

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,
 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 40 | have been impliedly repealed or superseded; replacing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;
53 creation; membership; duties.—There is created within the
54 Statewide Office for Suicide Prevention a Suicide Prevention
55 Coordinating Council. The council shall develop strategies for
56 preventing suicide.

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

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

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

76 | 16.618 Direct-support organization.—

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

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

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

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

88 | Section 3. Paragraph (b) of subsection (2) of section
 89 | 20.23, Florida Statutes, is amended to read:

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

93 | (2)

94 | (b) The commission shall:

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

98 | 2. Periodically review the status of the state
 99 | transportation system including highway, transit, rail, seaport,
 100 | intermodal development, and aviation components of the system

101 and recommend improvements to the Governor and the Legislature.

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

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

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

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

122 7. Recommend to the Governor and the Legislature
123 improvements to the department's organization in order to
124 streamline and optimize the efficiency of the department. In
125 reviewing the department's organization, the commission shall

126 determine if the current district organizational structure is
 127 responsive to this state's changing economic and demographic
 128 development patterns. The ~~initial~~ report by the commission must
 129 be delivered to the Governor and the Legislature by December 15,
 130 ~~2000, and each year thereafter,~~ as appropriate. The commission
 131 may retain experts as necessary to carry out this subparagraph,
 132 and the department shall pay the expenses of the experts.

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

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

143 Section 4. Paragraph (d) of subsection (1) of section
 144 27.52, Florida Statutes, is amended to read:

145 27.52 Determination of indigent status.—

146 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 147 of a public defender under s. 27.51 based upon an inability to
 148 pay must apply to the clerk of the court for a determination of
 149 indigent status using an application form developed by the
 150 Florida Clerks of Court Operations Corporation with final

151 approval by the Supreme Court.

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

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

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

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

169 (4) The five criminal conflict and civil regional counsel
 170 may employ and establish, in the numbers authorized by the
 171 General Appropriations Act, assistant regional counsel and other
 172 staff and personnel in each judicial district pursuant to s.
 173 29.006, who shall be paid from funds appropriated for that
 174 purpose. Notwithstanding s. 790.01, s. 790.02, or s.
 175 790.25(2)(a), an investigator employed by an office of criminal

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

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

200 27.710 Registry of attorneys applying to represent persons

201 in postconviction capital collateral proceedings; certification
 202 of minimum requirements; appointment by trial court.—

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

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

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

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

213
 214 the executive director shall immediately notify the trial court
 215 that imposed the sentence of death that the court must
 216 immediately appoint an attorney, selected from the current
 217 registry, to represent such person in collateral actions
 218 challenging the legality of the judgment and sentence in the
 219 appropriate state and federal courts. The court shall have the
 220 authority to strike a notice of appearance filed by a Capital
 221 Collateral Regional Counsel, if the court finds the notice was
 222 not filed in good faith and may so notify the executive director
 223 that the client is no longer represented by the Office of
 224 Capital Collateral Regional Counsel. In making an assignment,
 225 the court shall give priority to attorneys whose experience and

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226 abilities in criminal law, especially in capital proceedings,
227 are known by the court to be commensurate with the
228 responsibility of representing a person sentenced to death. The
229 trial court must issue an order of appointment which contains
230 specific findings that the appointed counsel meets the statutory
231 requirements and has the high ethical standards necessary to
232 represent a person sentenced to death.

233 Reviser's note.—Amended to delete references to s. 924.056; the
234 section was substantially reworded by s. 14, ch. 2013-216,
235 Laws of Florida, and no longer contains material relevant
236 to the text of s. 27.710(5).

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

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

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251 | under s. 28.24(12)(e) for information technology may also be
252 | used to implement electronic filing processes.

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

254 | Section 8. Paragraph (f) of subsection (2) of section
255 | 28.35, Florida Statutes, is amended to read:

256 | 28.35 Florida Clerks of Court Operations Corporation.—

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

259 | (f) Approving the proposed budgets submitted by clerks of
260 | the court pursuant to s. 28.36. The corporation must ensure that
261 | the total combined budgets of the clerks of the court do not
262 | exceed the total estimated revenues from fees, service charges,
263 | costs, and fines for court-related functions available for
264 | court-related expenditures as determined by the most recent
265 | Revenue Estimating Conference, plus the total of unspent
266 | budgeted funds for court-related functions carried forward by
267 | the clerks of the court from the previous county fiscal year and
268 | plus the balance of funds remaining in the Clerks ~~Clerk~~ of the
269 | Court Trust Fund after the transfer of funds to the General
270 | Revenue Fund required pursuant to s. 28.37(3)(b). The
271 | corporation may amend any individual clerk of the court budget
272 | to ensure compliance with this paragraph and must consider
273 | performance measures, workload performance standards, workload
274 | measures, and expense data before modifying the budget. As part
275 | of this process, the corporation shall:

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

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

286 3. Conduct an annual base budget review and an annual
287 budget exercise examining the total budget of each clerk of the
288 court. The review shall examine revenues from all sources,
289 expenses of court-related functions, and expenses of noncourt-
290 related functions as necessary to determine that court-related
291 revenues are not being used for noncourt-related purposes. The
292 review and exercise shall identify potential targeted budget
293 reductions in the percentage amount provided in Schedule VIII-B
294 of the state's previous year's legislative budget instructions,
295 as referenced in s. 216.023(3), or an equivalent schedule or
296 instruction as may be adopted by the Legislature.

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

300 5. Identify those clerks projected to have court-related

301 revenues insufficient to fund their anticipated court-related
 302 expenditures.

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

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

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

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

321
 322 For the purposes of this paragraph, the term "unspent budgeted
 323 funds for court-related functions" means undisbursed funds
 324 included in the clerks of the courts budgets for court-related
 325 functions established pursuant to this section and s. 28.36.

326 Reviser's note.—Amended to confirm the editorial substitution of
 327 the word "Clerks" for the word "Clerk" to conform to the
 328 correct name of the trust fund.

329 Section 9. Paragraph (b) of subsection (2) of section
 330 28.36, Florida Statutes, is amended to read:

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

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

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

351 clerk of the courts' budget for court related functions
352 established pursuant to s. 28.35 and this section. The
353 anticipated expenditures must be itemized as required by the
354 corporation.

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

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

365 39.821 Qualifications of guardians ad litem.—

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

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

401 certify a person based on his or her security background
402 investigation. The information collected pursuant to the
403 security background investigation is confidential and exempt
404 from s. 119.07(1).

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

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

411 61.125 Parenting coordination.—

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

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

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

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

425 (d) ~~(e)~~ "Parenting coordinator" means an impartial third

426 party appointed by the court or agreed to by the parties whose
427 role is to assist the parties in successfully creating or
428 implementing a parenting plan.

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

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

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

442 Section 12. Paragraph (h) of subsection (1) of section
443 63.212, Florida Statutes, is amended to read:

444 63.212 Prohibited acts; penalties for violation.—

445 (1) It is unlawful for any person:

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

451 unenforceable as against the public policy of this state.
 452 However, fees, costs, and other incidental payments made in
 453 accordance with statutory provisions for adoption, foster care,
 454 and child welfare are permitted, and a person may agree to pay
 455 expenses in connection with a preplanned adoption agreement as
 456 specified in s. 63.213 ~~below~~, but the payment of such expenses
 457 may not be conditioned upon the transfer of parental rights.
 458 Each petition for adoption which is filed in connection with a
 459 preplanned adoption agreement must clearly identify the adoption
 460 as a preplanned adoption arrangement and must include a copy of
 461 the preplanned adoption agreement for review by the court.
 462 Reviser's note.—Amended to conform to the fact that the language
 463 "as specified below" referenced subparagraphs 1.-6. of
 464 paragraph (h), which were stricken from the paragraph,
 465 leaving only the introductory paragraph, by s. 35, ch.
 466 2003-58, Laws of Florida; s. 63.213, created by s. 36, ch.
 467 2003-58, contains the material excised from s. 63.212(1)(h)
 468 by s. 35 of that law.
 469 Section 13. Subsection (2) of section 68.096, Florida
 470 Statutes, is amended to read:
 471 68.096 Definitions.—For purposes of this act:
 472 (2) "Eligible client" means a person whose income is equal
 473 to or below 150 percent of the then-current federal poverty
 474 guidelines prescribed for the size of the household of the
 475 person seeking assistance by the United States Department of

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476 Health and Human Services or disabled veterans who are in
477 receipt of, or eligible to receive, United States Department of
478 Veterans Affairs ~~Veterans Administration~~ pension benefits or
479 supplemental security income.

480 Reviser's note.—Amended to conform to the renaming of the
481 Veterans Administration as the United States Department of
482 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.
483 Section 14. Subsections (1) and (2) of section 73.015,
484 Florida Statutes, are amended to read:

485 73.015 Presuit negotiation.—

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

494 (a) No later than the time the initial written or oral
495 offer of compensation for acquisition is made to the fee owner,
496 the condemning authority must notify the fee owner of the
497 following:

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

500 2. The nature of the project for which the parcel is

501 considered necessary, and the parcel designation of the property
502 to be acquired.

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

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

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

521 (b) The condemning authority must provide a written offer
522 of compensation to the fee owner as to the value of the property
523 sought to be appropriated and, where less than the entire
524 property is sought to be appropriated, any damages to the
525 remainder caused by the taking. The owner must be given at least

526 30 days after either receipt of the notice or the date the
527 notice is returned as undeliverable by the postal authorities to
528 respond to the offer, before the condemning authority files a
529 condemnation proceeding for the parcel identified in the offer.

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

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

546 (2) ~~Effective July 1, 2000,~~ Before an eminent domain
547 proceeding is brought under this chapter or chapter 74 by the
548 Department of Transportation or by a county, municipality,
549 board, district, or other public body for the condemnation of
550 right-of-way, the condemning authority must make a good faith

551 effort to notify the business owners, including lessees, who
552 operate a business located on the property to be acquired.

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

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

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

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

572 4. The business owner's statutory rights under ss. 73.071,
573 73.091, and 73.092.

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

576 (b) The notice must be made subsequent to or concurrent
577 with the condemning authority's making the written offer of
578 compensation to the fee owner pursuant to subsection (1). The
579 notice must be sent by certified mail, return receipt requested,
580 to the address of the registered agent for the business located
581 on the property to be acquired, or if no agent is registered, by
582 certified mail or personal delivery to the address of the
583 business located on the property to be acquired. Notice to one
584 owner of a multiple ownership business constitutes notice to all
585 business owners of that business. The return of the notice as
586 undeliverable by the postal authorities constitutes compliance
587 with these provisions. The condemning authority is not required
588 to give notice to a person who acquires an interest in the
589 business after the notice required by this section has been
590 given. Once notice has been made to business owners under this
591 subsection, the condemning authority may file a condemnation
592 proceeding pursuant to chapter 73 or chapter 74 for the property
593 identified in the notice.

