19. Section 112.31455, Florida Statutes, is
770 reenacted to read:

771 112.31455 Collection methods for unpaid automatic fines for
772 failure to timely file disclosure of financial interests.-

773 (1) Before referring any unpaid fine accrued pursuant to s.
774 112.3144(8) or s. 112.3145(8) to the Department of Financial
775 Services, the commission shall attempt to determine whether the
776 individual owing such a fine is a current public officer or
777 current public employee. If so, the commission may notify the
778 Chief Financial Officer or the governing body of the appropriate
779 county, municipality, district school board, or special district
780 of the total amount of any fine owed to the commission by such
781 individual.

782 (a) After receipt and verification of the notice from the
783 commission, the Chief Financial Officer or the governing body of

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784 the county, municipality, district school board, or special
785 district shall begin withholding the lesser of 10 percent or the
786 maximum amount allowed under federal law from any salary-related
787 payment. The withheld payments shall be remitted to the
788 commission until the fine is satisfied.

789 (b) The Chief Financial Officer or the governing body of
790 the county, municipality, district school board, or special
791 district may retain an amount of each withheld payment, as
792 provided in s. 77.0305, to cover the administrative costs
793 incurred under this section.

794 (2) If the commission determines that the individual who is
795 the subject of an unpaid fine accrued pursuant to s. 112.3144(8)
796 or s. 112.3145(8) is no longer a public officer or public
797 employee or if the commission is unable to determine whether the
798 individual is a current public officer or public employee, the
799 commission may, 6 months after the order becomes final, seek
800 garnishment of any wages to satisfy the amount of the fine, or
801 any unpaid portion thereof, pursuant to chapter 77. Upon
802 recording the order imposing the fine with the clerk of the
803 circuit court, the order shall be deemed a judgment for purposes
804 of garnishment pursuant to chapter 77.

805 (3) The commission may refer unpaid fines to the
806 appropriate collection agency, as directed by the Chief
807 Financial Officer, to utilize any collection methods provided by
808 law. Except as expressly limited by this section, any other
809 collection methods authorized by law are allowed.

810 (4) Action may be taken to collect any unpaid fine imposed
811 by ss. 112.3144 and 112.3145 within 20 years after the date the
812 final order is rendered.

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813 Reviser's note.—Section 5, ch. 2019-97, Laws of Florida, amended
814 s. 112.31455, but failed to incorporate the amendment by s.
815 3, ch. 2018-5, Laws of Florida, effective July 1, 2019.
816 Absent affirmative evidence of legislative intent to repeal
817 the July 1, 2019, amendment by s. 3, ch. 2018-5, the
818 section is reenacted to confirm the omission was not
819 intended.

820 Section 20. Subsection (2) of section 112.63, Florida
821 Statutes, is amended to read:

822 112.63 Actuarial reports and statements of actuarial
823 impact; review.—

824 (2) The frequency of actuarial reports must be at least
825 every 3 years commencing from the last actuarial report of the
826 plan or system ~~or October 1, 1980, if no actuarial report has~~
827 ~~been issued within the 3-year period prior to October 1, 1979.~~
828 The results of each actuarial report shall be filed with the
829 plan administrator within 60 days of certification. Thereafter,
830 the results of each actuarial report shall be made available for
831 inspection upon request. Additionally, each retirement system or
832 plan covered by this act which is not administered directly by
833 the Department of Management Services shall furnish a copy of
834 each actuarial report to the Department of Management Services
835 within 60 days after receipt from the actuary. The requirements
836 of this section are supplemental to actuarial valuations
837 necessary to comply with the requirements of s. 218.39.

838 Reviser's note.—Amended to delete obsolete language.

839 Section 21. Subsection (7) of section 117.021, Florida
840 Statutes, is amended to read:

841 117.021 Electronic notarization.—

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842 (7) The Department of State, in collaboration with the
843 Department of Management Services ~~Agency for State Technology,~~
844 shall adopt rules establishing standards for tamper-evident
845 technologies that will indicate any alteration or change to an
846 electronic record after completion of an electronic notarial
847 act. All electronic notarizations performed on or after January
848 1, 2020, must comply with the adopted standards.
849 Reviser's note.—Amended to conform to the repeal of s. 20.61,
850 which created the Agency for State Technology, by s. 5, ch.
851 2019-118, Laws of Florida, and the transfer of the agency's
852 duties to the Department of Management Services by ss. 1
853 and 3, ch. 2019-118.
854 Section 22. Subsection (5) of section 117.245, Florida
855 Statutes, is amended to read:
856 117.245 Electronic journal of online notarizations.—
857 (5) An omitted or incomplete entry in the electronic
858 journal does not impair the validity of the notarial act or of
859 the electronic record which was notarized, but may be introduced
860 as evidence to establish violations of this chapter; as evidence
861 of possible fraud, forgery, impersonation, duress, incapacity,
862 undue influence, minority, illegality, or unconscionability; or
863 for other evidentiary purposes. However, if the recording of the
864 audio-video communication required under subsection (2) relating
865 to the online notarization of the execution of an electronic
866 will cannot be produced by the online notary public or the
867 qualified custodian, the electronic will shall be treated as a
868 lost or destroyed will subject to s. 733.207.
869 Reviser's note.—Amended to confirm the editorial insertion of
870 the word "or" to improve clarity.

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871 Section 23. Subsection (9) of section 117.265, Florida
872 Statutes, is amended to read:

873 117.265 Online notarization procedures.—

874 (9) Any failure to comply with the online notarization
875 procedures set forth in this section does not impair the
876 validity of the notarial act or the electronic record that was
877 notarized, but may be introduced as evidence to establish
878 violations of this chapter or as an indication of possible
879 fraud, forgery, impersonation, duress, incapacity, undue
880 influence, minority, illegality, or unconscionability, or for
881 other evidentiary purposes. This subsection may not be construed
882 to alter the duty of an online notary public to comply with this
883 chapter and any rules adopted hereunder.

884 Reviser's note.—Amended to confirm the editorial insertion of
885 the word "or" to improve clarity.

886 Section 24. Paragraph (c) of subsection (2) of section
887 121.051, Florida Statutes, is amended to read:

888 121.051 Participation in the system.—

889 (2) OPTIONAL PARTICIPATION.—

890 (c) Employees of public community colleges or charter
891 technical career centers sponsored by public community colleges,
892 designated in s. 1000.21(3), who are members of the Regular
893 Class of the Florida Retirement System and who comply with the
894 criteria set forth in this paragraph and s. 1012.875 may, in
895 lieu of participating in the Florida Retirement System, elect to
896 withdraw from the system altogether and participate in the State
897 Community College System Optional Retirement Program provided by
898 the employing agency under s. 1012.875.

899 1.a. Through June 30, 2001, the cost to the employer for

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900 benefits under the optional retirement program equals the normal
901 cost portion of the employer retirement contribution which would
902 be required if the employee were a member of the pension plan's
903 Regular Class, plus the portion of the contribution rate
904 required by s. 112.363(8) which would otherwise be assigned to
905 the Retiree Health Insurance Subsidy Trust Fund.

906 b. Effective July 1, 2001, through June 30, 2011, each
907 employer shall contribute on behalf of each member of the
908 optional program an amount equal to 10.43 percent of the
909 employee's gross monthly compensation. The employer shall deduct
910 an amount for the administration of the program.

911 c. Effective July 1, 2011, through June 30, 2012, each
912 member shall contribute an amount equal to the employee
913 contribution required under s. 121.71(3). The employer shall
914 contribute on behalf of each program member an amount equal to
915 the difference between 10.43 percent of the employee's gross
916 monthly compensation and the employee's required contribution
917 based on the employee's gross monthly compensation.

918 d. Effective July 1, 2012, each member shall contribute an
919 amount equal to the employee contribution required under s.
920 121.71(3). The employer shall contribute on behalf of each
921 program member an amount equal to the difference between 8.15
922 percent of the employee's gross monthly compensation and the
923 employee's required contribution based on the employee's gross
924 monthly compensation.

925 e. The employer shall contribute an additional amount to
926 the Florida Retirement System Trust Fund equal to the unfunded
927 actuarial accrued liability portion of the Regular Class
928 contribution rate.

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929 2. The decision to participate in the optional retirement
930 program is irrevocable as long as the employee holds a position
931 eligible for participation, except as provided in subparagraph
932 3. Any service creditable under the Florida Retirement System is
933 retained after the member withdraws from the system; however,
934 additional service credit in the system may not be earned while
935 a member of the optional retirement program.

936 3. An employee who has elected to participate in the
937 optional retirement program shall have one opportunity, at the
938 employee's discretion, to transfer from the optional retirement
939 program to the pension plan of the Florida Retirement System or
940 to the investment plan established under part II of this
941 chapter, subject to the terms of the applicable optional
942 retirement program contracts.

943 a. If the employee chooses to move to the investment plan,
944 any contributions, interest, and earnings creditable to the
945 employee under the optional retirement program are retained by
946 the employee in the optional retirement program, and the
947 applicable provisions of s. 121.4501(4) govern the election.

948 b. If the employee chooses to move to the pension plan of
949 the Florida Retirement System, the employee shall receive
950 service credit equal to his or her years of service under the
951 optional retirement program.

952 (I) The cost for such credit is the amount representing the
953 present value of the employee's accumulated benefit obligation
954 for the affected period of service. The cost shall be calculated
955 as if the benefit commencement occurs on the first date the
956 employee becomes eligible for unreduced benefits, using the
957 discount rate and other relevant actuarial assumptions that were

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958 used to value the Florida Retirement System Pension Plan
959 liabilities in the most recent actuarial valuation. The
960 calculation must include any service already maintained under
961 the pension plan in addition to the years under the optional
962 retirement program. The present value of any service already
963 maintained must be applied as a credit to total cost resulting
964 from the calculation. The division must ensure that the transfer
965 sum is prepared using a formula and methodology certified by an
966 enrolled actuary.

967 (II) The employee must transfer from his or her optional
968 retirement program account and from other employee moneys as
969 necessary, a sum representing the present value of the
970 employee's accumulated benefit obligation immediately following
971 the time of such movement, determined assuming that attained
972 service equals the sum of service in the pension plan and
973 service in the optional retirement program.

974 4. Participation in the optional retirement program is
975 limited to employees who satisfy the following eligibility
976 criteria:

977 a. The employee is otherwise eligible for membership or
978 renewed membership in the Regular Class of the Florida
979 Retirement System, as provided in s. 121.021(11) and (12) or s.
980 121.122.

981 b. The employee is employed in a full-time position
982 classified in the Accounting Manual for Florida's College System
983 ~~Accounting Manual for Florida's Public Community Colleges~~ as:

984 (I) Instructional; or

985 (II) Executive Management, Instructional Management, or
986 Institutional Management and the community college determines

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987 that recruiting to fill a vacancy in the position is to be
988 conducted in the national or regional market, and the duties and
989 responsibilities of the position include the formulation,
990 interpretation, or implementation of policies, or the
991 performance of functions that are unique or specialized within
992 higher education and that frequently support the mission of the
993 community college.

994 c. The employee is employed in a position not included in
995 the Senior Management Service Class of the Florida Retirement
996 System as described in s. 121.055.

997 5. Members of the program are subject to the same
998 reemployment limitations, renewed membership provisions, and
999 forfeiture provisions applicable to regular members of the
1000 Florida Retirement System under ss. 121.091(9), 121.122, and
1001 121.091(5), respectively. A member who receives a program
1002 distribution funded by employer and required employee
1003 contributions is deemed to be retired from a state-administered
1004 retirement system if the member is subsequently employed with an
1005 employer that participates in the Florida Retirement System.

1006 6. Eligible community college employees are compulsory
1007 members of the Florida Retirement System until, pursuant to s.
1008 1012.875, a written election to withdraw from the system and
1009 participate in the optional retirement program is filed with the
1010 program administrator and received by the division.

1011 a. A community college employee whose program eligibility
1012 results from initial employment shall be enrolled in the
1013 optional retirement program retroactive to the first day of
1014 eligible employment. The employer and employee retirement
1015 contributions paid through the month of the employee plan change

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1016 shall be transferred to the community college to the employee's
1017 optional program account, and, effective the first day of the
1018 next month, the employer shall pay the applicable contributions
1019 based upon subparagraph 1.

1020 b. A community college employee whose program eligibility
1021 is due to the subsequent designation of the employee's position
1022 as one of those specified in subparagraph 4., or due to the
1023 employee's appointment, promotion, transfer, or reclassification
1024 to a position specified in subparagraph 4., must be enrolled in
1025 the program on the first day of the first full calendar month
1026 that such change in status becomes effective. The employer and
1027 employee retirement contributions paid from the effective date
1028 through the month of the employee plan change must be
1029 transferred to the community college to the employee's optional
1030 program account, and, effective the first day of the next month,
1031 the employer shall pay the applicable contributions based upon
1032 subparagraph 1.

1033 7. Effective July 1, 2003, through December 31, 2008, any
1034 member of the optional retirement program who has service credit
1035 in the pension plan of the Florida Retirement System for the
1036 period between his or her first eligibility to transfer from the
1037 pension plan to the optional retirement program and the actual
1038 date of transfer may, during employment, transfer to the
1039 optional retirement program a sum representing the present value
1040 of the accumulated benefit obligation under the defined benefit
1041 retirement program for the period of service credit. Upon
1042 transfer, all service credit previously earned under the pension
1043 plan during this period is nullified for purposes of entitlement
1044 to a future benefit under the pension plan.

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1045 Reviser's note.—Amended to conform to the current title of the
 1046 manual.

1047 Section 25. Subsections (4) and (5) of section 121.71,
 1048 Florida Statutes, are reenacted to read:

1049 121.71 Uniform rates; process; calculations; levy.—

1050 (4) Required employer retirement contribution rates for
 1051 each membership class and subclass of the Florida Retirement
 1052 System for both retirement plans are as follows:
 1053

Membership Class	Percentage of Gross Compensation, Effective July 1, 2019
1054 Regular Class	3.19%
1055 Special Risk Class	12.61%
1056 Special Risk Administrative Support Class	3.61%
1057 Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers,	6.67%

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State Attorneys,
Public Defenders

1059

Elected Officers' Class—
Justices, Judges 12.30%

1060

Elected Officers' Class—
County Elected Officers 8.73%

1061

Senior Management Class 4.60%

1062

DROP 4.68%

1063

1064 (5) In order to address unfunded actuarial liabilities of
1065 the system, the required employer retirement contribution rates
1066 for each membership class and subclass of the Florida Retirement
1067 System for both retirement plans are as follows:

1068

	Percentage of Gross Compensation, Effective July 1, 2019
Membership Class	

1069

Regular Class	3.56%
---------------	-------

1070

Special Risk Class	11.15%
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1071

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1072

Special Risk
 Administrative
 Support Class 33.26%

1073

Elected Officers' Class—
 Legislators, Governor,
 Lt. Governor,
 Cabinet Officers,
 State Attorneys,
 Public Defenders 47.64%

1074

Elected Officers' Class—
 Justices, Judges 27.98%

1075

Elected Officers' Class—
 County Elected Officers 38.37%

1076

Senior Management Service
 Class 19.09%

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DROP 8.26%

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Reviser's note.—Reenacted to confirm the addition of percentage
 point amounts to specified rates by the Division of Law
 Revision pursuant to the directive of the Legislature in s.
 3, ch. 2019-21, Laws of Florida.
 Section 26. Subsections (2) and (3) of section 161.74,
 Florida Statutes, are amended to read:

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1085 161.74 Responsibilities.—

1086 (2) RESEARCH PLAN.—The council must complete a Florida
1087 Oceans and Coastal Scientific Research Plan which shall be used
1088 by the Legislature in making funding decisions. The plan must
1089 recommend priorities for scientific research projects. ~~The plan~~
1090 ~~must be submitted to the President of the Senate and the Speaker~~
1091 ~~of the House of Representatives by January 15, 2006. Thereafter,~~
1092 Annual updates to the plan must be submitted to the President of
1093 the Senate and the Speaker of the House of Representatives by
1094 February 1 of each year. The research projects contained in the
1095 plan must meet at least one of the following objectives:

1096 (a) Exploring opportunities to improve coastal ecosystem
1097 functioning and health through watershed approaches to managing
1098 freshwater and improving water quality.

1099 (b) Evaluating current habitat conservation, restoring and
1100 maintaining programs, and recommending improvements in the areas
1101 of research, monitoring, and assessment.

1102 (c) Promoting marine biomedical or biotechnology research
1103 and product discovery and development to enhance Florida's
1104 opportunity to maximize the beneficial uses of marine-derived
1105 bioproducts and reduce negative health impacts of marine
1106 organisms.

1107 (d) Creating consensus and strategies on how Florida can
1108 contribute to sustainable management of ocean wildlife and
1109 habitat.

1110 (e) Documenting through examination of existing and new
1111 research the impact of marine and coastal debris and current
1112 best practices to reduce debris.

1113 (f) Providing methods to achieve sustainable fisheries

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1114 through better science, governance, stock enhancements and
1115 consideration of habitat and secondary impacts such as bycatch.

1116 (g) Documenting gaps in current protection strategies for
1117 marine mammals.

1118 (h) Promoting research and new methods to preserve and
1119 restore coral reefs and other coral communities.

1120 (i) Achieving sustainable marine aquaculture.

1121 (j) Reviewing existing and ongoing studies on preventing
1122 and responding to the spread of invasive and nonnative marine
1123 and estuarine species.

1124 (k) Exploring ocean-based renewable energy technologies and
1125 climate change-related impacts to Florida's coastal area.

1126 (l) Enhancing science education opportunities such as
1127 virtual marine technology centers.

1128 (m) Sustaining abundant birdlife and encouraging the
1129 recreational and economic benefits associated with ocean and
1130 coastal wildlife observation and photography.

1131 (n) Developing a statewide analysis of the economic value
1132 associated with ocean and coastal resources, developing economic
1133 baseline data, methodologies, and consistent measures of oceans
1134 and coastal resource economic activity and value, and developing
1135 reports that educate Floridians, the United States Commission on
1136 Ocean Policy, local, state, and federal agencies and others on
1137 the importance of ocean and coastal resources.

1138 (3) RESOURCE ASSESSMENT. ~~By December 1, 2006,~~ The council
1139 shall prepare a comprehensive oceans and coastal resource
1140 assessment that shall serve as a baseline of information to be
1141 used in assisting in its research plan. The resource assessment
1142 must include:

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- 1143 (a) Patterns of use of oceans and coastal resources;
1144 (b) Natural resource features, including, but not limited
1145 to, habitat, bathymetry, surficial geology, circulation, and
1146 tidal currents;
1147 (c) The location of current and proposed oceans and coastal
1148 research and monitoring infrastructure;
1149 (d) Industrial, commercial, coastal observing system,
1150 ships, subs, and recreational transit patterns; and
1151 (e) Socioeconomic trends of the state's oceans and coastal
1152 resources and oceans and coastal economy.

1153 Reviser's note.—Amended to delete obsolete language.

1154 Section 27. Paragraph (k) of subsection (2) and paragraphs
1155 (b) and (c) of subsection (8) of section 163.3178, Florida
1156 Statutes, are amended to read:

1157 163.3178 Coastal management.—

1158 (2) Each coastal management element required by s.
1159 163.3177(6)(g) shall be based on studies, surveys, and data; be
1160 consistent with coastal resource plans prepared and adopted
1161 pursuant to general or special law; and contain:

1162 (k) A component which includes the comprehensive master
1163 plan prepared by each deepwater port listed in s. 311.09(1),
1164 which addresses existing port facilities and any proposed
1165 expansions, and which adequately addresses the applicable
1166 requirements of paragraphs (a)-(k) for areas within the port and
1167 proposed expansion areas. Such component shall be submitted to
1168 the appropriate local government at least 6 months prior to the
1169 due date of the local plan and shall be integrated with, and
1170 shall meet all criteria specified in, the coastal management
1171 element. "The appropriate local government" means the

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1172 municipality having the responsibility for the area in which the
1173 deepwater port lies, except that where no municipality has
1174 responsibility, where a municipality and a county each have
1175 responsibility, or where two or more municipalities each have
1176 responsibility for the area in which the deepwater port lies,
1177 "the appropriate local government" means the county which has
1178 responsibility for the area in which the deepwater port lies.
1179 Failure by a deepwater port which is not part of a local
1180 government to submit its component to the appropriate local
1181 government shall not result in a local government being subject
1182 to sanctions pursuant to s. ss. 163.3167 and 163.3184. However,
1183 a deepwater port which is not part of a local government shall
1184 be subject to sanctions pursuant to s. 163.3184.

1185 (8)

1186 (b) For those local governments that have not established a
1187 level of service for out-of-county hurricane evacuation ~~by July~~
1188 ~~1, 2008~~, by following the process in paragraph (a), the level of
1189 service shall be no greater than 16 hours for a category 5 storm
1190 event as measured on the Saffir-Simpson scale.

1191 (c) This subsection shall become effective immediately and
1192 shall apply to all local governments. ~~No later than July 1,~~
1193 ~~2008~~, Local governments shall amend their future land use map
1194 and coastal management element to include the new definition of
1195 coastal high-hazard area and to depict the coastal high-hazard
1196 area on the future land use map.

1197 Reviser's note.—Paragraph (2)(k) is amended to conform to the
1198 deletion of language relating to sanctions in s. 163.3167
1199 by s. 42, ch. 2010-102, Laws of Florida. Paragraphs (8)(b)
1200 and (c) are amended to delete obsolete language.

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1201 Section 28. Paragraph (d) of subsection (3) of section
1202 163.356, Florida Statutes, is amended to read:

1203 163.356 Creation of community redevelopment agency.—

1204 (3)

1205 (d) An agency authorized to transact business and exercise
1206 powers under this part shall file with the governing body the
1207 report required pursuant to s. 163.371(2) ~~163.371(1)~~.

1208 Reviser's note.—Amended to correct a cross-reference; s.

1209 163.371(2) relates to the report; s. 163.371(1) relates to
1210 posting of maps on a website.

1211 Section 29. Section 166.0493, Florida Statutes, is amended
1212 to read:

1213 166.0493 Powers, duties, and obligations of municipal law
1214 enforcement agencies. ~~On or before January 1, 2002,~~ Every
1215 municipal law enforcement agency shall incorporate an antiracial
1216 or other antidiscriminatory profiling policy into the agency's
1217 policies and practices, utilizing the Florida Police Chiefs
1218 Association Model Policy as a guide. Antiprofiling policies
1219 shall include the elements of definitions, traffic stop
1220 procedures, community education and awareness efforts, and
1221 policies for the handling of complaints from the public.

1222 Reviser's note.—Amended to delete obsolete language.

1223 Section 30. Section 177.503, Florida Statutes, is amended
1224 to read:

1225 177.503 Definitions.—As used in ss. 177.501-177.510, the
1226 following words and terms shall have the meanings indicated
1227 unless the context clearly indicates a different meaning:

1228 (1) "Professional surveyor and mapper" or "surveyor and
1229 mapper" means a person authorized to practice surveying and

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1230 mapping under the provisions of chapter 472.

1231 (2) "Department" means the Department of Environmental
1232 Protection.

1233 (3) "Corner" means a geographic position on the surface of
1234 the earth.

1235 (4) "Monument" means a manmade or natural object that is
1236 presumed to occupy the corner or is a reference to the position
1237 of a corner.

1238 (5) "Public land survey corner" means any corner actually
1239 established and monumented in the original public land survey or
1240 resurvey and those similar original corners subdividing Spanish
1241 land grants.

1242 (6) "Corner accessory" means any exclusively identifiable
1243 physical object whose spatial relationship to the corner is
1244 recorded. Accessories may be, but are not limited to, bearing
1245 trees, bearing objects, monuments, reference monuments, line
1246 trees, pits, mounds, blaze marks, steel or wooden stakes, or
1247 other such natural or manmade objects.

1248 (7) "Reference monument" means a monument that does not
1249 occupy the same geographical position as the corner itself, but
1250 whose spatial relationship to the corner is recorded and which
1251 serves to witness the corner.

1252 (8) "Township" has the meaning ascribed in 43 U.S.C. s.
1253 751.

1254 (9) "Certified corner record" means a document prepared by
1255 a surveyor and mapper when a public land survey corner is used
1256 as control in his or her survey or resurvey.

1257 (10) "State cadastral surveyor" means the chief of the
1258 Bureau of Survey and Mapping ~~Coastal and Land Boundaries,~~

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1259 Division of State Lands Resource Management of the department.
1260 Reviser's note.—Amended to conform to the current names of the
1261 regulatory entities.

1262 Section 31. Subsection (3) of section 185.35, Florida
1263 Statutes, is amended to read:

1264 185.35 Municipalities that have their own retirement plans
1265 for police officers.—In order for a municipality that has its
1266 own retirement plan for police officers, or for police officers
1267 and firefighters if both are included, to participate in the
1268 distribution of the tax fund established under s. 185.08, a
1269 local law plan must meet minimum benefits and minimum standards,
1270 except as provided in the mutual consent provisions in paragraph
1271 (1) (g) with respect to the minimum benefits not met as of
1272 October 1, 2012.

1273 (3) A retirement plan or amendment to a retirement plan may
1274 not be proposed for adoption unless the proposed plan or
1275 amendment contains an actuarial estimate of the costs involved.
1276 Such proposed plan or proposed plan change may not be adopted
1277 without the approval of the municipality or, where required, the
1278 Legislature. Copies of the proposed plan or proposed plan change
1279 and the actuarial impact statement of the proposed plan or
1280 proposed plan change shall be furnished to the division before
1281 the last public hearing on the proposal is held. Such statement
1282 must also indicate whether the proposed plan or proposed plan
1283 change is in compliance with s. 14, Art. X of the State
1284 Constitution and those provisions of part VII of chapter 112
1285 which are not expressly provided in this chapter.
1286 Notwithstanding any other provision, only those local law plans
1287 created by special act of legislation before May 27, 1939, are

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1288 deemed to meet the minimum benefits and minimum standards ~~only~~
1289 in this chapter.

1290 Reviser's note.—Amended to improve clarity.

1291 Section 32. Subsection (1) of section 186.801, Florida
1292 Statutes, is amended to read:

1293 186.801 Ten-year site plans.—

1294 (1) ~~Beginning January 1, 1974,~~ Each electric utility shall
1295 submit to the Public Service Commission a 10-year site plan
1296 which shall estimate its power-generating needs and the general
1297 location of its proposed power plant sites. The 10-year plan
1298 shall be reviewed and submitted not less frequently than every 2
1299 years.

1300 Reviser's note.—Amended to delete obsolete language.

1301 Section 33. Subsection (11) of section 196.011, Florida
1302 Statutes, is amended to read:

1303 196.011 Annual application required for exemption.—

1304 (11) For exemptions enumerated in paragraph (1) (b), ~~granted~~
1305 ~~for the 2001 tax year and thereafter,~~ social security numbers of
1306 the applicant and the applicant's spouse, if any, are required
1307 and must be submitted to the department. Applications filed
1308 pursuant to subsection (5) or subsection (6) shall ~~may be~~
1309 ~~required to~~ include social security numbers of the applicant and
1310 the applicant's spouse, if any, ~~and shall include such~~
1311 ~~information if filed for the 2001 tax year or thereafter.~~ For
1312 counties where the annual application requirement has been
1313 waived, property appraisers may require refiling of an
1314 application to obtain such information.

1315 Reviser's note.—Amended to delete obsolete language.

1316 Section 34. Subsection (1) of section 206.11, Florida

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1317 Statutes, is amended to read:

1318 206.11 Penalties.—

1319 (1) Any false or fraudulent statement or report submitted
1320 under the fuel tax laws of this state and sworn to by a person
1321 knowing same to be false or fraudulent shall constitute perjury,
1322 and, upon conviction thereof, the person so convicted shall be
1323 punished as provided by law for conviction of perjury under s.
1324 837.012 ~~837.01~~.

1325 Reviser's note.—Amended to conform to the transfer of s. 837.01
1326 to s. 837.012 by s. 54, ch. 74-383, Laws of Florida.

1327 Section 35. Paragraphs (a) and (b) of subsection (6) of
1328 section 211.3103, Florida Statutes, are amended to read:

1329 211.3103 Levy of tax on severance of phosphate rock; rate,
1330 basis, and distribution of tax.—

1331 (6) (a) Beginning January 1, 2023, the proceeds of all
1332 taxes, interest, and penalties imposed under this section are
1333 exempt from the general revenue service charge provided in s.
1334 215.20, and such proceeds shall be paid into the State Treasury
1335 as follows:

1336 1. To the credit of the State Park Trust Fund, 25.5
1337 percent.

1338 2. To the credit of the General Revenue Fund of the state,
1339 35.7 percent.

1340 3. For payment to counties in proportion to the number of
1341 tons of phosphate rock produced from a phosphate rock matrix
1342 located within such political boundary, 12.8 percent. The
1343 department shall distribute this portion of the proceeds
1344 annually based on production information reported by the
1345 producers on the annual returns for the taxable year. Any such

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1346 proceeds received by a county shall be used only for phosphate-
1347 related expenses.

1348 4. For payment to counties that have been designated as a
1349 rural area of opportunity pursuant to s. 288.0656 in proportion
1350 to the number of tons of phosphate rock produced from a
1351 phosphate rock matrix located within such political boundary,
1352 10.0 percent. The department shall distribute this portion of
1353 the proceeds annually based on production information reported
1354 by the producers on the annual returns for the taxable year.
1355 Payments under this subparagraph shall be made to the counties
1356 unless the Legislature by special act creates a local authority
1357 to promote and direct the economic development of the county. If
1358 such authority exists, payments shall be made to that authority.

1359 5. To the credit of the Nonmandatory Land Reclamation Trust
1360 Fund, 6.2 percent.

1361 6. To the credit of the Phosphate Research Trust Fund ~~in~~
1362 ~~the Division of Universities~~ of the Department of Education, 6.2
1363 percent.

1364 7. To the credit of the Minerals Trust Fund, 3.6 percent.

1365 (b) Notwithstanding paragraph (a), from July 1, 2015, until
1366 December 31, 2022, the proceeds of all taxes, interest, and
1367 penalties imposed under this section are exempt from the general
1368 revenue service charge provided in s. 215.20, and such proceeds
1369 shall be paid to the State Treasury as follows:

1370 1. To the credit of the State Park Trust Fund, 22.8
1371 percent.

1372 2. To the credit of the General Revenue Fund of the state,
1373 31.9 percent.

1374 3. For payment to counties pursuant to subparagraph (a)3.,

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1375 11.5 percent.

1376 4. For payment to counties pursuant to subparagraph (a)4.,
1377 8.9 percent.

1378 5. To the credit of the Nonmandatory Land Reclamation Trust
1379 Fund, 16.1 percent.

1380 6. To the credit of the Phosphate Research Trust Fund ~~in~~
1381 ~~the Division of Universities~~ of the Department of Education, 5.6
1382 percent.

1383 7. To the credit of the Minerals Trust Fund, 3.2 percent.
1384 Reviser's note.—Amended to conform to s. 3, ch. 2000-321, Laws
1385 of Florida, which relocated the duties of the Division of
1386 Universities to the Florida Board of Education and provided
1387 that the Division of Universities "shall cease to exist."
1388 The board, designated as the State Board of Education, is
1389 the head of the Department of Education per s. 20.15(1).

1390 Section 36. Paragraph (c) of subsection (1) and paragraphs
1391 (c) and (d) of subsection (11) of section 212.06, Florida
1392 Statutes, are amended to read:

1393 212.06 Sales, storage, use tax; collectible from dealers;
1394 "dealer" defined; dealers to collect from purchasers;
1395 legislative intent as to scope of tax.—

1396 (1)

1397 (c)1. Notwithstanding the provisions of paragraph (b), the
1398 use tax on asphalt manufactured for one's own use shall be
1399 calculated with respect to paragraph (b) only upon the cost of
1400 materials which become a component part or which are an
1401 ingredient of the finished asphalt and upon the cost of the
1402 transportation of such components and ingredients. In addition,
1403 an indexed tax of 38 cents per ton of such manufactured asphalt

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1404 shall be due at the same time and in the same manner as taxes
1405 due pursuant to paragraph (b). ~~Beginning July 1, 1989,~~ The
1406 indexed tax shall be adjusted each July 1 to an amount, rounded
1407 to the nearest cent, equal to the product of 38 cents multiplied
1408 by a fraction, the numerator of which is the annual average of
1409 the "materials and components for construction" series of the
1410 producer price index, as calculated and published by the United
1411 States Department of Labor, Bureau of Statistics, for the
1412 previous calendar year, and the denominator of which is the
1413 annual average of said series for calendar year 1988.

1414 ~~2.a. Beginning July 1, 1999, the indexed tax imposed by~~
1415 ~~this paragraph on manufactured asphalt which is used for any~~
1416 ~~federal, state, or local government public works project shall~~
1417 ~~be reduced by 20 percent.~~

1418 ~~b. Beginning July 1, 2000, the indexed tax imposed by this~~
1419 ~~paragraph on manufactured asphalt which is used for any federal,~~
1420 ~~state, or local government public works project shall be reduced~~
1421 ~~by 40 percent.~~

1422 ~~c. Beginning July 1, 2016, the indexed tax imposed by this~~
1423 ~~paragraph on manufactured asphalt which is used for any federal,~~
1424 ~~state, or local government public works project shall be reduced~~
1425 ~~by 60 percent.~~

1426 ~~d. Beginning July 1, 2017, the indexed tax imposed by this~~
1427 ~~paragraph on manufactured asphalt which is used for any federal,~~
1428 ~~state, or local government public works project shall be reduced~~
1429 ~~by 80 percent.~~

1430 ~~e. Beginning July 1, 2018,~~ Manufactured asphalt used for
1431 any federal, state, or local government public works project
1432 shall be exempt from the indexed tax imposed by this paragraph.

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1433 (11)
 1434 (c) ~~After July 1, 1992,~~ This exemption inures to the
 1435 taxpayer only through refund of previously paid taxes or by
 1436 self-accruing taxes as provided in s. 212.183 and applies only
 1437 where the seller of subscriptions to publications sold in the
 1438 state:

- 1439 1. Is registered with the department pursuant to this
- 1440 chapter; and
- 1441 2. Remits the taxes imposed by this chapter on such
- 1442 publications.

1443 ~~(d) This subsection applies retroactively to July 1, 1987.~~
 1444 Reviser's note.—Amended to delete obsolete language.