594 (c) If the business qualifies for business damages
595 pursuant to s. 73.071(3)(b) and the business intends to claim
596 business damages, the business owner must, within 180 days after
597 either receipt of the notice or the date the notice is returned
598 as undeliverable by the postal authorities, or at a later time
599 mutually agreed to by the condemning authority and the business
600 owner, submit to the condemning authority a good faith written

601 offer to settle any claims of business damage. The written offer
602 must be sent to the condemning authority by certified mail,
603 return receipt requested. Absent a showing of a good faith
604 justification for the failure to submit a business damage offer
605 within 180 days, the court must strike the business owner's
606 claim for business damages in any condemnation proceeding. If
607 the court finds that the business owner has made a showing of a
608 good faith justification for the failure to timely submit a
609 business damage offer, the court shall grant the business owner
610 up to 180 days within which to submit a business damage offer,
611 which the condemning authority must respond to within 120 days.

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

624 2. As used in this paragraph, the term "business records"
625 includes, but is not limited to, copies of federal income tax

626 returns, federal income tax withholding statements, federal
627 miscellaneous income tax statements, state sales tax returns,
628 balance sheets, profit and loss statements, and state corporate
629 income tax returns for the 5 years preceding notification which
630 are attributable to the business operation on the property to be
631 acquired, and other records relied upon by the business owner
632 that substantiate the business damage claim.

633 (d) Within 120 days after receipt of the good faith
634 business damage offer and accompanying business records, the
635 condemning authority must, by certified mail, accept or reject
636 the business owner's offer or make a counteroffer. Failure of
637 the condemning authority to respond to the business damage
638 offer, or rejection thereof pursuant to this section, must be
639 deemed to be a counteroffer of zero dollars for purposes of
640 subsequent application of s. 73.092(1).

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

642 Section 15. Paragraph (a) of subsection (5) of section
643 97.053, Florida Statutes, is amended to read:

644 97.053 Acceptance of voter registration applications.—

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

- 648 1. The applicant's name.
- 649 2. The applicant's address of legal residence, including a
650 distinguishing apartment, suite, lot, room, or dormitory room

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

658 3. The applicant's date of birth.

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

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

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

667
668 In case an applicant has not been issued a current and valid
669 Florida driver license, Florida identification card, or social
670 security number, the applicant shall affirm this fact in the
671 manner prescribed in the uniform statewide voter registration
672 application.

673 6. A mark in the applicable checkbox affirming that the
674 applicant has not been convicted of a felony or that, if
675 convicted, has had his or her civil rights restored through

676 executive clemency, or has had his or her voting rights restored
677 pursuant to s. 4, Art. VI of the State Constitution.

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

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

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

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

693 101.161 Referenda; ballots.—

694 (1) Whenever a constitutional amendment or other public
695 measure is submitted to the vote of the people, a ballot summary
696 of such amendment or other public measure shall be printed in
697 clear and unambiguous language on the ballot after the list of
698 candidates, followed by the word "yes" and also by the word
699 "no," and shall be styled in such a manner that a "yes" vote
700 will indicate approval of the proposal and a "no" vote will

701 indicate rejection. The ballot summary of the amendment or other
702 public measure and the ballot title to appear on the ballot
703 shall be embodied in the constitutional revision commission
704 proposal, constitutional convention proposal, taxation and
705 budget reform commission proposal, or enabling resolution or
706 ordinance. The ballot summary of the amendment or other public
707 measure shall be an explanatory statement, not exceeding 75
708 words in length, of the chief purpose of the measure. In
709 addition, for every amendment proposed by initiative, the ballot
710 shall include, following the ballot summary, a separate
711 financial impact statement concerning the measure prepared by
712 the Financial Impact Estimating Conference in accordance with s.
713 100.371(13) ~~100.371(5)~~. The ballot title shall consist of a
714 caption, not exceeding 15 words in length, by which the measure
715 is commonly referred to or spoken of. This subsection does not
716 apply to constitutional amendments or revisions proposed by
717 joint resolution.

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

721 Section 17. Paragraph (a) of subsection (1) of section
722 101.657, Florida Statutes, is amended to read:

723 101.657 Early voting.—

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

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

751 during early voting may not be made before the close of the
 752 polls on election day. Results shall be reported by precinct.
 753 Reviser's note.—Amended to improve sentence construction.

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

756 110.233 Political activities and unlawful acts
 757 prohibited.—

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

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

771 Section 19. Section 112.31455, Florida Statutes, is
 772 reenacted to read:

773 112.31455 Collection methods for unpaid automatic fines
 774 for failure to timely file disclosure of financial interests.—

775 (1) Before referring any unpaid fine accrued pursuant to

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

784 (a) After receipt and verification of the notice from the
785 commission, the Chief Financial Officer or the governing body of
786 the county, municipality, district school board, or special
787 district shall begin withholding the lesser of 10 percent or the
788 maximum amount allowed under federal law from any salary-related
789 payment. The withheld payments shall be remitted to the
790 commission until the fine is satisfied.

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

796 (2) If the commission determines that the individual who
797 is the subject of an unpaid fine accrued pursuant to s.
798 112.3144(8) or s. 112.3145(8) is no longer a public officer or
799 public employee or if the commission is unable to determine
800 whether the individual is a current public officer or public

801 employee, the commission may, 6 months after the order becomes
802 final, seek garnishment of any wages to satisfy the amount of
803 the fine, or any unpaid portion thereof, pursuant to chapter 77.
804 Upon recording the order imposing the fine with the clerk of the
805 circuit court, the order shall be deemed a judgment for purposes
806 of garnishment pursuant to chapter 77.

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

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

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

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

824 112.63 Actuarial reports and statements of actuarial
825 impact; review.—

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

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

843 117.021 Electronic notarization.—

844 (7) The Department of State, in collaboration with the
845 Department of Management Services ~~Agency for State Technology,~~
846 shall adopt rules establishing standards for tamper-evident
847 technologies that will indicate any alteration or change to an
848 electronic record after completion of an electronic notarial
849 act. All electronic notarizations performed on or after January
850 1, 2020, must comply with the adopted standards.

851 Reviser's note.—Amended to conform to the repeal of s. 20.61,
852 which created the Agency for State Technology, by s. 5, ch.
853 2019-118, Laws of Florida, and the transfer of the agency's
854 duties to the Department of Management Services by ss. 1
855 and 3, ch. 2019-118.

856 Section 22. Subsection (5) of section 117.245, Florida
857 Statutes, is amended to read:

858 117.245 Electronic journal of online notarizations.—

859 (5) An omitted or incomplete entry in the electronic
860 journal does not impair the validity of the notarial act or of
861 the electronic record which was notarized, but may be introduced
862 as evidence to establish violations of this chapter; as evidence
863 of possible fraud, forgery, impersonation, duress, incapacity,
864 undue influence, minority, illegality, or unconscionability; or
865 for other evidentiary purposes. However, if the recording of the
866 audio-video communication required under subsection (2) relating
867 to the online notarization of the execution of an electronic
868 will cannot be produced by the online notary public or the
869 qualified custodian, the electronic will shall be treated as a
870 lost or destroyed will subject to s. 733.207.

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

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

875 117.265 Online notarization procedures.—

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

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

888 Section 24. Paragraph (c) of subsection (2) of section
889 121.051, Florida Statutes, is amended to read:

890 121.051 Participation in the system.—

891 (2) OPTIONAL PARTICIPATION.—

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

901 1.a. Through June 30, 2001, the cost to the employer for
902 benefits under the optional retirement program equals the normal
903 cost portion of the employer retirement contribution which would
904 be required if the employee were a member of the pension plan's
905 Regular Class, plus the portion of the contribution rate
906 required by s. 112.363(8) which would otherwise be assigned to
907 the Retiree Health Insurance Subsidy Trust Fund.

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

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

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

926 monthly compensation.

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

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

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

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

950 b. If the employee chooses to move to the pension plan of

951 the Florida Retirement System, the employee shall receive
952 service credit equal to his or her years of service under the
953 optional retirement program.

954 (I) The cost for such credit is the amount representing
955 the present value of the employee's accumulated benefit
956 obligation for the affected period of service. The cost shall be
957 calculated as if the benefit commencement occurs on the first
958 date the employee becomes eligible for unreduced benefits, using
959 the discount rate and other relevant actuarial assumptions that
960 were used to value the Florida Retirement System Pension Plan
961 liabilities in the most recent actuarial valuation. The
962 calculation must include any service already maintained under
963 the pension plan in addition to the years under the optional
964 retirement program. The present value of any service already
965 maintained must be applied as a credit to total cost resulting
966 from the calculation. The division must ensure that the transfer
967 sum is prepared using a formula and methodology certified by an
968 enrolled actuary.

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

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

979 a. The employee is otherwise eligible for membership or
 980 renewed membership in the Regular Class of the Florida
 981 Retirement System, as provided in s. 121.021(11) and (12) or s.
 982 121.122.

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

986 (I) Instructional; or

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

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

999 5. Members of the program are subject to the same
 1000 reemployment limitations, renewed membership provisions, and

1001 forfeiture provisions applicable to regular members of the
1002 Florida Retirement System under ss. 121.091(9), 121.122, and
1003 121.091(5), respectively. A member who receives a program
1004 distribution funded by employer and required employee
1005 contributions is deemed to be retired from a state-administered
1006 retirement system if the member is subsequently employed with an
1007 employer that participates in the Florida Retirement System.

1008 6. Eligible community college employees are compulsory
1009 members of the Florida Retirement System until, pursuant to s.
1010 1012.875, a written election to withdraw from the system and
1011 participate in the optional retirement program is filed with the
1012 program administrator and received by the division.

1013 a. A community college employee whose program eligibility
1014 results from initial employment shall be enrolled in the
1015 optional retirement program retroactive to the first day of
1016 eligible employment. The employer and employee retirement
1017 contributions paid through the month of the employee plan change
1018 shall be transferred to the community college to the employee's
1019 optional program account, and, effective the first day of the
1020 next month, the employer shall pay the applicable contributions
1021 based upon subparagraph 1.

1022 b. A community college employee whose program eligibility
1023 is due to the subsequent designation of the employee's position
1024 as one of those specified in subparagraph 4., or due to the
1025 employee's appointment, promotion, transfer, or reclassification

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1026 to a position specified in subparagraph 4., must be enrolled in
1027 the program on the first day of the first full calendar month
1028 that such change in status becomes effective. The employer and
1029 employee retirement contributions paid from the effective date
1030 through the month of the employee plan change must be
1031 transferred to the community college to the employee's optional
1032 program account, and, effective the first day of the next month,
1033 the employer shall pay the applicable contributions based upon
1034 subparagraph 1.

1035 7. Effective July 1, 2003, through December 31, 2008, any
1036 member of the optional retirement program who has service credit
1037 in the pension plan of the Florida Retirement System for the
1038 period between his or her first eligibility to transfer from the
1039 pension plan to the optional retirement program and the actual
1040 date of transfer may, during employment, transfer to the
1041 optional retirement program a sum representing the present value
1042 of the accumulated benefit obligation under the defined benefit
1043 retirement program for the period of service credit. Upon
1044 transfer, all service credit previously earned under the pension
1045 plan during this period is nullified for purposes of entitlement
1046 to a future benefit under the pension plan.

1047 Reviser's note.—Amended to conform to the current title of the
1048 manual.

1049 Section 25. Subsections (4) and (5) of section 121.71,
1050 Florida Statutes, are reenacted to read:

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1051 121.71 Uniform rates; process; calculations; levy.—
 1052 (4) Required employer retirement contribution rates for
 1053 each membership class and subclass of the Florida Retirement
 1054 System for both retirement plans are as follows:
 1055

Membership Class	Percentage of Gross Compensation, Effective July 1, 2019
1056	
1057 Regular Class	3.19%
1058 Special Risk Class	12.61%
1059 Special Risk Administrative Support Class	3.61%
1060 Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers,	6.67%

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1061	State Attorneys, Public Defenders	
1062	Elected Officers' Class— Justices, Judges	12.30%
1063	Elected Officers' Class— County Elected Officers	8.73%
1064	Senior Management Class	4.60%
1065	DROP	4.68%
1066	(5) In order to address unfunded actuarial liabilities of	
1067	the system, the required employer retirement contribution rates	
1068	for each membership class and subclass of the Florida Retirement	
1069	System for both retirement plans are as follows:	
1070		
		Percentage of
		Gross
		Compensation,
		Effective
1071	Membership Class	July 1, 2019

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1072	Regular Class	3.56%
1073	Special Risk Class	11.15%
1074	Special Risk Administrative Support Class	33.26%
1075	Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	47.64%
1076	Elected Officers' Class— Justices, Judges	27.98%
1077	Elected Officers' Class— County Elected Officers	38.37%
1078	Senior Management Service Class	19.09%
1079	DROP	8.26%

1080
 1081 Reviser's note.—Reenacted to confirm the addition of percentage
 1082 point amounts to specified rates by the Division of Law
 1083 Revision pursuant to the directive of the Legislature in s.
 1084 3, ch. 2019-21, Laws of Florida.
 1085 Section 26. Subsections (2) and (3) of section 161.74,
 1086 Florida Statutes, are amended to read:
 1087 161.74 Responsibilities.—
 1088 (2) RESEARCH PLAN.—The council must complete a Florida
 1089 Oceans and Coastal Scientific Research Plan which shall be used
 1090 by the Legislature in making funding decisions. The plan must
 1091 recommend priorities for scientific research projects. ~~The plan~~
 1092 ~~must be submitted to the President of the Senate and the Speaker~~
 1093 ~~of the House of Representatives by January 15, 2006. Thereafter,~~
 1094 Annual updates to the plan must be submitted to the President of
 1095 the Senate and the Speaker of the House of Representatives by
 1096 February 1 of each year. The research projects contained in the
 1097 plan must meet at least one of the following objectives:
 1098 (a) Exploring opportunities to improve coastal ecosystem
 1099 functioning and health through watershed approaches to managing
 1100 freshwater and improving water quality.
 1101 (b) Evaluating current habitat conservation, restoring and
 1102 maintaining programs, and recommending improvements in the areas
 1103 of research, monitoring, and assessment.
 1104 (c) Promoting marine biomedical or biotechnology research

1105 | and product discovery and development to enhance Florida's
1106 | opportunity to maximize the beneficial uses of marine-derived
1107 | bioproducts and reduce negative health impacts of marine
1108 | organisms.

1109 | (d) Creating consensus and strategies on how Florida can
1110 | contribute to sustainable management of ocean wildlife and
1111 | habitat.

1112 | (e) Documenting through examination of existing and new
1113 | research the impact of marine and coastal debris and current
1114 | best practices to reduce debris.

1115 | (f) Providing methods to achieve sustainable fisheries
1116 | through better science, governance, stock enhancements and
1117 | consideration of habitat and secondary impacts such as bycatch.

1118 | (g) Documenting gaps in current protection strategies for
1119 | marine mammals.

1120 | (h) Promoting research and new methods to preserve and
1121 | restore coral reefs and other coral communities.

1122 | (i) Achieving sustainable marine aquaculture.

1123 | (j) Reviewing existing and ongoing studies on preventing
1124 | and responding to the spread of invasive and nonnative marine
1125 | and estuarine species.

1126 | (k) Exploring ocean-based renewable energy technologies
1127 | and climate change-related impacts to Florida's coastal area.

1128 | (l) Enhancing science education opportunities such as
1129 | virtual marine technology centers.

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1130 (m) Sustaining abundant birdlife and encouraging the
1131 recreational and economic benefits associated with ocean and
1132 coastal wildlife observation and photography.

1133 (n) Developing a statewide analysis of the economic value
1134 associated with ocean and coastal resources, developing economic
1135 baseline data, methodologies, and consistent measures of oceans
1136 and coastal resource economic activity and value, and developing
1137 reports that educate Floridians, the United States Commission on
1138 Ocean Policy, local, state, and federal agencies and others on
1139 the importance of ocean and coastal resources.

1140 (3) RESOURCE ASSESSMENT. ~~By December 1, 2006,~~ The council
1141 shall prepare a comprehensive oceans and coastal resource
1142 assessment that shall serve as a baseline of information to be
1143 used in assisting in its research plan. The resource assessment
1144 must include:

1145 (a) Patterns of use of oceans and coastal resources;

1146 (b) Natural resource features, including, but not limited
1147 to, habitat, bathymetry, surficial geology, circulation, and
1148 tidal currents;

1149 (c) The location of current and proposed oceans and
1150 coastal research and monitoring infrastructure;

1151 (d) Industrial, commercial, coastal observing system,
1152 ships, subs, and recreational transit patterns; and

1153 (e) Socioeconomic trends of the state's oceans and coastal
1154 resources and oceans and coastal economy.

1155 Reviser's note.—Amended to delete obsolete language.

1156 Section 27. Paragraph (k) of subsection (2) and paragraphs
 1157 (b) and (c) of subsection (8) of section 163.3178, Florida
 1158 Statutes, are amended to read:

1159 163.3178 Coastal management.—

1160 (2) Each coastal management element required by s.
 1161 163.3177(6)(g) shall be based on studies, surveys, and data; be
 1162 consistent with coastal resource plans prepared and adopted
 1163 pursuant to general or special law; and contain:

1164 (k) A component which includes the comprehensive master
 1165 plan prepared by each deepwater port listed in s. 311.09(1),
 1166 which addresses existing port facilities and any proposed
 1167 expansions, and which adequately addresses the applicable
 1168 requirements of paragraphs (a)-(k) for areas within the port and
 1169 proposed expansion areas. Such component shall be submitted to
 1170 the appropriate local government at least 6 months prior to the
 1171 due date of the local plan and shall be integrated with, and
 1172 shall meet all criteria specified in, the coastal management
 1173 element. "The appropriate local government" means the
 1174 municipality having the responsibility for the area in which the
 1175 deepwater port lies, except that where no municipality has
 1176 responsibility, where a municipality and a county each have
 1177 responsibility, or where two or more municipalities each have
 1178 responsibility for the area in which the deepwater port lies,
 1179 "the appropriate local government" means the county which has

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1180 responsibility for the area in which the deepwater port lies.
1181 Failure by a deepwater port which is not part of a local
1182 government to submit its component to the appropriate local
1183 government shall not result in a local government being subject
1184 to sanctions pursuant to s. ~~ss. 163.3167~~ and 163.3184. However,
1185 a deepwater port which is not part of a local government shall
1186 be subject to sanctions pursuant to s. 163.3184.

1187 (8)

1188 (b) For those local governments that have not established
1189 a level of service for out-of-county hurricane evacuation ~~by~~
1190 ~~July 1, 2008~~, by following the process in paragraph (a), the
1191 level of service shall be no greater than 16 hours for a
1192 category 5 storm event as measured on the Saffir-Simpson scale.

1193 (c) This subsection shall become effective immediately and
1194 shall apply to all local governments. ~~No later than July 1,~~
1195 ~~2008~~, Local governments shall amend their future land use map
1196 and coastal management element to include the new definition of
1197 coastal high-hazard area and to depict the coastal high-hazard
1198 area on the future land use map.

1199 Reviser's note.—Paragraph (2)(k) is amended to conform to the
1200 deletion of language relating to sanctions in s. 163.3167
1201 by s. 42, ch. 2010-102, Laws of Florida. Paragraphs (8)(b)
1202 and (c) are amended to delete obsolete language.

1203 Section 28. Paragraph (d) of subsection (3) of section
1204 163.356, Florida Statutes, is amended to read:

1205 163.356 Creation of community redevelopment agency.-
 1206 (3)

1207 (d) An agency authorized to transact business and exercise
 1208 powers under this part shall file with the governing body the
 1209 report required pursuant to s. 163.371(2) ~~163.371(1)~~.

1210 Reviser's note.—Amended to correct a cross-reference; s.

1211 163.371(2) relates to the report; s. 163.371(1) relates to
 1212 posting of maps on a website.

1213 Section 29. Section 166.0493, Florida Statutes, is amended
 1214 to read:

1215 166.0493 Powers, duties, and obligations of municipal law
 1216 enforcement agencies.—~~On or before January 1, 2002,~~ Every
 1217 municipal law enforcement agency shall incorporate an antiracial
 1218 or other antidiscriminatory profiling policy into the agency's
 1219 policies and practices, utilizing the Florida Police Chiefs
 1220 Association Model Policy as a guide. Antiprofiling policies
 1221 shall include the elements of definitions, traffic stop
 1222 procedures, community education and awareness efforts, and
 1223 policies for the handling of complaints from the public.