1445 Section 37. Paragraph (nn) of subsection (7) of section
 1446 212.08, Florida Statutes, is amended to read:

1447 212.08 Sales, rental, use, consumption, distribution, and
 1448 storage tax; specified exemptions.—The sale at retail, the
 1449 rental, the use, the consumption, the distribution, and the
 1450 storage to be used or consumed in this state of the following
 1451 are hereby specifically exempt from the tax imposed by this
 1452 chapter.

1453 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 1454 entity by this chapter do not inure to any transaction that is
 1455 otherwise taxable under this chapter when payment is made by a
 1456 representative or employee of the entity by any means,
 1457 including, but not limited to, cash, check, or credit card, even
 1458 when that representative or employee is subsequently reimbursed
 1459 by the entity. In addition, exemptions provided to any entity by
 1460 this subsection do not inure to any transaction that is
 1461 otherwise taxable under this chapter unless the entity has

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1462 obtained a sales tax exemption certificate from the department
 1463 or the entity obtains or provides other documentation as
 1464 required by the department. Eligible purchases or leases made
 1465 with such a certificate must be in strict compliance with this
 1466 subsection and departmental rules, and any person who makes an
 1467 exempt purchase with a certificate that is not in strict
 1468 compliance with this subsection and the rules is liable for and
 1469 shall pay the tax. The department may adopt rules to administer
 1470 this subsection.

1471 (nn) United States Department of Veterans Affairs Veterans
 1472 Administration.—When a veteran of the armed forces purchases an
 1473 aircraft, boat, mobile home, motor vehicle, or other vehicle
 1474 from a dealer pursuant to the provisions of 38 U.S.C. s.
 1475 3902(a), or any successor provision of the United States Code,
 1476 the amount that is paid directly to the dealer by the United
 1477 States Department of Veterans Affairs Veterans Administration is
 1478 not taxable. However, any portion of the purchase price which is
 1479 paid directly to the dealer by the veteran is taxable.

1480 Reviser’s note.—Amended to conform to the renaming of the
 1481 Veterans Administration as the United States Department of
 1482 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

1483 Section 38. Section 212.186, Florida Statutes, is amended
 1484 to read:

1485 212.186 Registration number and resale certificate
 1486 verification; toll-free number; information system; dealer
 1487 education.—

1488 (1) ~~Effective January 1, 2000,~~ The Department of Revenue
 1489 shall establish a toll-free number for verification of valid
 1490 registration numbers and resale certificates. The system must be

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1491 sufficient to guarantee a low busy rate and must respond to
1492 keypad inquiries, and data must be updated daily.

1493 (2) ~~Effective January 1, 2000,~~ The Department of Revenue
1494 shall establish a system for receiving information from dealers
1495 regarding certificate numbers of those seeking to make purchases
1496 for resale. The department must provide such dealers with
1497 verification of those numbers which are canceled or invalid.
1498 This information must be provided by the department free of
1499 charge.

1500 (3) ~~Effective July 1, 1999,~~ The Department of Revenue shall
1501 expand its dealer education program regarding the proper use of
1502 resale certificates. The expansion shall include, but need not
1503 be limited to, revision of the registration application for
1504 clarity, development of industry-specific brochures, development
1505 of a media campaign to heighten awareness of resale fraud and
1506 its consequences, outreach to business and professional
1507 organizations, and creation of seminars and continuing education
1508 programs for taxpayers and licensed professionals.
1509 Reviser's note.—Amended to delete obsolete language.

1510 Section 39. Paragraph (d) of subsection (6) of section
1511 212.20, Florida Statutes, is amended to read:

1512 212.20 Funds collected, disposition; additional powers of
1513 department; operational expense; refund of taxes adjudicated
1514 unconstitutionally collected.—

1515 (6) Distribution of all proceeds under this chapter and ss.
1516 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

1517 (d) The proceeds of all other taxes and fees imposed
1518 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
1519 and (2)(b) shall be distributed as follows:

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1520 1. In any fiscal year, the greater of \$500 million, minus
1521 an amount equal to 4.6 percent of the proceeds of the taxes
1522 collected pursuant to chapter 201, or 5.2 percent of all other
1523 taxes and fees imposed pursuant to this chapter or remitted
1524 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
1525 monthly installments into the General Revenue Fund.

1526 2. After the distribution under subparagraph 1., 8.9744
1527 percent of the amount remitted by a sales tax dealer located
1528 within a participating county pursuant to s. 218.61 shall be
1529 transferred into the Local Government Half-cent Sales Tax
1530 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
1531 transferred shall be reduced by 0.1 percent, and the department
1532 shall distribute this amount to the Public Employees Relations
1533 Commission Trust Fund less \$5,000 each month, which shall be
1534 added to the amount calculated in subparagraph 3. and
1535 distributed accordingly.

1536 3. After the distribution under subparagraphs 1. and 2.,
1537 0.0966 percent shall be transferred to the Local Government
1538 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
1539 to s. 218.65.

1540 4. After the distributions under subparagraphs 1., 2., and
1541 3., 2.0810 percent of the available proceeds shall be
1542 transferred monthly to the Revenue Sharing Trust Fund for
1543 Counties pursuant to s. 218.215.

1544 5. After the distributions under subparagraphs 1., 2., and
1545 3., 1.3653 percent of the available proceeds shall be
1546 transferred monthly to the Revenue Sharing Trust Fund for
1547 Municipalities pursuant to s. 218.215. If the total revenue to
1548 be distributed pursuant to this subparagraph is at least as

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1549 great as the amount due from the Revenue Sharing Trust Fund for
1550 Municipalities and the former Municipal Financial Assistance
1551 Trust Fund in state fiscal year 1999-2000, no municipality shall
1552 receive less than the amount due from the Revenue Sharing Trust
1553 Fund for Municipalities and the former Municipal Financial
1554 Assistance Trust Fund in state fiscal year 1999-2000. If the
1555 total proceeds to be distributed are less than the amount
1556 received in combination from the Revenue Sharing Trust Fund for
1557 Municipalities and the former Municipal Financial Assistance
1558 Trust Fund in state fiscal year 1999-2000, each municipality
1559 shall receive an amount proportionate to the amount it was due
1560 in state fiscal year 1999-2000.

1561 6. Of the remaining proceeds:

1562 a. In each fiscal year, the sum of \$29,915,500 shall be
1563 divided into as many equal parts as there are counties in the
1564 state, and one part shall be distributed to each county. The
1565 distribution among the several counties must begin each fiscal
1566 year on or before January 5th and continue monthly for a total
1567 of 4 months. If a local or special law required that any moneys
1568 accruing to a county in fiscal year 1999-2000 under the then-
1569 existing provisions of s. 550.135 be paid directly to the
1570 district school board, special district, or a municipal
1571 government, such payment must continue until the local or
1572 special law is amended or repealed. The state covenants with
1573 holders of bonds or other instruments of indebtedness issued by
1574 local governments, special districts, or district school boards
1575 before July 1, 2000, that it is not the intent of this
1576 subparagraph to adversely affect the rights of those holders or
1577 relieve local governments, special districts, or district school

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1578 boards of the duty to meet their obligations as a result of
1579 previous pledges or assignments or trusts entered into which
1580 obligated funds received from the distribution to county
1581 governments under then-existing s. 550.135. This distribution
1582 specifically is in lieu of funds distributed under s. 550.135
1583 before July 1, 2000.

1584 b. The department shall distribute \$166,667 monthly to each
1585 applicant certified as a facility for a new or retained
1586 professional sports franchise pursuant to s. 288.1162. Up to
1587 \$41,667 shall be distributed monthly by the department to each
1588 certified applicant as defined in s. 288.11621 for a facility
1589 for a spring training franchise. However, not more than \$416,670
1590 may be distributed monthly in the aggregate to all certified
1591 applicants for facilities for spring training franchises.
1592 Distributions begin 60 days after such certification and
1593 continue for not more than 30 years, except as otherwise
1594 provided in s. 288.11621. A certified applicant identified in
1595 this sub-subparagraph may not receive more in distributions than
1596 expended by the applicant for the public purposes provided in s.
1597 288.1162(5) or s. 288.11621(3).

1598 c. Beginning 30 days after notice by the Department of
1599 Economic Opportunity to the Department of Revenue that an
1600 applicant has been certified as the professional golf hall of
1601 fame pursuant to s. 288.1168 and is open to the public, \$166,667
1602 shall be distributed monthly, for up to 300 months, to the
1603 applicant.

1604 d. Beginning 30 days after notice by the Department of
1605 Economic Opportunity to the Department of Revenue that the
1606 applicant has been certified as the International Game Fish

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1607 Association World Center facility pursuant to s. 288.1169, and
1608 the facility is open to the public, \$83,333 shall be distributed
1609 monthly, for up to 168 months, to the applicant. This
1610 distribution is subject to reduction pursuant to s. 288.1169. A
1611 ~~lump sum payment of \$999,996 shall be made after certification~~
1612 ~~and before July 1, 2000.~~

1613 e. The department shall distribute up to \$83,333 monthly to
1614 each certified applicant as defined in s. 288.11631 for a
1615 facility used by a single spring training franchise, or up to
1616 \$166,667 monthly to each certified applicant as defined in s.
1617 288.11631 for a facility used by more than one spring training
1618 franchise. Monthly distributions begin 60 days after such
1619 certification or July 1, 2016, whichever is later, and continue
1620 for not more than 20 years to each certified applicant as
1621 defined in s. 288.11631 for a facility used by a single spring
1622 training franchise or not more than 25 years to each certified
1623 applicant as defined in s. 288.11631 for a facility used by more
1624 than one spring training franchise. A certified applicant
1625 identified in this sub-subparagraph may not receive more in
1626 distributions than expended by the applicant for the public
1627 purposes provided in s. 288.11631(3).

1628 f. Beginning 45 days after notice by the Department of
1629 Economic Opportunity to the Department of Revenue that an
1630 applicant has been approved by the Legislature and certified by
1631 the Department of Economic Opportunity under s. 288.11625 or
1632 upon a date specified by the Department of Economic Opportunity
1633 as provided under s. 288.11625(6)(d), the department shall
1634 distribute each month an amount equal to one-twelfth of the
1635 annual distribution amount certified by the Department of

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1636 Economic Opportunity for the applicant. The department may not
1637 distribute more than ~~\$7 million in the 2014-2015 fiscal year or~~
1638 ~~more than~~ \$13 million annually thereafter under this sub-
1639 subparagraph.

1640 g. ~~Beginning December 1, 2015, and ending June 30, 2016,~~
1641 ~~the department shall distribute \$26,286 monthly to the State~~
1642 ~~Transportation Trust Fund. Beginning July 1, 2016,~~ The
1643 department shall distribute \$15,333 monthly to the State
1644 Transportation Trust Fund.

1645 7. All other proceeds must remain in the General Revenue
1646 Fund.

1647 Reviser's note.—Amended to delete obsolete language.

1648 Section 40. Paragraph (v) of subsection (8) of section
1649 213.053, Florida Statutes, is amended to read:

1650 213.053 Confidentiality and information sharing.—

1651 (8) Notwithstanding any other provision of this section,
1652 the department may provide:

1653 (v) Information relative to s. ss. 220.192 and 220.193 to
1654 the Department of Agriculture and Consumer Services for use in
1655 the conduct of its official business.

1656
1657 Disclosure of information under this subsection shall be
1658 pursuant to a written agreement between the executive director
1659 and the agency. Such agencies, governmental or nongovernmental,
1660 shall be bound by the same requirements of confidentiality as
1661 the Department of Revenue. Breach of confidentiality is a
1662 misdemeanor of the first degree, punishable as provided by s.
1663 775.082 or s. 775.083.

1664 Reviser's note.—Amended to conform to the repeal of s. 220.192

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1665 by s. 3, ch. 2019-4, Laws of Florida.
 1666 Section 41. Subsection (8) of section 220.02, Florida
 1667 Statutes, is amended to read:
 1668 220.02 Legislative intent.—
 1669 (8) It is the intent of the Legislature that credits
 1670 against either the corporate income tax or the franchise tax be
 1671 applied in the following order: those enumerated in s. 631.828,
 1672 those enumerated in s. 220.191, those enumerated in s. 220.181,
 1673 those enumerated in s. 220.183, those enumerated in s. 220.182,
 1674 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 1675 those enumerated in s. 220.184, those enumerated in s. 220.186,
 1676 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 1677 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 1678 ~~those enumerated in s. 220.192,~~ those enumerated in s. 220.193,
 1679 those enumerated in s. 288.9916, those enumerated in s.
 1680 220.1899, those enumerated in s. 220.194, and those enumerated
 1681 in s. 220.196.
 1682 Reviser's note.—Amended to conform to the repeal of s. 220.192
 1683 by s. 3, ch. 2019-4, Laws of Florida.
 1684 Section 42. Paragraph (a) of subsection (1) of section
 1685 220.13, Florida Statutes, is amended to read:
 1686 220.13 "Adjusted federal income" defined.—
 1687 (1) The term "adjusted federal income" means an amount
 1688 equal to the taxpayer's taxable income as defined in subsection
 1689 (2), or such taxable income of more than one taxpayer as
 1690 provided in s. 220.131, for the taxable year, adjusted as
 1691 follows:
 1692 (a) *Additions*.—There shall be added to such taxable income:
 1693 1.a. The amount of any tax upon or measured by income,

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1694 excluding taxes based on gross receipts or revenues, paid or
1695 accrued as a liability to the District of Columbia or any state
1696 of the United States which is deductible from gross income in
1697 the computation of taxable income for the taxable year.

1698 b. Notwithstanding sub-subparagraph a., if a credit taken
1699 under s. 220.1875 is added to taxable income in a previous
1700 taxable year under subparagraph 11. and is taken as a deduction
1701 for federal tax purposes in the current taxable year, the amount
1702 of the deduction allowed shall not be added to taxable income in
1703 the current year. The exception in this sub-subparagraph is
1704 intended to ensure that the credit under s. 220.1875 is added in
1705 the applicable taxable year and does not result in a duplicate
1706 addition in a subsequent year.

1707 2. The amount of interest which is excluded from taxable
1708 income under s. 103(a) of the Internal Revenue Code or any other
1709 federal law, less the associated expenses disallowed in the
1710 computation of taxable income under s. 265 of the Internal
1711 Revenue Code or any other law, excluding 60 percent of any
1712 amounts included in alternative minimum taxable income, as
1713 defined in s. 55(b)(2) of the Internal Revenue Code, if the
1714 taxpayer pays tax under s. 220.11(3).

1715 3. In the case of a regulated investment company or real
1716 estate investment trust, an amount equal to the excess of the
1717 net long-term capital gain for the taxable year over the amount
1718 of the capital gain dividends attributable to the taxable year.

1719 4. That portion of the wages or salaries paid or incurred
1720 for the taxable year which is equal to the amount of the credit
1721 allowable for the taxable year under s. 220.181. This
1722 subparagraph shall expire on the date specified in s. 290.016

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1723 for the expiration of the Florida Enterprise Zone Act.

1724 5. That portion of the ad valorem school taxes paid or
 1725 incurred for the taxable year which is equal to the amount of
 1726 the credit allowable for the taxable year under s. 220.182. This
 1727 subparagraph shall expire on the date specified in s. 290.016
 1728 for the expiration of the Florida Enterprise Zone Act.

1729 6. The amount taken as a credit under s. 220.195 which is
 1730 deductible from gross income in the computation of taxable
 1731 income for the taxable year.

1732 7. That portion of assessments to fund a guaranty
 1733 association incurred for the taxable year which is equal to the
 1734 amount of the credit allowable for the taxable year.

1735 8. In the case of a nonprofit corporation which holds a
 1736 pari-mutuel permit and which is exempt from federal income tax
 1737 as a farmers' cooperative, an amount equal to the excess of the
 1738 gross income attributable to the pari-mutuel operations over the
 1739 attributable expenses for the taxable year.

1740 9. The amount taken as a credit for the taxable year under
 1741 s. 220.1895.

1742 10. Up to nine percent of the eligible basis of any
 1743 designated project which is equal to the credit allowable for
 1744 the taxable year under s. 220.185.

1745 11. The amount taken as a credit for the taxable year under
 1746 s. 220.1875. The addition in this subparagraph is intended to
 1747 ensure that the same amount is not allowed for the tax purposes
 1748 of this state as both a deduction from income and a credit
 1749 against the tax. This addition is not intended to result in
 1750 adding the same expense back to income more than once.

1751 ~~12. The amount taken as a credit for the taxable year under~~

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1752 ~~s. 220.192.~~1753 12.13. The amount taken as a credit for the taxable year
1754 under s. 220.193.1755 13.14. Any portion of a qualified investment, as defined in
1756 s. 288.9913, which is claimed as a deduction by the taxpayer and
1757 taken as a credit against income tax pursuant to s. 288.9916.1758 14.15. The costs to acquire a tax credit pursuant to s.
1759 288.1254(5) that are deducted from or otherwise reduce federal
1760 taxable income for the taxable year.1761 15.16. The amount taken as a credit for the taxable year
1762 pursuant to s. 220.194.1763 16.17. The amount taken as a credit for the taxable year
1764 under s. 220.196. The addition in this subparagraph is intended
1765 to ensure that the same amount is not allowed for the tax
1766 purposes of this state as both a deduction from income and a
1767 credit against the tax. The addition is not intended to result
1768 in adding the same expense back to income more than once.1769 Reviser's note.—Amended to conform to the repeal of s. 220.192
1770 by s. 3, ch. 2019-4, Laws of Florida.1771 Section 43. Paragraph (i) of subsection (3) of section
1772 220.193, Florida Statutes, is amended to read:

1773 220.193 Florida renewable energy production credit.—

1774 (3) An annual credit against the tax imposed by this
1775 section shall be allowed to a taxpayer, based on the taxpayer's
1776 production and sale of electricity from a new or expanded
1777 Florida renewable energy facility. For a new facility, the
1778 credit shall be based on the taxpayer's sale of the facility's
1779 entire electrical production. For an expanded facility, the
1780 credit shall be based on the increases in the facility's

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1781 electrical production that are achieved after May 1, 2012.

1782 ~~(i) A taxpayer claiming credit under this section may not~~
 1783 ~~claim a credit under s. 220.192. A taxpayer claiming credit~~
 1784 ~~under s. 220.192 may not claim a credit under this section.~~

1785 Reviser's note.—Amended to conform to the repeal of s. 220.192,
 1786 by s. 3, ch. 2019-4, Laws of Florida.

1787 Section 44. Paragraph (c) of subsection (3) of section
 1788 252.365, Florida Statutes, is amended to read:

1789 252.365 Emergency coordination officers; disaster-
 1790 preparedness plans.—

1791 (3) These individuals shall be responsible for ensuring
 1792 that each state agency and facility, such as a prison, office
 1793 building, or university, has a disaster preparedness plan that
 1794 is coordinated with the applicable local emergency-management
 1795 agency and approved by the division.

1796 (c) The division shall develop and distribute guidelines
 1797 for developing and implementing the plan. ~~Each agency is~~
 1798 ~~encouraged to initiate and complete development of its plan~~
 1799 ~~immediately, but no later than July 1, 2003.~~

1800 Reviser's note.—Amended to delete obsolete language.

1801 Section 45. Paragraph (b) of subsection (3) of section
 1802 259.037, Florida Statutes, is amended to read:

1803 259.037 Land Management Uniform Accounting Council.—

1804 (3)

1805 (b) Each reporting agency shall also:

1806 1. Include a report of the available public use
 1807 opportunities for each management unit of state land, the total
 1808 management cost for public access and public use, and the cost
 1809 associated with each use option.

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1810 2. List the acres of land requiring minimal management
1811 effort, moderate management effort, and significant management
1812 effort pursuant to ~~s. 259.032(9)(c)~~. For each category created
1813 in paragraph (a), the reporting agency shall include the amount
1814 of funds requested, the amount of funds received, and the amount
1815 of funds expended for land management.

1816 3. List acres managed and cost of management for each park,
1817 preserve, forest, reserve, or management area.

1818 4. List acres managed, cost of management, and lead manager
1819 for each state lands management unit for which secondary
1820 management activities were provided.

1821 5. Include a report of the estimated calculable financial
1822 benefits to the public for the ecosystem services provided by
1823 conservation lands, based on the best readily available
1824 information or science that provides a standard measurement
1825 methodology to be consistently applied by the land managing
1826 agencies. Such information may include, but need not be limited
1827 to, the value of natural lands for protecting the quality and
1828 quantity of drinking water through natural water filtration and
1829 recharge, contributions to protecting and improving air quality,
1830 benefits to agriculture through increased soil productivity and
1831 preservation of biodiversity, and savings to property and lives
1832 through flood control.

1833 Reviser's note.—Amended to delete a reference to s.

1834 259.032(9)(c), which was repealed as s. 259.032(11)(c) by
1835 s. 36, ch. 2013-15, Laws of Florida; the reference to s.
1836 259.032(11)(c) was revised to s. 259.032(9)(c) by s. 23,
1837 ch. 2015-229, Laws of Florida, but the subject referenced,
1838 minimal, moderate, and significant management effort, is

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1839 found nowhere else in the statutes and was the subject of
1840 s. 259.032(11)(c) repealed in 2013.

1841 Section 46. Subsection (2) of section 265.707, Florida
1842 Statutes, is amended to read:

1843 265.707 Museum of Florida History and programs; other
1844 historical museums.—

1845 (2) The division shall establish and administer a museum
1846 store in the Museum of Florida History to provide information
1847 and materials relating to museum exhibits, collections, and
1848 programs to the public and may operate additional stores
1849 associated with the museum. The store may produce, acquire, and
1850 sell craft products, replicas and reproductions of artifacts,
1851 documents, and other merchandise relating to historical and
1852 cultural resources and may make a reasonable charge for such
1853 merchandise. All proceeds received from sales must be deposited
1854 into the Grants and Donations Trust Fund, or funds in excess of
1855 the amount required to pay employees involved in the direct
1856 management of the museum store, ~~may~~ be deposited into a bank
1857 account of the citizen support organization created pursuant to
1858 s. 265.703 and may be used only to support the programs of the
1859 Museum of Florida History. The museum store may enter into
1860 agreements and accept credit-card payments as compensation for
1861 goods and products sold. The division may establish accounts in
1862 credit-card banks for the deposit of credit-card sales invoices
1863 and to pay discounts and service charges in connection with the
1864 use of credit cards.

1865 Reviser's note.—Amended to improve clarity.

1866 Section 47. Section 282.201, Florida Statutes, is reenacted
1867 to read:

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1868 282.201 State data center.—The state data center is
1869 established within the department. The provision of data center
1870 services must comply with applicable state and federal laws,
1871 regulations, and policies, including all applicable security,
1872 privacy, and auditing requirements. The department shall appoint
1873 a director of the state data center, preferably an individual
1874 who has experience in leading data center facilities and has
1875 expertise in cloud-computing management.

1876 (1) STATE DATA CENTER DUTIES.—The state data center shall:

1877 (a) Offer, develop, and support the services and
1878 applications defined in service-level agreements executed with
1879 its customer entities.

1880 (b) Maintain performance of the state data center by
1881 ensuring proper data backup, data backup recovery, disaster
1882 recovery, and appropriate security, power, cooling, fire
1883 suppression, and capacity.

1884 (c) Develop and implement business continuity and disaster
1885 recovery plans, and annually conduct a live exercise of each
1886 plan.

1887 (d) Enter into a service-level agreement with each customer
1888 entity to provide the required type and level of service or
1889 services. If a customer entity fails to execute an agreement
1890 within 60 days after commencement of a service, the state data
1891 center may cease service. A service-level agreement may not have
1892 a term exceeding 3 years and at a minimum must:

1893 1. Identify the parties and their roles, duties, and
1894 responsibilities under the agreement.

1895 2. State the duration of the contract term and specify the
1896 conditions for renewal.

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- 1897 3. Identify the scope of work.
- 1898 4. Identify the products or services to be delivered with
1899 sufficient specificity to permit an external financial or
1900 performance audit.
- 1901 5. Establish the services to be provided, the business
1902 standards that must be met for each service, the cost of each
1903 service by agency application, and the metrics and processes by
1904 which the business standards for each service are to be
1905 objectively measured and reported.
- 1906 6. Provide a timely billing methodology to recover the
1907 costs of services provided to the customer entity pursuant to s.
1908 215.422.
- 1909 7. Provide a procedure for modifying the service-level
1910 agreement based on changes in the type, level, and cost of a
1911 service.
- 1912 8. Include a right-to-audit clause to ensure that the
1913 parties to the agreement have access to records for audit
1914 purposes during the term of the service-level agreement.
- 1915 9. Provide that a service-level agreement may be terminated
1916 by either party for cause only after giving the other party and
1917 the department notice in writing of the cause for termination
1918 and an opportunity for the other party to resolve the identified
1919 cause within a reasonable period.
- 1920 10. Provide for mediation of disputes by the Division of
1921 Administrative Hearings pursuant to s. 120.573.
- 1922 (e) For purposes of chapter 273, be the custodian of
1923 resources and equipment located in and operated, supported, and
1924 managed by the state data center.
- 1925 (f) Assume administrative access rights to resources and

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1926 equipment, including servers, network components, and other
1927 devices, consolidated into the state data center.

1928 1. Upon consolidation, a state agency shall relinquish
1929 administrative rights to consolidated resources and equipment.
1930 State agencies required to comply with federal and state
1931 criminal justice information security rules and policies shall
1932 retain administrative access rights sufficient to comply with
1933 the management control provisions of those rules and policies;
1934 however, the state data center shall have the appropriate type
1935 or level of rights to allow the center to comply with its duties
1936 pursuant to this section. The Department of Law Enforcement
1937 shall serve as the arbiter of disputes pertaining to the
1938 appropriate type and level of administrative access rights
1939 pertaining to the provision of management control in accordance
1940 with the federal criminal justice information guidelines.

1941 2. The state data center shall provide customer entities
1942 with access to applications, servers, network components, and
1943 other devices necessary for entities to perform business
1944 activities and functions, and as defined and documented in a
1945 service-level agreement.

1946 (g) In its procurement process, show preference for cloud-
1947 computing solutions that minimize or do not require the
1948 purchasing, financing, or leasing of state data center
1949 infrastructure, and that meet the needs of customer agencies,
1950 that reduce costs, and that meet or exceed the applicable state
1951 and federal laws, regulations, and standards for information
1952 technology security.

1953 (h) Assist customer entities in transitioning from state
1954 data center services to third-party cloud-computing services

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1955 procured by a customer entity.

1956 (2) USE OF THE STATE DATA CENTER.—The following are exempt
1957 from the use of the state data center: the Department of Law
1958 Enforcement, the Department of the Lottery's Gaming System,
1959 Systems Design and Development in the Office of Policy and
1960 Budget, the regional traffic management centers as described in
1961 s. 335.14(2) and the Office of Toll Operations of the Department
1962 of Transportation, the State Board of Administration, state
1963 attorneys, public defenders, criminal conflict and civil
1964 regional counsel, capital collateral regional counsel, and the
1965 Florida Housing Finance Corporation.

1966 (3) AGENCY LIMITATIONS.—Unless exempt from the use of the
1967 state data center pursuant to this section or authorized by the
1968 Legislature, a state agency may not:

1969 (a) Create a new agency computing facility or data center,
1970 or expand the capability to support additional computer
1971 equipment in an existing agency computing facility or data
1972 center; or

1973 (b) Terminate services with the state data center without
1974 giving written notice of intent to terminate services 180 days
1975 before such termination.

1976 Reviser's note.—Reenacted to confirm the inclusion of the words
1977 "data center" in the second sentence of the introductory
1978 paragraph of the section. They were added by s. 60, ch.
1979 2018-10, Laws of Florida; s. 61, ch. 2018-10, repealed the
1980 amendments by s. 60 of that act effective July 1, 2019, and
1981 the text of the section reverted to the version in
1982 existence on June 30, 2018. That version did not contain
1983 the words "data center," but they are published in s. 10,

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1984 ch. 2019-118, Laws of Florida, without coding.
1985 Section 48. Paragraph (j) of subsection (4) of section
1986 282.318, Florida Statutes, is amended to read:
1987 282.318 Security of data and information technology.—
1988 (4) Each state agency head shall, at a minimum:
1989 (j) Develop a process for detecting, reporting, and
1990 responding to threats, breaches, or information technology
1991 security incidents which is consistent with the security rules,
1992 guidelines, and processes established by the Department of
1993 Management Services Agency for State Technology.
1994 1. All information technology security incidents and
1995 breaches must be reported to the Division of State Technology
1996 within the department and the Cybercrime Office of the
1997 Department of Law Enforcement and must comply with the
1998 notification procedures and reporting timeframes established
1999 pursuant to paragraph (3)(c).
2000 2. For information technology security breaches, state
2001 agencies shall provide notice in accordance with s. 501.171.
2002 3. Records held by a state agency which identify detection,
2003 investigation, or response practices for suspected or confirmed
2004 information technology security incidents, including suspected
2005 or confirmed breaches, are confidential and exempt from s.
2006 119.07(1) and s. 24(a), Art. I of the State Constitution, if the
2007 disclosure of such records would facilitate unauthorized access
2008 to or the unauthorized modification, disclosure, or destruction
2009 of:
2010 a. Data or information, whether physical or virtual; or
2011 b. Information technology resources, which includes:
2012 (I) Information relating to the security of the agency's

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2013 technologies, processes, and practices designed to protect
2014 networks, computers, data processing software, and data from
2015 attack, damage, or unauthorized access; or

2016 (II) Security information, whether physical or virtual,
2017 which relates to the agency's existing or proposed information
2018 technology systems.

2019
2020 Such records shall be available to the Auditor General, the
2021 Division of State Technology within the department, the
2022 Cybercrime Office of the Department of Law Enforcement, and, for
2023 state agencies under the jurisdiction of the Governor, the Chief
2024 Inspector General. Such records may be made available to a local
2025 government, another state agency, or a federal agency for
2026 information technology security purposes or in furtherance of
2027 the state agency's official duties. This exemption applies to
2028 such records held by a state agency before, on, or after the
2029 effective date of this exemption. This subparagraph is subject
2030 to the Open Government Sunset Review Act in accordance with s.
2031 119.15 and shall stand repealed on October 2, 2021, unless
2032 reviewed and saved from repeal through reenactment by the
2033 Legislature.

2034 Reviser's note—Amended to conform to the repeal of s. 20.61,
2035 which created the Agency for State Technology, by s. 5, ch.
2036 2019-118, Laws of Florida, and the transfer of the agency's
2037 duties to the Department of Management Services by ss. 1
2038 and 3, ch. 2019-118.

2039 Section 49. Paragraph (h) of subsection (2) of section
2040 287.055, Florida Statutes, is amended to read:

2041 287.055 Acquisition of professional architectural,

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2042 engineering, landscape architectural, or surveying and mapping
2043 services; definitions; procedures; contingent fees prohibited;
2044 penalties.—

2045 (2) DEFINITIONS.—For purposes of this section:

2046 (h) A “design-build firm” means a partnership, corporation,
2047 or other legal entity that:

2048 1. Is certified under s. 489.119 to engage in contracting
2049 through a certified or registered general contractor or a
2050 certified or registered building contractor as the qualifying
2051 agent; or

2052 2. Is qualified ~~certified~~ under s. 471.023 to practice or
2053 to offer to practice engineering; certified under s. 481.219 to
2054 practice or to offer to practice architecture; or certified
2055 under s. 481.319 to practice or to offer to practice landscape
2056 architecture.

2057 Reviser’s note.—Amended to conform to the substitution of

2058 qualification of engineers for certification of engineers
2059 by s. 9, ch. 2019-86, Laws of Florida.

2060 Section 50. Paragraph (n) of subsection (4) of section
2061 287.09451, Florida Statutes, is amended to read:

2062 287.09451 Office of Supplier Diversity; powers, duties, and
2063 functions.—

2064 (4) The Office of Supplier Diversity shall have the
2065 following powers, duties, and functions:

2066 (n)1. To develop procedures to be used by an agency in
2067 identifying commodities, contractual services, architectural and
2068 engineering services, and construction contracts, except those
2069 architectural, engineering, construction, or other related
2070 services or contracts subject to the provisions of chapter 339,

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2071 that could be provided by minority business enterprises. Each
2072 agency is encouraged to spend 21 percent of the moneys actually
2073 expended for construction contracts, 25 percent of the moneys
2074 actually expended for architectural and engineering contracts,
2075 24 percent of the moneys actually expended for commodities, and
2076 50.5 percent of the moneys actually expended for contractual
2077 services during the previous fiscal year, except for the state
2078 university construction program which shall be based upon public
2079 education capital outlay projections for the subsequent fiscal
2080 year, and reported to the Legislature pursuant to s. 216.023,
2081 for the purpose of entering into contracts with certified
2082 minority business enterprises as defined in s. 288.703, or
2083 approved joint ventures. However, in the event of budget
2084 reductions pursuant to s. 216.221, the base amounts may be
2085 adjusted to reflect such reductions. The overall spending goal
2086 for each industry category shall be subdivided as follows:

2087 a. For construction contracts: 4 percent for black
2088 Americans, 6 percent for Hispanic-Americans, and 11 percent for
2089 American women.

2090 b. For architectural and engineering contracts: 9 percent
2091 for Hispanic-Americans, 1 percent for Asian-Americans, and 15
2092 percent for American women.

2093 c. For commodities: 2 percent for black Americans, 4
2094 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,
2095 0.5 percent for Native Americans, and 17 percent for American
2096 women.

2097 d. For contractual services: 6 percent for black Americans,
2098 7 percent for Hispanic-Americans, 1 percent for Asian-Americans,
2099 0.5 percent for Native Americans, and 36 percent for American

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2100 women.

2101 2. For the purposes of commodities contracts for the
2102 purchase of equipment to be used in the construction and
2103 maintenance of state transportation facilities involving the
2104 Department of Transportation, the terms "minority business
2105 enterprise" and "minority person" have the same meanings as
2106 provided in s. 288.703. In order to ensure that the goals
2107 established under this paragraph for contracting with certified
2108 minority business enterprises are met, the department, with the
2109 assistance of the Office of Supplier Diversity, shall make
2110 recommendations to the Legislature on revisions to the goals,
2111 based on an updated statistical analysis, at least once every 5
2112 years. Such recommendations shall be based on statistical data
2113 indicating the availability of and disparity in the use of
2114 minority businesses contracting with the state. ~~The results of
2115 the first updated disparity study must be presented to the
2116 Legislature no later than December 1, 1996.~~

2117 3. In determining the base amounts for assessing compliance
2118 with this paragraph, the Office of Supplier Diversity may
2119 develop, by rule, guidelines for all agencies to use in
2120 establishing such base amounts. These rules must include, but
2121 are not limited to, guidelines for calculation of base amounts,
2122 a deadline for the agencies to submit base amounts, a deadline
2123 for approval of the base amounts by the Office of Supplier
2124 Diversity, and procedures for adjusting the base amounts as a
2125 result of budget reductions made pursuant to s. 216.221.