1224 Reviser's note.—Amended to delete obsolete language.

1225 Section 30. Section 177.503, Florida Statutes, is amended
 1226 to read:

1227 177.503 Definitions.—As used in ss. 177.501-177.510, the
 1228 following words and terms shall have the meanings indicated
 1229 unless the context clearly indicates a different meaning:

1230 (1) "Professional surveyor and mapper" or "surveyor and
 1231 mapper" means a person authorized to practice surveying and
 1232 mapping under the provisions of chapter 472.

1233 (2) "Department" means the Department of Environmental
 1234 Protection.

1235 (3) "Corner" means a geographic position on the surface of
 1236 the earth.

1237 (4) "Monument" means a manmade or natural object that is
 1238 presumed to occupy the corner or is a reference to the position
 1239 of a corner.

1240 (5) "Public land survey corner" means any corner actually
 1241 established and monumented in the original public land survey or
 1242 resurvey and those similar original corners subdividing Spanish
 1243 land grants.

1244 (6) "Corner accessory" means any exclusively identifiable
 1245 physical object whose spatial relationship to the corner is
 1246 recorded. Accessories may be, but are not limited to, bearing
 1247 trees, bearing objects, monuments, reference monuments, line
 1248 trees, pits, mounds, blaze marks, steel or wooden stakes, or
 1249 other such natural or manmade objects.

1250 (7) "Reference monument" means a monument that does not
 1251 occupy the same geographical position as the corner itself, but
 1252 whose spatial relationship to the corner is recorded and which
 1253 serves to witness the corner.

1254 (8) "Township" has the meaning ascribed in 43 U.S.C. s.

1255 751.

1256 (9) "Certified corner record" means a document prepared by
 1257 a surveyor and mapper when a public land survey corner is used
 1258 as control in his or her survey or resurvey.

1259 (10) "State cadastral surveyor" means the chief of the
 1260 Bureau of Survey and Mapping ~~Coastal and Land Boundaries~~,
 1261 Division of State Lands Resource Management of the department.
 1262 Reviser's note.—Amended to conform to the current names of the
 1263 regulatory entities.

1264 Section 31. Subsection (3) of section 185.35, Florida
 1265 Statutes, is amended to read:

1266 185.35 Municipalities that have their own retirement plans
 1267 for police officers.—In order for a municipality that has its
 1268 own retirement plan for police officers, or for police officers
 1269 and firefighters if both are included, to participate in the
 1270 distribution of the tax fund established under s. 185.08, a
 1271 local law plan must meet minimum benefits and minimum standards,
 1272 except as provided in the mutual consent provisions in paragraph
 1273 (1)(g) with respect to the minimum benefits not met as of
 1274 October 1, 2012.

1275 (3) A retirement plan or amendment to a retirement plan
 1276 may not be proposed for adoption unless the proposed plan or
 1277 amendment contains an actuarial estimate of the costs involved.
 1278 Such proposed plan or proposed plan change may not be adopted
 1279 without the approval of the municipality or, where required, the

1280 Legislature. Copies of the proposed plan or proposed plan change
 1281 and the actuarial impact statement of the proposed plan or
 1282 proposed plan change shall be furnished to the division before
 1283 the last public hearing on the proposal is held. Such statement
 1284 must also indicate whether the proposed plan or proposed plan
 1285 change is in compliance with s. 14, Art. X of the State
 1286 Constitution and those provisions of part VII of chapter 112
 1287 which are not expressly provided in this chapter.

1288 Notwithstanding any other provision, only those local law plans
 1289 created by special act of legislation before May 27, 1939, are
 1290 deemed to meet the minimum benefits and minimum standards ~~only~~
 1291 in this chapter.

1292 Reviser's note.—Amended to improve clarity.

1293 Section 32. Subsection (1) of section 186.801, Florida
 1294 Statutes, is amended to read:

1295 186.801 Ten-year site plans.—

1296 (1) ~~Beginning January 1, 1974,~~ Each electric utility shall
 1297 submit to the Public Service Commission a 10-year site plan
 1298 which shall estimate its power-generating needs and the general
 1299 location of its proposed power plant sites. The 10-year plan
 1300 shall be reviewed and submitted not less frequently than every 2
 1301 years.

1302 Reviser's note.—Amended to delete obsolete language.

1303 Section 33. Subsection (11) of section 196.011, Florida
 1304 Statutes, is amended to read:

1305 196.011 Annual application required for exemption.-
 1306 (11) For exemptions enumerated in paragraph (1)(b),
 1307 ~~granted for the 2001 tax year and thereafter~~, social security
 1308 numbers of the applicant and the applicant's spouse, if any, are
 1309 required and must be submitted to the department. Applications
 1310 filed pursuant to subsection (5) or subsection (6) shall ~~may be~~
 1311 ~~required to~~ include social security numbers of the applicant and
 1312 the applicant's spouse, if any, ~~and shall include such~~
 1313 ~~information if filed for the 2001 tax year or thereafter~~. For
 1314 counties where the annual application requirement has been
 1315 waived, property appraisers may require refiling of an
 1316 application to obtain such information.

1317 Reviser's note.-Amended to delete obsolete language.

1318 Section 34. Subsection (1) of section 206.11, Florida
 1319 Statutes, is amended to read:

1320 206.11 Penalties.-

1321 (1) Any false or fraudulent statement or report submitted
 1322 under the fuel tax laws of this state and sworn to by a person
 1323 knowing same to be false or fraudulent shall constitute perjury,
 1324 and, upon conviction thereof, the person so convicted shall be
 1325 punished as provided by law for conviction of perjury under s.
 1326 837.012 ~~837.01~~.

1327 Reviser's note.-Amended to conform to the transfer of s. 837.01
 1328 to s. 837.012 by s. 54, ch. 74-383, Laws of Florida.

1329 Section 35. Paragraphs (a) and (b) of subsection (6) of

1330 section 211.3103, Florida Statutes, are amended to read:
 1331 211.3103 Levy of tax on severance of phosphate rock; rate,
 1332 basis, and distribution of tax.—
 1333 (6) (a) Beginning January 1, 2023, the proceeds of all
 1334 taxes, interest, and penalties imposed under this section are
 1335 exempt from the general revenue service charge provided in s.
 1336 215.20, and such proceeds shall be paid into the State Treasury
 1337 as follows:
 1338 1. To the credit of the State Park Trust Fund, 25.5
 1339 percent.
 1340 2. To the credit of the General Revenue Fund of the state,
 1341 35.7 percent.
 1342 3. For payment to counties in proportion to the number of
 1343 tons of phosphate rock produced from a phosphate rock matrix
 1344 located within such political boundary, 12.8 percent. The
 1345 department shall distribute this portion of the proceeds
 1346 annually based on production information reported by the
 1347 producers on the annual returns for the taxable year. Any such
 1348 proceeds received by a county shall be used only for phosphate-
 1349 related expenses.
 1350 4. For payment to counties that have been designated as a
 1351 rural area of opportunity pursuant to s. 288.0656 in proportion
 1352 to the number of tons of phosphate rock produced from a
 1353 phosphate rock matrix located within such political boundary,
 1354 10.0 percent. The department shall distribute this portion of

1355 | the proceeds annually based on production information reported
 1356 | by the producers on the annual returns for the taxable year.
 1357 | Payments under this subparagraph shall be made to the counties
 1358 | unless the Legislature by special act creates a local authority
 1359 | to promote and direct the economic development of the county. If
 1360 | such authority exists, payments shall be made to that authority.

1361 | 5. To the credit of the Nonmandatory Land Reclamation
 1362 | Trust Fund, 6.2 percent.

1363 | 6. To the credit of the Phosphate Research Trust Fund ~~in~~
 1364 | ~~the Division of Universities~~ of the Department of Education, 6.2
 1365 | percent.

1366 | 7. To the credit of the Minerals Trust Fund, 3.6 percent.

1367 | (b) Notwithstanding paragraph (a), from July 1, 2015,
 1368 | until December 31, 2022, the proceeds of all taxes, interest,
 1369 | and penalties imposed under this section are exempt from the
 1370 | general revenue service charge provided in s. 215.20, and such
 1371 | proceeds shall be paid to the State Treasury as follows:

1372 | 1. To the credit of the State Park Trust Fund, 22.8
 1373 | percent.

1374 | 2. To the credit of the General Revenue Fund of the state,
 1375 | 31.9 percent.

1376 | 3. For payment to counties pursuant to subparagraph (a)3.,
 1377 | 11.5 percent.

1378 | 4. For payment to counties pursuant to subparagraph (a)4.,
 1379 | 8.9 percent.

1380 5. To the credit of the Nonmandatory Land Reclamation
1381 Trust Fund, 16.1 percent.

1382 6. To the credit of the Phosphate Research Trust Fund ~~in~~
1383 ~~the Division of Universities~~ of the Department of Education, 5.6
1384 percent.

1385 7. To the credit of the Minerals Trust Fund, 3.2 percent.
1386 Reviser's note.—Amended to conform to s. 3, ch. 2000-321, Laws
1387 of Florida, which relocated the duties of the Division of
1388 Universities to the Florida Board of Education and provided
1389 that the Division of Universities "shall cease to exist."
1390 The board, designated as the State Board of Education, is
1391 the head of the Department of Education per s. 20.15(1).

1392 Section 36. Paragraph (c) of subsection (1) and paragraphs
1393 (c) and (d) of subsection (11) of section 212.06, Florida
1394 Statutes, are amended to read:

1395 212.06 Sales, storage, use tax; collectible from dealers;
1396 "dealer" defined; dealers to collect from purchasers;
1397 legislative intent as to scope of tax.—

1398 (1)

1399 (c)1. Notwithstanding the provisions of paragraph (b), the
1400 use tax on asphalt manufactured for one's own use shall be
1401 calculated with respect to paragraph (b) only upon the cost of
1402 materials which become a component part or which are an
1403 ingredient of the finished asphalt and upon the cost of the
1404 transportation of such components and ingredients. In addition,

1405 an indexed tax of 38 cents per ton of such manufactured asphalt
1406 shall be due at the same time and in the same manner as taxes
1407 due pursuant to paragraph (b). ~~Beginning July 1, 1989,~~ The
1408 indexed tax shall be adjusted each July 1 to an amount, rounded
1409 to the nearest cent, equal to the product of 38 cents multiplied
1410 by a fraction, the numerator of which is the annual average of
1411 the "materials and components for construction" series of the
1412 producer price index, as calculated and published by the United
1413 States Department of Labor, Bureau of Statistics, for the
1414 previous calendar year, and the denominator of which is the
1415 annual average of said series for calendar year 1988.