2126 4. To determine guidelines for the use of price
2127 preferences, weighted preference formulas, or other preferences,
2128 as appropriate to the particular industry or trade, to increase

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2129 the participation of minority businesses in state contracting.
2130 These guidelines shall include consideration of:

- 2131 a. Size and complexity of the project.
- 2132 b. The concentration of transactions with minority business
2133 enterprises for the commodity or contractual services in
2134 question in prior agency contracting.
- 2135 c. The specificity and definition of work allocated to
2136 participating minority business enterprises.
- 2137 d. The capacity of participating minority business
2138 enterprises to complete the tasks identified in the project.
- 2139 e. The available pool of minority business enterprises as
2140 prime contractors, either alone or as partners in an approved
2141 joint venture that serves as the prime contractor.

2142 5. To determine guidelines for use of joint ventures to
2143 meet minority business enterprises spending goals. For purposes
2144 of this section, "joint venture" means any association of two or
2145 more business concerns to carry out a single business enterprise
2146 for profit, for which purpose they combine their property,
2147 capital, efforts, skills, and knowledge. The guidelines shall
2148 allow transactions with joint ventures to be eligible for credit
2149 against the minority business enterprise goals of an agency when
2150 the contracting joint venture demonstrates that at least one
2151 partner to the joint venture is a certified minority business
2152 enterprise as defined in s. 288.703, and that such partner is
2153 responsible for a clearly defined portion of the work to be
2154 performed, and shares in the ownership, control, management,
2155 responsibilities, risks, and profits of the joint venture. Such
2156 demonstration shall be by verifiable documents and sworn
2157 statements and may be reviewed by the Office of Supplier

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2158 Diversity at or before the time a contract bid, proposal, or
2159 reply is submitted. An agency may count toward its minority
2160 business enterprise goals a portion of the total dollar amount
2161 of a contract equal to the percentage of the ownership and
2162 control held by the qualifying certified minority business
2163 partners in the contracting joint venture, so long as the joint
2164 venture meets the guidelines adopted by the office.

2165 Reviser's note.—Amended to delete obsolete language.

2166 Section 51. Paragraph (c) of subsection (3) of section
2167 287.134, Florida Statutes, is amended to read:

2168 287.134 Discrimination; denial or revocation of the right
2169 to transact business with public entities.—

2170 (3)

2171 (c) The department shall maintain a list of the names and
2172 addresses of any entity which has been disqualified from the
2173 public contracting and purchasing process under this section.
2174 The department shall publish ~~an initial list on January 1, 2001,~~
2175 ~~and shall publish~~ an updated version of the list quarterly
2176 ~~thereafter~~. The revised quarterly lists shall be electronically
2177 posted. Notwithstanding this paragraph, an entity or affiliate
2178 disqualified from the public contracting and purchasing process
2179 pursuant to this section shall be disqualified as of the date
2180 the final order is entered.

2181 Reviser's note.—Amended to delete obsolete language.

2182 Section 52. Paragraph (b) of subsection (4) of section
2183 288.955, Florida Statutes, is amended to read:

2184 288.955 Scripps Florida Funding Corporation.—

2185 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
2186 a board of directors.

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2187 (b) Each member of the board of directors shall serve for a
2188 term of 4 years, ~~except that initially the Governor, the~~
2189 ~~President of the Senate, and the Speaker of the House of~~
2190 ~~Representatives each shall appoint one member for a term of 1~~
2191 ~~year, one member for a term of 2 years, and one member for a~~
2192 ~~term of 4 years to achieve staggered terms among the members of~~
2193 ~~the board.~~ A member is not eligible for reappointment to the
2194 board, except, however, that a member appointed to an initial
2195 term of 1 year or 2 years may be reappointed for an additional
2196 term of 4 years, and a person appointed to fill a vacancy with 2
2197 years or less remaining on the term may be reappointed for an
2198 additional term of 4 years. ~~The Governor, the President of the~~
2199 ~~Senate, and the Speaker of the House of Representatives shall~~
2200 ~~make their initial appointments to the board by November 15,~~
2201 ~~2003.~~

2202 Reviser's note.—Amended to delete obsolete language.

2203 Section 53. Subsection (1) of section 295.016, Florida
2204 Statutes, is amended to read:

2205 295.016 Children of servicemembers who died or became
2206 disabled in Operation Eagle Claw.—

2207 (1) It is hereby declared to be a policy of the state to
2208 provide educational opportunity at state expense for the
2209 dependent children of any servicemember who died or suffered a
2210 service-connected 100-percent total and permanent disability
2211 rating for compensation as determined by the United States
2212 Department of Veterans Affairs ~~Veterans Administration~~, or who
2213 has been determined to have a service-connected total and
2214 permanent disability rating of 100 percent and is in receipt of
2215 disability retirement pay from any branch of the United States

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2216 Armed Services, in the Iranian rescue mission known as Operation
2217 Eagle Claw, which servicemember was residing in the state on
2218 April 25, 1980. A certified copy of a death certificate, a valid
2219 identification card issued by the Department of Veterans'
2220 Affairs in accordance with s. 295.17, a letter certifying the
2221 service-connected 100-percent total and permanent disability
2222 rating for compensation from the United States Department of
2223 Veterans Affairs ~~Veterans Administration~~, or a letter certifying
2224 the service-connected total and permanent disability rating of
2225 100 percent for retirement pay from any branch of the United
2226 States Armed Services shall be prima facie evidence of the fact
2227 that the dependent children of the servicemember are eligible
2228 for such benefits.

2229 Reviser's note.—Amended to conform to the renaming of the
2230 Veterans Administration as the United States Department of
2231 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

2232 Section 54. Subsection (1) of section 295.017, Florida
2233 Statutes, is amended to read:

2234 295.017 Children of servicemembers who died or became
2235 disabled in the Lebanon and Grenada military arenas; educational
2236 opportunity.—

2237 (1) It is hereby declared to be the policy of the state to
2238 provide educational opportunity at state expense for the
2239 dependent children of any servicemember who died or suffered a
2240 service-connected 100-percent total and permanent disability
2241 rating for compensation as determined by the United States
2242 Department of Veterans Affairs ~~Veterans Administration~~, or who
2243 has been determined to have a service-connected total and
2244 permanent disability rating of 100 percent and is in receipt of

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2245 disability retirement pay from any branch of the United States
2246 Armed Services, while participating in a Multinational Peace
2247 Keeping Force in Lebanon during the period from September 17,
2248 1982, through February 3, 1984, inclusive, or as a participant
2249 in Operation Urgent Fury in Grenada during the period from
2250 October 23, 1983, through November 2, 1983, inclusive, which
2251 servicemember was residing in the state during those periods of
2252 military action. A certified copy of a death certificate, a
2253 valid identification card issued in accordance with the
2254 provisions of s. 295.17, a letter certifying the service-
2255 connected 100-percent total and permanent disability rating for
2256 compensation from the United States Department of Veterans
2257 Affairs ~~Veterans Administration~~, or a letter certifying the
2258 service-connected total and permanent disability rating of 100
2259 percent for retirement pay from any branch of the United States
2260 Armed Services shall be prima facie evidence of the fact that
2261 the dependent children of the servicemember are eligible for
2262 such benefits.

2263 Reviser's note.—Amended to conform to the renaming of the
2264 Veterans Administration as the United States Department of
2265 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.
2266 Section 55. Section 295.13, Florida Statutes, is amended to
2267 read:

2268 295.13 Disability of minority of veterans and spouse
2269 removed, benefits under Servicemen's Readjustment Act.—The
2270 disability of minority of any person otherwise eligible for a
2271 loan, or guaranty or insurance of a loan, pursuant to chapter 37
2272 of Title 38 U.S.C., "Home, Farm and Business Loans," and the
2273 disability of the minor spouse of any eligible veteran, in

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2274 connection with any transaction entered into pursuant to that
2275 Act of the Congress, as heretofore or hereafter amended, shall
2276 not affect the binding effect of any obligation incurred by such
2277 eligible person or spouse as an incident to any such
2278 transaction, including incurring of indebtedness and acquiring,
2279 encumbering, selling, releasing, or conveying property, or any
2280 interest therein, if all or part of any such obligation is
2281 guaranteed or insured by the United States Government or the
2282 United States Department of Veterans Affairs ~~Veterans~~
2283 ~~Administration~~ pursuant to such act and amendments thereto; or
2284 if the United States Department of Veterans Affairs ~~Veterans~~
2285 ~~Administration~~ is the creditor, by reason of a loan or a sale
2286 pursuant to such act and amendments. This section does not
2287 create, or render enforceable, any other or greater rights or
2288 liabilities than would exist if neither such person nor such
2289 spouse were a minor.

2290 Reviser's note.—Amended to conform to the renaming of the
2291 Veterans Administration as the United States Department of
2292 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.
2293 Section 56. Subsections (1) and (2) of section 298.225,
2294 Florida Statutes, are amended to read:

2295 298.225 Water control plan; plan development and
2296 amendment.—

2297 (1) ~~Effective October 1, 1998,~~ Any plan of reclamation,
2298 water management plan, or plan of improvement developed and
2299 implemented by a water control district created by this chapter
2300 or by special act of the Legislature is considered a "water
2301 control plan" for purposes of this chapter.

2302 (2) ~~By October 1, 2000,~~ The board of supervisors of each

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2303 water control district must develop or revise the district's
 2304 water control plan to reflect the minimum applicable
 2305 requirements set forth in subsection (3).

2306 Reviser's note.—Amended to delete obsolete language.

2307 Section 57. Section 316.0896, Florida Statutes, is
 2308 repealed.

2309 Reviser's note.—The referenced section, which relates to the
 2310 assistive truck platooning technology pilot project, is
 2311 obsolete. The study has been completed.

2312 Section 58. Paragraphs (a) and (b) of subsection (2) of
 2313 section 316.193, Florida Statutes, are amended to read:

2314 316.193 Driving under the influence; penalties.—

2315 (2) (a) Except as provided in paragraph (b), subsection (3),
 2316 or subsection (4), any person who is convicted of a violation of
 2317 subsection (1) shall be punished:

2318 1. By a fine of:

2319 a. Not less than \$500 or more than \$1,000 for a first
 2320 conviction.

2321 b. Not less than \$1,000 or more than \$2,000 for a second
 2322 conviction; and

2323 2. By imprisonment for:

2324 a. Not more than 6 months for a first conviction.

2325 b. Not more than 9 months for a second conviction.

2326 3. For a second conviction, by mandatory placement for a
 2327 period of at least 1 year, at the convicted person's sole
 2328 expense, of an ignition interlock device approved by the
 2329 department in accordance with s. 316.1938 upon all vehicles that
 2330 are individually or jointly leased or owned and routinely
 2331 operated by the convicted person, when the convicted person

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2332 qualifies for a permanent or restricted license. ~~The~~
2333 ~~installation of such device may not occur before July 1, 2003.~~

2334

2335 The portion of a fine imposed in excess of \$500 pursuant to sub-
2336 subparagraph 1.a. and the portion of a fine imposed in excess of
2337 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by
2338 the clerk to the Department of Revenue for deposit into the
2339 General Revenue Fund.

2340 (b)1. Any person who is convicted of a third violation of
2341 this section for an offense that occurs within 10 years after a
2342 prior conviction for a violation of this section commits a
2343 felony of the third degree, punishable as provided in s.
2344 775.082, s. 775.083, or s. 775.084. In addition, the court shall
2345 order the mandatory placement for a period of not less than 2
2346 years, at the convicted person's sole expense, of an ignition
2347 interlock device approved by the department in accordance with
2348 s. 316.1938 upon all vehicles that are individually or jointly
2349 leased or owned and routinely operated by the convicted person,
2350 when the convicted person qualifies for a permanent or
2351 restricted license. ~~The installation of such device may not~~
2352 ~~occur before July 1, 2003.~~

2353 2. Any person who is convicted of a third violation of this
2354 section for an offense that occurs more than 10 years after the
2355 date of a prior conviction for a violation of this section shall
2356 be punished by a fine of not less than \$2,000 or more than
2357 \$5,000 and by imprisonment for not more than 12 months. The
2358 portion of a fine imposed in excess of \$2,500 pursuant to this
2359 subparagraph shall be remitted by the clerk to the Department of
2360 Revenue for deposit into the General Revenue Fund. In addition,

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2361 the court shall order the mandatory placement for a period of at
 2362 least 2 years, at the convicted person's sole expense, of an
 2363 ignition interlock device approved by the department in
 2364 accordance with s. 316.1938 upon all vehicles that are
 2365 individually or jointly leased or owned and routinely operated
 2366 by the convicted person, when the convicted person qualifies for
 2367 a permanent or restricted license. ~~The installation of such~~
 2368 ~~device may not occur before July 1, 2003.~~

2369 3. Any person who is convicted of a fourth or subsequent
 2370 violation of this section, regardless of when any prior
 2371 conviction for a violation of this section occurred, commits a
 2372 felony of the third degree, punishable as provided in s.
 2373 775.082, s. 775.083, or s. 775.084. However, the fine imposed
 2374 for such fourth or subsequent violation may be not less than
 2375 \$2,000. The portion of a fine imposed in excess of \$1,000
 2376 pursuant to this subparagraph shall be remitted by the clerk to
 2377 the Department of Revenue for deposit into the General Revenue
 2378 Fund.

2379 Reviser's note.—Amended to delete obsolete language.

2380 Section 59. Paragraph (a) of subsection (3) of section
 2381 316.306, Florida Statutes, is amended to read:

2382 316.306 School and work zones; prohibition on the use of a
 2383 wireless communications device in a handheld manner.—

2384 (3)(a)1. A person may not operate a motor vehicle while
 2385 using a wireless communications device in a handheld manner in a
 2386 designated school crossing, school zone, or work zone area as
 2387 defined in s. 316.003(104) ~~316.003(101)~~. This subparagraph shall
 2388 only be applicable to work zone areas if construction personnel
 2389 are present or are operating equipment on the road or

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2390 immediately adjacent to the work zone area. For the purposes of
2391 this paragraph, a motor vehicle that is stationary is not being
2392 operated and is not subject to the prohibition in this
2393 paragraph.

2394 2.a. During the period from October 1, 2019, through
2395 December 31, 2019, a law enforcement officer may stop motor
2396 vehicles to issue verbal or written warnings to persons who are
2397 in violation of subparagraph 1. for the purposes of informing
2398 and educating such persons of this section. This sub-
2399 subparagraph shall stand repealed on October 1, 2020.

2400 b. Effective January 1, 2020, a law enforcement officer may
2401 stop motor vehicles and issue citations to persons who are
2402 driving while using a wireless communications device in a
2403 handheld manner in violation of subparagraph 1.

2404 Reviser's note.—Amended to confirm the editorial substitution of
2405 a reference to s. 316.003(104) for a reference to s.
2406 316.003(101) to conform to the addition of subsections
2407 within s. 316.003 by s. 1, ch. 2019-101, Laws of Florida,
2408 and s. 1, ch. 2019-109, Laws of Florida.

2409 Section 60. Subsection (1) of section 316.5501, Florida
2410 Statutes, is amended to read:

2411 316.5501 Permitting program for combination truck tractor,
2412 semitrailer, and trailer combination coupled as a single unit
2413 subject to certain requirements.—

2414 (1) By no later than January 1, 2020, the Department of
2415 Transportation in conjunction with the Department of Highway
2416 Safety and Motor Vehicles shall develop a permitting program
2417 that, notwithstanding any other provision of law except
2418 conflicting federal law and applicable provisions of s. 316.550,

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2419 prescribes the operation of any combination of truck tractor,
2420 semitrailer, and trailer combination coupled together so as to
2421 operate as a single unit in which the semitrailer and the
2422 trailer unit may each be up to 48 feet in length, but not less
2423 than 28 feet in length, if such truck tractor, semitrailer, and
2424 trailer combination is:

2425 (a) Being used for the primary purpose of transporting farm
2426 products as defined in s. 823.14(3)(c) on a prescribed route
2427 within the boundary of the Everglades Agricultural Area as
2428 described in s. 373.4592(15);

2429 (b) Traveling on a prescribed route that has been submitted
2430 to and approved by the Department of Transportation for public
2431 safety purposes having taken into account, at a minimum, the
2432 point of origin, destination, traffic and pedestrian volume on
2433 the route, turning radius at intersections along the route, and
2434 potential for damage to roadways or bridges on the route;

2435 (c) Operating only on state or local roadways within a
2436 radius of 60 miles from where such truck tractor, semitrailer,
2437 and trailer combination was loaded; however, travel is not
2438 authorized on the Interstate Highway System; and

2439 (d) Meeting the following weight limitations:

2440 1. The maximum gross weight of the truck tractor and the
2441 first trailer shall not exceed 88,000 pounds.

2442 2. The maximum gross weight of the dolly and second trailer
2443 shall not exceed 67,000 pounds.

2444 3. The maximum overall gross weight of the truck tractor-
2445 semitrailer-trailer combination shall not exceed 155,000 pounds.

2446 Reviser's note.—Amended to improve clarity.

2447 Section 61. Paragraph (a) of subsection (8) of section

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2448 318.18, Florida Statutes, is amended to read:

2449 318.18 Amount of penalties.—The penalties required for a
2450 noncriminal disposition pursuant to s. 318.14 or a criminal
2451 offense listed in s. 318.17 are as follows:

2452 (8) (a) Any person who fails to comply with the court's
2453 requirements or who fails to pay the civil penalties specified
2454 in this section within the 30-day period provided for in s.
2455 318.14 must pay an additional civil penalty of \$16, \$6.50 of
2456 which must be remitted to the Department of Revenue for deposit
2457 in the General Revenue Fund, and \$9.50 of which must be remitted
2458 to the Department of Revenue for deposit in the Highway Safety
2459 Operating Trust Fund. Of this additional civil penalty of \$16,
2460 \$4 is not revenue for purposes of s. 28.36 and may not be used
2461 in establishing the budget of the clerk of the court under that
2462 section or s. 28.35. The department shall contract with the
2463 Florida Association of Court Clerks, Inc., to design, establish,
2464 operate, upgrade, and maintain an automated statewide Uniform
2465 Traffic Citation Accounting System to be operated by the clerks
2466 of the court which shall include, but not be limited to, the
2467 accounting for traffic infractions by type, a record of the
2468 disposition of the citations, and an accounting system for the
2469 fines assessed and the subsequent fine amounts paid to the
2470 clerks of the court. ~~On or before December 1, 2001,~~ The clerks
2471 of the court must provide the information required by this
2472 chapter to be transmitted to the department by electronic
2473 transmission pursuant to the contract.

2474 Reviser's note.—Amended to delete obsolete language.

2475 Section 62. Paragraph (c) of subsection (1) of section
2476 319.14, Florida Statutes, is amended to read:

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2477 319.14 Sale of motor vehicles registered or used as
2478 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
2479 nonconforming vehicles, custom vehicles, or street rod vehicles;
2480 conversion of low-speed vehicles.—

2481 (1)

2482 (c) As used in this section, the term:

2483 1. "Police vehicle" means a motor vehicle owned or leased
2484 by the state or a county or municipality and used in law
2485 enforcement.

2486 2.a. "Short-term-lease vehicle" means a motor vehicle
2487 leased without a driver and under a written agreement to one or
2488 more persons from time to time for a period of less than 12
2489 months.

2490 b. "Long-term-lease vehicle" means a motor vehicle leased
2491 without a driver and under a written agreement to one person for
2492 a period of 12 months or longer.

2493 c. "Lease vehicle" includes both short-term-lease vehicles
2494 and long-term-lease vehicles.

2495 3. "Rebuilt vehicle" means a motor vehicle or mobile home
2496 built from salvage or junk, as defined in s. 319.30(1).

2497 4. "Assembled from parts" means a motor vehicle or mobile
2498 home assembled from parts or combined from parts of motor
2499 vehicles or mobile homes, new or used. "Assembled from parts"
2500 does not mean a motor vehicle defined as a "rebuilt vehicle" in
2501 subparagraph 3., which has been declared a total loss pursuant
2502 to s. 319.30.

2503 5. "Kit car" means a motor vehicle assembled with a kit
2504 supplied by a manufacturer to rebuild a wrecked or outdated
2505 motor vehicle with a new body kit.

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2506 6. "Glider kit" means a vehicle assembled with a kit
2507 supplied by a manufacturer to rebuild a wrecked or outdated
2508 truck or truck tractor.

2509 7. "Replica" means a complete new motor vehicle
2510 manufactured to look like an old vehicle.

2511 8. "Flood vehicle" means a motor vehicle or mobile home
2512 that has been declared to be a total loss pursuant to s.
2513 319.30(3)(a) resulting from damage caused by water.

2514 9. "Nonconforming vehicle" means a motor vehicle which has
2515 been purchased by a manufacturer pursuant to a settlement,
2516 determination, or decision under chapter 681.

2517 10. "Settlement" means an agreement entered into between a
2518 manufacturer and a consumer that occurs after a dispute is
2519 submitted to a program, or to an informal dispute settlement
2520 procedure established by a manufacturer, or is approved for
2521 arbitration before the Florida New Motor Vehicle Arbitration
2522 Board as defined in s. 681.102.

2523 11. "Custom vehicle" means a motor vehicle that:

2524 a. Is 25 years of age or older and of a model year after
2525 1948 or was manufactured to resemble a vehicle that is 25 years
2526 of age or older and of a model year after 1948; and

2527 b. Has been altered from the manufacturer's original design
2528 or has a body constructed from nonoriginal materials.

2529
2530 The model year and year of manufacture that the body of a custom
2531 vehicle resembles is the model year and year of manufacture
2532 listed on the certificate of title, regardless of when the
2533 vehicle was actually manufactured.

2534 12. "Street rod" means a motor vehicle that:

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2535 a. Is of a model year of 1948 or older or was manufactured
 2536 after 1948 to resemble a vehicle of a model year of 1948 or
 2537 older; and

2538 b. Has been altered from the manufacturer's original design
 2539 or has a body constructed from nonoriginal materials.

2540

2541 The model year and year of manufacture that the body of a street
 2542 rod resembles is the model year and year of manufacture listed
 2543 on the certificate of title, regardless of when the vehicle was
 2544 actually manufactured.

2545 Reviser's note.—Amended to improve clarity and conform to the
 2546 full name of the board.

2547 Section 63. Paragraph (c) of subsection (29) of section
 2548 320.08058, Florida Statutes, is amended to read:

2549 320.08058 Specialty license plates.—

2550 (29) CHOOSE LIFE LICENSE PLATES.—

2551 ~~(c) By October 1, 2011, the department and each county~~
 2552 ~~shall transfer all of its Choose Life license plate funds to~~
 2553 ~~Choose Life, Inc.~~

2554 Reviser's note.—Amended to delete an obsolete provision.

2555 Section 64. Subsection (4) of section 320.77, Florida
 2556 Statutes, is amended to read:

2557 320.77 License required of mobile home dealers.—

2558 (4) FEES.—Upon making initial application, the applicant
 2559 shall pay to the department a fee of \$300 in addition to any
 2560 other fees required by law. Applicants may choose to extend the
 2561 licensure period for 1 additional year for a total of 2 years.
 2562 An initial applicant shall pay to the department a fee of \$300
 2563 for the first year and \$100 for the second year in addition to

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2564 any other fees required by law. An applicant for a renewal
2565 license shall pay to the department \$100 for a 1-year renewal or
2566 \$200 for a 2-year renewal. The fee for application for change of
2567 location shall be \$25. Any applicant for renewal who has failed
2568 to submit a ~~his or her~~ renewal application by October 1 of the
2569 year of its current license expiration shall pay a renewal
2570 application fee equal to the original application fee. No fee is
2571 refundable. All fees shall be deposited into the General Revenue
2572 Fund.

2573 Reviser's note.—Amended to improve clarity.

2574 Section 65. Subsection (4) of section 320.771, Florida
2575 Statutes, is amended to read:

2576 320.771 License required of recreational vehicle dealers.—

2577 (4) FEES.—Upon making initial application, the applicant
2578 shall pay to the department a fee of \$300 in addition to any
2579 other fees required by law. Applicants may choose to extend the
2580 licensure period for 1 additional year for a total of 2 years.
2581 An initial applicant shall pay to the department a fee of \$300
2582 for the first year and \$100 for the second year in addition to
2583 any other fees required by law. An applicant for a renewal
2584 license shall pay to the department \$100 for a 1-year renewal or
2585 \$200 for a 2-year renewal. The fee for application for change of
2586 location shall be \$25. Any applicant for renewal who has failed
2587 to submit a ~~his or her~~ renewal application by October 1 of the
2588 year of its current license expiration shall pay a renewal
2589 application fee equal to the original application fee. No fee is
2590 refundable. All fees shall be deposited into the General Revenue
2591 Fund.

2592 Reviser's note.—Amended to improve clarity.

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2593 Section 66. Subsection (3) of section 320.8225, Florida
2594 Statutes, is amended to read:

2595 320.8225 Mobile home and recreational vehicle manufacturer,
2596 distributor, and importer license.—

2597 (3) FEES.—Upon submitting an initial application, the
2598 applicant shall pay to the department a fee of \$300. Applicants
2599 may choose to extend the licensure period for 1 additional year
2600 for a total of 2 years. An initial applicant shall pay to the
2601 department a fee of \$300 for the first year and \$100 for the
2602 second year. An applicant for a renewal license shall pay to the
2603 department \$100 for a 1-year renewal or \$200 for a 2-year
2604 renewal. Any applicant for renewal who fails to submit a ~~his or~~
2605 ~~her~~ renewal application by October 1 of the year of its current
2606 license expiration shall pay a renewal application fee equal to
2607 the original application fee. No fee is refundable. All fees
2608 must be deposited into the General Revenue Fund.

2609 Reviser's note.—Amended to improve clarity.

2610 Section 67. Subsection (5) of section 320.8251, Florida
2611 Statutes, is amended to read:

2612 320.8251 Mobile home installation products; product
2613 approval.—

2614 ~~(5) Any product, component, or system subject to this~~
2615 ~~section which is currently being used in the installation of~~
2616 ~~mobile homes in this state is not required to be certified in~~
2617 ~~accordance with this section until July 1, 2009.~~

2618 Reviser's note.—Amended to delete an obsolete provision.

2619 Section 68. Subsection (15) of section 328.72, Florida
2620 Statutes, is amended to read:

2621 328.72 Classification; registration; fees and charges;

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2622 surcharge; disposition of fees; fines; marine turtle stickers.-
2623 (15) DISTRIBUTION OF FEES.—Except as provided in this
2624 subsection, moneys designated for the use of the counties, as
2625 specified in subsection (1), shall be distributed by the tax
2626 collector to the board of county commissioners for use only as
2627 provided in this section. Such moneys to be returned to the
2628 counties are for the sole purposes of providing, maintaining, or
2629 operating recreational channel marking and other uniform
2630 waterway markers, public boat ramps, lifts, and hoists, marine
2631 railways, boat piers, docks, mooring buoys, and other public
2632 launching facilities; and removing derelict vessels, debris that
2633 specifically impedes ~~impede~~ boat access, not including the
2634 dredging of channels, and vessels and floating structures deemed
2635 a hazard to public safety and health for failure to comply with
2636 s. 327.53. Counties shall demonstrate through an annual detailed
2637 accounting report of vessel registration revenues that the
2638 registration fees were spent as provided in this subsection.
2639 This report shall be provided to the Fish and Wildlife
2640 Conservation Commission no later than November 1 of each year.
2641 If, before January 1 of each calendar year, the accounting
2642 report meeting the prescribed criteria has still not been
2643 provided to the commission, the tax collector of that county may
2644 not distribute the moneys designated for the use of counties, as
2645 specified in subsection (1), to the board of county
2646 commissioners but shall, for the next calendar year, remit such
2647 moneys to the state for deposit into the Marine Resources
2648 Conservation Trust Fund. The commission shall return those
2649 moneys to the county if the county fully complies with this
2650 section within that calendar year. If the county does not fully

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2651 comply with this section within that calendar year, the moneys
2652 shall remain within the Marine Resources Trust Fund and may be
2653 appropriated for the purposes specified in this subsection.

2654 (a) From the vessel registration fees designated for use by
2655 the counties in subsection (1), \$1 shall be remitted to the
2656 state for deposit into the Save the Manatee Trust Fund.

2657 (b) From the vessel registration fees designated for use by
2658 the counties in subsection (1), \$1 shall be remitted to the
2659 state for deposit into the Marine Resources Conservation Trust
2660 Fund to fund a grant program for public launching facilities
2661 pursuant to s. 206.606, giving priority consideration to
2662 counties with more than 35,000 registered vessels.

2663 (c) From the vessel registration fees designated for use by
2664 the counties in subsection (1), the following amounts shall be
2665 remitted to the state for deposit into the Marine Resources
2666 Conservation Trust Fund to fund derelict vessel removal grants,
2667 as appropriated by the Legislature pursuant to s. 376.15:

- 2668 1. Class A-2: \$0.25 for each 12-month period registered.
- 2669 2. Class 1: \$2.06 for each 12-month period registered.
- 2670 3. Class 2: \$9.26 for each 12-month period registered.
- 2671 4. Class 3: \$16.45 for each 12-month period registered.
- 2672 5. Class 4: \$20.06 for each 12-month period registered.
- 2673 6. Class 5: \$25.46 for each 12-month period registered.

2674 (d) Any undisbursed balances identified pursuant to s.
2675 216.301, shall be available for reappropriation to fund the
2676 Florida Boating Improvement Program or public boating access in
2677 accordance with s. 206.606 ~~206.06~~.

2678 Reviser's note.—The introductory paragraph was amended to
2679 improve sentence construction; paragraph (d) was amended to

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2680 confirm the editorial substitution of a reference to s.
 2681 206.606 for a reference to s. 206.06 to correct an apparent
 2682 error. Section 206.606 relates to distribution of certain
 2683 proceeds and references the Florida Boating Improvement
 2684 Program; s. 206.06 relates to the power of the Department
 2685 of Revenue to estimate an amount of fuel taxes due and
 2686 unpaid.

2687 Section 69. Section 335.067, Florida Statutes, is repealed.

2688 Reviser's note.—The cited section, which relates to the Conserve
 2689 by Bicycle Program, is repealed to remove an obsolete
 2690 provision; the study required in the section has been
 2691 completed.

2692 Section 70. Paragraph (a) of subsection (3) of section
 2693 343.922, Florida Statutes, is amended to read:

2694 343.922 Powers and duties.—

2695 (3)(a) The authority shall develop and adopt a regional
 2696 transit development plan that provides a vision for a regionally
 2697 integrated transportation system. The goals and objectives of
 2698 the plan are to identify areas of the region where mobility,
 2699 traffic safety, freight mobility, and efficient emergency
 2700 evacuation alternatives need to be improved; identify areas of
 2701 the region where multimodal transportation systems would be most
 2702 beneficial to enhance mobility and economic development; develop
 2703 methods of building partnerships with local governments,
 2704 existing transit providers, expressway authorities, seaports,
 2705 airports, and other local, state, and federal entities; develop
 2706 methods of building partnerships with CSX Corporation and CSX
 2707 Transportation, Inc., to craft mutually beneficial solutions to
 2708 achieve the authority's objectives, and with other private

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2709 sector business community entities that may further the
2710 authority's mission; and and engage the public in support of
2711 regional multimodal transportation improvements. The plan shall
2712 identify and may prioritize projects that will accomplish these
2713 goals and objectives, including, without limitation, the
2714 creation of express bus and bus rapid transit services, light
2715 rail, commuter rail, and heavy rail transit services, ferry
2716 services, freight services, and any other multimodal
2717 transportation system projects that address critical
2718 transportation needs or concerns, pursuant to subsection (2);
2719 and identify the costs of the proposed projects and revenue
2720 sources that could be used to pay those costs. In developing the
2721 plan, the authority shall review and coordinate with the future
2722 land use, capital improvements, and traffic circulation elements
2723 of its member local governments' comprehensive plans and the
2724 plans, programs, and schedules of other units of government
2725 having transit or transportation authority within whose
2726 jurisdictions the projects or improvements will be located to
2727 define and resolve potential inconsistencies between such plans
2728 and the authority's developing plan.

2729 Reviser's note.—Amended to improve clarity.

2730 Section 71. Subsection (3) of section 350.113, Florida
2731 Statutes, is amended to read:

2732 350.113 Florida Public Service Regulatory Trust Fund;
2733 moneys to be deposited therein.—

2734 (3) Each regulated company under the jurisdiction of the
2735 commission, which company was in operation for the preceding 6-
2736 month period, shall pay to the commission within 30 days
2737 following the end of each 6-month period, ~~commencing June 30,~~

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2738 ~~1977,~~ a fee based upon the gross operating revenues for such
2739 period. The fee shall, to the extent practicable, be related to
2740 the cost of regulating such type of regulated company.
2741 Differences, if any, between the amount paid in any 6-month
2742 period and the amount actually determined by the commission to
2743 be due shall, upon notification by the commission, be
2744 immediately paid or refunded. Each regulated company which is
2745 subject to the jurisdiction of the commission, but which did not
2746 operate under the commission's jurisdiction during the entire
2747 preceding 6-month period, shall, within 30 days after the close
2748 of the first 6-month period during which it commenced operations
2749 under, or became subject to, the jurisdiction of the commission,
2750 pay to the commission the prescribed fee based upon its gross
2751 operating revenues derived from intrastate business during those
2752 months or parts of months in which the regulated company did
2753 operate during such 6-month period. In no event shall payments
2754 under this section be less than \$25 annually.

2755 Reviser's note.—Amended to delete obsolete language.

2756 Section 72. Paragraph (g) of subsection (2) of section
2757 364.10, Florida Statutes, is amended to read:

2758 364.10 Lifeline service.—

2759 (2)

2760 (g)1. ~~By December 31, 2010,~~ Each state agency that provides
2761 benefits to persons eligible for Lifeline service shall
2762 undertake, in cooperation with the Department of Children and
2763 Families, the Department of Education, the commission, the
2764 Office of Public Counsel, and telecommunications companies
2765 designated eligible telecommunications carriers providing
2766 Lifeline services, the development of procedures to promote

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2767 Lifeline participation. The departments, the commission, and the
2768 Office of Public Counsel may exchange sufficient information
2769 with the appropriate eligible telecommunications carriers and
2770 any commercial mobile radio service provider electing to provide
2771 Lifeline service under paragraph (a), such as a person's name,
2772 date of birth, service address, and telephone number, so that
2773 the carriers can identify and enroll an eligible person in the
2774 Lifeline and Link-Up programs. The information remains
2775 confidential pursuant to s. 364.107 and may only be used for
2776 purposes of determining eligibility and enrollment in the
2777 Lifeline and Link-Up programs.

2778 2. If any state agency determines that a person is eligible
2779 for Lifeline services, the agency shall immediately forward the
2780 information to the commission to ensure that the person is
2781 automatically enrolled in the program with the appropriate
2782 eligible telecommunications carrier. The state agency shall
2783 include an option for an eligible customer to choose not to
2784 subscribe to the Lifeline service. The Public Service Commission
2785 and the Department of Children and Families shall, ~~no later than~~
2786 ~~December 31, 2007,~~ adopt rules creating procedures to
2787 automatically enroll eligible customers in Lifeline service.

2788 3. ~~By December 31, 2010,~~ The commission, the Department of
2789 Children and Families, the Office of Public Counsel, and each
2790 eligible telecommunications carrier offering Lifeline and Link-
2791 Up services shall convene a Lifeline Workgroup to discuss how
2792 the eligible subscriber information in subparagraph 1. will be
2793 shared, the obligations of each party with respect to the use of
2794 that information, and the procedures to be implemented to
2795 increase enrollment and verify eligibility in these programs.

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2796 Reviser's note.—Amended to delete obsolete language.

2797 Section 73. Subsection (3) of section 365.172, Florida
2798 Statutes, is amended to read:

2799 365.172 Emergency communications number "E911."—

2800 (3) DEFINITIONS.—Only as used in this section and ss.
2801 365.171, 365.173, 365.174, and 365.177 ~~365.176~~, the term:

2802 (a) "Authorized expenditures" means expenditures of the
2803 fee, as specified in subsection (10).

2804 (b) "Automatic location identification" means the
2805 capability of the E911 service which enables the automatic
2806 display of information that defines the approximate geographic
2807 location of the wireless telephone, or the location of the
2808 address of the wireline telephone, used to place a 911 call.

2809 (c) "Automatic number identification" means the capability
2810 of the E911 service which enables the automatic display of the
2811 service number used to place a 911 call.

2812 (d) "Board" or "E911 Board" means the board of directors of
2813 the E911 Board established in subsection (5).

2814 (e) "Building permit review" means a review for compliance
2815 with building construction standards adopted by the local
2816 government under chapter 553 and does not include a review for
2817 compliance with land development regulations.

2818 (f) "Collocation" means the situation when a second or
2819 subsequent wireless provider uses an existing structure to
2820 locate a second or subsequent antennae. The term includes the
2821 ground, platform, or roof installation of equipment enclosures,
2822 cabinets, or buildings, and cables, brackets, and other
2823 equipment associated with the location and operation of the
2824 antennae.

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2825 (g) "Designed service" means the configuration and manner
2826 of deployment of service the wireless provider has designed for
2827 an area as part of its network.

2828 (h) "Enhanced 911" or "E911" means an enhanced 911 system
2829 or enhanced 911 service that is an emergency telephone system or
2830 service that provides a subscriber with 911 service and, in
2831 addition, directs 911 calls to appropriate public safety
2832 answering points by selective routing based on the geographical
2833 location from which the call originated, or as otherwise
2834 provided in the state plan under s. 365.171, and that provides
2835 for automatic number identification and automatic location-
2836 identification features. E911 service provided by a wireless
2837 provider means E911 as defined in the order.

2838 (i) "Existing structure" means a structure that exists at
2839 the time an application for permission to place antennae on a
2840 structure is filed with a local government. The term includes
2841 any structure that can structurally support the attachment of
2842 antennae in compliance with applicable codes.

2843 (j) "Fee" means the E911 fee authorized and imposed under
2844 subsections (8) and (9).

2845 (k) "Fund" means the Emergency Communications Number E911
2846 System Fund established in s. 365.173 and maintained under this
2847 section for the purpose of recovering the costs associated with
2848 providing 911 service or E911 service, including the costs of
2849 implementing the order. The fund shall be segregated into
2850 wireless, prepaid wireless, and nonwireless categories.

2851 (l) "Historic building, structure, site, object, or
2852 district" means any building, structure, site, object, or
2853 district that has been officially designated as a historic

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2854 building, historic structure, historic site, historic object, or
2855 historic district through a federal, state, or local designation
2856 program.

2857 (m) "Land development regulations" means any ordinance
2858 enacted by a local government for the regulation of any aspect
2859 of development, including an ordinance governing zoning,
2860 subdivisions, landscaping, tree protection, or signs, the local
2861 government's comprehensive plan, or any other ordinance
2862 concerning any aspect of the development of land. The term does
2863 not include any building construction standard adopted under and
2864 in compliance with chapter 553.

2865 (n) "Local exchange carrier" means a "competitive local
2866 exchange telecommunications company" or a "local exchange
2867 telecommunications company" as defined in s. 364.02.

2868 (o) "Local government" means any municipality, county, or
2869 political subdivision or agency of a municipality, county, or
2870 political subdivision.

2871 (p) "Medium county" means any county that has a population
2872 of 75,000 or more but less than 750,000.

2873 (q) "Mobile telephone number" or "MTN" means the telephone
2874 number assigned to a wireless telephone at the time of initial
2875 activation.

2876 (r) "Nonwireless category" means the revenues to the fund
2877 received from voice communications services providers other than
2878 wireless providers.

2879 (s) "Office" means the Division of State Technology within
2880 the Department of Management Services, as designated by the
2881 secretary of the department.

2882 (t) "Order" means:

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- 2883 1. The following orders and rules of the Federal
2884 Communications Commission issued in FCC Docket No. 94-102:
- 2885 a. Order adopted on June 12, 1996, with an effective date
2886 of October 1, 1996, the amendments to s. 20.03 and the creation
2887 of s. 20.18 of Title 47 of the Code of Federal Regulations
2888 adopted by the Federal Communications Commission pursuant to
2889 such order.
- 2890 b. Memorandum and Order No. FCC 97-402 adopted on December
2891 23, 1997.
- 2892 c. Order No. FCC DA 98-2323 adopted on November 13, 1998.
- 2893 d. Order No. FCC 98-345 adopted December 31, 1998.
- 2894 2. Orders and rules subsequently adopted by the Federal
2895 Communications Commission relating to the provision of 911
2896 services, including Order Number FCC-05-116, adopted May 19,
2897 2005.
- 2898 (u) "Prepaid wireless category" means all revenues in the
2899 fund received through the Department of Revenue from the fee
2900 authorized and imposed under subsection (9).
- 2901 (v) "Prepaid wireless service" means a right to access
2902 wireless service that allows a caller to contact and interact
2903 with 911 to access the 911 system, which service must be paid
2904 for in advance and is sold in predetermined units or dollars,
2905 which units or dollars expire on a predetermined schedule or are
2906 decremented on a predetermined basis in exchange for the right
2907 to access wireless service.
- 2908 (w) "Public agency" means the state and any municipality,
2909 county, municipal corporation, or other governmental entity,
2910 public district, or public authority located in whole or in part
2911 within this state which provides, or has authority to provide,

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2912 firefighting, law enforcement, ambulance, medical, or other
2913 emergency services.

2914 (x) "Public safety agency" means a functional division of a
2915 public agency which provides firefighting, law enforcement,
2916 medical, or other emergency services.

2917 (y) "Public safety answering point," "PSAP," or "answering
2918 point" means the public safety agency that receives incoming 911
2919 requests for assistance and dispatches appropriate public safety
2920 agencies to respond to the requests in accordance with the state
2921 E911 plan.

2922 (z) "Rural county" means any county that has a population
2923 of fewer than 75,000.

2924 (aa) "Service identifier" means the service number, access
2925 line, or other unique identifier assigned to a subscriber and
2926 established by the Federal Communications Commission for
2927 purposes of routing calls whereby the subscriber has access to
2928 the E911 system.

2929 (bb) "Tower" means any structure designed primarily to
2930 support a wireless provider's antennae.

2931 (cc) "Voice communications services" means two-way voice
2932 service, through the use of any technology, which actually
2933 provides access to E911 services, and includes communications
2934 services, as defined in s. 202.11, which actually provide access
2935 to E911 services and which are required to be included in the
2936 provision of E911 services pursuant to orders and rules adopted
2937 by the Federal Communications Commission. The term includes
2938 voice-over-Internet-protocol service. For the purposes of this
2939 section, the term "voice-over-Internet-protocol service" or
2940 "VoIP service" means interconnected VoIP services having the

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2941 following characteristics:

2942 1. The service enables real-time, two-way voice
2943 communications;

2944 2. The service requires a broadband connection from the
2945 user's locations;

2946 3. The service requires IP-compatible customer premises
2947 equipment; and

2948 4. The service offering allows users generally to receive
2949 calls that originate on the public switched telephone network
2950 and to terminate calls on the public switched telephone network.

2951 (dd) "Voice communications services provider" or "provider"
2952 means any person or entity providing voice communications
2953 services, except that the term does not include any person or
2954 entity that resells voice communications services and was
2955 assessed the fee authorized and imposed under subsection (8) by
2956 its resale supplier.

2957 (ee) "Wireless 911 system" or "wireless 911 service" means
2958 an emergency telephone system or service that provides a
2959 subscriber with the ability to reach an answering point by
2960 accessing the digits 911.

2961 (ff) "Wireless category" means the revenues to the fund
2962 received from a wireless provider from the fee authorized and
2963 imposed under subsection (8).

2964 (gg) "Wireless communications facility" means any equipment
2965 or facility used to provide service and may include, but is not
2966 limited to, antennae, towers, equipment enclosures, cabling,
2967 antenna brackets, and other such equipment. Placing a wireless
2968 communications facility on an existing structure does not cause
2969 the existing structure to become a wireless communications

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2970 facility.

2971 (hh) "Wireless provider" means a person who provides
2972 wireless service and:

- 2973 1. Is subject to the requirements of the order; or
2974 2. Elects to provide wireless 911 service or E911 service
2975 in this state.

2976 (ii) "Wireless service" means "commercial mobile radio
2977 service" as provided under ss. 3(27) and 332(d) of the Federal
2978 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
2979 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
2980 66, August 10, 1993, 107 Stat. 312. The term includes service
2981 provided by any wireless real-time two-way wire communication
2982 device, including radio-telephone communications used in
2983 cellular telephone service; personal communications service; or
2984 the functional or competitive equivalent of a radio-telephone
2985 communications line used in cellular telephone service, a
2986 personal communications service, or a network radio access line.
2987 The term does not include wireless providers that offer mainly
2988 dispatch service in a more localized, noncellular configuration;
2989 providers offering only data, one-way, or stored-voice services
2990 on an interconnected basis; providers of air-to-ground services;
2991 or public coast stations.

2992 Reviser's note.—Amended to confirm the editorial substitution of
2993 a reference to s. 365.177 for a reference to s. 365.176 to
2994 correct an apparent error.

2995 Section 74. Subsection (5) of section 369.305, Florida
2996 Statutes, is amended to read:

2997 369.305 Review of local comprehensive plans, land
2998 development regulations, Wekiva River development permits, and

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2999 amendments.-

3000 (5) In its review of revised comprehensive plans ~~after the~~
3001 ~~due dates described in subsection (5)~~, and in its review of
3002 comprehensive plan amendments ~~after those due dates~~, the
3003 department shall review the local comprehensive plans, and any
3004 amendments, which are applicable to portions of the Wekiva River
3005 Protection Area for compliance with the provisions of subsection
3006 (1) in addition to its review of local comprehensive plans and
3007 amendments for compliance as defined in s. 163.3184; and all the
3008 procedures and penalties described in s. 163.3184 shall be
3009 applicable to this review.

3010 Reviser's note.—Amended to conform to the repeal of the
3011 referenced subsection (5) by s. 191, ch. 2010-102, Laws of
3012 Florida.

3013 Section 75. Paragraph (a) of subsection (4) of section
3014 373.4592, Florida Statutes, is amended to read:

3015 373.4592 Everglades improvement and management.—

3016 (4) EVERGLADES PROGRAM.—

3017 (a) Everglades Construction Project.—The district shall
3018 implement the Everglades Construction Project. By the time of
3019 completion of the project, the state, district, or other
3020 governmental authority shall purchase the inholdings in the
3021 Rotenberger tract and such other lands necessary to achieve a
3022 2:1 mitigation ratio for the use of Brown's Farm and other
3023 similar lands, including those needed for the STA 1 Inflow and
3024 Distribution Works. The inclusion of public lands as part of the
3025 project is for the purpose of treating waters not coming from
3026 the EAA for hydroperiod restoration. It is the intent of the
3027 Legislature that the district aggressively pursue the

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3028 implementation of the Everglades Construction Project in
3029 accordance with the schedule in this subsection. The Legislature
3030 recognizes that adherence to the schedule is dependent upon
3031 factors beyond the control of the district, including the timely
3032 receipt of funds from all contributors. The district shall take
3033 all reasonable measures to complete timely performance of the
3034 schedule in this section in order to finish the Everglades
3035 Construction Project. The district shall not delay
3036 implementation of the project beyond the time delay caused by
3037 those circumstances and conditions that prevent timely
3038 performance. The district shall not levy ad valorem taxes in
3039 excess of 0.1 mill within the Okeechobee Basin for the purposes
3040 of the design, construction, and acquisition of the Everglades
3041 Construction Project. The ad valorem tax proceeds not exceeding
3042 0.1 mill levied within the Okeechobee Basin for such purposes
3043 shall also be used for design, construction, and implementation
3044 of the Long-Term Plan, including operation and maintenance, and
3045 research for the projects and strategies in the Long-Term Plan,
3046 and including the enhancements and operation and maintenance of
3047 the Everglades Construction Project and shall be the sole direct
3048 district contribution from district ad valorem taxes
3049 appropriated or expended for the design, construction, and
3050 acquisition of the Everglades Construction Project unless the
3051 Legislature by specific amendment to this section increases the
3052 0.1 mill ad valorem tax contribution, increases the agricultural
3053 privilege taxes, or otherwise reallocates the relative
3054 contribution by ad valorem taxpayers and taxpayers paying the
3055 agricultural privilege taxes toward the funding of the design,
3056 construction, and acquisition of the Everglades Construction

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3057 Project. Notwithstanding the provisions of s. 200.069 to the
3058 contrary, any millage levied under the 0.1 mill limitation in
3059 this paragraph shall be included as a separate entry on the
3060 Notice of Proposed Property Taxes pursuant to s. 200.069. Once
3061 the STAs are completed, the district shall allow these areas to
3062 be used by the public for recreational purposes in the manner
3063 set forth in s. 373.1391(1), considering the suitability of
3064 these lands for such uses. These lands shall be made available
3065 for recreational use unless the district governing board can
3066 demonstrate that such uses are incompatible with the restoration
3067 goals of the Everglades Construction Project or the water
3068 quality and hydrological purposes of the STAs or would otherwise
3069 adversely impact the implementation of the project. The district
3070 shall give preferential consideration to the hiring of
3071 agricultural workers displaced as a result of the Everglades
3072 Construction Project, consistent with their qualifications and
3073 abilities, for the construction and operation of these STAs. The
3074 following milestones apply to the completion of the Everglades
3075 Construction Project as depicted in the February 15, 1994,
3076 conceptual design document:

3077 1. The district must complete the final design of the STA 1
3078 East and West and pursue STA 1 East project components as part
3079 of a cost-shared program with the Federal Government. The
3080 district must be the local sponsor of the federal project that
3081 will include STA 1 East, and STA 1 West if so authorized by
3082 federal law;

3083 2. Construction of STA 1 East is to be completed under the
3084 direction of the United States Army Corps of Engineers in
3085 conjunction with the currently authorized C-51 flood control

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3086 project;

3087 3. The district must complete construction of STA 1 West
3088 and STA 1 Inflow and Distribution Works under the direction of
3089 the United States Army Corps of Engineers, if the direction is
3090 authorized under federal law, in conjunction with the currently
3091 authorized C-51 flood control project;

3092 4. The district must complete construction of STA 3/4 by
3093 October 1, 2003; however, the district may modify this schedule
3094 to incorporate and accelerate enhancements to STA 3/4 as
3095 directed in the Long-Term Plan;

3096 5. The district must complete construction of STA 6;

3097 6. The district must, by December 31, 2006, complete
3098 construction of enhancements to the Everglades Construction
3099 Project recommended in the Long-Term Plan and initiate other
3100 pre-2006 strategies in the plan; and

3101 7. East Beach Water Control District, South Shore Drainage
3102 District, South Florida Conservancy District, East Shore Water
3103 Control District, and the lessee of agricultural lease number
3104 3420 shall complete any system modifications described in the
3105 Everglades Construction Project to the extent that funds are
3106 available from the Everglades Fund. These entities shall divert
3107 the discharges described within the Everglades Construction
3108 Project within 60 days of completion of construction of the
3109 appropriate STA. Such required modifications shall be deemed to
3110 be a part of each district's plan of reclamation pursuant to
3111 chapter 298.

3112 Reviser's note.—Amended to improve clarity.

3113 Section 76. Subsections (16), (18), and (50) of section
3114 376.301, Florida Statutes, are amended to read:

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3115 376.301 Definitions of terms used in ss. 376.30-376.317,
3116 376.70, and 376.75.—When used in ss. 376.30-376.317, 376.70, and
3117 376.75, unless the context clearly requires otherwise, the term:

3118 (14)~~(16)~~ “Dry drop-off facility” means any commercial
3119 retail store that receives from customers clothing and other
3120 fabrics for drycleaning or laundering at an offsite drycleaning
3121 facility and that does not clean the clothing or fabrics at the
3122 store utilizing drycleaning solvents.

3123 (50)~~(18)~~ “Wholesale supply facility” means a commercial
3124 establishment that supplies drycleaning solvents to drycleaning
3125 facilities.

3126 (26)~~(50)~~ “Nearby real property owner” means the individual
3127 or entity that is vested with ownership, dominion, or legal or
3128 rightful title to real property, or that has a ground lease in
3129 real property, onto which drycleaning solvent has migrated
3130 through soil or groundwater from a drycleaning facility or
3131 wholesale supply facility eligible for site rehabilitation under
3132 s. 376.3078(3) or from a drycleaning facility or wholesale
3133 supply facility that is approved by the department for voluntary
3134 cleanup under s. 376.3078(11).

3135 Reviser’s note.—Amended to conform with the alphabetic ordering
3136 of the defined terms elsewhere in the section.

3137 Section 77. Paragraph (b) of subsection (12) of section
3138 376.3071, Florida Statutes, is amended to read:

3139 376.3071 Inland Protection Trust Fund; creation; purposes;
3140 funding.—

3141 (12) SITE CLEANUP.—

3142 (b) Low-scored site initiative.—Notwithstanding subsections
3143 (5) and (6), a site with a priority ranking score of 29 points

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3144 or less may voluntarily participate in the low-scored site
3145 initiative regardless of whether the site is eligible for state
3146 restoration funding.

3147 1. To participate in the low-scored site initiative, the
3148 property owner, or a responsible party who provides evidence of
3149 authorization from the property owner, must submit a "No Further
3150 Action" proposal and affirmatively demonstrate that the
3151 conditions imposed under subparagraph 4. are met.

3152 2. Upon affirmative demonstration that the conditions
3153 imposed under subparagraph 4. are met, the department shall
3154 issue a site rehabilitation completion order incorporating the
3155 "No Further Action" proposal submitted by the property owner or
3156 the responsible party, who must provide evidence of
3157 authorization from the property owner. If no contamination is
3158 detected, the department may issue a site rehabilitation
3159 completion order.

3160 3. Sites that are eligible for state restoration funding
3161 may receive payment of costs for the low-scored site initiative
3162 as follows:

3163 a. A property owner, or a responsible party who provides
3164 evidence of authorization from the property owner, may submit an
3165 assessment and limited remediation plan designed to
3166 affirmatively demonstrate that the site meets the conditions
3167 imposed under subparagraph 4. Notwithstanding the priority
3168 ranking score of the site, the department may approve the cost
3169 of the assessment and limited remediation, including up to 12
3170 months of groundwater monitoring and 12 months of limited
3171 remediation activities in one or more task assignments or
3172 modifications thereof, not to exceed the threshold amount

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3173 provided in s. 287.017 for CATEGORY TWO, for each site where the
3174 department has determined that the assessment and limited
3175 remediation, if applicable, will likely result in a
3176 determination of "No Further Action." The department may not pay
3177 the costs associated with the establishment of institutional or
3178 engineering controls other than the costs associated with a
3179 professional land survey or a specific purpose survey, if such
3180 is needed, and the costs associated with obtaining a title
3181 report and paying recording fees.

3182 b. After the approval of initial site assessment results
3183 provided pursuant to state funding under sub-subparagraph a.,
3184 the department may approve an additional amount not to exceed
3185 the threshold amount provided in s. 287.017 for CATEGORY TWO for
3186 limited remediation needed to achieve a determination of "No
3187 Further Action."

3188 c. The assessment and limited remediation work shall be
3189 completed no later than 15 months after the department
3190 authorizes the start of a state-funded, low-score site
3191 initiative task. If groundwater monitoring is required after the
3192 assessment and limited remediation in order to satisfy the
3193 conditions under subparagraph 4., the department may authorize
3194 an additional 12 months to complete the monitoring.

3195 d. No more than \$15 million for the low-scored site
3196 initiative may be encumbered from the fund in any fiscal year.
3197 Funds shall be made available on a first-come, first-served
3198 basis and shall be limited to 10 sites in each fiscal year for
3199 each property owner or each responsible party who provides
3200 evidence of authorization from the property owner.

3201 e. Program deductibles, copayments, and the limited

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3202 contamination assessment report requirements under paragraph
3203 (13) (d) do not apply to expenditures under this paragraph.

3204 4. The department shall issue an order incorporating the
3205 "No Further Action" proposal submitted by a property owner or a
3206 responsible party who provides evidence of authorization from
3207 the property owner upon affirmative demonstration that all of
3208 the following conditions are met:

3209 a. Soil saturated with petroleum or petroleum products, or
3210 soil that causes a total corrected hydrocarbon measurement of
3211 500 parts per million or higher for the Gasoline Analytical
3212 Group or 50 parts per million or higher for the Kerosene
3213 Analytical Group, as defined by department rule, does not exist
3214 onsite as a result of a release of petroleum products.

3215 b. A minimum of 12 months of groundwater monitoring
3216 indicates that the plume is shrinking or stable.

3217 c. The release of petroleum products at the site does not
3218 adversely affect adjacent surface waters, including their
3219 effects on human health and the environment.

3220 d. The area containing the petroleum products' chemicals of
3221 concern:

3222 (I) Is confined to the source property boundaries of the
3223 real property on which the discharge originated, unless the
3224 property owner has requested or authorized a more limited area
3225 in the "No Further Action" proposal submitted under this
3226 subsection; or

3227 (II) Has migrated from the source property onto or beneath
3228 a transportation facility as defined in s. 334.03(30) for which
3229 the department has approved, and the governmental entity owning
3230 the transportation facility has agreed to institutional controls

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3231 as defined in s. 376.301(21) ~~376.301(22)~~. This sub-sub-
3232 subparagraph does not, however, impose any legal liability on
3233 the transportation facility owner, obligate such owner to engage
3234 in remediation, or waive such owner's right to recover costs for
3235 damages.

3236 e. The groundwater contamination containing the petroleum
3237 products' chemicals of concern is not a threat to any permitted
3238 potable water supply well.

3239 f. Soils onsite found between land surface and 2 feet below
3240 land surface which are subject to human exposure meet the soil
3241 cleanup target levels established in subparagraph (5)(b)9., or
3242 human exposure is limited by appropriate institutional or
3243 engineering controls.

3244
3245 Issuance of a site rehabilitation completion order under this
3246 paragraph acknowledges that minimal contamination exists onsite
3247 and that such contamination is not a threat to the public
3248 health, safety, or welfare; water resources; or the environment.
3249 Pursuant to subsection (4), the issuance of the site
3250 rehabilitation completion order, with or without conditions,
3251 does not alter eligibility for state-funded rehabilitation that
3252 would otherwise be applicable under this section.

3253 Reviser's note.—Amended to conform to the redesignation of

3254 subunits in s. 376.301 pursuant to the amendments made to
3255 that section by this act.

3256 Section 78. Subsection (8) of section 376.86, Florida
3257 Statutes, is amended to read:

3258 376.86 Brownfield Areas Loan Guarantee Program.—

3259 (8) The council shall provide an annual report to the

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3260 Legislature by February 1 of each year describing its activities
 3261 and agreements approved relating to redevelopment of brownfield
 3262 areas. ~~This section shall be reviewed by the Legislature by~~
 3263 ~~January 1, 2007, and a determination made related to the need to~~
 3264 ~~continue or modify this section. New loan guarantees may not be~~
 3265 ~~approved in 2007 until the review by the Legislature has been~~
 3266 ~~completed and a determination has been made as to the~~
 3267 ~~feasibility of continuing the use of the Inland Protection Trust~~
 3268 ~~Fund to guarantee portions of loans under this section.~~

3269 Reviser's note.—Amended to delete obsolete language.

3270 Section 79. Paragraph (n) of subsection (2) of section
 3271 377.703, Florida Statutes, is amended to read:

3272 377.703 Additional functions of the Department of
 3273 Agriculture and Consumer Services.—

3274 (2) DUTIES.—The department shall perform the following
 3275 functions, unless as otherwise provided, consistent with the
 3276 development of a state energy policy:

3277 (n) On an annual basis, the department shall prepare an
 3278 assessment of ~~the utilization of the renewable energy~~
 3279 ~~technologies investment tax credit authorized in s. 220.192 and~~
 3280 the renewable energy production credit authorized in s. 220.193,
 3281 which the department shall submit to the President of the
 3282 Senate, the Speaker of the House of Representatives, and the
 3283 Executive Office of the Governor by February 1 of each year. The
 3284 assessment shall include, at a minimum, the following
 3285 information:

3286 1. ~~For the renewable energy technologies investment tax~~
 3287 ~~credit authorized in s. 220.192:~~

3288 a. ~~The name of each taxpayer receiving an allocation under~~

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3289 ~~this section;~~
 3290 ~~b. The amount of the credits allocated for that fiscal year~~
 3291 ~~for each taxpayer; and~~
 3292 ~~e. The type of technology and a description of each~~
 3293 ~~investment for which each taxpayer receives an allocation.~~
 3294 ~~2. For the renewable energy production credit authorized in~~
 3295 ~~s. 220.193:~~
 3296 ~~1.a.~~ The name of each taxpayer receiving an allocation
 3297 under this section;
 3298 ~~2.b.~~ The amount of credits allocated for that fiscal year
 3299 for each taxpayer;
 3300 ~~3.c.~~ The type and amount of renewable energy produced and
 3301 sold, whether the facility producing that energy is a new or
 3302 expanded facility, and the approximate date on which production
 3303 began; and
 3304 ~~4.d.~~ The aggregate amount of credits allocated for all
 3305 taxpayers claiming credits under this section for the fiscal
 3306 year.
 3307 Reviser's note.—Amended to conform to the repeal of s. 220.192
 3308 by s. 3, ch. 2019-4, Laws of Florida.
 3309 Section 80. Subsection (6) of section 379.2291, Florida
 3310 Statutes, is amended to read:
 3311 379.2291 Endangered and Threatened Species Act.—
 3312 (6) MEASURABLE BIOLOGICAL GOALS.—Measurable biological
 3313 goals that define manatee recovery developed by the commission,
 3314 working in conjunction with the United States Fish and Wildlife
 3315 Service, shall be used by the commission in its development of
 3316 management plans or work plans. In addition to other criteria,
 3317 these measurable biological goals shall be used by the

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3318 commission when evaluating existing and proposed protection
3319 rules, and in determining progress in achieving manatee
3320 recovery. ~~Not later than July 1, 2005,~~ The commission shall
3321 develop rules to define how measurable biological goals will be
3322 used by the commission when evaluating the need for additional
3323 manatee protection rules.

3324 Reviser's note.—Amended to delete obsolete language.

3325 Section 81. Subsection (2) of section 379.245, Florida
3326 Statutes, is amended to read:

3327 379.245 Spiny lobster reports by dealers during closed
3328 season required.—

3329 (2) Failure to submit a report as described in subsection
3330 (1) or reporting a greater or lesser amount of whole spiny
3331 lobster, spiny lobster tails, or spiny lobster meat than is
3332 actually in the dealer's possession or name is a major violation
3333 of this chapter, punishable as provided in s. 379.407(2)
3334 ~~379.407(1)~~, s. 379.414, or both. The commission shall seize the
3335 entire supply of unreported or falsely reported whole spiny
3336 lobster, spiny lobster tails, or spiny lobster meat, and shall
3337 carry the same before the court for disposal. The dealer shall
3338 post a cash bond in the amount of the fair value of the entire
3339 quantity of unreported or falsely reported spiny lobster as
3340 determined by the judge. After posting the cash bond, the dealer
3341 shall have 24 hours to transport said products outside the
3342 limits of Florida for sale as provided by s. 379.337. Otherwise,
3343 the product shall be declared a nuisance and disposed of by the
3344 commission according to law.

3345 Reviser's note.—Amended to correct a cross-reference. Section
3346 379.407(2) is in regards to major violations; s. 379.407(1)

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3347 is in regards to base penalties.

3348 Section 82. Paragraph (e) of subsection (3) and paragraph
3349 (a) of subsection (4) of section 379.366, Florida Statutes, are
3350 amended to read:

3351 379.366 Blue crab; regulation.—

3352 (3)

3353 ~~(c) Waiver of fees. For the 2007-2008 license year, the~~
3354 ~~commission shall waive all fees under this subsection for all~~
3355 ~~persons who qualify by September 30, 2007, to participate in the~~
3356 ~~blue crab effort management program established by commission~~
3357 ~~rule.~~

3358 (4) (a) ~~Untagged trap penalties. By July 1, 2008,~~ The
3359 commission shall adopt by rule the administrative penalties
3360 authorized by this subsection. In addition to any other
3361 penalties provided in s. 379.407 for any blue crab endorsement
3362 holder who violates commission rules requiring the placement of
3363 trap tags for traps used for the directed harvest of blue crabs,
3364 the following administrative penalties apply:

3365 1. For a first violation, the commission shall assess an
3366 administrative penalty of up to \$1,000.

3367 2. For a second violation that occurs within 24 months
3368 after any previous such violation, the commission shall assess
3369 an administrative penalty of up to \$2,000, and the blue crab
3370 endorsement holder's blue crab fishing privileges may be
3371 suspended for 12 calendar months.

3372 3. For a third violation that occurs within 36 months after
3373 any two previous such violations, the commission shall assess an
3374 administrative penalty of up to \$5,000, and the blue crab
3375 endorsement holder's blue crab fishing privileges may be

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3376 suspended for 24 calendar months.

3377 4. A fourth violation that occurs within 48 months after
3378 any three previous such violations shall result in permanent
3379 revocation of all of the violator's saltwater fishing
3380 privileges, including having the commission proceed against the
3381 endorsement holder's saltwater products license in accordance
3382 with s. 379.407.

3383
3384 Any blue crab endorsement holder assessed an administrative
3385 penalty under this paragraph shall, within 30 calendar days
3386 after notification, pay the administrative penalty to the
3387 commission or request an administrative hearing under ss.
3388 120.569 and 120.57.

3389 Reviser's note.—Amended to delete obsolete language.

3390 Section 83. Paragraph (b) of subsection (1) of section
3391 379.372, Florida Statutes, is amended to read:

3392 379.372 Capturing, keeping, possessing, transporting, or
3393 exhibiting venomous reptiles, reptiles of concern, conditional
3394 reptiles, or prohibited reptiles; license required.—

3395 (1)

3396 (b) ~~By December 31, 2007,~~ The commission shall establish a
3397 list of reptiles of concern, including venomous, nonvenomous,
3398 native, nonnative, or other reptiles, which require additional
3399 regulation for capture, possession, transportation, or
3400 exhibition due to their nature, habits, status, or potential to
3401 negatively impact humans, the environment, or ecology.

3402 Reviser's note.—Amended to delete obsolete language.

3403 Section 84. Paragraph (d) of subsection (12) of section
3404 381.02035, Florida Statutes, is amended to read:

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3405 381.02035 Canadian Prescription Drug Importation Program.—

3406 (12) ANNUAL REPORT.—By December 1 of each year, the agency
3407 shall submit a report to the Governor, the President of the
3408 Senate, and the Speaker of the House of Representatives on the
3409 operation of the program during the previous fiscal year. The
3410 report must include, at a minimum:

3411 (d) The estimated cost savings during the previous fiscal
3412 year and to date attributable to the program;

3413 Reviser's note.—Amended to confirm the editorial insertion of
3414 the word "to."

3415 Section 85. Paragraph (g) of subsection (14) of section
3416 381.986, Florida Statutes, is amended to read:

3417 381.986 Medical use of marijuana.—

3418 (14) EXCEPTIONS TO OTHER LAWS.—

3419 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
3420 any other provision of law, but subject to the requirements of
3421 this section and pursuant to policies and procedures established
3422 pursuant to s. 1006.062(8) ~~1006.62(8)~~, school personnel may
3423 possess marijuana that is obtained for medical use pursuant to
3424 this section by a student who is a qualified patient.

3425 Reviser's note.—Amended to correct an erroneous cross-reference;

3426 s. 1006.62 does not have a subsection (8); s. 1006.062(8)
3427 relates to medical policy and procedure relating to
3428 students who are qualified patients to use medical
3429 marijuana.