1416 2.a. ~~Beginning July 1, 1999, the indexed tax imposed by~~
1417 ~~this paragraph on manufactured asphalt which is used for any~~
1418 ~~federal, state, or local government public works project shall~~
1419 ~~be reduced by 20 percent.~~

1420 b. ~~Beginning July 1, 2000, the indexed tax imposed by this~~
1421 ~~paragraph on manufactured asphalt which is used for any federal,~~
1422 ~~state, or local government public works project shall be reduced~~
1423 ~~by 40 percent.~~

1424 c. ~~Beginning July 1, 2016, the indexed tax imposed by this~~
1425 ~~paragraph on manufactured asphalt which is used for any federal,~~
1426 ~~state, or local government public works project shall be reduced~~
1427 ~~by 60 percent.~~

1428 d. ~~Beginning July 1, 2017, the indexed tax imposed by this~~
1429 ~~paragraph on manufactured asphalt which is used for any federal,~~

1430 ~~state, or local government public works project shall be reduced~~
1431 ~~by 80 percent.~~

1432 ~~e. Beginning July 1, 2018,~~ Manufactured asphalt used for
1433 any federal, state, or local government public works project
1434 shall be exempt from the indexed tax imposed by this paragraph.

1435 (11)

1436 (c) ~~After July 1, 1992,~~ This exemption inures to the
1437 taxpayer only through refund of previously paid taxes or by
1438 self-accruing taxes as provided in s. 212.183 and applies only
1439 where the seller of subscriptions to publications sold in the
1440 state:

1441 1. Is registered with the department pursuant to this
1442 chapter; and

1443 2. Remits the taxes imposed by this chapter on such
1444 publications.

1445 ~~(d) This subsection applies retroactively to July 1, 1987.~~

1446 Reviser's note.—Amended to delete obsolete language.

1447 Section 37. Paragraph (nn) of subsection (7) of section
1448 212.08, Florida Statutes, is amended to read:

1449 212.08 Sales, rental, use, consumption, distribution, and
1450 storage tax; specified exemptions.—The sale at retail, the
1451 rental, the use, the consumption, the distribution, and the
1452 storage to be used or consumed in this state of the following
1453 are hereby specifically exempt from the tax imposed by this
1454 chapter.

1455 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 1456 entity by this chapter do not inure to any transaction that is
 1457 otherwise taxable under this chapter when payment is made by a
 1458 representative or employee of the entity by any means,
 1459 including, but not limited to, cash, check, or credit card, even
 1460 when that representative or employee is subsequently reimbursed
 1461 by the entity. In addition, exemptions provided to any entity by
 1462 this subsection do not inure to any transaction that is
 1463 otherwise taxable under this chapter unless the entity has
 1464 obtained a sales tax exemption certificate from the department
 1465 or the entity obtains or provides other documentation as
 1466 required by the department. Eligible purchases or leases made
 1467 with such a certificate must be in strict compliance with this
 1468 subsection and departmental rules, and any person who makes an
 1469 exempt purchase with a certificate that is not in strict
 1470 compliance with this subsection and the rules is liable for and
 1471 shall pay the tax. The department may adopt rules to administer
 1472 this subsection.

1473 (nn) United States Department of Veterans Affairs ~~Veterans~~
 1474 ~~Administration~~.—When a veteran of the armed forces purchases an
 1475 aircraft, boat, mobile home, motor vehicle, or other vehicle
 1476 from a dealer pursuant to the provisions of 38 U.S.C. s.
 1477 3902(a), or any successor provision of the United States Code,
 1478 the amount that is paid directly to the dealer by the United
 1479 States Department of Veterans Affairs ~~Veterans Administration~~ is

1480 not taxable. However, any portion of the purchase price which is
 1481 paid directly to the dealer by the veteran is taxable.

1482 Reviser's note.—Amended to conform to the renaming of the
 1483 Veterans Administration as the United States Department of
 1484 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

1485 Section 38. Section 212.186, Florida Statutes, is amended
 1486 to read:

1487 212.186 Registration number and resale certificate
 1488 verification; toll-free number; information system; dealer
 1489 education.—

1490 (1) ~~Effective January 1, 2000,~~ The Department of Revenue
 1491 shall establish a toll-free number for verification of valid
 1492 registration numbers and resale certificates. The system must be
 1493 sufficient to guarantee a low busy rate and must respond to
 1494 keypad inquiries, and data must be updated daily.

1495 (2) ~~Effective January 1, 2000,~~ The Department of Revenue
 1496 shall establish a system for receiving information from dealers
 1497 regarding certificate numbers of those seeking to make purchases
 1498 for resale. The department must provide such dealers with
 1499 verification of those numbers which are canceled or invalid.
 1500 This information must be provided by the department free of
 1501 charge.

1502 (3) ~~Effective July 1, 1999,~~ The Department of Revenue
 1503 shall expand its dealer education program regarding the proper
 1504 use of resale certificates. The expansion shall include, but

1505 need not be limited to, revision of the registration application
1506 for clarity, development of industry-specific brochures,
1507 development of a media campaign to heighten awareness of resale
1508 fraud and its consequences, outreach to business and
1509 professional organizations, and creation of seminars and
1510 continuing education programs for taxpayers and licensed
1511 professionals.

1512 Reviser's note.—Amended to delete obsolete language.

1513 Section 39. Paragraph (d) of subsection (6) of section
1514 212.20, Florida Statutes, is amended to read:

1515 212.20 Funds collected, disposition; additional powers of
1516 department; operational expense; refund of taxes adjudicated
1517 unconstitutionally collected.—

1518 (6) Distribution of all proceeds under this chapter and
1519 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

1520 (d) The proceeds of all other taxes and fees imposed
1521 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
1522 and (2)(b) shall be distributed as follows:

1523 1. In any fiscal year, the greater of \$500 million, minus
1524 an amount equal to 4.6 percent of the proceeds of the taxes
1525 collected pursuant to chapter 201, or 5.2 percent of all other
1526 taxes and fees imposed pursuant to this chapter or remitted
1527 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
1528 monthly installments into the General Revenue Fund.

1529 2. After the distribution under subparagraph 1., 8.9744

1530 percent of the amount remitted by a sales tax dealer located
1531 within a participating county pursuant to s. 218.61 shall be
1532 transferred into the Local Government Half-cent Sales Tax
1533 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
1534 transferred shall be reduced by 0.1 percent, and the department
1535 shall distribute this amount to the Public Employees Relations
1536 Commission Trust Fund less \$5,000 each month, which shall be
1537 added to the amount calculated in subparagraph 3. and
1538 distributed accordingly.

1539 3. After the distribution under subparagraphs 1. and 2.,
1540 0.0966 percent shall be transferred to the Local Government
1541 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
1542 to s. 218.65.

1543 4. After the distributions under subparagraphs 1., 2., and
1544 3., 2.0810 percent of the available proceeds shall be
1545 transferred monthly to the Revenue Sharing Trust Fund for
1546 Counties pursuant to s. 218.215.

1547 5. After the distributions under subparagraphs 1., 2., and
1548 3., 1.3653 percent of the available proceeds shall be
1549 transferred monthly to the Revenue Sharing Trust Fund for
1550 Municipalities pursuant to s. 218.215. If the total revenue to
1551 be distributed pursuant to this subparagraph is at least as
1552 great as the amount due from the Revenue Sharing Trust Fund for
1553 Municipalities and the former Municipal Financial Assistance
1554 Trust Fund in state fiscal year 1999-2000, no municipality shall

1555 receive less than the amount due from the Revenue Sharing Trust
1556 Fund for Municipalities and the former Municipal Financial
1557 Assistance Trust Fund in state fiscal year 1999-2000. If the
1558 total proceeds to be distributed are less than the amount
1559 received in combination from the Revenue Sharing Trust Fund for
1560 Municipalities and the former Municipal Financial Assistance
1561 Trust Fund in state fiscal year 1999-2000, each municipality
1562 shall receive an amount proportionate to the amount it was due
1563 in state fiscal year 1999-2000.

1564 6. Of the remaining proceeds:

1565 a. In each fiscal year, the sum of \$29,915,500 shall be
1566 divided into as many equal parts as there are counties in the
1567 state, and one part shall be distributed to each county. The
1568 distribution among the several counties must begin each fiscal
1569 year on or before January 5th and continue monthly for a total
1570 of 4 months. If a local or special law required that any moneys
1571 accruing to a county in fiscal year 1999-2000 under the then-
1572 existing provisions of s. 550.135 be paid directly to the
1573 district school board, special district, or a municipal
1574 government, such payment must continue until the local or
1575 special law is amended or repealed. The state covenants with
1576 holders of bonds or other instruments of indebtedness issued by
1577 local governments, special districts, or district school boards
1578 before July 1, 2000, that it is not the intent of this
1579 subparagraph to adversely affect the rights of those holders or

1580 | relieve local governments, special districts, or district school
1581 | boards of the duty to meet their obligations as a result of
1582 | previous pledges or assignments or trusts entered into which
1583 | obligated funds received from the distribution to county
1584 | governments under then-existing s. 550.135. This distribution
1585 | specifically is in lieu of funds distributed under s. 550.135
1586 | before July 1, 2000.

1587 | b. The department shall distribute \$166,667 monthly to
1588 | each applicant certified as a facility for a new or retained
1589 | professional sports franchise pursuant to s. 288.1162. Up to
1590 | \$41,667 shall be distributed monthly by the department to each
1591 | certified applicant as defined in s. 288.11621 for a facility
1592 | for a spring training franchise. However, not more than \$416,670
1593 | may be distributed monthly in the aggregate to all certified
1594 | applicants for facilities for spring training franchises.
1595 | Distributions begin 60 days after such certification and
1596 | continue for not more than 30 years, except as otherwise
1597 | provided in s. 288.11621. A certified applicant identified in
1598 | this sub-subparagraph may not receive more in distributions than
1599 | expended by the applicant for the public purposes provided in s.
1600 | 288.1162(5) or s. 288.11621(3).

1601 | c. Beginning 30 days after notice by the Department of
1602 | Economic Opportunity to the Department of Revenue that an
1603 | applicant has been certified as the professional golf hall of
1604 | fame pursuant to s. 288.1168 and is open to the public, \$166,667

1605 shall be distributed monthly, for up to 300 months, to the
1606 applicant.

1607 d. Beginning 30 days after notice by the Department of
1608 Economic Opportunity to the Department of Revenue that the
1609 applicant has been certified as the International Game Fish
1610 Association World Center facility pursuant to s. 288.1169, and
1611 the facility is open to the public, \$83,333 shall be distributed
1612 monthly, for up to 168 months, to the applicant. This
1613 distribution is subject to reduction pursuant to s. 288.1169. A
1614 ~~lump sum payment of \$999,996 shall be made after certification~~
1615 ~~and before July 1, 2000.~~

1616 e. The department shall distribute up to \$83,333 monthly
1617 to each certified applicant as defined in s. 288.11631 for a
1618 facility used by a single spring training franchise, or up to
1619 \$166,667 monthly to each certified applicant as defined in s.
1620 288.11631 for a facility used by more than one spring training
1621 franchise. Monthly distributions begin 60 days after such
1622 certification or July 1, 2016, whichever is later, and continue
1623 for not more than 20 years to each certified applicant as
1624 defined in s. 288.11631 for a facility used by a single spring
1625 training franchise or not more than 25 years to each certified
1626 applicant as defined in s. 288.11631 for a facility used by more
1627 than one spring training franchise. A certified applicant
1628 identified in this sub-subparagraph may not receive more in
1629 distributions than expended by the applicant for the public

1630 purposes provided in s. 288.11631(3).

1631 f. Beginning 45 days after notice by the Department of
1632 Economic Opportunity to the Department of Revenue that an
1633 applicant has been approved by the Legislature and certified by
1634 the Department of Economic Opportunity under s. 288.11625 or
1635 upon a date specified by the Department of Economic Opportunity
1636 as provided under s. 288.11625(6)(d), the department shall
1637 distribute each month an amount equal to one-twelfth of the
1638 annual distribution amount certified by the Department of
1639 Economic Opportunity for the applicant. The department may not
1640 distribute more than ~~\$7 million in the 2014-2015 fiscal year or~~
1641 ~~more than~~ \$13 million annually thereafter under this sub-
1642 subparagraph.

1643 g. ~~Beginning December 1, 2015, and ending June 30, 2016,~~
1644 ~~the department shall distribute \$26,286 monthly to the State~~
1645 ~~Transportation Trust Fund. Beginning July 1, 2016,~~ The
1646 department shall distribute \$15,333 monthly to the State
1647 Transportation Trust Fund.

1648 7. All other proceeds must remain in the General Revenue
1649 Fund.

1650 Reviser's note.—Amended to delete obsolete language.

1651 Section 40. Paragraph (v) of subsection (8) of section
1652 213.053, Florida Statutes, is amended to read:

1653 213.053 Confidentiality and information sharing.—

1654 (8) Notwithstanding any other provision of this section,

1655 the department may provide:

1656 (v) Information relative to s. ~~ss. 220.192~~ and 220.193 to
 1657 the Department of Agriculture and Consumer Services for use in
 1658 the conduct of its official business.

1659
 1660 Disclosure of information under this subsection shall be
 1661 pursuant to a written agreement between the executive director
 1662 and the agency. Such agencies, governmental or nongovernmental,
 1663 shall be bound by the same requirements of confidentiality as
 1664 the Department of Revenue. Breach of confidentiality is a
 1665 misdemeanor of the first degree, punishable as provided by s.
 1666 775.082 or s. 775.083.

1667 Reviser's note.—Amended to conform to the repeal of s. 220.192
 1668 by s. 3, ch. 2019-4, Laws of Florida.

1669 Section 41. Subsection (8) of section 220.02, Florida
 1670 Statutes, is amended to read:

1671 220.02 Legislative intent.—

1672 (8) It is the intent of the Legislature that credits
 1673 against either the corporate income tax or the franchise tax be
 1674 applied in the following order: those enumerated in s. 631.828,
 1675 those enumerated in s. 220.191, those enumerated in s. 220.181,
 1676 those enumerated in s. 220.183, those enumerated in s. 220.182,
 1677 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 1678 those enumerated in s. 220.184, those enumerated in s. 220.186,
 1679 those enumerated in s. 220.1845, those enumerated in s. 220.19,

1680 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 1681 ~~those enumerated in s. 220.192,~~ those enumerated in s. 220.193,
 1682 those enumerated in s. 288.9916, those enumerated in s.
 1683 220.1899, those enumerated in s. 220.194, and those enumerated
 1684 in s. 220.196.

1685 Reviser's note.—Amended to conform to the repeal of s. 220.192
 1686 by s. 3, ch. 2019-4, Laws of Florida.

1687 Section 42. Paragraph (a) of subsection (1) of section
 1688 220.13, Florida Statutes, is amended to read:

1689 220.13 "Adjusted federal income" defined.—

1690 (1) The term "adjusted federal income" means an amount
 1691 equal to the taxpayer's taxable income as defined in subsection
 1692 (2), or such taxable income of more than one taxpayer as
 1693 provided in s. 220.131, for the taxable year, adjusted as
 1694 follows:

1695 (a) *Additions.*—There shall be added to such taxable
 1696 income:

1697 1.a. The amount of any tax upon or measured by income,
 1698 excluding taxes based on gross receipts or revenues, paid or
 1699 accrued as a liability to the District of Columbia or any state
 1700 of the United States which is deductible from gross income in
 1701 the computation of taxable income for the taxable year.

1702 b. Notwithstanding sub-subparagraph a., if a credit taken
 1703 under s. 220.1875 is added to taxable income in a previous
 1704 taxable year under subparagraph 11. and is taken as a deduction

1705 for federal tax purposes in the current taxable year, the amount
1706 of the deduction allowed shall not be added to taxable income in
1707 the current year. The exception in this sub-subparagraph is
1708 intended to ensure that the credit under s. 220.1875 is added in
1709 the applicable taxable year and does not result in a duplicate
1710 addition in a subsequent year.

1711 2. The amount of interest which is excluded from taxable
1712 income under s. 103(a) of the Internal Revenue Code or any other
1713 federal law, less the associated expenses disallowed in the
1714 computation of taxable income under s. 265 of the Internal
1715 Revenue Code or any other law, excluding 60 percent of any
1716 amounts included in alternative minimum taxable income, as
1717 defined in s. 55(b)(2) of the Internal Revenue Code, if the
1718 taxpayer pays tax under s. 220.11(3).

1719 3. In the case of a regulated investment company or real
1720 estate investment trust, an amount equal to the excess of the
1721 net long-term capital gain for the taxable year over the amount
1722 of the capital gain dividends attributable to the taxable year.

1723 4. That portion of the wages or salaries paid or incurred
1724 for the taxable year which is equal to the amount of the credit
1725 allowable for the taxable year under s. 220.181. This
1726 subparagraph shall expire on the date specified in s. 290.016
1727 for the expiration of the Florida Enterprise Zone Act.

1728 5. That portion of the ad valorem school taxes paid or
1729 incurred for the taxable year which is equal to the amount of

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1730 the credit allowable for the taxable year under s. 220.182. This
1731 subparagraph shall expire on the date specified in s. 290.016
1732 for the expiration of the Florida Enterprise Zone Act.

1733 6. The amount taken as a credit under s. 220.195 which is
1734 deductible from gross income in the computation of taxable
1735 income for the taxable year.

1736 7. That portion of assessments to fund a guaranty
1737 association incurred for the taxable year which is equal to the
1738 amount of the credit allowable for the taxable year.

1739 8. In the case of a nonprofit corporation which holds a
1740 pari-mutuel permit and which is exempt from federal income tax
1741 as a farmers' cooperative, an amount equal to the excess of the
1742 gross income attributable to the pari-mutuel operations over the
1743 attributable expenses for the taxable year.

1744 9. The amount taken as a credit for the taxable year under
1745 s. 220.1895.

1746 10. Up to nine percent of the eligible basis of any
1747 designated project which is equal to the credit allowable for
1748 the taxable year under s. 220.185.

1749 11. The amount taken as a credit for the taxable year
1750 under s. 220.1875. The addition in this subparagraph is intended
1751 to ensure that the same amount is not allowed for the tax
1752 purposes of this state as both a deduction from income and a
1753 credit against the tax. This addition is not intended to result
1754 in adding the same expense back to income more than once.

1755 ~~12.~~ ~~The amount taken as a credit for the taxable year~~
 1756 ~~under s. 220.192.~~

1757 12.13. The amount taken as a credit for the taxable year
 1758 under s. 220.193.

1759 13.14. Any portion of a qualified investment, as defined
 1760 in s. 288.9913, which is claimed as a deduction by the taxpayer
 1761 and taken as a credit against income tax pursuant to s.
 1762 288.9916.

1763 14.15. The costs to acquire a tax credit pursuant to s.
 1764 288.1254(5) that are deducted from or otherwise reduce federal
 1765 taxable income for the taxable year.

1766 15.16. The amount taken as a credit for the taxable year
 1767 pursuant to s. 220.194.

1768 16.17. The amount taken as a credit for the taxable year
 1769 under s. 220.196. The addition in this subparagraph is intended
 1770 to ensure that the same amount is not allowed for the tax
 1771 purposes of this state as both a deduction from income and a
 1772 credit against the tax. The addition is not intended to result
 1773 in adding the same expense back to income more than once.

1774 Reviser's note.—Amended to conform to the repeal of s. 220.192
 1775 by s. 3, ch. 2019-4, Laws of Florida.

1776 Section 43. Paragraph (i) of subsection (3) of section
 1777 220.193, Florida Statutes, is amended to read:

1778 220.193 Florida renewable energy production credit.—
 1779 (3) An annual credit against the tax imposed by this

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1780 section shall be allowed to a taxpayer, based on the taxpayer's
1781 production and sale of electricity from a new or expanded
1782 Florida renewable energy facility. For a new facility, the
1783 credit shall be based on the taxpayer's sale of the facility's
1784 entire electrical production. For an expanded facility, the
1785 credit shall be based on the increases in the facility's
1786 electrical production that are achieved after May 1, 2012.

1787 ~~(i) A taxpayer claiming credit under this section may not~~
1788 ~~claim a credit under s. 220.192. A taxpayer claiming credit~~
1789 ~~under s. 220.192 may not claim a credit under this section.~~
1790 Reviser's note.—Amended to conform to the repeal of s. 220.192,
1791 by s. 3, ch. 2019-4, Laws of Florida.

1792 Section 44. Paragraph (c) of subsection (3) of section
1793 252.365, Florida Statutes, is amended to read:

1794 252.365 Emergency coordination officers; disaster-
1795 preparedness plans.—

1796 (3) These individuals shall be responsible for ensuring
1797 that each state agency and facility, such as a prison, office
1798 building, or university, has a disaster preparedness plan that
1799 is coordinated with the applicable local emergency-management
1800 agency and approved by the division.