3430 Section 86. Subsections (7) and (10) of section 383.2162,
3431 Florida Statutes, are amended to read:

3432 383.2162 Black infant health practice initiative.—

3433 (7) EVALUATIONS AND REPORTS.—The department shall conduct

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3434 an annual evaluation of the implementation of the initiative
3435 describing which areas are participating in the initiative, the
3436 number of reviews conducted by each participating coalition,
3437 grant balances, and recommendations for modifying the
3438 initiative. ~~All participating coalitions shall produce a report~~
3439 ~~on their collective findings and recommendations by January 1,~~
3440 ~~2010, to the Governor, the President of the Senate, the Speaker~~
3441 ~~of the House of Representatives, and the State Surgeon General.~~

3442 ~~(10) IMPLEMENTATION TIMELINE.—The department shall~~
3443 ~~administer grants in a manner that will allow each participating~~
3444 ~~coalition to begin reviewing cases no later than January 1,~~
3445 ~~2008.~~

3446 Reviser's note.—Amended to delete obsolete language.

3447 Section 87. Paragraph (b) of subsection (1) of section
3448 393.115, Florida Statutes, is amended to read:

3449 393.115 Discharge.—

3450 (1) DISCHARGE AT THE AGE OF MAJORITY.—

3451 (b) If the resident appears to meet the criteria for
3452 involuntary admission to residential services, pursuant to ~~as~~
3453 ~~defined in~~ s. 393.11, the agency shall file a petition to
3454 determine the appropriateness of continued residential placement
3455 on an involuntary basis. The agency shall file the petition for
3456 involuntary admission in the county in which the client resides.
3457 If the resident was originally involuntarily admitted to
3458 residential services pursuant to s. 393.11, then the agency
3459 shall file the petition in the court having continuing
3460 jurisdiction over the case.

3461 Reviser's note.—Amended to conform to the fact that criteria for
3462 involuntary admission to residential services are found in

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3463 s. 393.11, but the term is not defined there.

3464 Section 88. Subsection (1) of section 394.499, Florida
3465 Statutes, is amended to read:

3466 394.499 Integrated children's crisis stabilization
3467 unit/juvenile addictions receiving facility services.-

3468 (1) ~~Beginning July 1, 2001,~~ The Department of Children and
3469 Families, in consultation with the Agency for Health Care
3470 Administration, is authorized to establish children's behavioral
3471 crisis unit demonstration models ~~in Collier, Lee, and Sarasota~~
3472 ~~Counties. As a result of the recommendations regarding expansion~~
3473 ~~of the demonstration models contained in the evaluation report~~
3474 ~~of December 31, 2003, the department, in cooperation with the~~
3475 ~~agency, may expand the demonstration models to other areas in~~
3476 ~~the state after July 1, 2005.~~ The children's behavioral crisis
3477 unit demonstration models will integrate children's mental
3478 health crisis stabilization units with substance abuse juvenile
3479 addictions receiving facility services, to provide emergency
3480 mental health and substance abuse services that are integrated
3481 within facilities licensed and designated by the agency for
3482 children under 18 years of age who meet criteria for admission
3483 or examination under this section. The services shall be
3484 designated as "integrated children's crisis stabilization
3485 unit/juvenile addictions receiving facility services," shall be
3486 licensed by the agency as children's crisis stabilization units,
3487 and shall meet all licensure requirements for crisis
3488 stabilization units. The department, in cooperation with the
3489 agency, shall develop standards that address eligibility
3490 criteria; clinical procedures; staffing requirements;
3491 operational, administrative, and financing requirements; and

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3492 investigation of complaints for such integrated facility
3493 services. Standards that are implemented specific to substance
3494 abuse services shall meet or exceed existing standards for
3495 addictions receiving facilities.

3496 Reviser's note.—Amended to delete language that has served its
3497 purpose.

3498 Section 89. Paragraph (b) of subsection (6) of section
3499 395.1041, Florida Statutes, is amended to read:

3500 395.1041 Access to emergency services and care.—

3501 (6) RIGHTS OF PERSONS BEING TREATED.—

3502 (b) Each hospital with an emergency department shall
3503 develop a best practices policy to promote the prevention of
3504 unintentional drug overdoses. The policy may include, but is not
3505 limited to:

3506 1. A process to obtain the patient's consent to notify the
3507 patient's next of kin, and each physician or health care
3508 practitioner who prescribed a controlled substance to the
3509 patient, regarding the patient's overdose, her or his location,
3510 and the nature of the substance or controlled substance involved
3511 in the overdose.

3512 2. A process for providing the patient or the patient's
3513 next of kin with information about licensed substance abuse
3514 treatment services, voluntary admission procedures under part IV
3515 of chapter 397, involuntary admission procedures under part V of
3516 chapter 397, and involuntary commitment procedures under chapter
3517 394.

3518 3. Guidelines for emergency department health care
3519 practitioners authorized to prescribe controlled substances to
3520 reduce the risk of opioid use, misuse, and addiction.

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3521 4. The use of licensed or certified behavioral health
 3522 professionals or peer specialists in the emergency department to
 3523 encourage the patient to seek substance abuse treatment.

3524 5. The use of Screening, Brief Intervention, and Referral
 3525 to Treatment protocols in the emergency department.

3526
 3527 ~~6.~~ This paragraph may not be construed as creating a cause of
 3528 action by any party.

3529 Reviser's note.—Amended to conform to context. Subparagraph

3530 (6) (b) 6. does not fit within the list of items in paragraph
 3531 (6) (b) but does apply to paragraph (b); placement within a
 3532 flush left paragraph at the end of paragraph (b) clarifies
 3533 intent.

3534 Section 90. Paragraph (c) of subsection (6) of section
 3535 395.40, Florida Statutes, is amended to read:

3536 395.40 Legislative findings and intent.—

3537 (6) Furthermore, the Legislature encourages the department
 3538 to actively foster the provision of trauma care and serve as a
 3539 catalyst for improvements in the process and outcome of the
 3540 provision of trauma care in an inclusive trauma system. Among
 3541 other considerations, the department is required to:

3542 (c) Update the state trauma system plan at least annually
 3543 ~~by February 2005 and at least annually thereafter.~~

3544 Reviser's note.—Amended to delete obsolete language.

3545 Section 91. Subsection (2) of section 400.063, Florida
 3546 Statutes, is amended to read:

3547 400.063 Resident protection.—

3548 (2) The agency is authorized to establish for each
 3549 facility, subject to intervention by the agency, a separate bank

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3550 account for the deposit to the credit of the agency of any
3551 moneys received from the Health Care Trust Fund or any other
3552 moneys received for the maintenance and care of residents in the
3553 facility, and the agency is authorized to disburse moneys from
3554 such account to pay obligations incurred for the purposes of
3555 this section. The agency is authorized to requisition moneys
3556 from the Health Care Trust Fund in advance of an actual need for
3557 cash on the basis of an estimate by the agency of moneys to be
3558 spent under the authority of this section. Any bank account
3559 established under this section need not be approved in advance
3560 of its creation as required by s. 17.58, but shall be secured by
3561 depository insurance equal to or greater than the balance of
3562 such account or by the pledge of collateral security ~~in~~
3563 ~~conformance with criteria established in s. 18.11.~~ The agency
3564 shall notify the Chief Financial Officer of any such account so
3565 established and shall make a quarterly accounting to the Chief
3566 Financial Officer for all moneys deposited in such account.

3567 Reviser's note.—Amended to conform to the repeal of s. 18.11 by
3568 s. 11, ch. 81-285, Laws of Florida, which repeal was
3569 confirmed by s. 1, ch. 83-85, Laws of Florida.

3570 Section 92. Paragraph (a) of subsection (2) of section
3571 400.191, Florida Statutes, is amended to read:

3572 400.191 Availability, distribution, and posting of reports
3573 and records.—

3574 (2) The agency shall publish the Nursing Home Guide
3575 quarterly in electronic form to assist consumers and their
3576 families in comparing and evaluating nursing home facilities.

3577 (a) The agency shall provide an Internet site which shall
3578 include at least the following information either directly or

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3579 indirectly through a link to another established site or sites
3580 of the agency's choosing:

3581 1. A section entitled "Have you considered programs that
3582 provide alternatives to nursing home care?" which shall be the
3583 first section of the Nursing Home Guide and which shall
3584 prominently display information about available alternatives to
3585 nursing homes and how to obtain additional information regarding
3586 these alternatives. The Nursing Home Guide shall explain that
3587 this state offers alternative programs that permit qualified
3588 elderly persons to stay in their homes instead of being placed
3589 in nursing homes and shall encourage interested persons to call
3590 the Comprehensive Assessment Review and Evaluation for Long-Term
3591 Care Services (CARES) Program to inquire if they qualify. The
3592 Nursing Home Guide shall list available home and community-based
3593 programs which shall clearly state the services that are
3594 provided and indicate whether nursing home services are included
3595 if needed.

3596 2. A list by name and address of all nursing home
3597 facilities in this state, including any prior name by which a
3598 facility was known during the previous 24-month period.

3599 3. Whether such nursing home facilities are proprietary or
3600 nonproprietary.

3601 4. The current owner of the facility's license and the year
3602 that that entity became the owner of the license.

3603 5. The name of the owner or owners of each facility and
3604 whether the facility is affiliated with a company or other
3605 organization owning or managing more than one nursing facility
3606 in this state.

3607 6. The total number of beds in each facility and the most

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3608 recently available occupancy levels.

3609 7. The number of private and semiprivate rooms in each
3610 facility.

3611 8. The religious affiliation, if any, of each facility.

3612 9. The languages spoken by the administrator and staff of
3613 each facility.

3614 10. Whether or not each facility accepts Medicare or
3615 Medicaid recipients or insurance, health maintenance
3616 organization, United States Department of Veterans Affairs
3617 ~~Veterans Administration~~, CHAMPUS program, or workers'
3618 compensation coverage.

3619 11. Recreational and other programs available at each
3620 facility.

3621 12. Special care units or programs offered at each
3622 facility.

3623 13. Whether the facility is a part of a retirement
3624 community that offers other services pursuant to part III of
3625 this chapter or part I or part III of chapter 429.

3626 14. Survey and deficiency information, including all
3627 federal and state recertification, licensure, revisit, and
3628 complaint survey information, for each facility. For
3629 noncertified nursing homes, state survey and deficiency
3630 information, including licensure, revisit, and complaint survey
3631 information shall be provided.

3632 Reviser's note.—Amended to conform to the renaming of the
3633 Veterans Administration as the United States Department of
3634 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

3635 Section 93. Subsection (6) of section 402.22, Florida
3636 Statutes, is amended to read:

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3637 402.22 Education program for students who reside in
3638 residential care facilities operated by the Department of
3639 Children and Families or the Agency for Persons with
3640 Disabilities.—

3641 (6) Notwithstanding the provisions of s. 1001.42(4)(m)
3642 ~~1001.42(4)(n)~~, the educational program at the Marianna Sunland
3643 Center in Jackson County shall be operated by the Department of
3644 Education, either directly or through grants or contractual
3645 agreements with other public educational agencies. The annual
3646 state allocation to any such agency shall be computed pursuant
3647 to s. 1011.62(1), (2), and (6) and allocated in the amount that
3648 would have been provided the local school district in which the
3649 residential facility is located.

3650 Reviser's note.—Amended to correct a cross-reference. As part of
3651 the 2002 update to the Education Code, s. 988, ch. 2002-
3652 387, Laws of Florida, changed the reference from s.
3653 230.23(4)(n), which related to alternative education
3654 programs for students in residential care facilities, to s.
3655 1001.42(4)(n). However, the language relating to
3656 alternative education programs for students in residential
3657 care facilities was placed in s. 1001.42(4)(m) per s. 55,
3658 ch. 2002-387; s. 1001.42(4)(n) relates to educational
3659 services in detention facilities.

3660 Section 94. Subsection (35) of section 403.703, Florida
3661 Statutes, is amended to read:

3662 403.703 Definitions.—As used in this part, the term:
3663 (40) ~~(35)~~ "Special wastes" means solid wastes that can
3664 require special handling and management, including, but not
3665 limited to, white goods, waste tires, used oil, lead-acid

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3666 batteries, construction and demolition debris, ash residue, yard
3667 trash, and biological wastes.

3668 Reviser's note.—Amended to conform with the alphabetic ordering
3669 of the defined terms elsewhere in the section.

3670 Section 95. Subsection (1) of section 403.7065, Florida
3671 Statutes, is amended to read:

3672 403.7065 Procurement of products or materials with recycled
3673 content.—

3674 (1) ~~Except as provided in s. 287.045,~~ Any state agency or
3675 agency of a political subdivision of the state which is using
3676 state funds, or any person contracting with any such agency with
3677 respect to work performed under contract, is required to procure
3678 products or materials with recycled content when the Department
3679 of Management Services determines that those products or
3680 materials are available. A decision not to procure such items
3681 must be based on the Department of Management Services'
3682 determination that such procurement is not reasonably available
3683 within an acceptable period of time, fails to meet the
3684 performance standards set forth in the applicable
3685 specifications, or fails to meet the performance standards of
3686 the agency. ~~When the requirements of s. 287.045 are met,~~
3687 ~~agencies shall be subject to the procurement requirements of~~
3688 ~~that section for procuring products or materials with recycled~~
3689 ~~content.~~

3690 Reviser's note.—Amended to conform to the repeal of s. 287.045
3691 by s. 17, ch. 2010-151, Laws of Florida.

3692 Section 96. Section 403.8163, Florida Statutes, is amended
3693 to read:

3694 403.8163 Sites for disposal of spoil from maintenance

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3695 dredge operations; selection.—Lands created by spoil or used as
3696 dredge spoil sites must be given priority consideration as sites
3697 for disposal of spoil in maintenance dredge operations, except
3698 when the ~~Division of Beaches and Shores of the~~ Department of
3699 Environmental Protection determines that the spoil, or some
3700 substantial portion thereof, may be placed as compatible
3701 sediment into the littoral system of an adjacent sandy beach or
3702 coastal barrier dune system for the preservation and protection
3703 of such beach or dune system.

3704 Reviser's note.—Amended to conform to the fact that the Division
3705 of Beaches and Shores was abolished by s. 1, ch. 94-356,
3706 Laws of Florida; the Department of Environmental
3707 Protection's beach programs are now under the Division of
3708 Water Resource Management.

3709 Section 97. Paragraph (b) of subsection (2) of section
3710 403.854, Florida Statutes, is amended to read:

3711 403.854 Variances, exemptions, and waivers.—

3712 (2)

3713 ~~(b) Proposed additions to existing treatment plants not~~
3714 ~~under contract for construction on July 1, 1977, shall not be~~
3715 ~~automatically exempt.~~

3716 Reviser's note.—Amended to delete an obsolete provision.

3717 Section 98. Paragraph (e) of subsection (3) of section
3718 408.036, Florida Statutes, is amended to read:

3719 408.036 Projects subject to review; exemptions.—

3720 (3) EXEMPTIONS.—Upon request, the following projects are
3721 subject to exemption from subsection (1):

3722 (e) For the addition of nursing home beds licensed under
3723 chapter 400 in a number not exceeding 30 total beds or 25

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3724 percent of the number of beds licensed in the facility being
3725 replaced under paragraph (2)(b), paragraph (2)(c), or paragraph
3726 (j) ~~(m)~~, whichever is less.

3727 Reviser's note.—Amended to confirm the editorial substitution of
3728 a reference to paragraph (j) for a reference to paragraph
3729 (m) to conform to the redesignation of paragraphs by s. 13,
3730 ch. 2019-136, Laws of Florida.

3731 Section 99. Paragraph (a) of subsection (2) of section
3732 408.7057, Florida Statutes, is amended to read:

3733 408.7057 Statewide provider and health plan claim dispute
3734 resolution program.—

3735 (2)(a) The agency shall establish a program ~~by January 1,~~
3736 ~~2001,~~ to provide assistance to contracted and noncontracted
3737 providers and health plans for resolution of claim disputes that
3738 are not resolved by the provider and the health plan. The agency
3739 shall contract with a resolution organization to timely review
3740 and consider claim disputes submitted by providers and health
3741 plans and recommend to the agency an appropriate resolution of
3742 those disputes. The agency shall establish by rule
3743 jurisdictional amounts and methods of aggregation for claim
3744 disputes that may be considered by the resolution organization.
3745 Reviser's note.—Amended to delete obsolete language.

3746 Section 100. Subsection (5) of section 408.809, Florida
3747 Statutes, is amended to read:

3748 408.809 Background screening; prohibited offenses.—

3749 ~~(5) A person who serves as a controlling interest of, is~~
3750 ~~employed by, or contracts with a licensee on July 31, 2010, who~~
3751 ~~has been screened and qualified according to standards specified~~
3752 ~~in s. 435.03 or s. 435.04 must be rescreened by July 31, 2015,~~

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3753 ~~in compliance with the following schedule. If, upon rescreening,~~
3754 ~~such person has a disqualifying offense that was not a~~
3755 ~~disqualifying offense at the time of the last screening, but is~~
3756 ~~a current disqualifying offense and was committed before the~~
3757 ~~last screening, he or she may apply for an exemption from the~~
3758 ~~appropriate licensing agency and, if agreed to by the employer,~~
3759 ~~may continue to perform his or her duties until the licensing~~
3760 ~~agency renders a decision on the application for exemption if~~
3761 ~~the person is eligible to apply for an exemption and the~~
3762 ~~exemption request is received by the agency within 30 days after~~
3763 ~~receipt of the rescreening results by the person. The~~
3764 ~~rescreening schedule shall be:~~

3765 ~~(a) Individuals for whom the last screening was conducted~~
3766 ~~on or before December 31, 2004, must be rescreened by July 31,~~
3767 ~~2013.~~

3768 ~~(b) Individuals for whom the last screening conducted was~~
3769 ~~between January 1, 2005, and December 31, 2008, must be~~
3770 ~~rescreened by July 31, 2014.~~

3771 ~~(c) Individuals for whom the last screening conducted was~~
3772 ~~between January 1, 2009, through July 31, 2011, must be~~
3773 ~~rescreened by July 31, 2015.~~

3774 Reviser's note.—Amended to delete an obsolete provision.

3775 Section 101. Section 409.964, Florida Statutes, is amended
3776 to read:

3777 409.964 Managed care program; state plan; waivers.—The
3778 Medicaid program is established as a statewide, integrated
3779 managed care program for all covered services, including long-
3780 term care services. The agency shall apply for and implement
3781 state plan amendments or waivers of applicable federal laws and

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3782 regulations necessary to implement the program. Before seeking a
3783 waiver, the agency shall provide public notice and the
3784 opportunity for public comment and include public feedback in
3785 the waiver application. The agency shall hold one public meeting
3786 in each of the regions described in s. 409.966(2), and the time
3787 period for public comment for each region shall end no sooner
3788 than 30 days after the completion of the public meeting in that
3789 region. ~~The agency shall submit any state plan amendments, new
3790 waiver requests, or requests for extensions or expansions for
3791 existing waivers, needed to implement the managed care program
3792 by August 1, 2011.~~

3793 Reviser's note.—Amended to delete obsolete language.

3794 Section 102. Section 409.971, Florida Statutes, is amended
3795 to read:

3796 409.971 Managed medical assistance program.—The agency
3797 shall make payments for primary and acute medical assistance and
3798 related services using a managed care model. ~~By January 1, 2013,
3799 the agency shall begin implementation of the statewide managed
3800 medical assistance program, with full implementation in all
3801 regions by October 1, 2014.~~

3802 Reviser's note.—Amended to delete obsolete language.

3803 Section 103. Subsection (1) of section 409.978, Florida
3804 Statutes, is amended to read:

3805 409.978 Long-term care managed care program.—

3806 (1) Pursuant to s. 409.963, the agency shall administer the
3807 long-term care managed care program described in ss. 409.978-
3808 409.985, but may delegate specific duties and responsibilities
3809 for the program to the Department of Elderly Affairs and other
3810 state agencies. ~~By July 1, 2012, the agency shall begin~~

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3811 ~~implementation of the statewide long-term care managed care~~
3812 ~~program, with full implementation in all regions by October 1,~~
3813 ~~2013.~~

3814 Reviser's note.—Amended to delete obsolete language.

3815 Section 104. Paragraph (i) of subsection (3) of section
3816 411.226, Florida Statutes, is amended to read:

3817 411.226 Learning Gateway.—

3818 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

3819 ~~(i) The steering committee must approve, deny, or~~
3820 ~~conditionally approve a Learning Gateway proposal within 60 days~~
3821 ~~after receipt of the proposal. If a proposal is conditionally~~
3822 ~~approved, the steering committee must assist the Learning~~
3823 ~~Gateway applicant to correct deficiencies in the proposal by~~
3824 ~~December 1, 2002. Funds must be available to a pilot program 15~~
3825 ~~days after final approval of its proposal by the steering~~
3826 ~~committee. Funds must be available to all pilot programs by~~
3827 ~~January 1, 2003.~~

3828 Reviser's note.—Amended to delete an obsolete provision.

3829 Section 105. Subsections (3) and (4) of section 411.228,
3830 Florida Statutes, are amended to read:

3831 411.228 Accountability.—

3832 (3) ~~The steering committee shall oversee a formative~~
3833 ~~evaluation of the project during implementation, including~~
3834 ~~reporting short-term outcomes and system improvements. By~~
3835 ~~January 2005, the steering committee shall make recommendations~~
3836 ~~to the Governor, the President of the Senate, the Speaker of the~~
3837 ~~House of Representatives, and the Commissioner of Education~~
3838 ~~related to the merits of expansion of the demonstration~~
3839 ~~projects.~~

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3840 ~~(4) By January 1, 2005,~~ The steering committee, in
3841 conjunction with the demonstration projects, shall develop a
3842 model county-level strategic plan to formalize the goals,
3843 objectives, strategies, and intended outcomes of the
3844 comprehensive system, and to support the integration and
3845 efficient delivery of all services and supports for parents of
3846 children from birth through age 9 who have learning problems or
3847 learning disabilities. The model county-level strategic plan
3848 must include, but need not be limited to, strategies to:

3849 (a) Establish a system whereby parents can access
3850 information about learning problems in young children and
3851 receive services at their discretion;

3852 (b) Improve early identification of those who are at risk
3853 for learning problems and learning disabilities;

3854 (c) Provide access to an appropriate array of services
3855 within the child's natural environment or regular classroom
3856 setting or specialized training in other settings;

3857 (d) Improve and coordinate screening for children from
3858 birth through age 9;

3859 (e) Improve and coordinate services for children from birth
3860 through age 9;

3861 (f) Address training of professionals in effectively
3862 identifying factors, across all domains, which place children
3863 from birth through age 9 at risk of school failure and in
3864 appropriate interventions for the learning differences;

3865 (g) Provide appropriate support to families;

3866 (h) Share best practices with caregivers and referral
3867 sources;

3868 (i) Address resource needs of the assessment and

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3869 intervention system; and

3870 (j) Address development of implementation plans to
3871 establish protocols for requiring and receiving parental consent
3872 for services; to identify action steps, responsible parties, and
3873 implementation schedules; and to ensure appropriate alignment
3874 with agency strategic plans.

3875 Reviser's note.—Amended to delete obsolete language.

3876 Section 106. Paragraphs (b) and (d) of subsection (2) of
3877 section 413.271, Florida Statutes, are amended to read:

3878 413.271 Florida Coordinating Council for the Deaf and Hard
3879 of Hearing.—

3880 (2)

3881 (b) The coordinating council shall be composed of 17
3882 members. The appointment of members not representing agencies
3883 shall be made by the Governor. The appointment of members
3884 representing organizations shall be made by the Governor in
3885 consultation with those organizations. The membership shall be
3886 as follows:

3887 1. Two members representing the Florida Association of the
3888 Deaf.

3889 2. Two members representing the Florida Association of Self
3890 Help for Hard of Hearing People.

3891 3. A member representing the Association of Late-Deafened
3892 Adults.

3893 4. An individual who is deaf and blind.

3894 5. A parent of an individual who is deaf.

3895 6. A member representing the Deaf Service Center
3896 Association.

3897 7. A member representing the Florida Registry of

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3898 Interpreters for the Deaf.

3899 8. A member representing the Florida Alexander Graham Bell
3900 Association for the Deaf and Hard of Hearing.

3901 9. A communication access realtime translator.

3902 10. An audiologist licensed under part I of chapter 468.

3903 11. A hearing aid specialist licensed under part II of
3904 chapter 484.

3905 12. The Secretary of Children and Families or his or her
3906 designee.

3907 13. The State Surgeon General or his or her designee.

3908 14. The Commissioner of Education or his or her designee.

3909 15. The Secretary of Elderly Affairs or his or her
3910 designee.

3911
3912 If any organization from which a representative is to be drawn
3913 ceases to exist, a representative of a similar organization
3914 shall be named to the coordinating council. The Governor shall
3915 make appointments to the coordinating council ~~no later than~~
3916 ~~August 1, 2004,~~ and may remove any member for cause. Each member
3917 shall be appointed to a term of 4 years. ~~However, for the~~
3918 ~~purpose of providing staggered terms, of the initial~~
3919 ~~appointments not representing state agencies, seven members,~~
3920 ~~including the audiologist and the hearing aid specialist, shall~~
3921 ~~be appointed to 2-year terms and six members shall be appointed~~
3922 ~~to 4-year terms.~~ Any vacancy on the coordinating council shall
3923 be filled in the same manner as the original appointment, and
3924 any member appointed to fill a vacancy occurring because of
3925 death, resignation, or ineligibility for membership shall serve
3926 only for the unexpired term of the member's predecessor. Prior

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3927 to serving on the coordinating council, all appointees must
3928 attend orientation training that shall address, at a minimum,
3929 the provisions of this section; the programs operated by the
3930 coordinating council; the role and functions of the coordinating
3931 council; the current budget for the coordinating council; the
3932 results of the most recent formal audit of the coordinating
3933 council; and the requirements of the state's public records law,
3934 the code of ethics, the Administrative Procedure Act, and other
3935 laws relating to public officials, including conflict-of-
3936 interest laws.

3937 ~~(d) The first meeting of the council shall be held no later~~
3938 ~~than August 1, 2004. The council members, at the organizational~~
3939 ~~meeting,~~ shall elect by a majority vote of the members one
3940 member to serve as chair of the council for a term of 1 year.
3941 The council shall meet at least once each quarter. All meetings
3942 are subject to the call of the chair. Nine members of the
3943 council shall constitute a quorum.

3944 Reviser's note.—Amended to delete obsolete language.

3945 Section 107. Subsection (6) of section 420.9071, Florida
3946 Statutes, is amended to read:

3947 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
3948 term:

3949 (6) "Community-based organization" means a nonprofit
3950 organization that has among its purposes the provision of
3951 affordable housing to persons who have special needs or have
3952 very low income, low income, or moderate income within a
3953 designated area, which may include a municipality, a county, or
3954 more than one municipality or county, and maintains, through a
3955 minimum of one-third representation on the organization's

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3956 governing board, accountability to housing program beneficiaries
3957 and residents of the designated area. ~~A community housing~~
3958 ~~development organization established pursuant to 24 C.F.R. s.~~
3959 ~~92.2 and a community development corporation created pursuant to~~
3960 ~~chapter 290 are examples of community-based organizations.~~
3961 Reviser's Note.—Amended to delete obsolete language.

3962 Section 108. Paragraph (g) of subsection (5) of section
3963 420.9075, Florida Statutes, is amended to read:

3964 420.9075 Local housing assistance plans; partnerships.—

3965 (5) The following criteria apply to awards made to eligible
3966 sponsors or eligible persons for the purpose of providing
3967 eligible housing:

3968 (g)1. All units constructed, rehabilitated, or otherwise
3969 assisted with the funds provided from the local housing
3970 assistance trust fund must be occupied by very-low-income
3971 persons, low-income persons, and moderate-income persons except
3972 as otherwise provided in this section.

3973 2. At least 30 percent of the funds deposited into the
3974 local housing assistance trust fund must be reserved for awards
3975 to very-low-income persons or eligible sponsors who will serve
3976 very-low-income persons and at least an additional 30 percent of
3977 the funds deposited into the local housing assistance trust fund
3978 must be reserved for awards to low-income persons or eligible
3979 sponsors who will serve low-income persons. ~~This subparagraph~~
3980 ~~does not apply to a county or an eligible municipality that~~
3981 ~~includes, or has included within the previous 5 years, an area~~
3982 ~~of critical state concern designated or ratified by the~~
3983 ~~Legislature for which the Legislature has declared its intent to~~
3984 ~~provide affordable housing. The exemption created by this act~~

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3985 ~~expires on July 1, 2013, and shall apply retroactively.~~

3986 Reviser's Note.—Amended to delete obsolete language.

3987 Section 109. Section 429.55, Florida Statutes, is amended
3988 to read:

3989 429.55 Consumer information website.—The Legislature finds
3990 that consumers need additional information on the quality of
3991 care and service in assisted living facilities in order to
3992 select the best facility for themselves or their loved ones.
3993 Therefore, the Agency for Health Care Administration shall
3994 create content that is easily accessible through the home page
3995 of the agency's website either directly or indirectly through
3996 links to one or more other established websites of the agency's
3997 choosing. The website must be searchable by facility name,
3998 license type, city, or zip code. By November 1, 2015, the agency
3999 shall include all content in its possession on the website and
4000 add content when received from facilities. At a minimum, the
4001 content must include:

4002 (1) Information on each licensed assisted living facility,
4003 including, but not limited to:

4004 (a) The name and address of the facility.

4005 (b) The name of the owner or operator of the facility.

4006 (c) The number and type of licensed beds in the facility.

4007 (d) The types of licenses held by the facility.

4008 (e) The facility's license expiration date and status.

4009 (f) The total number of clients that the facility is
4010 licensed to serve and the most recently available occupancy
4011 levels.

4012 (g) The number of private and semiprivate rooms offered.

4013 (h) The bed-hold policy.

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- 4014 (i) The religious affiliation, if any, of the assisted
4015 living facility.
- 4016 (j) The languages spoken by the staff.
- 4017 (k) Availability of nurses.
- 4018 (l) Forms of payment accepted, including, but not limited
4019 to, Medicaid, Medicaid long-term managed care, private
4020 insurance, health maintenance organization, United States
4021 Department of Veterans Affairs, CHAMPUS program, or workers'
4022 compensation coverage.
- 4023 (m) Indication if the licensee is operating under
4024 bankruptcy protection.
- 4025 (n) Recreational and other programs available.
- 4026 (o) Special care units or programs offered.
- 4027 (p) Whether the facility is a part of a retirement
4028 community that offers other services pursuant to this part or
4029 part III of this chapter, part II or part III of chapter 400, or
4030 chapter 651.
- 4031 (q) Links to the State Long-Term Care Ombudsman Program
4032 website and the program's statewide toll-free telephone number.
- 4033 (r) Links to the websites of the providers.
- 4034 (s) Other relevant information that the agency currently
4035 collects.
- 4036 (2) Survey and violation information for the facility,
4037 including a list of the facility's violations committed during
4038 the previous 60 months, which on July 1, 2015, may include
4039 violations committed on or after July 1, 2010. The list shall be
4040 updated monthly and include for each violation:
- 4041 (a) A summary of the violation, including all licensure,
4042 revisit, and complaint survey information, presented in a manner

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4043 understandable by the general public.

4044 (b) Any sanctions imposed by final order.

4045 (c) The date the corrective action was confirmed by the
4046 agency.

4047 (3) Links to inspection reports that the agency has on
4048 file.

4049
4050 ~~(4)~~The agency may adopt rules to administer this section.
4051 Reviser's note.—Amended to improve clarity. The language in
4052 former subsection (4) applies to the whole section.

4053 Section 110. Subsection (5) of section 430.0402, Florida
4054 Statutes, is amended to read:

4055 430.0402 Screening of direct service providers.—

4056 ~~(5) Individuals serving as direct service providers on July
4057 31, 2011, must be screened by July 1, 2013. The department may
4058 adopt rules to establish a schedule to stagger the
4059 implementation of the required screening over a 1-year period,
4060 beginning July 1, 2012, through July 1, 2013.~~

4061 Reviser's note.—Amended to delete obsolete .

4062 Section 111. Section 440.103, Florida Statutes, is amended
4063 to read:

4064 440.103 Building permits; identification of minimum premium
4065 policy.—Every employer shall, as a condition to applying for and
4066 receiving a building permit, show proof and certify to the
4067 permit issuer that it has secured compensation for its employees
4068 under this chapter as provided in ss. 440.10 and 440.38. Such
4069 proof of compensation must be evidenced by a certificate of
4070 coverage issued by the carrier, a valid exemption certificate
4071 approved by the department, or a copy of the employer's

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4072 authority to self-insure and shall be presented, electronically
4073 or physically, each time the employer applies for a building
4074 permit. As provided in s. 553.79(21) ~~553.79(20)~~, for the purpose
4075 of inspection and record retention, site plans or building
4076 permits may be maintained at the worksite in the original form
4077 or in the form of an electronic copy. These plans and permits
4078 must be open to inspection by the building official or a duly
4079 authorized representative, as required by the Florida Building
4080 Code. As provided in s. 627.413(5), each certificate of coverage
4081 must show, on its face, whether or not coverage is secured under
4082 the minimum premium provisions of rules adopted by rating
4083 organizations licensed pursuant to s. 627.221. The words
4084 "minimum premium policy" or equivalent language shall be typed,
4085 printed, stamped, or legibly handwritten.

4086 Reviser's note.—Amended to conform to the redesignation of s.
4087 553.79(20) as s. 553.79(21) by s. 5, ch. 2019-75, Laws of
4088 Florida.

4089 Section 112. Paragraph (h) of subsection (3) of section
4090 443.131, Florida Statutes, is amended to read:

4091 443.131 Contributions.—

4092 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
4093 EXPERIENCE.—

4094 (h) Additional conditions for variation from the standard
4095 rate.—An employer's contribution rate may not be reduced below
4096 the standard rate under this section unless:

4097 1. All contributions, reimbursements, interest, and
4098 penalties incurred by the employer for wages paid by him or her
4099 in all previous calendar quarters, except the 4 calendar
4100 quarters immediately preceding the calendar quarter or calendar

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4101 year for which the benefit ratio is computed, are paid;

4102 2. The employer has produced for inspection and copying all
4103 work records in his or her possession, custody, or control which
4104 were requested by the Department of Economic Opportunity or its
4105 tax collection service provider pursuant to s. 443.171(5). An
4106 employer shall have at least 60 days to provide the requested
4107 work records before the employer is assigned the standard rate;
4108 and

4109 3. The employer entitled to a rate reduction has ~~must have~~
4110 at least one annual payroll as defined in subparagraph (b)1.
4111 unless the employer is eligible for additional credit under the
4112 Federal Unemployment Tax Act. If the Federal Unemployment Tax
4113 Act is amended or repealed in a manner affecting credit under
4114 the federal act, this section applies only to the extent that
4115 additional credit is allowed against the payment of the tax
4116 imposed by the act.

4117
4118 The tax collection service provider shall assign an earned
4119 contribution rate to an employer for the quarter immediately
4120 after the quarter in which all contributions, reimbursements,
4121 interest, and penalties are paid in full and all work records
4122 requested pursuant to s. 443.171(5) are produced for inspection
4123 and copying by the Department of Economic Opportunity or the tax
4124 collection service provider.