1801 (c) The division shall develop and distribute guidelines
1802 for developing and implementing the plan. ~~Each agency is~~
1803 ~~encouraged to initiate and complete development of its plan~~
1804 ~~immediately, but no later than July 1, 2003.~~

1805 Reviser's note.—Amended to delete obsolete language.
 1806 Section 45. Paragraph (b) of subsection (3) of section
 1807 259.037, Florida Statutes, is amended to read:
 1808 259.037 Land Management Uniform Accounting Council.—
 1809 (3)
 1810 (b) Each reporting agency shall also:
 1811 1. Include a report of the available public use
 1812 opportunities for each management unit of state land, the total
 1813 management cost for public access and public use, and the cost
 1814 associated with each use option.
 1815 2. List the acres of land requiring minimal management
 1816 effort, moderate management effort, and significant management
 1817 effort ~~pursuant to s. 259.032(9)(e)~~. For each category created
 1818 in paragraph (a), the reporting agency shall include the amount
 1819 of funds requested, the amount of funds received, and the amount
 1820 of funds expended for land management.
 1821 3. List acres managed and cost of management for each
 1822 park, preserve, forest, reserve, or management area.
 1823 4. List acres managed, cost of management, and lead
 1824 manager for each state lands management unit for which secondary
 1825 management activities were provided.
 1826 5. Include a report of the estimated calculable financial
 1827 benefits to the public for the ecosystem services provided by
 1828 conservation lands, based on the best readily available
 1829 information or science that provides a standard measurement

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1830 methodology to be consistently applied by the land managing
1831 agencies. Such information may include, but need not be limited
1832 to, the value of natural lands for protecting the quality and
1833 quantity of drinking water through natural water filtration and
1834 recharge, contributions to protecting and improving air quality,
1835 benefits to agriculture through increased soil productivity and
1836 preservation of biodiversity, and savings to property and lives
1837 through flood control.

1838 Reviser's note.—Amended to delete a reference to s.

1839 259.032(9)(c), which was repealed as s. 259.032(11)(c) by
1840 s. 36, ch. 2013-15, Laws of Florida; the reference to s.
1841 259.032(11)(c) was revised to s. 259.032(9)(c) by s. 23,
1842 ch. 2015-229, Laws of Florida, but the subject referenced,
1843 minimal, moderate, and significant management effort, is
1844 found nowhere else in the statutes and was the subject of
1845 s. 259.032(11)(c) repealed in 2013.

1846 Section 46. Subsection (2) of section 265.707, Florida
1847 Statutes, is amended to read:

1848 265.707 Museum of Florida History and programs; other
1849 historical museums.—

1850 (2) The division shall establish and administer a museum
1851 store in the Museum of Florida History to provide information
1852 and materials relating to museum exhibits, collections, and
1853 programs to the public and may operate additional stores
1854 associated with the museum. The store may produce, acquire, and

1855 | sell craft products, replicas and reproductions of artifacts,
1856 | documents, and other merchandise relating to historical and
1857 | cultural resources and may make a reasonable charge for such
1858 | merchandise. All proceeds received from sales must be deposited
1859 | into the Grants and Donations Trust Fund, or funds in excess of
1860 | the amount required to pay employees involved in the direct
1861 | management of the museum store ~~or~~ may be deposited into a bank
1862 | account of the citizen support organization created pursuant to
1863 | s. 265.703 and may be used only to support the programs of the
1864 | Museum of Florida History. The museum store may enter into
1865 | agreements and accept credit-card payments as compensation for
1866 | goods and products sold. The division may establish accounts in
1867 | credit-card banks for the deposit of credit-card sales invoices
1868 | and to pay discounts and service charges in connection with the
1869 | use of credit cards.

1870 | Reviser's note.—Amended to improve clarity.

1871 | Section 47. Section 282.201, Florida Statutes, is
1872 | reenacted to read:

1873 | 282.201 State data center.—The state data center is
1874 | established within the department. The provision of data center
1875 | services must comply with applicable state and federal laws,
1876 | regulations, and policies, including all applicable security,
1877 | privacy, and auditing requirements. The department shall appoint
1878 | a director of the state data center, preferably an individual
1879 | who has experience in leading data center facilities and has

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1880 expertise in cloud-computing management.

1881 (1) STATE DATA CENTER DUTIES.—The state data center shall:

1882 (a) Offer, develop, and support the services and
1883 applications defined in service-level agreements executed with
1884 its customer entities.

1885 (b) Maintain performance of the state data center by
1886 ensuring proper data backup, data backup recovery, disaster
1887 recovery, and appropriate security, power, cooling, fire
1888 suppression, and capacity.

1889 (c) Develop and implement business continuity and disaster
1890 recovery plans, and annually conduct a live exercise of each
1891 plan.

1892 (d) Enter into a service-level agreement with each
1893 customer entity to provide the required type and level of
1894 service or services. If a customer entity fails to execute an
1895 agreement within 60 days after commencement of a service, the
1896 state data center may cease service. A service-level agreement
1897 may not have a term exceeding 3 years and at a minimum must:

1898 1. Identify the parties and their roles, duties, and
1899 responsibilities under the agreement.

1900 2. State the duration of the contract term and specify the
1901 conditions for renewal.

1902 3. Identify the scope of work.

1903 4. Identify the products or services to be delivered with
1904 sufficient specificity to permit an external financial or

1905 performance audit.

1906 5. Establish the services to be provided, the business
1907 standards that must be met for each service, the cost of each
1908 service by agency application, and the metrics and processes by
1909 which the business standards for each service are to be
1910 objectively measured and reported.

1911 6. Provide a timely billing methodology to recover the
1912 costs of services provided to the customer entity pursuant to s.
1913 215.422.

1914 7. Provide a procedure for modifying the service-level
1915 agreement based on changes in the type, level, and cost of a
1916 service.

1917 8. Include a right-to-audit clause to ensure that the
1918 parties to the agreement have access to records for audit
1919 purposes during the term of the service-level agreement.

1920 9. Provide that a service-level agreement may be
1921 terminated by either party for cause only after giving the other
1922 party and the department notice in writing of the cause for
1923 termination and an opportunity for the other party to resolve
1924 the identified cause within a reasonable period.

1925 10. Provide for mediation of disputes by the Division of
1926 Administrative Hearings pursuant to s. 120.573.

1927 (e) For purposes of chapter 273, be the custodian of
1928 resources and equipment located in and operated, supported, and
1929 managed by the state data center.

1930 (f) Assume administrative access rights to resources and
1931 equipment, including servers, network components, and other
1932 devices, consolidated into the state data center.

1933 1. Upon consolidation, a state agency shall relinquish
1934 administrative rights to consolidated resources and equipment.
1935 State agencies required to comply with federal and state
1936 criminal justice information security rules and policies shall
1937 retain administrative access rights sufficient to comply with
1938 the management control provisions of those rules and policies;
1939 however, the state data center shall have the appropriate type
1940 or level of rights to allow the center to comply with its duties
1941 pursuant to this section. The Department of Law Enforcement
1942 shall serve as the arbiter of disputes pertaining to the
1943 appropriate type and level of administrative access rights
1944 pertaining to the provision of management control in accordance
1945 with the federal criminal justice information guidelines.

1946 2. The state data center shall provide customer entities
1947 with access to applications, servers, network components, and
1948 other devices necessary for entities to perform business
1949 activities and functions, and as defined and documented in a
1950 service-level agreement.

1951 (g) In its procurement process, show preference for cloud-
1952 computing solutions that minimize or do not require the
1953 purchasing, financing, or leasing of state data center
1954 infrastructure, and that meet the needs of customer agencies,

1955 that reduce costs, and that meet or exceed the applicable state
 1956 and federal laws, regulations, and standards for information
 1957 technology security.

1958 (h) Assist customer entities in transitioning from state
 1959 data center services to third-party cloud-computing services
 1960 procured by a customer entity.

1961 (2) USE OF THE STATE DATA CENTER.—The following are exempt
 1962 from the use of the state data center: the Department of Law
 1963 Enforcement, the Department of the Lottery's Gaming System,
 1964 Systems Design and Development in the Office of Policy and
 1965 Budget, the regional traffic management centers as described in
 1966 s. 335.14(2) and the Office of Toll Operations of the Department
 1967 of Transportation, the State Board of Administration, state
 1968 attorneys, public defenders, criminal conflict and civil
 1969 regional counsel, capital collateral regional counsel, and the
 1970 Florida Housing Finance Corporation.

1971 (3) AGENCY LIMITATIONS.—Unless exempt from the use of the
 1972 state data center pursuant to this section or authorized by the
 1973 Legislature, a state agency may not:

1974 (a) Create a new agency computing facility or data center,
 1975 or expand the capability to support additional computer
 1976 equipment in an existing agency computing facility or data
 1977 center; or

1978 (b) Terminate services with the state data center without
 1979 giving written notice of intent to terminate services 180 days

1980 before such termination.

1981 Reviser's note.—Reenacted to confirm the inclusion of the words

1982 "data center" in the second sentence of the introductory

1983 paragraph of the section. They were added by s. 60, ch.

1984 2018-10, Laws of Florida; s. 61, ch. 2018-10, repealed the

1985 amendments by s. 60 of that act effective July 1, 2019, and

1986 the text of the section reverted to the version in

1987 existence on June 30, 2018. That version did not contain

1988 the words "data center," but they are published in s. 10,

1989 ch. 2019-118, Laws of Florida, without coding.

1990 Section 48. Paragraph (j) of subsection (4) of section

1991 282.318, Florida Statutes, is amended to read:

1992 282.318 Security of data and information technology.—

1993 (4) Each state agency head shall, at a minimum:

1994 (j) Develop a process for detecting, reporting, and

1995 responding to threats, breaches, or information technology

1996 security incidents which is consistent with the security rules,

1997 guidelines, and processes established by the Department of

1998 Management Services Agency for State Technology.

1999 1. All information technology security incidents and

2000 breaches must be reported to the Division of State Technology

2001 within the department and the Cybercrime Office of the

2002 Department of Law Enforcement and must comply with the

2003 notification procedures and reporting timeframes established

2004 pursuant to paragraph (3) (c).

2005 2. For information technology security breaches, state
 2006 agencies shall provide notice in accordance with s. 501.171.

2007 3. Records held by a state agency which identify
 2008 detection, investigation, or response practices for suspected or
 2009 confirmed information technology security incidents, including
 2010 suspected or confirmed breaches, are confidential and exempt
 2011 from s. 119.07(1) and s. 24(a), Art. I of the State
 2012 Constitution, if the disclosure of such records would facilitate
 2013 unauthorized access to or the unauthorized modification,
 2014 disclosure, or destruction of:

2015 a. Data or information, whether physical or virtual; or
 2016 b. Information technology resources, which includes:

2017 (I) Information relating to the security of the agency's
 2018 technologies, processes, and practices designed to protect
 2019 networks, computers, data processing software, and data from
 2020 attack, damage, or unauthorized access; or

2021 (II) Security information, whether physical or virtual,
 2022 which relates to the agency's existing or proposed information
 2023 technology systems.