4125 Reviser's note.—Amended to improve clarity.

4126 Section 113. Subsection (2) of section 446.021, Florida
4127 Statutes, is amended to read:

4128 446.021 Definitions of terms used in ss. 446.011-446.092.—
4129 As used in ss. 446.011-446.092, the term:

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4130 (2) "Apprentice" means a person at least 16 years of age
4131 who is engaged in learning a recognized skilled trade through
4132 actual work experience under the supervision of journeyworker
4133 craftspersons ~~journeyworkers~~ ~~craftsmen~~, which training should be
4134 combined with properly coordinated studies of related technical
4135 and supplementary subjects, and who has entered into a written
4136 agreement, which may be cited as an apprentice agreement, with a
4137 registered apprenticeship sponsor who may be either an employer,
4138 an association of employers, or a local joint apprenticeship
4139 committee.

4140 Reviser's note.—Amended to improve clarity.

4141 Section 114. Paragraph (a) of subsection (2) of section
4142 458.3475, Florida Statutes, is amended to read:

4143 458.3475 Anesthesiologist assistants.—

4144 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.—

4145 (a) An anesthesiologist who directly supervises an
4146 anesthesiologist assistant must be qualified in the medical
4147 areas in which the anesthesiologist assistant performs and is
4148 liable for the performance of the anesthesiologist assistant. An
4149 anesthesiologist may only supervise two anesthesiologist
4150 assistants at the same time. The board may, by rule, allow an
4151 anesthesiologist to supervise up to four anesthesiologist
4152 assistants, ~~after July 1, 2008.~~

4153 Reviser's note.—Amended to delete obsolete language.

4154 Section 115. Subsections (1) and (2) of section 458.351,
4155 Florida Statutes, are amended to read:

4156 458.351 Reports of adverse incidents in office practice
4157 settings.—

4158 (1) Any adverse incident that occurs ~~on or after January 1,~~

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4159 ~~2000,~~ in any office maintained by a physician for the practice
 4160 of medicine which is not licensed under chapter 395 must be
 4161 reported to the department in accordance with the provisions of
 4162 this section.

4163 (2) Any physician or other licensee under this chapter
 4164 practicing in this state must notify the department if the
 4165 physician or licensee was involved in an adverse incident that
 4166 occurred ~~on or after January 1, 2000,~~ in any office maintained
 4167 by a physician for the practice of medicine which is not
 4168 licensed under chapter 395.

4169 Reviser's note.—Amended to delete obsolete language.

4170 Section 116. Paragraph (1) of subsection (1) of section
 4171 459.0055, Florida Statutes, is amended to read:

4172 459.0055 General licensure requirements.—

4173 (1) Except as otherwise provided herein, any person
 4174 desiring to be licensed or certified as an osteopathic physician
 4175 pursuant to this chapter shall:

4176 (1) Demonstrate that she or he has successfully completed a
 4177 resident internship of not less than 12 months in a hospital
 4178 approved for this purpose by the Board of Trustees of the
 4179 American Osteopathic Association or any other internship program
 4180 approved by the board upon a showing of good cause by the
 4181 applicant. ~~This requirement may be waived for an applicant who
 4182 matriculated in a college of osteopathic medicine during or
 4183 before 1948; and~~

4184 Reviser's note.—Amended to delete obsolete language.

4185 Section 117. Paragraph (a) of subsection (2) of section
 4186 459.023, Florida Statutes, is amended to read:

4187 459.023 Anesthesiologist assistants.—

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4188 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.—

4189 (a) An anesthesiologist who directly supervises an
 4190 anesthesiologist assistant must be qualified in the medical
 4191 areas in which the anesthesiologist assistant performs and is
 4192 liable for the performance of the anesthesiologist assistant. An
 4193 anesthesiologist may only supervise two anesthesiologist
 4194 assistants at the same time. The board may, by rule, allow an
 4195 anesthesiologist to supervise up to four anesthesiologist
 4196 assistants, ~~after July 1, 2008.~~

4197 Reviser's note.—Amended to delete obsolete language.

4198 Section 118. Paragraph (b) of subsection (4) and paragraph
 4199 (a) of subsection (5) of section 464.019, Florida Statutes, are
 4200 amended to read:

4201 464.019 Approval of nursing education programs.—

4202 (4) INTERNET WEBSITE.—The board shall publish the following
 4203 information on its Internet website:

4204 (b) The following data for each approved program, which
 4205 includes, to the extent applicable:

4206 1. All documentation provided by the program in its program
 4207 application ~~if submitted on or after July 1, 2009.~~

4208 2. The summary description of the program's compliance
 4209 submitted under subsection (3).

4210 3. The program's accreditation status, including
 4211 identification of the accrediting agency.

4212 4. The program's probationary status.

4213 5. The program's graduate passage rates for the most recent
 4214 2 calendar years.

4215 6. Each program's retention rates for students tracked from
 4216 program entry to graduation.

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4217
4218 The information required to be published under this subsection
4219 shall be made available in a manner that allows interactive
4220 searches and comparisons of individual programs selected by the
4221 website user. The board shall update the Internet website at
4222 least quarterly with the available information.

4223 (5) ACCOUNTABILITY.—

4224 (a)1. An approved program must achieve a graduate passage
4225 rate for first-time test takers which is not more than 10
4226 percentage points lower than the average passage rate during the
4227 same calendar year for graduates of comparable degree programs
4228 who are United States educated, first-time test takers on the
4229 National Council of State Boards of Nursing Licensing
4230 Examination, as calculated by the contract testing service of
4231 the National Council of State Boards of Nursing. For purposes of
4232 this subparagraph, an approved program is comparable to all
4233 degree programs of the same program type from among the
4234 following program types:

4235 a. Professional nursing education programs that terminate
4236 in a bachelor's degree.

4237 b. Professional nursing education programs that terminate
4238 in an associate degree.

4239 c. Professional nursing education programs that terminate
4240 in a diploma.

4241 d. Practical nursing education programs.

4242 2. ~~Beginning with graduate passage rates for calendar year~~
4243 ~~2010,~~ If an approved program's graduate passage rates do not
4244 equal or exceed the required passage rates for 2 consecutive
4245 calendar years, the board shall place the program on

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4246 probationary status pursuant to chapter 120 and the program
4247 director shall appear before the board to present a plan for
4248 remediation, which shall include specific benchmarks to identify
4249 progress toward a graduate passage rate goal. The program must
4250 remain on probationary status until it achieves a graduate
4251 passage rate that equals or exceeds the required passage rate
4252 for any 1 calendar year. The board shall deny a program
4253 application for a new prelicensure nursing education program
4254 submitted by an educational institution if the institution has
4255 an existing program that is already on probationary status.

4256 3. Upon the program's achievement of a graduate passage
4257 rate that equals or exceeds the required passage rate, the
4258 board, at its next regularly scheduled meeting following release
4259 of the program's graduate passage rate by the National Council
4260 of State Boards of Nursing, shall remove the program's
4261 probationary status. If the program, during the 2 calendar years
4262 following its placement on probationary status, does not achieve
4263 the required passage rate for any 1 calendar year, the board may
4264 extend the program's probationary status for 1 additional year,
4265 provided the program has demonstrated adequate progress toward
4266 the graduate passage rate goal by meeting a majority of the
4267 benchmarks established in the remediation plan. If the program
4268 is not granted the 1-year extension or fails to achieve the
4269 required passage rate by the end of such extension, the board
4270 shall terminate the program pursuant to chapter 120.

4271 Reviser's note.—Amended to delete obsolete language.

4272 Section 119. Subsection (5) of section 465.0235, Florida
4273 Statutes, is amended to read:

4274 465.0235 Automated pharmacy systems used by long-term care

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4275 facilities, hospices, or state correctional institutions.-

4276 (5) The board shall adopt rules governing the use of an
 4277 automated pharmacy system ~~by January 1, 2005~~, which must
 4278 specify:

4279 (a) Recordkeeping requirements;

4280 (b) Security requirements; and

4281 (c) Labeling requirements that permit the use of unit-dose
 4282 medications if the facility, hospice, or institution maintains
 4283 medication-administration records that include directions for
 4284 use of the medication and the automated pharmacy system
 4285 identifies:

4286 1. The dispensing pharmacy;

4287 2. The prescription number;

4288 3. The name of the patient; and

4289 4. The name of the prescribing practitioner.

4290 Reviser's note.—Amended to delete obsolete language.

4291 Section 120. Subsection (8) of section 471.005, Florida
 4292 Statutes, is amended to read:

4293 471.005 Definitions.—As used in this chapter, the term:

4294 (8) "License" means the licensing of engineers ~~or~~ to
 4295 practice engineering in this state.

4296 Reviser's note.—Amended to confirm the editorial deletion of the
 4297 word "or" to improve clarity.

4298 Section 121. Subsection (3) of section 480.046, Florida
 4299 Statutes, is amended to read:

4300 480.046 Grounds for disciplinary action by the board.—

4301 (3) The board shall revoke or suspend the license of a
 4302 massage establishment licensed under this act, or ~~to~~ deny
 4303 subsequent licensure of such an establishment, if any of the

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4304 following occurs:

4305 (a) The license has been obtained by fraud or
4306 misrepresentation.

4307 (b) The holder of a license is guilty of fraud or deceit or
4308 of gross negligence, incompetency, or misconduct in the
4309 operation of a massage establishment.

4310 (c) The establishment owner, the designated establishment
4311 manager, or any individual providing massage therapy services
4312 for the establishment has had the entry in any jurisdiction of:

4313 1. A final order or other disciplinary action taken for
4314 sexual misconduct involving prostitution;

4315 2. A final order or other disciplinary action taken for
4316 crimes related to the practice of massage therapy involving
4317 prostitution; or

4318 3. A conviction or a plea of guilty or nolo contendere to
4319 any misdemeanor or felony crime, regardless of adjudication,
4320 related to prostitution or related acts as described in s.
4321 796.07.

4322 Reviser's note.—Amended to confirm the editorial deletion of the
4323 word "to" to improve clarity.

4324 Section 122. Subsection (1) of section 482.227, Florida
4325 Statutes, is amended to read:

4326 482.227 Guarantees and warranties; ~~contracts executed after~~
4327 ~~October 1, 2003.~~—

4328 (1) The Legislature finds that the terms "guarantee" and
4329 "warranty" are common in contracts for the treatment of wood-
4330 destroying organisms. The purpose of this section is to assure
4331 that contract language describing a "guarantee" or "warranty" is
4332 clear and easily identifiable for the protection of consumers

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4333 and licensees. Therefore the following provisions shall apply to
4334 each new contract for the treatment of wood-destroying organisms
4335 issued by the licensee and signed by the customer ~~after October~~
4336 ~~1, 2003~~.

4337 Reviser's note.—Amended to delete obsolete language.

4338 Section 123. Subsection (2) of section 491.009, Florida
4339 Statutes, is amended to read:

4340 491.009 Discipline.—

4341 (2) The department, or, in the case of psychologists, the
4342 Board of Psychology ~~board~~, may enter an order denying licensure
4343 or imposing any of the penalties in s. 456.072(2) against any
4344 applicant for licensure or licensee who is found guilty of
4345 violating any provision of subsection (1) of this section or who
4346 is found guilty of violating any provision of s. 456.072(1).

4347 Reviser's note.—Amended to improve clarity. For purposes of
4348 chapter 491, "board" is defined as the Board of Clinical
4349 Social Work, Marriage and Family Therapy, and Mental Health
4350 Counseling; psychologists are regulated under chapter 490,
4351 and the regulatory board defined for purposes of that
4352 chapter is the Board of Psychology.

4353 Section 124. Paragraph (f) of subsection (2) of section
4354 494.00611, Florida Statutes, is amended to read:

4355 494.00611 Mortgage lender license.—

4356 (2) In order to apply for a mortgage lender license, an
4357 applicant must:

4358 (f) Submit a copy of the applicant's financial audit report
4359 for the most recent fiscal year, pursuant to United States
4360 generally accepted accounting principles. If the applicant is a
4361 wholly owned subsidiary of another corporation, the financial

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4362 audit report for the parent corporation satisfies this
4363 requirement. The commission may establish by rule the form and
4364 procedures for filing the financial audit report, including the
4365 requirement to file the report with the registry when technology
4366 is available. The financial audit report must document that the
4367 applicant has a bona fide and verifiable net worth, of at least
4368 \$63,000 if the applicant is not seeking a servicing endorsement,
4369 or at least \$250,000 if the applicant is seeking a servicing
4370 endorsement, which must be continuously maintained as a
4371 condition of licensure. ~~However, if the applicant held an active~~
4372 ~~license issued before October 1, 2010, pursuant to former s.~~
4373 ~~494.0065, and the applicant is seeking a servicing endorsement,~~
4374 ~~the minimum net worth requirement:~~

4375 ~~1. Until September 30, 2011, is \$63,000.~~

4376 ~~2. Between October 1, 2011, and September 30, 2012, is~~
4377 ~~\$125,000.~~

4378 ~~3. On or after October 1, 2012, is \$250,000.~~

4379 Reviser's note.—Amended to delete obsolete language.

4380 Section 125. Section 497.262, Florida Statutes, is amended
4381 to read:

4382 497.262 Duty of care and maintenance of licensed cemetery.—
4383 Every cemetery company or other entity responsible for the care
4384 and maintenance of a licensed cemetery in this state shall
4385 ensure that the grounds, structures, and other improvements of
4386 the cemetery are well cared for and maintained in a proper and
4387 dignified condition. The licensing authority shall adopt, ~~by no~~
4388 ~~later than July 1, 1999,~~ such rules as are necessary to
4389 implement and enforce this section. In developing and adopting
4390 such rules, the licensing authority may define different classes

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4391 of cemeteries or care and maintenance, and may provide for
4392 different rules to apply to each of said classes, if the
4393 designation of classes and the application of different rules is
4394 in the public interest and is supported by findings by the
4395 licensing authority based on evidence of industry practices,
4396 economic and physical feasibility, location, or intended uses;
4397 provided, that the rules shall provide minimum standards
4398 applicable to all cemeteries. For example, and without limiting
4399 the generality of the foregoing, the licensing authority may
4400 determine that a small rural cemetery with large trees and shade
4401 area does not require, and may not be able to attain, the same
4402 level of lawn care as a large urban cemetery with large open
4403 grassy areas and sprinkler systems.

4404 Reviser's note.—Amended to delete obsolete language.

4405 Section 126. Subsection (5) of section 497.607, Florida
4406 Statutes, is amended to read:

4407 497.607 Cremation; procedure required.—

4408 (5) In regard to human remains delivered to the control of
4409 the anatomical board of this state headquartered at the
4410 University of Florida Health Science Center, the provisions of
4411 this ~~subsection and~~ chapter shall not be construed to prohibit
4412 the anatomical board from causing the final disposition of such
4413 human remains through cremation or otherwise when performed in
4414 facilities owned and operated by such anatomical board or the
4415 University of Florida Health Science Center pursuant to and
4416 using such processes, equipment, and procedures as said
4417 anatomical board determines to be proper and adequate.

4418 Reviser's note.—Amended to improve clarity.

4419 Section 127. Section 506.20, Florida Statutes, is amended

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4420 to read:

4421 506.20 Filing and recording of marks and brands on field
4422 boxes.—Any person desiring to avail herself or himself of the
4423 benefits of ss. 506.19-506.28, may make application to the
4424 Department of Agriculture and Consumer Services and shall file
4425 with such department a true copy and description of such
4426 identifying mark or brand, which, if entitled thereto under the
4427 provisions of ss. 506.19-506.28, shall be filed and recorded by
4428 such department in a book to be provided and kept by it for that
4429 purpose, and the name of the owner of such brand or mark shall
4430 be likewise entered into such record, and such department shall
4431 then assign or designate a permanent registered number to the
4432 owner of such brand or mark, said number to be assigned
4433 progressively as marks and brands are received and recorded, and
4434 the registered number so assigned shall then become a part of
4435 the registered brand or mark and shall plainly and distinctly be
4436 made to appear on such field boxes, pallets, crates, receptacles
4437 and containers, together with the identifying mark or brand
4438 referred to in s. 506.19 hereof. The department shall determine
4439 if such brand or mark so applied for is not a duplication of any
4440 brand or mark previously recorded by or with it, or does not so
4441 closely resemble the same as to be misleading or deceiving. If
4442 the brand or mark applied for does so resemble or is such a
4443 duplication of previously recorded brands or marks as to be
4444 misleading or deceiving, the application shall be denied and the
4445 applicant may file some other brand or mark in the manner
4446 described above. ~~The books and records previously kept by the~~
4447 ~~Secretary of State shall be transferred to the Commissioner of~~
4448 ~~Agriculture upon the effective date of this act.~~

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4449 Reviser's note.—Amended to delete obsolete language.

4450 Section 128. Subsection (2) of section 509.096, Florida
4451 Statutes, is amended to read:

4452 509.096 Human trafficking awareness training and policies
4453 for employees of public lodging establishments; enforcement.—

4454 (2) The human trafficking awareness training required under
4455 paragraph (1)(a) must be submitted to and approved by the
4456 Department of Business and Professional Regulation and must
4457 include all of the following:

4458 (a) The definition of human trafficking and the difference
4459 between the two forms of human trafficking: sex trafficking and
4460 labor trafficking.

4461 (b) Guidance specific to the public lodging sector
4462 concerning how to identify individuals who may be victims of
4463 human trafficking.

4464 (c) Guidance concerning the role of the employees of a
4465 public lodging establishment in reporting and responding to
4466 suspected human trafficking.

4467 Reviser's note.—Amended to confirm the editorial insertion of
4468 the word "and" to improve clarity.

4469 Section 129. Subsection (1) and paragraph (a) of subsection
4470 (3) of section 526.143, Florida Statutes, are amended to read:

4471 526.143 Alternate generated power capacity for motor fuel
4472 dispensing facilities.—

4473 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
4474 defined in s. 526.303(16), and each wholesaler, as defined in s.
4475 526.303(17), which sells motor fuel in this state must be
4476 capable of operating its distribution loading racks using an
4477 alternate generated power source for a minimum of 72 hours.

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4478 Pending a postdisaster examination of the equipment by the
4479 operator to determine any extenuating damage that would render
4480 it unsafe to use, the facility must have such alternate
4481 generated power source available for operation no later than 36
4482 hours after a major disaster as defined in s. 252.34.
4483 Installation of appropriate wiring, including a transfer switch,
4484 shall be performed by a certified electrical contractor. Each
4485 business that is subject to this subsection must keep a copy of
4486 the documentation of such installation on site or at its
4487 corporate headquarters. In addition, each business must keep a
4488 written statement attesting to the periodic testing and ensured
4489 operational capacity of the equipment. The required documents
4490 must be made available, upon request, to the Division of
4491 Emergency Management and the director of the county emergency
4492 management agency.

4493 (3) (a) ~~No later than June 1, 2007,~~ Each motor fuel retail
4494 outlet described in subparagraph 1., subparagraph 2., or
4495 subparagraph 3., which is located within one-half mile proximate
4496 to an interstate highway or state or federally designated
4497 evacuation route must be prewired with an appropriate transfer
4498 switch and be capable of operating all fuel pumps, dispensing
4499 equipment, lifesafety systems, and payment-acceptance equipment
4500 using an alternate generated power source:

4501 1. A motor fuel retail outlet located in a county having a
4502 population of 300,000 or more which has 16 or more fueling
4503 positions.

4504 2. A motor fuel retail outlet located in a county having a
4505 population of 100,000 or more, but fewer than 300,000, which has
4506 12 or more fueling positions.

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4507 3. A motor fuel retail outlet located in a county having a
4508 population of fewer than 100,000 which has eight or more fueling
4509 positions.

4510 Reviser's note.—Amended to delete obsolete language.

4511 Section 130. Section 534.041, Florida Statutes, is amended
4512 to read:

4513 534.041 Renewal of certificate of mark or brand.—The
4514 registration of a mark or brand entitles the registered owner to
4515 exclusive ownership and use of the mark or brand for a period
4516 ending at midnight on the last day of the month 10 years after
4517 the date of registration. Upon application, registration may be
4518 renewed for successive 10-year periods, each ending at midnight
4519 on the last day of the month 10 years after the date of renewal.
4520 At least 60 days before the expiration of a registration, the
4521 department shall notify by letter the registered owner of the
4522 mark or brand that, upon application for renewal ~~and payment of~~
4523 ~~the renewal fee~~, the department will issue a renewal certificate
4524 granting the registered owner exclusive ownership and use of the
4525 mark or brand for another 10-year period ending at midnight on
4526 the last day of the month 10 years after the date of renewal.
4527 Failure to make application for renewal within the month of
4528 expiration of a registration will cause the department to send a
4529 second notice to the registered owner by mail at her or his last
4530 known address. Failure of the registered owner to make
4531 application for renewal within 30 days after receipt of the
4532 second notice will cause the owner's mark or brand to be placed
4533 on an inactive list for a period of 12 months, after which it
4534 will be canceled and become subject to registration by another
4535 person.

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4536 Reviser's note.—Amended to conform to the fact that s. 32, ch.
 4537 2017-85, Laws of Florida, amended this section to eliminate
 4538 the renewal fee.

4539 Section 131. Paragraph (a) of subsection (16) of section
 4540 553.79, Florida Statutes, is amended to read:

4541 553.79 Permits; applications; issuance; inspections.—

4542 (16) (a) A local enforcement agency may not deny issuance of
 4543 a building permit to; issue a notice of violation to; or fine,
 4544 penalize, sanction, or assess fees against an arms-length
 4545 purchaser of a property for value solely because a building
 4546 permit ~~was~~ applied for by a previous owner of the property was
 4547 not closed. The local enforcement agency shall maintain all
 4548 rights and remedies against the property owner and contractor
 4549 listed on the permit.

4550 Revisers note.—Amended to confirm the editorial deletion of the
 4551 word "was" to improve clarity.

4552 Section 132. Paragraph (b) of subsection (15) of section
 4553 553.791, Florida Statutes, is amended to read:

4554 553.791 Alternative plans review and inspection.—

4555 (15)

4556 (b) A local enforcement agency, local building official, or
 4557 local government may establish, for private providers and duly
 4558 authorized representatives working within that jurisdiction, a
 4559 system of registration to verify compliance with the licensure
 4560 requirements of paragraph (1) (j) ~~(1) (i)~~ and the insurance
 4561 requirements of subsection (16).

4562 Reviser's note.—Amended to conform to the redesignation of
 4563 paragraph (1) (i) as paragraph (1) (j) by s. 14, ch. 2019-
 4564 165, Laws of Florida.

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4565 Section 133. Paragraph (a) of subsection (5) of section
4566 563.06, Florida Statutes, is amended to read:

4567 563.06 Malt beverages; imprint on individual container;
4568 size of containers; exemptions.—

4569 (5) (a) Nothing contained in this section shall require that
4570 malt beverages packaged in individual containers and possessed
4571 by any person in the state for purposes of sale or resale in the
4572 state have imprinted thereon the word "Florida" or "FL" if the
4573 manufacturer of the malt beverages can establish before the
4574 division that the manufacturer has a tracking system in place,
4575 by use of code or otherwise, which enables the manufacturer,
4576 with at least ~~85 percent reliability by July 1, 1996,~~ and 90
4577 percent reliability ~~by January 1, 2000,~~ to identify the
4578 following:

4579 1. The place where individual containers of malt beverages
4580 were produced;

4581 2. The state into which the individual containers of malt
4582 beverages were shipped; and

4583 3. The individual distributors within the state which
4584 received the individual containers of malt beverages.

4585 Reviser's note.—Amended to delete obsolete language.

4586 Section 134. Paragraph (e) of subsection (2) of section
4587 578.11, Florida Statutes, is amended to read:

4588 578.11 Duties, authority, and rules of the department.—

4589 (2) The department is authorized to:

4590 (e) Prescribe limitations for each restricted noxious weed
4591 to be used in enforcement of this chapter and ~~to~~ add or subtract
4592 therefrom from time to time as the need may arise.

4593 Reviser's note—Amended to confirm the editorial deletion of the

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4594 word "to" to improve clarity.

4595 Section 135. Subsection (5) of section 581.184, Florida
4596 Statutes, is amended to read:

4597 581.184 Adoption of rules; citrus disease management.—

4598 (5) Owners or operators of nonproduction vehicles and
4599 equipment shall follow the department guidelines for citrus
4600 canker decontamination ~~effective June 15, 2000.~~

4601 Reviser's note—Amended to delete obsolete language.

4602 Section 136. Subsection (9) of section 607.0141, Florida
4603 Statutes, is amended to read:

4604 607.0141 Notice.—

4605 (9) Receipt of an electronic acknowledgment from an
4606 information processing system described in subparagraph (5) (a) 4.
4607 ~~paragraph (5) (d)~~ establishes that an electronic transmission was
4608 received, but, by itself, does not establish that the content
4609 sent corresponds to the content received.

4610 Reviser's note—Amended to correct an erroneous reference.

4611 Paragraph (5) (d) does not exist; subparagraph (5) (a) 4.
4612 describes an information processing system.

4613 Section 137. Paragraph (a) of subsection (2) of section
4614 607.0732, Florida Statutes, is amended to read:

4615 607.0732 Shareholder agreements.—

4616 (2) An agreement authorized by this section shall be:

4617 (a) 1. Set forth or referenced in the articles of
4618 incorporation or bylaws and approved by all persons who are
4619 shareholders at the time of the agreement; or

4620 2. Set forth in a written agreement that is signed by all
4621 persons who are shareholders at the time of the agreement and
4622 such written agreement is made known to the corporation; and

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4623 Reviser's note—Amended to improve clarity.

4624 Section 138. Section 624.4055, Florida Statutes, is amended
4625 to read:

4626 624.4055 Restrictions on existing private passenger
4627 automobile insurance. ~~Effective January 1, 2008,~~ No insurer
4628 writing private passenger automobile insurance in this state may
4629 continue to write such insurance if the insurer writes
4630 homeowners' insurance in another state but not in this state,
4631 unless the insurer writing private passenger automobile
4632 insurance in this state is affiliated with an insurer writing
4633 homeowners' insurance in this state.

4634 Reviser's note—Amended to delete obsolete language.

4635 Section 139. Section 624.40711, Florida Statutes, is
4636 amended to read:

4637 624.40711 Restrictions on insurers that are wholly owned
4638 subsidiaries of insurers to do business in state. ~~Effective~~
4639 ~~December 31, 2008,~~ and Notwithstanding any other provision of
4640 law:

4641 (1) A new certificate of authority for the transaction of
4642 residential property insurance may not be issued to any insurer
4643 domiciled in this state that is a wholly owned subsidiary of an
4644 insurer authorized to do business in any other state.

4645 (2) The rate filings of any insurer domiciled in this state
4646 that is a wholly owned subsidiary of an insurer authorized to do
4647 business in any other state shall include information relating
4648 to the profits of the parent company of the insurer domiciled in
4649 this state.

4650 Reviser's note—Amended to delete obsolete language.

4651 Section 140. Subsection (15) of section 624.610, Florida

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4652 Statutes, is amended to read:

4653 624.610 Reinsurance.—

4654 ~~(15) Any reinsurer approved pursuant to s. 624.610(3)(a)2.,~~
4655 ~~as such provision existed prior to July 1, 2000, which fails to~~
4656 ~~obtain accreditation pursuant to this section prior to December~~
4657 ~~30, 2003, shall have its approval terminated by operation of law~~
4658 ~~on that date.~~

4659 Reviser's note.—Amended to delete an obsolete provision.

4660 Section 141. Subsection (4) of section 625.091, Florida
4661 Statutes, is amended to read:

4662 625.091 Losses and loss adjustment expense reserves;
4663 liability insurance and workers' compensation insurance.—The
4664 reserve liabilities recorded in the insurer's annual statement
4665 and financial statements for u losses and loss adjustment
4666 expenses shall be the estimated value of its claims when
4667 ultimately settled and shall be computed as follows:

4668 (4) (a) Accounting credit for anticipated recoveries from
4669 the Special Disability Trust Fund may only be taken in the
4670 determination of loss reserves and may not be reflected on the
4671 financial statements in any manner other than that allowed
4672 pursuant to this subsection.

4673 ~~(b)1. For calendar years 1999-2003, an insurer recording~~
4674 ~~anticipated recoveries from the Special Disability Trust Fund~~
4675 ~~shall limit the aggregate amount to the amount management~~
4676 ~~reasonably expects will be reimbursed or the following amount,~~
4677 ~~whichever is lower:~~

4678 ~~a. For financial statements filed in 2000, an insurer may~~
4679 ~~take accounting credit in an amount equaling 80 percent of the~~
4680 ~~amount utilized in calendar year 1996.~~

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4681 ~~b. For financial statements filed in 2001, an insurer may~~
4682 ~~take accounting credit in an amount equaling 60 percent of the~~
4683 ~~amount utilized in calendar year 1996.~~

4684 ~~c. For financial statements filed in 2002, an insurer may~~
4685 ~~take accounting credit in an amount equaling 40 percent of the~~
4686 ~~amount utilized in calendar year 1996.~~

4687 ~~d. For financial statements filed in 2003, an insurer may~~
4688 ~~take accounting credit in an amount equaling 20 percent of the~~
4689 ~~amount utilized in calendar year 1996.~~

4690 ~~2. Subparagraph 1. does not apply to an insurer recording~~
4691 ~~anticipated recoveries from the Special Disability Trust Fund on~~
4692 ~~the basis of:~~

4693 ~~a. A proof of claim which the fund has reviewed, determined~~
4694 ~~to be a valid claim and so notified the carrier, and extended a~~
4695 ~~payment offer; or~~

4696 ~~b. A reimbursement request audited and approved for payment~~
4697 ~~or paid by the fund;~~

4698 ~~(b)(c)~~ Beginning with financial statements filed in 2004,
4699 An insurer may only take accounting credit for anticipated
4700 recoveries from the Special Disability Trust Fund for each proof
4701 of claim which the fund has reviewed, determined to be a valid
4702 claim and so notified the carrier, and extended a payment offer;
4703 or a reimbursement request audited and approved for payment or
4704 paid by the fund.

4705 ~~(c)(d)~~ 1. Beginning in calendar year 1998, Each insurer
4706 shall separately identify anticipated recoveries from the
4707 Special Disability Trust Fund on the annual statement required
4708 to be filed pursuant to s. 624.424.

4709 2. For all financial statements filed with the office, each

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4710 insurer shall disclose in the notes to the financial statements
4711 of any financial statement required to be filed pursuant to s.
4712 624.424 any credit in loss reserves taken for anticipated
4713 recoveries from the Special Disability Trust Fund. That
4714 disclosure shall include:

4715 a. The amount of credit taken by the insurer in the
4716 determination of its loss reserves for the prior calendar year
4717 and the current reporting period on a year-to-date basis.

4718 b. The amount of payments received by the insurer from the
4719 Special Disability Trust Fund during the prior calendar year and
4720 the year-to-date recoveries for the current year.

4721 c. The amount the insurer was assessed by the Special
4722 Disability Trust Fund during the prior calendar year and during
4723 the current calendar year.

4724 Reviser's note.—Amended to delete obsolete language.

4725 Section 142. Subsection (6) of section 625.161, Florida
4726 Statutes, is amended to read:

4727 625.161 Valuation of property.—

4728 (6) Any insurer that reported real estate ~~as of December~~
4729 ~~31, 2000,~~ with a value in excess of that allowed by subsection
4730 (1) shall comply with the requirements of that subsection
4731 ~~beginning January 1, 2001.~~

4732 Reviser's note.—Amended to delete obsolete language.

4733 Section 143. Subsection (3) of section 626.785, Florida
4734 Statutes, is amended to read:

4735 626.785 Qualifications for license.—

4736 (3) Notwithstanding any other provisions of this chapter, a
4737 funeral director, a direct disposer, or an employee of a funeral
4738 establishment that holds a preneed license ~~certificate of~~

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4739 ~~authority~~ pursuant to s. 497.452 may obtain an agent's license
4740 to sell only policies of life insurance covering the expense of
4741 a prearrangement for funeral services or merchandise so as to
4742 provide funds at the time the services and merchandise are
4743 needed. The face amount of insurance covered by any such policy
4744 shall not exceed \$21,000, plus an annual percentage increase
4745 based on the Annual Consumer Price Index compiled by the United
4746 States Department of Labor, beginning with the Annual Consumer
4747 Price Index announced by the United States Department of Labor
4748 for 2016.

4749 Reviser's note.—Amended to conform to the amendment and transfer
4750 of s. 497.405, which referenced certificate of authority,
4751 to s. 497.452, referencing preneed licenses, by s. 101, ch.
4752 2004-301, Laws of Florida. Section 52, ch. 2005-155, Laws
4753 of Florida, updated the cross-reference but did not update
4754 the "certificate of authority" reference.

4755 Section 144. Subsection (3) of section 626.9913, Florida
4756 Statutes, is amended to read:

4757 626.9913 Viatical settlement provider license continuance;
4758 annual report; fees; deposit.—

4759 (3) To ensure the faithful performance of its obligations
4760 to its viators in the event of insolvency or the loss of its
4761 license, a viatical settlement provider licensee must deposit
4762 and maintain deposited in trust with the department securities
4763 eligible for deposit under s. 625.52, having at all times a
4764 value of not less than \$100,000; ~~however, a viatical settlement~~
4765 ~~provider licensed in this state prior to June 1, 2004, which has~~
4766 ~~deposited and maintains continuously deposited in trust with the~~
4767 ~~department securities in the amount of \$25,000 and which posted~~

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4768 ~~and maintains continuously posted a security bond acceptable to~~
4769 ~~the department in the amount of \$75,000, has until June 1, 2005,~~
4770 ~~to comply with the requirements of this subsection.~~

4771 Reviser's note.—Amended to delete obsolete language.

4772 Section 145. Subsection (1) of section 626.99175, Florida
4773 Statutes, is amended to read:

4774 626.99175 Life expectancy providers; registration required;
4775 denial, suspension, revocation.—

4776 (1) ~~After July 1, 2006,~~ A person may not perform the
4777 functions of a life expectancy provider without first having
4778 registered as a life expectancy provider, except as provided in
4779 subsection (6).

4780 Reviser's note.—Amended to delete obsolete language.

4781 Section 146. Subsections (3) and (4) of section 626.992,
4782 Florida Statutes, are amended to read:

4783 626.992 Use of licensed viatical settlement providers,
4784 viatical settlement brokers, and registered life expectancy
4785 providers required.—

4786 (3) ~~After July 1, 2006,~~ A person may not operate as a life
4787 expectancy provider unless such person is registered as a life
4788 expectancy provider pursuant to this act.

4789 (4) ~~After July 1, 2006,~~ A viatical settlement provider,
4790 viatical settlement broker, or any other person in the business
4791 of viatical settlements may not obtain life expectancies from a
4792 person who is not registered as a life expectancy provider
4793 pursuant to this act.

4794 Reviser's note.—Amended to delete obsolete language.

4795 Section 147. Subsections (2) and (3) of section 627.021,
4796 Florida Statutes, are amended to read:

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4797 627.021 Scope of this part.—

4798 (2) This part ~~chapter~~ does not apply to:

4799 (a) Reinsurance, except joint reinsurance as provided in s.
4800 627.311.

4801 (b) Insurance against loss of or damage to aircraft, their
4802 hulls, accessories, or equipment, or against liability, other
4803 than workers' compensation and employer's liability, arising out
4804 of the ownership, maintenance, or use of aircraft.

4805 (c) Insurance of vessels or craft, their cargoes, marine
4806 builders' risks, marine protection and indemnity, or other risks
4807 commonly insured under marine insurance policies.

4808 (d) Commercial inland marine insurance.

4809 (e) Surplus lines insurance placed under the provisions of
4810 ss. 626.913-626.937.

4811 (3) For the purposes of this part ~~chapter~~, all motor
4812 vehicle insurance shall be deemed to be casualty insurance only.

4813 Reviser's note.—Amended to correct a cross-reference. The

4814 reference to "this chapter" is from s. 413, ch. 59-205,
4815 Laws of Florida; in that context, the reference was to
4816 chapter 16 of the Florida Insurance Code enacted by that
4817 act. Chapter 16 became part I of chapter 627 per
4818 codification by the reviser's office.

4819 Section 148. Paragraph (a) of subsection (7) of section
4820 627.4133, Florida Statutes, is amended to read:

4821 627.4133 Notice of cancellation, nonrenewal, or renewal
4822 premium.—

4823 (7) (a) ~~Effective August 1, 2007,~~ With respect to any
4824 residential property insurance policy, every notice of renewal
4825 premium must specify:

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4826 1. The dollar amounts recouped for assessments by the
4827 Florida Hurricane Catastrophe Fund, the Citizens Property
4828 Insurance Corporation, and the Florida Insurance Guaranty
4829 Association. The actual names of the entities must appear next
4830 to the dollar amounts.

4831 2. The dollar amount of any premium increase that is due to
4832 an approved rate increase and the total dollar amount that is
4833 due to coverage changes.

4834 Reviser's note.—Amended to delete obsolete language.

4835 Section 149. Paragraph (b) of subsection (1) of section
4836 627.4147, Florida Statutes, is amended to read:

4837 627.4147 Medical malpractice insurance contracts.—

4838 (1) In addition to any other requirements imposed by law,
4839 each self-insurance policy as authorized under s. 627.357 or s.
4840 624.462 or insurance policy providing coverage for claims
4841 arising out of the rendering of, or the failure to render,
4842 medical care or services, including those of the Florida Medical
4843 Malpractice Joint Underwriting Association, shall include:

4844 (b)1. A clause clearly stating whether or not the insured
4845 has the exclusive right to veto any offer of admission of
4846 liability and for arbitration pursuant to s. 766.106, settlement
4847 offer, or offer of judgment if the offer is within policy
4848 limits. An insurer or self-insurer shall not make or conclude,
4849 without the permission of the insured, any offer of admission of
4850 liability and for arbitration pursuant to s. 766.106, settlement
4851 offer, or offer of judgment, if such offer is outside the policy
4852 limits. However, any offer for admission of liability and for
4853 arbitration made under s. 766.106, settlement offer, or offer of
4854 judgment made by an insurer or self-insurer shall be made in

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4855 good faith and in the best interest of the insured.

4856 2. If the policy contains a clause stating the insured does
4857 not have the exclusive right to veto any offer or admission of
4858 liability and for arbitration made pursuant to s. 766.106,
4859 settlement offer or offer of judgment, the insurer or self-
4860 insurer shall provide to the insured or the insured's legal
4861 representative by certified mail, return receipt requested, a
4862 copy of the final offer of admission of liability and for
4863 arbitration made pursuant to s. 766.106, settlement offer or
4864 offer of judgment and at the same time such offer is provided to
4865 the claimant. A copy of any final agreement reached between the
4866 insurer and claimant shall also be provided to the insured
4867 ~~insurer~~ or his or her legal representative by certified mail,
4868 return receipt requested not more than 10 days after affecting
4869 such agreement.

4870 Reviser's note.—Amended to correct an apparent error.

4871 Section 150. Subsection (3) of section 627.443, Florida
4872 Statutes, is amended to read:

4873 627.443 Essential health benefits.—

4874 (3) This section specifically authorizes an insurer or
4875 health maintenance organization to include any combination of
4876 services or coverages required by any one state or a combination
4877 of states to provide the 10 categories of essential health
4878 benefits required under PPACA in a policy or contract issued in
4879 this state.

4880 Reviser's note.—Amended to confirm the editorial insertion of
4881 the word "state."

4882 Section 151. Paragraph (b) of subsection (4) of section
4883 627.6561, Florida Statutes, is amended to read:

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4884 627.6561 Preexisting conditions.-

4885 (4)

4886 (b) Subparagraphs (a)1. and 2. ~~1. and 2.~~ do not apply to an
4887 individual after the end of the first 63-day period during all
4888 of which the individual was not covered under any creditable
4889 coverage.

4890 Reviser's note.—Amended to correct cross-references. Paragraph

4891 (b) is not divided into subparagraphs; the correct
4892 reference is to subparagraphs (a)1. and 2.

4893 Section 152. Paragraph (c) of subsection (3) of section
4894 634.061, Florida Statutes, is amended to read:

4895 634.061 Application for and issuance of license.—

4896 (3) The application when filed shall be accompanied by:

4897 (c) The license fee ~~tax~~ as required under s. 634.071.

4898 Reviser's note.—Amended to conform to the language used by the
4899 amendment to s. 634.071 by s. 15, ch. 91-106, Laws of
4900 Florida.

4901 Section 153. Subsection (2) of section 636.228, Florida
4902 Statutes, is amended to read:

4903 636.228 Marketing of discount plans.—

4904 (2) The discount plan organization must have an executed
4905 written agreement with a marketer before the marketer markets,
4906 promotes, sells, or distributes ~~marketer's marketing, promoting,~~
4907 ~~selling, or distributing~~ the discount plan. Such agreement must
4908 prohibit the marketer from using marketing materials, brochures,
4909 and discount cards without the approval in writing by the
4910 discount plan organization. The discount plan organization may
4911 delegate functions to its marketers but shall be bound by any
4912 acts of its marketers, within the scope of the delegation, which

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4913 do not comply with this part.

4914 Reviser's note.—Amended to improve clarity.

4915 Section 154. Subsection (45) of section 641.31, Florida
4916 Statutes, is amended to read:

4917 641.31 Health maintenance contracts.—

4918 (45) A contract between a health maintenance organization
4919 issuing major medical individual or group coverage and a
4920 telehealth provider, as defined in s. 456.47, must be voluntary
4921 between the health maintenance organization and the provider and
4922 must establish mutually acceptable payment rates or payment
4923 methodologies for services provided through telehealth. Any
4924 contract provision that distinguishes between payment rates or
4925 payment methodologies for services provided through telehealth
4926 and the same services provided without the use of telehealth
4927 must be initialed by the telehealth provider.

4928 Reviser's note.—Amended to confirm the editorial insertion of
4929 the word "and."

4930 Section 155. Paragraph (b) of subsection (7) of section
4931 641.3155, Florida Statutes, is amended to read:

4932 641.3155 Prompt payment of claims.—

4933 (7)

4934 ~~(b) All claims to a health maintenance organization begun~~
4935 ~~after October 1, 2000, not under active review by a mediator,~~
4936 ~~arbitrator, or third party dispute entity, shall result in a~~
4937 ~~final decision on the claim by the health maintenance~~
4938 ~~organization by January 2, 2003, for the purpose of the~~
4939 ~~statewide provider and health plan claim dispute resolution~~
4940 ~~program pursuant to s. 408.7057.~~

4941 Reviser's note.—Amended to delete an obsolete provision.

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4942 Section 156. Subsection (1) of section 651.105, Florida
4943 Statutes, is amended to read:

4944 651.105 Examination.—

4945 (1) The office may at any time, and shall at least once
4946 every 3 years, examine the business of any applicant for a
4947 certificate of authority and any provider engaged in the
4948 execution of care contracts or engaged in the performance of
4949 obligations under such contracts, in the same manner as is
4950 provided for the examination of insurance companies pursuant to
4951 ss. 624.316 and 624.318. For a provider as deemed accredited
4952 under ~~in~~ s. 651.028, such examinations must take place at least
4953 once every 5 years. Such examinations must be made by a
4954 representative or examiner designated by the office whose
4955 compensation will be fixed by the office pursuant to s. 624.320.
4956 Routine examinations may be made by having the necessary
4957 documents submitted to the office; and, for this purpose,
4958 financial documents and records conforming to commonly accepted
4959 accounting principles and practices, as required under s.
4960 651.026, are deemed adequate. The final written report of each
4961 examination must be filed with the office and, when so filed,
4962 constitutes a public record. Any provider being examined shall,
4963 upon request, give reasonable and timely access to all of its
4964 records. The representative or examiner designated by the office
4965 may at any time examine the records and affairs and inspect the
4966 physical property of any provider, whether in connection with a
4967 formal examination or not.

4968 Reviser's note.—Amended to confirm the editorial deletion of the
4969 word "in" to improve clarity.

4970 Section 157. Subsection (5) of section 695.27, Florida

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4971 Statutes, is amended to read:

4972 695.27 Uniform Real Property Electronic Recording Act.—

4973 (5) ADMINISTRATION AND STANDARDS.—

4974 ~~(a) The Department of State, by rule pursuant to ss.~~
4975 ~~120.536(1) and 120.54, shall prescribe standards to implement~~
4976 ~~this section in consultation with the Electronic Recording~~
4977 ~~Advisory Committee, which is hereby created. The Florida~~
4978 ~~Association of Court Clerks and Comptrollers shall provide~~
4979 ~~administrative support to the committee and technical support to~~
4980 ~~the Department of State and the committee at no charge. The~~
4981 ~~committee shall consist of nine members, as follows:~~

4982 ~~1. Five members appointed by the Florida Association of~~
4983 ~~Court Clerks and Comptrollers, one of whom must be an official~~
4984 ~~from a large urban charter county where the duty to maintain~~
4985 ~~official records exists in a county office other than the clerk~~
4986 ~~of court or comptroller.~~

4987 ~~2. One attorney appointed by the Real Property, Probate and~~
4988 ~~Trust Law Section of The Florida Bar Association.~~

4989 ~~3. Two members appointed by the Florida Land Title~~
4990 ~~Association.~~

4991 ~~4. One member appointed by the Florida Bankers Association.~~

4992 ~~(b) Appointed members shall serve a 1-year term. All~~
4993 ~~initial terms shall commence on the effective date of this act.~~
4994 ~~Members shall serve until their successors are appointed. An~~
4995 ~~appointing authority may reappoint a member for successive~~
4996 ~~terms. A vacancy on the committee shall be filled in the same~~
4997 ~~manner in which the original appointment was made, and the term~~
4998 ~~shall be for the balance of the unexpired term.~~

4999 ~~(c) The first meeting of the committee shall be within 60~~

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5000 ~~days of the effective date of this act. Thereafter, the~~
5001 ~~committee shall meet at the call of the chair, but at least~~
5002 ~~annually.~~

5003 ~~(d) The members of the committee shall serve without~~
5004 ~~compensation and shall not claim per diem and travel expenses~~
5005 ~~from the Secretary of State.~~

5006 ~~(e) To keep the standards and practices of county recorders~~
5007 ~~in this state in harmony with the standards and practices of~~
5008 ~~recording offices in other jurisdictions that enact~~
5009 ~~substantially this section and to keep the technology used by~~
5010 ~~county recorders in this state compatible with technology used~~
5011 ~~by recording offices in other jurisdictions that enact~~
5012 ~~substantially this section, the Department of State, ~~in~~~~
5013 ~~consultation with the committee, so far as is consistent with~~
5014 ~~the purposes, policies, and provisions of this section, in~~
5015 ~~adopting, amending, and repealing standards, shall consider:~~

5016 ~~(a)1.~~ Standards and practices of other jurisdictions.

5017 ~~(b)2.~~ The most recent standards adopted by national
5018 standard-setting bodies, such as the Property Records Industry
5019 Association.

5020 ~~(c)3.~~ The views of interested persons and governmental
5021 officials and entities.

5022 ~~(d)4.~~ The needs of counties of varying size, population,
5023 and resources.

5024 ~~(e)5.~~ Standards requiring adequate information security
5025 protection to ensure that electronic documents are accurate,
5026 authentic, adequately preserved, and resistant to tampering.

5027 ~~(f) The committee shall terminate on July 1, 2010.~~

5028 Reviser's note.—Amended to delete obsolete language. The

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5029 Electronic Recording Advisory Committee no longer exists.
5030 Section 158. Subsection (2) of section 716.02, Florida
5031 Statutes, is amended to read:
5032 716.02 Escheat of funds in the possession of federal
5033 agencies.—All property within the provisions of subsections (1),
5034 (2), (3), (4) and (5), are declared to have escheated, or to
5035 escheat, including all principal and interest accruing thereon,
5036 and to have become the property of the state.
5037 (2) ~~After June 16, 1947,~~ All money or other property which
5038 has remained in, or has been deposited in the custody of, or
5039 under the control of, any court of the United States, in and for
5040 any district within this state, for a period of 4 years, the
5041 rightful owner or owners of which, either:
5042 (a) Shall have been unknown for a period of 4 years; or,
5043 (b) Shall have died without having disposed thereof, and
5044 without having left or without leaving heirs, next of kin or
5045 distributees; or,
5046 (c) Shall have failed within 4 years to demand the payment
5047 or delivery of such funds or other property;
5048
5049 is hereby declared to have escheated, or to escheat, together
5050 with all interest accrued thereon, and to have become the
5051 property of the state.
5052 Reviser's note.—Amended to delete obsolete language.
5053 Section 159. Paragraph (a) of subsection (3) of section
5054 732.603, Florida Statutes, is amended to read:
5055 732.603 Antilapse; deceased devisee; class gifts.—
5056 (3) In the application of this section:
5057 (a) Words of survivorship in a devise or appointment to an

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5058 individual, such as "if he survives me," "if she survives me,"
5059 or to "my surviving children," are a sufficient indication of an
5060 intent contrary to the application of subsections (1) and (2).
5061 Words of survivorship used by the donor of the power in a power
5062 to appoint to an individual, such as the term "if he survives
5063 the donee or "if she survives the donee," or in a power to
5064 appoint to the donee's "then surviving children," are a
5065 sufficient indication of an intent contrary to the application
5066 of subsection (2).

5067 Reviser's note.—Amended to conform to gender-neutral drafting
5068 standards.

5069 Section 160. Subsection (5) of section 760.80, Florida
5070 Statutes, is amended to read:

5071 760.80 Minority representation on boards, commissions,
5072 councils, and committees.—

5073 ~~(5) This section applies to appointments and reappointments~~
5074 ~~made after January 1, 1995. It does not prohibit a member of a~~
5075 ~~decisionmaking or regulatory board, commission, council, or~~
5076 ~~committee from completing a term being served as such member~~
5077 ~~when this act takes effect. A person appointed to a~~
5078 ~~decisionmaking or regulatory board, commission, council, or~~
5079 ~~committee before January 1, 1995, may not be removed from office~~
5080 ~~solely for the purpose of meeting the requirements of this~~
5081 ~~section.~~

5082 Reviser's note.—Amended to delete an obsolete provision.

5083 Section 161. Subsection (2) of section 768.042, Florida
5084 Statutes, is amended to read:

5085 768.042 Damages.—

5086 ~~(2) The provisions of this section shall not apply to any~~

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5087 ~~complaint filed prior to May 20, 1975.~~

5088 Reviser's note.—Amended to delete an obsolete provision.

5089 Section 162. Section 768.1326, Florida Statutes, is amended
5090 to read:

5091 768.1326 Placement of automated external defibrillators in
5092 state buildings; rulemaking authority. ~~No later than January 1,~~
5093 ~~2003,~~ The State Surgeon General shall adopt rules to establish
5094 guidelines on the appropriate placement of automated external
5095 defibrillator devices in buildings or portions of buildings
5096 owned or leased by the state, and shall establish, by rule,
5097 recommendations on procedures for the deployment of automated
5098 external defibrillator devices in such buildings in accordance
5099 with the guidelines. The Secretary of Management Services shall
5100 assist the State Surgeon General in the development of the
5101 guidelines. The guidelines for the placement of the automated
5102 external defibrillators shall take into account the typical
5103 number of employees and visitors in the buildings, the extent of
5104 the need for security measures regarding the buildings, special
5105 circumstances in buildings or portions of buildings such as high
5106 electrical voltages or extreme heat or cold, and such other
5107 factors as the State Surgeon General and Secretary of Management
5108 Services determine to be appropriate. The State Surgeon
5109 General's recommendations for deployment of automated external
5110 defibrillators in buildings or portions of buildings owned or
5111 leased by the state shall include:

5112 (1) A reference list of appropriate training courses in the
5113 use of such devices, including the role of cardiopulmonary
5114 resuscitation;

5115 (2) The extent to which such devices may be used by

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5116 laypersons;

5117 (3) Manufacturer recommended maintenance and testing of the
5118 devices; and5119 (4) Coordination with local emergency medical services
5120 systems regarding the incidents of use of the devices.

5121

5122 In formulating these guidelines and recommendations, the State
5123 Surgeon General may consult with all appropriate public and
5124 private entities, including national and local public health
5125 organizations that seek to improve the survival rates of
5126 individuals who experience cardiac arrest.

5127 Reviser's note.—Amended to delete obsolete language.

5128 Section 163. Subsection (6) of section 768.21, Florida
5129 Statutes, is amended to read:5130 768.21 Damages.—All potential beneficiaries of a recovery
5131 for wrongful death, including the decedent's estate, shall be
5132 identified in the complaint, and their relationships to the
5133 decedent shall be alleged. Damages may be awarded as follows:5134 (6) The decedent's personal representative may recover for
5135 the decedent's estate the following:5136 (a) Loss of earnings of the deceased from the date of
5137 injury to the date of death, less lost support of survivors
5138 excluding contributions in kind, with interest. Loss of the
5139 prospective net accumulations of an estate, which might
5140 reasonably have been expected but for the wrongful death,
5141 reduced to present money value, may also be recovered:5142 1. If the decedent's survivors include a surviving spouse
5143 or lineal descendants; or

5144 2. If the decedent is not a minor child as defined in s.

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5145 768.18(2), there are no lost support and services recoverable
5146 under subsection (1), and there is a surviving parent.

5147 (b) Medical or funeral expenses due to the decedent's
5148 injury or death that have become a charge against her or his
5149 estate or that were paid by or on behalf of decedent, excluding
5150 amounts recoverable under subsection (5).

5151
5152 ~~(e)~~ Evidence of remarriage of the decedent's spouse is
5153 admissible.

5154 Reviser's note.—Amended to conform to proper structure.

5155 Section 164. Subsection (31) of section 774.203, Florida
5156 Statutes, is amended to read:

5157 774.203 Definitions.—As used in this act, the term:

5158 (31) "Veterans benefits program" means a program for
5159 benefits in connection with military service administered by the
5160 United States Department of Veterans Affairs ~~Veterans~~
5161 ~~Administration~~ under Title 38 of the United States Code.

5162 Reviser's note.—Amended to conform to the renaming of the
5163 Veterans Administration as the United States Department of
5164 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

5165 Section 165. Paragraphs (a) and (b) of subsection (4) of
5166 section 790.333, Florida Statutes, are amended to read:

5167 790.333 Sport shooting and training range protection;
5168 liability; claims, expenses, and fees; penalties; preemption;
5169 construction.—

5170 (4) DUTIES.—

5171 (a) ~~No later than January 1, 2005,~~ The department shall
5172 make a good faith effort to provide copies of the Best
5173 Management Practices for Environmental Stewardship of Florida

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5174 Shooting Ranges to all owners or operators of sport shooting or
5175 training ranges. The department shall also provide technical
5176 assistance with implementing environmental management practices,
5177 which may include workshops, demonstrations, or other guidance,
5178 if any owner or operator of sport shooting or training ranges
5179 requests such assistance.

5180 (b) ~~No later than January 1, 2006,~~ Sport shooting or
5181 training range owners, operators, tenants, or occupants shall
5182 implement situation appropriate environmental management
5183 practices.

5184 Reviser's note.—Amended to delete obsolete language.

5185 Section 166. Paragraph (a) of subsection (5) of section
5186 810.011, Florida Statutes, is amended to read:

5187 810.011 Definitions.—As used in this chapter:

5188 (5) (a) "Posted land" is that land upon which:

5189 1. Signs are placed not more than 500 feet apart along, and
5190 at each corner of, the boundaries of the land, upon which signs
5191 there appears prominently, in letters of not less than 2 inches
5192 in height, the words "no trespassing" and in addition thereto
5193 the name of the owner, lessee, or occupant of said land. Said
5194 signs shall be placed along the boundary line of posted land in
5195 a manner and in such position as to be clearly noticeable from
5196 outside the boundary line; or

5197 2.a. Conspicuous no trespassing notice is painted on trees
5198 or posts on the property, provided that the notice is:

5199 (I) Painted in an international orange color and displaying
5200 the stenciled words "No Trespassing" in letters no less than 2
5201 inches high and 1 inch wide either vertically or horizontally;

5202 (II) Placed so that the bottom of the painted notice is not

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5203 less than 3 feet from the ground or more than 5 feet from the
5204 ground; and

5205 (III) Placed at locations that are readily visible to any
5206 person approaching the property and no more than 500 feet apart
5207 on agricultural land.

5208 b. ~~Beginning October 1, 2007,~~ When a landowner uses the
5209 painted no trespassing posting to identify a "no trespassing"
5210 area, those painted notices shall be accompanied by signs
5211 complying with subparagraph 1. and placed conspicuously at all
5212 places where entry to the property is normally expected or known
5213 to occur.

5214 Reviser's note.—Amended to delete obsolete language.

5215 Section 167. Subsections (1), (2), (3), and (4) of section
5216 843.085, Florida Statutes, are amended to read:

5217 843.085 Unlawful use of badges or other indicia of
5218 authority.—

5219 (1) It is unlawful for any person, unless appointed by the
5220 Governor pursuant to chapter 354, authorized by the appropriate
5221 agency, or displayed in a closed or mounted case as a collection
5222 or exhibit, to wear or display any authorized indicia of
5223 authority, including any badge, insignia, emblem, identification
5224 card, or uniform, or any colorable imitation thereof, of any
5225 federal, state, county, or municipal law enforcement agency, or
5226 other criminal justice agency as defined in s. 943.045, with the
5227 intent to mislead or cause another person to believe that he or
5228 she is a member of that agency or is authorized to display or
5229 wear such item, or to wear or display any item that displays in
5230 any manner or combination the word or words "police,"
5231 "patrolman," "patrolwoman," "agent," "sheriff," "deputy,"

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5232 "trooper," "highway patrol," "commission officer," "Wildlife
5233 Officer," "Department of Environmental Protection officer,"
5234 "Marine Patrol Officer," "state attorney," "public defender,"
5235 "marshal," "constable," "bailiff," or "fire department," with
5236 the intent to mislead or cause another person to believe that he
5237 or she is a member of that agency or is authorized to wear or
5238 display such item.

5239 (2) It is unlawful for a person to own or operate a motor
5240 vehicle marked or identified in any manner or combination by the
5241 word or words "police," "patrolman," "patrolwoman," "sheriff,"
5242 "deputy," "trooper," "highway patrol," "commission officer,"
5243 "Wildlife Officer," "Department of Environmental Protection
5244 officer," "Marine Patrol Officer," "marshal," "constable,"
5245 "bailiff," or "fire department," or by any lettering, marking,
5246 or insignia, or colorable imitation thereof, including, but not
5247 limited to, stars, badges, or shields, officially used to
5248 identify the vehicle as a federal, state, county, or municipal
5249 law enforcement vehicle or a vehicle used by a criminal justice
5250 agency as defined in s. 943.045, or a vehicle used by a fire
5251 department with the intent to mislead or cause another person to
5252 believe that such vehicle is an official vehicle of that agency
5253 and is authorized to be used by that agency, unless such vehicle
5254 is owned or operated by the appropriate agency and its use is
5255 authorized by such agency, or the local law enforcement agency
5256 or fire department authorizes the use of such vehicle, or the
5257 person is appointed by the Governor pursuant to chapter 354.

5258 (3) It is unlawful for a person to sell, transfer, or give
5259 away the authorized badge, or colorable imitation thereof,
5260 including miniatures, of any criminal justice agency as defined

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5261 in s. 943.045, or bearing in any manner or combination the word
5262 or words "police," "patrolman," "patrolwoman," "sheriff,"
5263 "deputy," "trooper," "highway patrol," "commission officer,"
5264 "Wildlife Officer," "Department of Environmental Protection
5265 officer," "Marine Patrol Officer," "marshal," "constable,"
5266 "agent," "state attorney," "public defender," "bailiff," or
5267 "fire department," with the intent to mislead or cause another
5268 person to believe that he or she is a member of that agency or
5269 is authorized to wear or display such item, except for agency
5270 purchases or upon the presentation and recordation of both a
5271 driver license and other identification showing any transferee
5272 to actually be a member of such criminal justice agency or
5273 unless the person is appointed by the Governor pursuant to
5274 chapter 354. A transferor of an item covered by this subsection
5275 is required to maintain for 2 years a written record of such
5276 transaction, including records showing compliance with this
5277 subsection, and if such transferor is a business, it shall make
5278 such records available during normal business hours for
5279 inspection by any law enforcement agency having jurisdiction in
5280 the area where the business is located.

5281 (4) This section does not prohibit a fraternal, benevolent,
5282 or labor organization or association, or their chapters or
5283 subsidiaries, from using the following words, in any manner or
5284 in any combination, if those words appear in the official name
5285 of the organization or association: "police," "patrolman,"
5286 "patrolwoman," "sheriff," "deputy," "trooper," "highway patrol,"
5287 "commission officer," "Wildlife Officer," "Department of
5288 Environmental Protection officer," "Marine Patrol Officer,"
5289 "marshal," "constable," "bailiff," or "fire department."

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5290 Reviser's note.—Amended to conform to gender-neutral drafting
5291 standards.

5292 Section 168. Paragraph (d) of subsection (3) of section
5293 900.05, Florida Statutes, is amended to read:

5294 900.05 Criminal justice data collection.—

5295 (3) DATA COLLECTION AND REPORTING.—An entity required to
5296 collect data in accordance with this subsection shall collect
5297 the specified data and report them in accordance with this
5298 subsection to the Department of Law Enforcement on a monthly
5299 basis.

5300 (d) County detention facility.—The administrator of each
5301 county detention facility shall collect the following data:

5302 1. Maximum capacity for the county detention facility.

5303 2. Weekly admissions to the county detention facility for a
5304 revocation of probation or community control.

5305 3. Weekly admissions to the county detention facility for a
5306 revocation of pretrial release.

5307 4. Daily population of the county detention facility,
5308 including the specific number of inmates in the custody of the
5309 county that:

5310 a. Are awaiting case disposition.

5311 b. Have been sentenced by a court to a term of
5312 incarceration in the county detention facility.

5313 c. Have been sentenced by a court to a term of imprisonment
5314 with the Department of Corrections and who are awaiting
5315 transportation to the department.

5316 d. Have a federal detainer, are awaiting disposition of a
5317 case in federal court, or are awaiting other federal
5318 disposition.

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- 5319 5. Information related to each inmate, including:
- 5320 a. Identifying information, including name, date of birth,
- 5321 race, ethnicity, gender, case number, and identification number
- 5322 assigned by the county detention facility.
- 5323 b. Date when an inmate is processed and booked into the
- 5324 county detention facility subsequent to an arrest for a new
- 5325 violation of law, for a violation of probation or community
- 5326 control, or for a violation of pretrial release.
- 5327 c. Reason why an inmate is processed and booked into the
- 5328 county detention facility, including a new law violation, a
- 5329 violation of probation or community control, or a violation of
- 5330 pretrial release.
- 5331 d. Qualification for a flag designation as defined in this
- 5332 section, including domestic violence flag, gang affiliation
- 5333 flag, habitual offender flag, habitual violent felony offender
- 5334 flag, pretrial release violation flag, sexual offender flag,
- 5335 prison releasee reoffender flag, three-time violent felony
- 5336 offender flag, or violent career criminal flag.
- 5337 6. Total population of the county detention facility at
- 5338 year-end. This data must include the same specified
- 5339 classifications as subparagraph 4 ~~3~~.
- 5340 7. Per diem rate for a county detention facility bed.
- 5341 8. Daily number of correctional officers for the county
- 5342 detention facility.
- 5343 9. Annual county detention facility budget. This
- 5344 information only needs to be reported once annually at the
- 5345 beginning of the county's fiscal year.
- 5346 10. Annual revenue generated for the county from the
- 5347 temporary incarceration of federal defendants or inmates.

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5348 Reviser's note.—Amended to confirm the editorial substitution of
5349 a reference to subparagraph 4. for a reference to
5350 subparagraph 3. to conform to the redesignation of
5351 subparagraphs by s. 46, ch. 2019-167, Laws of Florida.
5352 Section 169. Subsection (2) of section 944.613, Florida
5353 Statutes, is amended to read:

5354 944.613 Methods of transportation.—

5355 (2) FLORIDA RELEASEE.—In instances when a releasee remains
5356 in this state but leaves the county where the correctional
5357 institution or facility of her or his confinement is located,
5358 transportation shall be provided by common carrier using the
5359 most economical means. Transportation as authorized herein shall
5360 be furnished by nonnegotiable travel voucher payable to the
5361 common carrier being utilized, and in no event shall there be
5362 any cash disbursement to the releasee or any person, firm, or
5363 corporation. Such travel voucher is to be utilized immediately
5364 by the releasee. The source of any private transportation must
5365 be a family member or friend whose purpose is to immediately
5366 transport the releasee to the approved location pursuant to s.
5367 944.611 ~~section 1~~.

5368 Reviser's note.—Amended to correct a cross-reference. Section 1,
5369 ch. 83-131, Laws of Florida, is the short title; s. 38, ch.
5370 83-131, was compiled as s. 944.611 and does reference
5371 approved locations for a releasee.

5372 Section 170. Subsection (2) of section 948.062, Florida
5373 Statutes, is amended to read:

5374 948.062 Reviewing and reporting serious offenses committed
5375 by offenders placed on probation or community control.—

5376 ~~(2) The department shall provide a statistical data summary~~

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5377 ~~from these reviews to the Office of Program Policy Analysis and~~
5378 ~~Government Accountability. The Office of Program Policy Analysis~~
5379 ~~and Government Accountability shall analyze this data and~~
5380 ~~provide a written report to the President of the Senate and the~~
5381 ~~Speaker of the House of Representatives by March 1, 2006. The~~
5382 ~~report must include, at a minimum, any identified systemic~~
5383 ~~deficiencies in managing high-risk offenders on community~~
5384 ~~supervision, any patterns of noncompliance by correctional~~
5385 ~~probation officers, and recommendations for improving the~~
5386 ~~community supervision program.~~

5387 Reviser's note.—Amended to delete an obsolete provision.

5388 Section 171. Section 960.07, Florida Statutes, is reenacted
5389 to read:

5390 960.07 Filing of claims for compensation.—

5391 (1) A claim for compensation may be filed by a person
5392 eligible for compensation as provided in s. 960.065 or, if such
5393 person is a minor, by his or her parent or guardian or, if the
5394 person entitled to make a claim is mentally incompetent, by the
5395 person's guardian or such other individual authorized to
5396 administer his or her estate.

5397 (2) Except as provided in subsections (3) and (4), a claim
5398 must be filed in accordance with this subsection.

5399 (a)1. A claim arising from a crime occurring before October
5400 1, 2019, must be filed within 1 year after:

5401 a. The occurrence of the crime upon which the claim is
5402 based.

5403 b. The death of the victim or intervenor.

5404 c. The death of the victim or intervenor is determined to
5405 be the result of a crime, and the crime occurred after June 30,

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5406 1994.

5407 2. For good cause the department may extend the time for
5408 filing a claim under subparagraph 1. for a period not exceeding
5409 2 years after such occurrence.

5410 (b)1. A claim arising from a crime occurring on or after
5411 October 1, 2019, must be filed within 3 years after the later
5412 of:

5413 a. The occurrence of the crime upon which the claim is
5414 based;

5415 b. The death of the victim or intervenor; or

5416 c. The death of the victim or intervenor is determined to
5417 be the result of the crime.

5418 2. For good cause the department may extend the time for
5419 filing a claim under subparagraph 1. for a period not to exceed
5420 5 years after such occurrence.

5421 (3) Notwithstanding the provisions of subsection (2), if
5422 the victim or intervenor was under the age of 18 at the time the
5423 crime upon which the claim is based occurred, a claim may be
5424 filed in accordance with this subsection.

5425 (a) The victim's or intervenor's parent or guardian may
5426 file a claim on behalf of the victim or intervenor while the
5427 victim or intervenor is less than 18 years of age;

5428 (b) For a claim arising from a crime that occurred before
5429 October 1, 2019, when a victim or intervenor who was under the
5430 age of 18 at the time the crime occurred reaches the age of 18,
5431 the victim or intervenor has 1 year to file a claim; or

5432 (c) For a claim arising from a crime occurring on or after
5433 October 1, 2019, when a victim or intervenor who was under the
5434 age of 18 at the time the crime occurred reaches the age of 18,

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5435 the victim or intervenor has 3 years to file a claim.

5436

5437 For good cause, the department may extend the time period
5438 allowed for filing a claim under paragraph (b) for an additional
5439 period not to exceed 1 year or under paragraph (c) for an
5440 additional period not to exceed 2 years.

5441 (4) The provisions of subsection (2) notwithstanding, a
5442 victim of a sexually violent offense as defined in s. 394.912,
5443 may file a claim for compensation for counseling or other mental
5444 health services within:

5445 (a) One year after the filing of a petition under s.
5446 394.914, to involuntarily civilly commit the individual who
5447 perpetrated the sexually violent offense, if the claim arises
5448 from a crime committed before October 1, 2019; or

5449 (b) Three years after the filing of a petition under s.
5450 394.914, to involuntarily civilly commit the individual who
5451 perpetrated the sexually violent offense, if the claim arises
5452 from a crime committed on or after October 1, 2019.

5453 (5) Claims may be filed in the Tallahassee office of the
5454 department in person or by mail. Any employee of the department
5455 receiving a claim for compensation shall, immediately upon
5456 receipt of such claim, mail the claim to the department at its
5457 office in Tallahassee. In no event and under no circumstances
5458 shall the rights of a claimant under this chapter be prejudiced
5459 or lost by the failure or delay of the employees of the
5460 department in mailing claims to the department in Tallahassee.

5461 (6) Upon filing of a claim pursuant to this chapter, in
5462 which there is an identified offender, the department shall
5463 promptly notify the state attorney of the circuit wherein the

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5464 crime is alleged to have occurred. If within 10 days after such
5465 notification such state attorney advises the department that a
5466 criminal prosecution or delinquency petition is pending upon the
5467 same alleged crime and requests that action by the department be
5468 deferred, the department shall defer all proceedings under this
5469 chapter until such time as a trial verdict or delinquency
5470 adjudication has been rendered, and shall so notify such state
5471 attorney and claimant. When a trial verdict or delinquency
5472 adjudication has been rendered, such state attorney shall
5473 promptly notify the department. Nothing in this subsection shall
5474 limit the authority of the department to grant emergency awards
5475 pursuant to s. 960.12.

5476 (7) The state attorney's office shall aid claimants in the
5477 filing and processing of claims, as may be required.

5478 Reviser's note.—Section 68, ch. 2019-167, Laws of Florida,
5479 purported to amend s. 960.07 but did not publish
5480 subsections (5)-(7). Absent affirmative evidence of
5481 legislative intent to repeal them, s. 960.07 is reenacted
5482 to confirm that the omission was not intended.

5483 Section 172. Paragraph (c) of subsection (2) of section
5484 985.26, Florida Statutes, is reenacted to read:

5485 985.26 Length of detention.—

5486 (2)

5487 (c) A prolific juvenile offender under s. 985.255(1)(f)
5488 shall be placed on supervised release detention care with
5489 electronic monitoring or in secure detention care under a
5490 special detention order until disposition. If secure detention
5491 care is ordered by the court, it must be authorized under this
5492 part and may not exceed:

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5493 1. Twenty-one days unless an adjudicatory hearing for the
5494 case has been commenced in good faith by the court or the period
5495 is extended by the court pursuant to paragraph (b); or

5496 2. Fifteen days after the entry of an order of
5497 adjudication.

5498
5499 As used in this paragraph, the term "disposition" means a
5500 declination to file under s. 985.15(1)(h), the entry of nolle
5501 prosequi for the charges, the filing of an indictment under s.
5502 985.56 or an information under s. 985.557, a dismissal of the
5503 case, or an order of final disposition by the court.

5504 Reviser's note.—Section 151, ch. 2019-167, Laws of Florida,
5505 reenacted s. 985.26(2) "[f]or the purpose of incorporating
5506 an amendment made by this act to section 985.557, Florida
5507 Statutes, in a reference thereto" within s. 985.26(2). The
5508 reenactment failed to incorporate the amendment by s. 11,
5509 ch. 2018-86, Laws of Florida, effective July 1, 2019.
5510 Absent affirmative evidence of legislative intent to repeal
5511 the July 1, 2019, amendment by s. 11, ch. 2018-86, the
5512 paragraph is reenacted to confirm the omission was not
5513 intended.

5514 Section 173. Paragraph (b) of subsection (3) of section
5515 985.265, Florida Statutes, is reenacted to read:

5516 985.265 Detention transfer and release; education; adult
5517 jails.—

5518 (3)

5519 (b) When a juvenile is released from secure detention or
5520 transferred to supervised release detention, detention staff
5521 shall immediately notify the appropriate law enforcement agency,

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5522 school personnel, and victim if the juvenile is charged with
5523 committing any of the following offenses or attempting to commit
5524 any of the following offenses:

- 5525 1. Murder, under s. 782.04;
- 5526 2. Sexual battery, under chapter 794;
- 5527 3. Stalking, under s. 784.048; or
- 5528 4. Domestic violence, as defined in s. 741.28.

5529 Reviser's note.—Section 95, ch. 2019-167, Laws of Florida,
5530 reenacted s. 985.265(3)(b) “[f]or the purpose of
5531 incorporating an amendment made by this act to section
5532 784.048, Florida Statutes, in a reference thereto” within
5533 s. 985.265(3)(b). The reenactment failed to incorporate the
5534 amendment by s. 12, ch. 2018-86, Laws of Florida, effective
5535 July 1, 2019. Absent affirmative evidence of intent to
5536 repeal the July 1, 2019, amendment by s. 12, ch. 2018-86,
5537 the paragraph is reenacted to confirm the omission was not
5538 intended.

5539 Section 174. Subsection (4) of section 1002.385, Florida
5540 Statutes, is amended to read:

5541 1002.385 The Gardiner Scholarship.—

5542 (4) PROGRAM PROHIBITIONS.—A student is not eligible for the
5543 program if he or she is:

- 5544 (a) Enrolled in a public school, including, but not limited
5545 to, the Florida School for the Deaf and the Blind; the Florida
5546 Virtual School; the College-Preparatory Boarding Academy; a
5547 developmental research school authorized under s. 1002.32; a
5548 charter school authorized under s. 1002.33, s. 1002.331, or s.
5549 1002.332; or a virtual education program authorized under s.
5550 1002.45. For purposes of this paragraph, a 3- or 4-year-old

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5551 child who receives services funded through the Florida Education
5552 Finance Program is considered to be a student enrolled in a
5553 public school. Funding provided under this section for a child
5554 eligible for enrollment in the Voluntary Prekindergarten
5555 Education Program shall constitute funding for the child under
5556 part V of this chapter, and no additional funding shall be
5557 provided for the child under part V.

5558 (b) Enrolled in a school operating for the purpose of
5559 providing educational services to youth in the Department of
5560 Juvenile Justice commitment programs.

5561 (c) Receiving a scholarship pursuant to the Florida Tax
5562 Credit Scholarship Program under s. 1002.395 or the John M.
5563 McKay Scholarships for Students with Disabilities Program under
5564 s. 1002.39.

5565 (d) Receiving any other educational scholarship pursuant to
5566 this chapter.

5567 ~~(e) Enrolled in the Florida School for the Deaf and the~~
5568 ~~Blind.~~

5569 Reviser's note.—Amended to remove redundant information. Section
5570 1, ch. 2017-166, Laws of Florida, added paragraph (e),
5571 which lists students at the Florida School for the Deaf and
5572 Blind; paragraph (a) lists the same students.

5573 Section 175. Paragraph (b) of subsection (3) of section
5574 1002.395, Florida Statutes, is amended and subsection (6) of
5575 that section is reenacted to read:

5576 1002.395 Florida Tax Credit Scholarship Program.—

5577 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

5578 (b) A student is eligible for a Florida tax credit
5579 scholarship under this section if the student meets one or more

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5580 of the following criteria:

5581 1. The student is on the direct certification list or the
5582 student's household income level does not exceed 185 percent of
5583 the federal poverty level; ~~or~~

5584 2. The student is currently placed, or during the previous
5585 state fiscal year was placed, in foster care or in out-of-home
5586 care as defined in s. 39.01; or-

5587 3. The student's household income level is greater than 185
5588 percent of the federal poverty level but does not exceed 260
5589 percent of the federal poverty level.

5590

5591 A student who initially receives a scholarship based on
5592 eligibility under subparagraph (b)2. remains eligible to
5593 participate until the student graduates from high school or
5594 attains the age of 21 years, whichever occurs first, regardless
5595 of the student's household income level. A student who initially
5596 received a scholarship based on income eligibility before the
5597 2019-2020 school year remains eligible to participate until he
5598 or she graduates from high school, attains the age of 21 years,
5599 or the student's household income level exceeds 260 percent of
5600 the federal poverty level, whichever occurs first. A sibling of
5601 a student who is participating in the scholarship program under
5602 this subsection is eligible for a scholarship if the student
5603 resides in the same household as the sibling.

5604 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
5605 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
5606 organization:

5607 (a) Must comply with the antidiscrimination provisions of
5608 42 U.S.C. s. 2000d.

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5609 (b) Must comply with the following background check
5610 requirements:

5611 1. All owners and operators as defined in subparagraph
5612 (2)(i)1. are, before employment or engagement to provide
5613 services, subject to level 2 background screening as provided
5614 under chapter 435. The fingerprints for the background screening
5615 must be electronically submitted to the Department of Law
5616 Enforcement and can be taken by an authorized law enforcement
5617 agency or by an employee of the eligible nonprofit scholarship-
5618 funding organization or a private company who is trained to take
5619 fingerprints. However, the complete set of fingerprints of an
5620 owner or operator may not be taken by the owner or operator. The
5621 results of the state and national criminal history check shall
5622 be provided to the Department of Education for screening under
5623 chapter 435. The cost of the background screening may be borne
5624 by the eligible nonprofit scholarship-funding organization or
5625 the owner or operator.

5626 2. Every 5 years following employment or engagement to
5627 provide services or association with an eligible nonprofit
5628 scholarship-funding organization, each owner or operator must
5629 meet level 2 screening standards as described in s. 435.04, at
5630 which time the nonprofit scholarship-funding organization shall
5631 request the Department of Law Enforcement to forward the
5632 fingerprints to the Federal Bureau of Investigation for level 2
5633 screening. If the fingerprints of an owner or operator are not
5634 retained by the Department of Law Enforcement under subparagraph
5635 3., the owner or operator must electronically file a complete
5636 set of fingerprints with the Department of Law Enforcement. Upon
5637 submission of fingerprints for this purpose, the eligible

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5638 nonprofit scholarship-funding organization shall request that
5639 the Department of Law Enforcement forward the fingerprints to
5640 the Federal Bureau of Investigation for level 2 screening, and
5641 the fingerprints shall be retained by the Department of Law
5642 Enforcement under subparagraph 3.

5643 3. Fingerprints submitted to the Department of Law
5644 Enforcement as required by this paragraph must be retained by
5645 the Department of Law Enforcement in a manner approved by rule
5646 and entered in the statewide automated biometric identification
5647 system authorized by s. 943.05(2)(b). The fingerprints must
5648 thereafter be available for all purposes and uses authorized for
5649 arrest fingerprints entered in the statewide automated biometric
5650 identification system pursuant to s. 943.051.

5651 4. The Department of Law Enforcement shall search all
5652 arrest fingerprints received under s. 943.051 against the
5653 fingerprints retained in the statewide automated biometric
5654 identification system under subparagraph 3. Any arrest record
5655 that is identified with an owner's or operator's fingerprints
5656 must be reported to the Department of Education. The Department
5657 of Education shall participate in this search process by paying
5658 an annual fee to the Department of Law Enforcement and by
5659 informing the Department of Law Enforcement of any change in the
5660 employment, engagement, or association status of the owners or
5661 operators whose fingerprints are retained under subparagraph 3.
5662 The Department of Law Enforcement shall adopt a rule setting the
5663 amount of the annual fee to be imposed upon the Department of
5664 Education for performing these services and establishing the
5665 procedures for the retention of owner and operator fingerprints
5666 and the dissemination of search results. The fee may be borne by

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5667 the owner or operator of the nonprofit scholarship-funding
5668 organization.

5669 5. A nonprofit scholarship-funding organization whose owner
5670 or operator fails the level 2 background screening is not
5671 eligible to provide scholarships under this section.

5672 6. A nonprofit scholarship-funding organization whose owner
5673 or operator in the last 7 years has filed for personal
5674 bankruptcy or corporate bankruptcy in a corporation of which he
5675 or she owned more than 20 percent shall not be eligible to
5676 provide scholarships under this section.

5677 7. In addition to the offenses listed in s. 435.04, a
5678 person required to undergo background screening pursuant to this
5679 part or authorizing statutes must not have an arrest awaiting
5680 final disposition for, must not have been found guilty of, or
5681 entered a plea of nolo contendere to, regardless of
5682 adjudication, and must not have been adjudicated delinquent, and
5683 the record must not have been sealed or expunged for, any of the
5684 following offenses or any similar offense of another
5685 jurisdiction:

5686 a. Any authorizing statutes, if the offense was a felony.

5687 b. This chapter, if the offense was a felony.

5688 c. Section 409.920, relating to Medicaid provider fraud.

5689 d. Section 409.9201, relating to Medicaid fraud.

5690 e. Section 741.28, relating to domestic violence.

5691 f. Section 817.034, relating to fraudulent acts through
5692 mail, wire, radio, electromagnetic, photoelectronic, or
5693 photooptical systems.

5694 g. Section 817.234, relating to false and fraudulent
5695 insurance claims.

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- 5696 h. Section 817.505, relating to patient brokering.
- 5697 i. Section 817.568, relating to criminal use of personal
5698 identification information.
- 5699 j. Section 817.60, relating to obtaining a credit card
5700 through fraudulent means.
- 5701 k. Section 817.61, relating to fraudulent use of credit
5702 cards, if the offense was a felony.
- 5703 l. Section 831.01, relating to forgery.
- 5704 m. Section 831.02, relating to uttering forged instruments.
- 5705 n. Section 831.07, relating to forging bank bills, checks,
5706 drafts, or promissory notes.
- 5707 o. Section 831.09, relating to uttering forged bank bills,
5708 checks, drafts, or promissory notes.
- 5709 p. Section 831.30, relating to fraud in obtaining medicinal
5710 drugs.
- 5711 q. Section 831.31, relating to the sale, manufacture,
5712 delivery, or possession with the intent to sell, manufacture, or
5713 deliver any counterfeit controlled substance, if the offense was
5714 a felony.
- 5715 (c) Must not have an owner or operator who owns or operates
5716 an eligible private school that is participating in the
5717 scholarship program.
- 5718 (d) Must provide scholarships, from eligible contributions,
5719 to eligible students for the cost of:
- 5720 1. Tuition and fees for an eligible private school; or
5721 2. Transportation to a Florida public school in which a
5722 student is enrolled and that is different from the school to
5723 which the student was assigned or to a lab school as defined in
5724 s. 1002.32.

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5725 (e) Must give first priority to eligible students who
5726 received a scholarship from an eligible nonprofit scholarship-
5727 funding organization or from the State of Florida during the
5728 previous school year. Beginning in the 2016-2017 school year, an
5729 eligible nonprofit scholarship-funding organization shall give
5730 priority to new applicants whose household income levels do not
5731 exceed 185 percent of the federal poverty level or who are in
5732 foster care or out-of-home care.

5733 (f) Must provide a scholarship to an eligible student on a
5734 first-come, first-served basis unless the student qualifies for
5735 priority pursuant to paragraph (e).

5736 (g) May not restrict or reserve scholarships for use at a
5737 particular private school or provide scholarships to a child of
5738 an owner or operator.

5739 (h) Must allow a student in foster care or out-of-home care
5740 or a dependent child of a parent who is a member of the United
5741 States Armed Forces to apply for a scholarship at any time.

5742 (i) Must allow an eligible student to attend any eligible
5743 private school and must allow a parent to transfer a scholarship
5744 during a school year to any other eligible private school of the
5745 parent's choice.

5746 (j)1. May use eligible contributions received pursuant to
5747 this section and ss. 212.099, 212.1832, and 1002.40 during the
5748 state fiscal year in which such contributions are collected for
5749 administrative expenses if the organization has operated as an
5750 eligible nonprofit scholarship-funding organization for at least
5751 the preceding 3 fiscal years and did not have any findings of
5752 material weakness or material noncompliance in its most recent
5753 audit under paragraph (m). Administrative expenses from eligible

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5754 contributions may not exceed 3 percent of the total amount of
5755 all scholarships awarded by an eligible scholarship-funding
5756 organization under this chapter. Such administrative expenses
5757 must be reasonable and necessary for the organization's
5758 management and distribution of scholarships awarded under this
5759 chapter. No funds authorized under this subparagraph shall be
5760 used for lobbying or political activity or expenses related to
5761 lobbying or political activity. Up to one-third of the funds
5762 authorized for administrative expenses under this subparagraph
5763 may be used for expenses related to the recruitment of
5764 contributions from taxpayers. An eligible nonprofit scholarship-
5765 funding organization may not charge an application fee.

5766 2. Must expend for annual or partial-year scholarships an
5767 amount equal to or greater than 75 percent of the net eligible
5768 contributions remaining after administrative expenses during the
5769 state fiscal year in which such contributions are collected. No
5770 more than 25 percent of such net eligible contributions may be
5771 carried forward to the following state fiscal year. All amounts
5772 carried forward, for audit purposes, must be specifically
5773 identified for particular students, by student name and the name
5774 of the school to which the student is admitted, subject to the
5775 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
5776 and the applicable rules and regulations issued pursuant
5777 thereto. Any amounts carried forward shall be expended for
5778 annual or partial-year scholarships in the following state
5779 fiscal year. No later than September 30 of each year, net
5780 eligible contributions remaining on June 30 of each year that
5781 are in excess of the 25 percent that may be carried forward
5782 shall be used to provide scholarships to eligible students or

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5783 transferred to other eligible nonprofit scholarship-funding
5784 organizations to provide scholarships for eligible students. All
5785 transferred funds must be deposited by each eligible nonprofit
5786 scholarship-funding organization receiving such funds into its
5787 scholarship account. All transferred amounts received by any
5788 eligible nonprofit scholarship-funding organization must be
5789 separately disclosed in the annual financial audit required
5790 under paragraph (m).

5791 3. Must, before granting a scholarship for an academic
5792 year, document each scholarship student's eligibility for that
5793 academic year. A scholarship-funding organization may not grant
5794 multiyear scholarships in one approval process.

5795 (k) Must maintain separate accounts for scholarship funds
5796 and operating funds.

5797 (l) With the prior approval of the Department of Education,
5798 may transfer funds to another eligible nonprofit scholarship-
5799 funding organization if additional funds are required to meet
5800 scholarship demand at the receiving nonprofit scholarship-
5801 funding organization. A transfer is limited to the greater of
5802 \$500,000 or 20 percent of the total contributions received by
5803 the nonprofit scholarship-funding organization making the
5804 transfer. All transferred funds must be deposited by the
5805 receiving nonprofit scholarship-funding organization into its
5806 scholarship accounts. All transferred amounts received by any
5807 nonprofit scholarship-funding organization must be separately
5808 disclosed in the annual financial and compliance audit required
5809 in this section.

5810 (m) Must provide to the Auditor General and the Department
5811 of Education a report on the results of an annual financial

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5812 audit of its accounts and records conducted by an independent
5813 certified public accountant in accordance with auditing
5814 standards generally accepted in the United States, government
5815 auditing standards, and rules promulgated by the Auditor
5816 General. The audit report must include a report on financial
5817 statements presented in accordance with generally accepted
5818 accounting principles. Audit reports must be provided to the
5819 Auditor General and the Department of Education within 180 days
5820 after completion of the eligible nonprofit scholarship-funding
5821 organization's fiscal year. The Auditor General shall review all
5822 audit reports submitted pursuant to this paragraph. The Auditor
5823 General shall request any significant items that were omitted in
5824 violation of a rule adopted by the Auditor General. The items
5825 must be provided within 45 days after the date of the request.
5826 If the scholarship-funding organization does not comply with the
5827 Auditor General's request, the Auditor General shall notify the
5828 Legislative Auditing Committee.

5829 (n) Must prepare and submit quarterly reports to the
5830 Department of Education pursuant to paragraph (9)(i). In
5831 addition, an eligible nonprofit scholarship-funding organization
5832 must submit in a timely manner any information requested by the
5833 Department of Education relating to the scholarship program.

5834 (o)1.a. Must participate in the joint development of
5835 agreed-upon procedures during the 2009-2010 state fiscal year.
5836 The agreed-upon procedures must uniformly apply to all private
5837 schools and must determine, at a minimum, whether the private
5838 school has been verified as eligible by the Department of
5839 Education under s. 1002.421; has an adequate accounting system,
5840 system of financial controls, and process for deposit and

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5841 classification of scholarship funds; and has properly expended
5842 scholarship funds for education-related expenses. During the
5843 development of the procedures, the participating scholarship-
5844 funding organizations shall specify guidelines governing the
5845 materiality of exceptions that may be found during the
5846 accountant's performance of the procedures. The procedures and
5847 guidelines shall be provided to private schools and the
5848 Commissioner of Education by March 15, 2011.

5849 b. Must participate in a joint review of the agreed-upon
5850 procedures and guidelines developed under sub-subparagraph a.,
5851 by February of each biennium, if the scholarship-funding
5852 organization provided more than \$250,000 in scholarship funds to
5853 an eligible private school under this chapter during the state
5854 fiscal year preceding the biennial review. If the procedures and
5855 guidelines are revised, the revisions must be provided to
5856 private schools and the Commissioner of Education by March 15 of
5857 the year in which the revisions were completed. The revised
5858 agreed-upon procedures shall take effect the subsequent school
5859 year. For the 2018-2019 school year only, the joint review of
5860 the agreed-upon procedures must be completed and the revisions
5861 submitted to the commissioner no later than September 15, 2018.
5862 The revised procedures are applicable to the 2018-2019 school
5863 year.

5864 c. Must monitor the compliance of a private school with s.
5865 1002.421(1)(q) if the scholarship-funding organization provided
5866 the majority of the scholarship funding to the school. For each
5867 private school subject to s. 1002.421(1)(q), the appropriate
5868 scholarship-funding organization shall annually notify the
5869 Commissioner of Education by October 30 of:

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5870 (I) A private school's failure to submit a report required
5871 under s. 1002.421(1)(q); or

5872 (II) Any material exceptions set forth in the report
5873 required under s. 1002.421(1)(q).

5874 2. Must seek input from the accrediting associations that
5875 are members of the Florida Association of Academic Nonpublic
5876 Schools and the Department of Education when jointly developing
5877 the agreed-upon procedures and guidelines under sub-subparagraph
5878 1.a. and conducting a review of those procedures and guidelines
5879 under sub-subparagraph 1.b.

5880 (p) Must maintain the surety bond or letter of credit
5881 required by subsection (15). The amount of the surety bond or
5882 letter of credit may be adjusted quarterly to equal the actual
5883 amount of undisbursed funds based upon submission by the
5884 organization of a statement from a certified public accountant
5885 verifying the amount of undisbursed funds. The requirements of
5886 this paragraph are waived if the cost of acquiring a surety bond
5887 or letter of credit exceeds the average 10-year cost of
5888 acquiring a surety bond or letter of credit by 200 percent. The
5889 requirements of this paragraph are waived for a state
5890 university; or an independent college or university which is
5891 eligible to participate in the William L. Boyd, IV, Effective
5892 Access to Student Education Grant Program, located and chartered
5893 in this state, is not for profit, and is accredited by the
5894 Commission on Colleges of the Southern Association of Colleges
5895 and Schools.

5896 (q) Must provide to the Auditor General any information or
5897 documentation requested in connection with an operational audit
5898 of a scholarship funding organization conducted pursuant to s.

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5899 11.45.

5900

5901 Information and documentation provided to the Department of
5902 Education and the Auditor General relating to the identity of a
5903 taxpayer that provides an eligible contribution under this
5904 section shall remain confidential at all times in accordance
5905 with s. 213.053.

5906 Reviser's note.—Paragraph (3)(b) is amended to conform to
5907 structure. Subsection (6) is reenacted to correct an
5908 editorial input error. Flush left language erroneously
5909 appearing after paragraph (6)(j) is deleted. The language
5910 appeared there as well as at the end of subsection (6), the
5911 appropriate location for the text.

5912 Section 176. Paragraph (d) of subsection (16) of section
5913 1003.52, Florida Statutes, is amended to read:

5914 1003.52 Educational services in Department of Juvenile
5915 Justice programs.—

5916 (16) The Department of Education, in consultation with the
5917 Department of Juvenile Justice, district school boards, and
5918 providers, shall adopt rules establishing:

5919 (d) The Department of Education, in partnership with the
5920 Department of Juvenile Justice, shall develop a comprehensive
5921 accountability and program improvement process. The
5922 accountability and program improvement process shall be based on
5923 student performance measures by type of program and shall rate
5924 education program performance. The accountability system shall
5925 identify and recognize high-performing education programs. The
5926 Department of Education, in partnership with the Department of
5927 Juvenile Justice, shall identify low-performing programs. Low-

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5928 performing education programs shall receive an onsite program
 5929 evaluation from the Department of Juvenile Justice. School
 5930 improvement, technical assistance, or the reassignment of the
 5931 program shall be based, in part, on the results of the program
 5932 evaluation. Through a corrective action process, low-performing
 5933 programs must demonstrate improvement or ~~reassign~~ the programs
 5934 shall be reassigned ~~program~~.

5935 Reviser's note.—Amended to improve clarity.

5936 Section 177. Paragraph (h) of subsection (4) of section
 5937 1004.435, Florida Statutes, is amended to read:

5938 1004.435 Cancer control and research.—

5939 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 5940 CREATION; COMPOSITION.—

5941 (h) The council shall approve each year a program for
 5942 cancer control and research to be known as the "Florida Cancer
 5943 Control and Research Plan" which shall be ~~consistent with the~~
 5944 ~~State Health Plan and~~ integrated and coordinated with existing
 5945 programs in this state.

5946 Reviser's note.—Amended to delete an obsolete reference. The

5947 State Health Plan was referenced in s. 408.033; s. 4, ch.
 5948 2000-256, Laws of Florida, deleted it from that section and
 5949 also deleted other references to it.

5950 Section 178. Subsection (1) of section 1004.79, Florida
 5951 Statutes, is amended to read:

5952 1004.79 Incubator facilities for small business concerns.—

5953 (1) Each Florida College System institution established
 5954 pursuant to s. 1000.21(3) ~~1004.02(2)~~ may provide incubator
 5955 facilities to eligible small business concerns. As used in this
 5956 section, "small business concern" shall be defined as an

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5957 independently owned and operated business concern incorporated
5958 in Florida which is not an affiliate or a subsidiary of a
5959 business dominant in its field of operation, and which employs
5960 25 or fewer full-time employees. "Incubator facility" shall be
5961 defined as a facility in which small business concerns share
5962 common space, equipment, and support personnel and through which
5963 such concerns have access to professional consultants for advice
5964 related to the technical and business aspects of conducting a
5965 commercial enterprise. The Florida College System institution
5966 board of trustees shall authorize concerns for inclusion in the
5967 incubator facility.

5968 Reviser's note.—Amended to correct a cross-reference. Section
5969 1004.02(2) defines adult ESOL or adult ESL; s. 1000.21(3)
5970 lists Florida College System institutions.

5971 Section 179. Subsection (12) of section 1006.63, Florida
5972 Statutes, is amended to read:

5973 1006.63 Hazing prohibited.—

5974 (12) Notwithstanding subsection (11), a person is immune
5975 from prosecution under this section if the person establishes
5976 that, before medical assistance, law enforcement, or campus
5977 security arrived on the scene of a hazing event, the person
5978 rendered aid to the hazing victim. For purposes of this
5979 subsection, "aid" includes, but is not ~~be~~ limited to, rendering
5980 cardiopulmonary resuscitation to the victim, clearing an airway
5981 for the victim to breathe, using a defibrillator to assist the
5982 victim, or rendering any other assistance to the victim which
5983 the person intended in good faith to stabilize or improve the
5984 victim's condition while waiting for medical assistance, law
5985 enforcement, or campus security to arrive.

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5986 Reviser's note.—Amended to confirm the editorial deletion of the
5987 word "be" to improve clarity.

5988 Section 180. Paragraph (d) of subsection (7) of section
5989 1007.271, Florida Statutes, is amended to read:

5990 1007.271 Dual enrollment programs.—

5991 (7) Career dual enrollment shall be provided as a
5992 curricular option for secondary students to pursue in order to
5993 earn industry certifications adopted pursuant to s. 1008.44,
5994 which count as credits toward the high school diploma. Career
5995 dual enrollment shall be available for secondary students
5996 seeking a degree and industry certification through a career
5997 education program or course. Each career center established
5998 under s. 1001.44 shall enter into an agreement with each high
5999 school in any school district it serves. Beginning with the
6000 2019-2020 school year, the agreement must be completed annually
6001 and submitted by the career center to the Department of
6002 Education by August 1. The agreement must:

6003 (d) Describe how students and parents will be informed of
6004 career dual enrollment opportunities and related workforce
6005 demand, how students can apply to participate in a career dual
6006 enrollment program and register for courses through their high
6007 schools ~~his or her high school~~, and the postsecondary career
6008 education expectations for participating students.

6009 Reviser's note.—Amended to improve clarity.

6010 Section 181. Paragraph (c) of subsection (3) of section
6011 1009.22, Florida Statutes, is amended to read:

6012 1009.22 Workforce education postsecondary student fees.—

6013 (3)

6014 (c) ~~Effective July 1, 2014,~~ For programs leading to a

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6015 career certificate or an applied technology diploma, the
6016 standard tuition shall be \$2.33 per contact hour for residents
6017 and nonresidents and the out-of-state fee shall be \$6.99 per
6018 contact hour. For adult general education programs, a block
6019 tuition of \$45 per half year or \$30 per term shall be assessed.
6020 Each district school board and Florida College System
6021 institution board of trustees shall adopt policies and
6022 procedures for the collection of and accounting for the
6023 expenditure of the block tuition. All funds received from the
6024 block tuition shall be used only for adult general education
6025 programs. Students enrolled in adult general education programs
6026 may not be assessed the fees authorized in subsection (5),
6027 subsection (6), or subsection (7).

6028 Reviser's note.—Amended to delete obsolete language.

6029 Section 182. Subsection (3) of section 1009.531, Florida
6030 Statutes, is amended to read:

6031 1009.531 Florida Bright Futures Scholarship Program;
6032 student eligibility requirements for initial awards.—

6033 (3) For purposes of calculating the grade point average to
6034 be used in determining initial eligibility for a Florida Bright
6035 Futures Scholarship, the department shall assign additional
6036 weights to grades earned in the following courses:

6037 (a) Courses identified in the course code directory as
6038 Advanced Placement, pre-International Baccalaureate,
6039 International Baccalaureate, International General Certificate
6040 of Secondary Education (pre-AICE), or Advanced International
6041 Certificate of Education.

6042 (b) Courses designated as academic dual enrollment courses
6043 in the statewide course numbering system.

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6044
6045 The department may assign additional weights to courses, other
6046 than those described in paragraphs (a) and (b), that are
6047 identified by the Department of Education as containing rigorous
6048 academic curriculum and performance standards. The additional
6049 weight assigned to a course pursuant to this subsection shall
6050 not exceed 0.5 per course. The weighted system shall be
6051 developed and distributed to all high schools in the state ~~prior~~
6052 ~~to January 1, 1998~~. The department may determine a student's
6053 eligibility status during the senior year before graduation and
6054 may inform the student of the award at that time.

6055 Reviser's note.—Amended to delete obsolete language.

6056 Section 183. Subsection (3) of section 1011.32, Florida
6057 Statutes, is amended to read:

6058 1011.32 Florida College System Institution Facility
6059 Enhancement Challenge Grant Program.—

6060 (3) The Florida College System Institution Facility
6061 Enhancement Challenge Grant Program ~~Capital Facilities Matching~~
6062 ~~Program~~ shall provide funds to match private contributions for
6063 the development of high priority instructional and community-
6064 related capital facilities, including common areas connecting
6065 such facilities, within the Florida College System institutions.

6066 Reviser's note.—Amended to conform to the correct name of the
6067 program.

6068 Section 184. Paragraph (c) of subsection (3) of section
6069 1011.45, Florida Statutes, is amended to read:

6070 1011.45 End of year balance of funds.—Unexpended amounts in
6071 any fund in a university current year operating budget shall be
6072 carried forward and included as the balance forward for that

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6073 fund in the approved operating budget for the following year.

6074 (3) A university's carry forward spending plan shall
6075 include the estimated cost per planned expenditure and a
6076 timeline for completion of the expenditure. Authorized
6077 expenditures in a carry forward spending plan may include:

6078 (c) Completion of a remodeling or infrastructure project,
6079 including a project for a developmental ~~development~~ research
6080 school, up to \$10 million per project, if such project is survey
6081 recommended pursuant to s. 1013.31;

6082 Reviser's note.—Amended to conform to s. 1002.32, which
6083 establishes developmental research schools.

6084 Section 185. Paragraph (e) of subsection (1) of section
6085 1013.45, Florida Statutes, is amended to read:

6086 1013.45 Educational facilities contracting and construction
6087 techniques.—

6088 (1) Boards may employ procedures to contract for
6089 construction of new facilities, or for additions, remodeling,
6090 renovation, maintenance, or repairs to existing facilities, that
6091 will include, but not be limited to:

6092 (e) Day-labor contracts not exceeding \$280,000 for
6093 construction, renovation, remodeling, or maintenance of existing
6094 facilities. ~~Beginning January 2009,~~ This amount shall be
6095 adjusted annually based upon changes in the Consumer Price
6096 Index.

6097 Reviser's note.—Amended to delete obsolete language.

6098 Section 186. Paragraph (b) of subsection (1) of section
6099 1013.735, Florida Statutes, is amended to read:

6100 1013.735 Classrooms for Kids Program.—

6101 (1) ALLOCATION.—The department shall allocate funds

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6102 appropriated for the Classrooms for Kids Program. It is the
6103 intent of the Legislature that this program be administered as
6104 nearly as practicable in the same manner as the capital outlay
6105 program authorized under s. 9(a), Art. XII of the State
6106 Constitution. Each district school board's share of the annual
6107 appropriation for the Classrooms for Kids Program must be
6108 calculated according to the following formula:

6109 (b) Ten percent of the appropriation must be allocated
6110 among district school boards according to the allocation formula
6111 in s. 1013.64(1)(a), excluding adult and career education
6112 ~~vocational technical~~ facilities.

6113 Reviser's note.—Amended to conform to the redesignation of
6114 "vocational technical facilities" as "career education
6115 facilities" by ch. 2004-357, Laws of Florida.

6116 Section 187. This act shall take effect on the 60th day
6117 after adjournment sine die of the session of the Legislature in
6118 which enacted.

6119