2024

2025 Such records shall be available to the Auditor General, the
 2026 Division of State Technology within the department, the
 2027 Cybercrime Office of the Department of Law Enforcement, and, for
 2028 state agencies under the jurisdiction of the Governor, the Chief
 2029 Inspector General. Such records may be made available to a local

2030 government, another state agency, or a federal agency for
 2031 information technology security purposes or in furtherance of
 2032 the state agency's official duties. This exemption applies to
 2033 such records held by a state agency before, on, or after the
 2034 effective date of this exemption. This subparagraph is subject
 2035 to the Open Government Sunset Review Act in accordance with s.
 2036 119.15 and shall stand repealed on October 2, 2021, unless
 2037 reviewed and saved from repeal through reenactment by the
 2038 Legislature.

2039 Reviser's note—Amended to conform to the repeal of s. 20.61,
 2040 which created the Agency for State Technology, by s. 5, ch.
 2041 2019-118, Laws of Florida, and the transfer of the agency's
 2042 duties to the Department of Management Services by ss. 1
 2043 and 3, ch. 2019-118.

2044 Section 49. Paragraph (h) of subsection (2) of section
 2045 287.055, Florida Statutes, is amended to read:

2046 287.055 Acquisition of professional architectural,
 2047 engineering, landscape architectural, or surveying and mapping
 2048 services; definitions; procedures; contingent fees prohibited;
 2049 penalties.—

2050 (2) DEFINITIONS.—For purposes of this section:

2051 (h) A "design-build firm" means a partnership,
 2052 corporation, or other legal entity that:

2053 1. Is certified under s. 489.119 to engage in contracting
 2054 through a certified or registered general contractor or a

2055 certified or registered building contractor as the qualifying
 2056 agent; or

2057 2. Is qualified ~~certified~~ under s. 471.023 to practice or
 2058 to offer to practice engineering; certified under s. 481.219 to
 2059 practice or to offer to practice architecture; or certified
 2060 under s. 481.319 to practice or to offer to practice landscape
 2061 architecture.

2062 Reviser's note.—Amended to conform to the substitution of
 2063 qualification of engineers for certification of engineers
 2064 by s. 9, ch. 2019-86, Laws of Florida.

2065 Section 50. Paragraph (n) of subsection (4) of section
 2066 287.09451, Florida Statutes, is amended to read:

2067 287.09451 Office of Supplier Diversity; powers, duties,
 2068 and functions.—

2069 (4) The Office of Supplier Diversity shall have the
 2070 following powers, duties, and functions:

2071 (n)1. To develop procedures to be used by an agency in
 2072 identifying commodities, contractual services, architectural and
 2073 engineering services, and construction contracts, except those
 2074 architectural, engineering, construction, or other related
 2075 services or contracts subject to the provisions of chapter 339,
 2076 that could be provided by minority business enterprises. Each
 2077 agency is encouraged to spend 21 percent of the moneys actually
 2078 expended for construction contracts, 25 percent of the moneys
 2079 actually expended for architectural and engineering contracts,

2080 24 percent of the moneys actually expended for commodities, and
2081 50.5 percent of the moneys actually expended for contractual
2082 services during the previous fiscal year, except for the state
2083 university construction program which shall be based upon public
2084 education capital outlay projections for the subsequent fiscal
2085 year, and reported to the Legislature pursuant to s. 216.023,
2086 for the purpose of entering into contracts with certified
2087 minority business enterprises as defined in s. 288.703, or
2088 approved joint ventures. However, in the event of budget
2089 reductions pursuant to s. 216.221, the base amounts may be
2090 adjusted to reflect such reductions. The overall spending goal
2091 for each industry category shall be subdivided as follows:

2092 a. For construction contracts: 4 percent for black
2093 Americans, 6 percent for Hispanic-Americans, and 11 percent for
2094 American women.

2095 b. For architectural and engineering contracts: 9 percent
2096 for Hispanic-Americans, 1 percent for Asian-Americans, and 15
2097 percent for American women.

2098 c. For commodities: 2 percent for black Americans, 4
2099 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,
2100 0.5 percent for Native Americans, and 17 percent for American
2101 women.

2102 d. For contractual services: 6 percent for black
2103 Americans, 7 percent for Hispanic-Americans, 1 percent for
2104 Asian-Americans, 0.5 percent for Native Americans, and 36

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2105 | percent for American women.

2106 | 2. For the purposes of commodities contracts for the
2107 | purchase of equipment to be used in the construction and
2108 | maintenance of state transportation facilities involving the
2109 | Department of Transportation, the terms "minority business
2110 | enterprise" and "minority person" have the same meanings as
2111 | provided in s. 288.703. In order to ensure that the goals
2112 | established under this paragraph for contracting with certified
2113 | minority business enterprises are met, the department, with the
2114 | assistance of the Office of Supplier Diversity, shall make
2115 | recommendations to the Legislature on revisions to the goals,
2116 | based on an updated statistical analysis, at least once every 5
2117 | years. Such recommendations shall be based on statistical data
2118 | indicating the availability of and disparity in the use of
2119 | minority businesses contracting with the state. ~~The results of~~
2120 | ~~the first updated disparity study must be presented to the~~
2121 | ~~Legislature no later than December 1, 1996.~~

2122 | 3. In determining the base amounts for assessing
2123 | compliance with this paragraph, the Office of Supplier Diversity
2124 | may develop, by rule, guidelines for all agencies to use in
2125 | establishing such base amounts. These rules must include, but
2126 | are not limited to, guidelines for calculation of base amounts,
2127 | a deadline for the agencies to submit base amounts, a deadline
2128 | for approval of the base amounts by the Office of Supplier
2129 | Diversity, and procedures for adjusting the base amounts as a

2130 result of budget reductions made pursuant to s. 216.221.

2131 4. To determine guidelines for the use of price
2132 preferences, weighted preference formulas, or other preferences,
2133 as appropriate to the particular industry or trade, to increase
2134 the participation of minority businesses in state contracting.
2135 These guidelines shall include consideration of:

2136 a. Size and complexity of the project.

2137 b. The concentration of transactions with minority
2138 business enterprises for the commodity or contractual services
2139 in question in prior agency contracting.

2140 c. The specificity and definition of work allocated to
2141 participating minority business enterprises.

2142 d. The capacity of participating minority business
2143 enterprises to complete the tasks identified in the project.

2144 e. The available pool of minority business enterprises as
2145 prime contractors, either alone or as partners in an approved
2146 joint venture that serves as the prime contractor.

2147 5. To determine guidelines for use of joint ventures to
2148 meet minority business enterprises spending goals. For purposes
2149 of this section, "joint venture" means any association of two or
2150 more business concerns to carry out a single business enterprise
2151 for profit, for which purpose they combine their property,
2152 capital, efforts, skills, and knowledge. The guidelines shall
2153 allow transactions with joint ventures to be eligible for credit
2154 against the minority business enterprise goals of an agency when

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2155 | the contracting joint venture demonstrates that at least one
2156 | partner to the joint venture is a certified minority business
2157 | enterprise as defined in s. 288.703, and that such partner is
2158 | responsible for a clearly defined portion of the work to be
2159 | performed, and shares in the ownership, control, management,
2160 | responsibilities, risks, and profits of the joint venture. Such
2161 | demonstration shall be by verifiable documents and sworn
2162 | statements and may be reviewed by the Office of Supplier
2163 | Diversity at or before the time a contract bid, proposal, or
2164 | reply is submitted. An agency may count toward its minority
2165 | business enterprise goals a portion of the total dollar amount
2166 | of a contract equal to the percentage of the ownership and
2167 | control held by the qualifying certified minority business
2168 | partners in the contracting joint venture, so long as the joint
2169 | venture meets the guidelines adopted by the office.

2170 | Reviser's note.—Amended to delete obsolete language.

2171 | Section 51. Paragraph (c) of subsection (3) of section
2172 | 287.134, Florida Statutes, is amended to read:

2173 | 287.134 Discrimination; denial or revocation of the right
2174 | to transact business with public entities.—

2175 | (3)

2176 | (c) The department shall maintain a list of the names and
2177 | addresses of any entity which has been disqualified from the
2178 | public contracting and purchasing process under this section.

2179 | The department shall publish ~~an initial list on January 1, 2001,~~

2180 ~~and shall publish~~ an updated version of the list quarterly
 2181 ~~thereafter~~. The revised quarterly lists shall be electronically
 2182 posted. Notwithstanding this paragraph, an entity or affiliate
 2183 disqualified from the public contracting and purchasing process
 2184 pursuant to this section shall be disqualified as of the date
 2185 the final order is entered.

2186 Reviser's note.—Amended to delete obsolete language.

2187 Section 52. Paragraph (b) of subsection (4) of section
 2188 288.955, Florida Statutes, is amended to read:

2189 288.955 Scripps Florida Funding Corporation.—

2190 (4) BOARD; MEMBERSHIP.—The corporation shall be governed
 2191 by a board of directors.

2192 (b) Each member of the board of directors shall serve for
 2193 a term of 4 years, ~~except that initially the Governor, the~~
 2194 ~~President of the Senate, and the Speaker of the House of~~
 2195 ~~Representatives each shall appoint one member for a term of 1~~
 2196 ~~year, one member for a term of 2 years, and one member for a~~
 2197 ~~term of 4 years to achieve staggered terms among the members of~~
 2198 ~~the board~~. A member is not eligible for reappointment to the
 2199 board, except, however, that a ~~member appointed to an initial~~
 2200 ~~term of 1 year or 2 years may be reappointed for an additional~~
 2201 ~~term of 4 years, and a person appointed to fill a vacancy with 2~~
 2202 years or less remaining on the term may be reappointed for an
 2203 additional term of 4 years. ~~The Governor, the President of the~~
 2204 ~~Senate, and the Speaker of the House of Representatives shall~~

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2205 ~~make their initial appointments to the board by November 15,~~
2206 ~~2003.~~

2207 Reviser's note.—Amended to delete obsolete language.

2208 Section 53. Subsection (1) of section 295.016, Florida
2209 Statutes, is amended to read:

2210 295.016 Children of servicemembers who died or became
2211 disabled in Operation Eagle Claw.—

2212 (1) It is hereby declared to be a policy of the state to
2213 provide educational opportunity at state expense for the
2214 dependent children of any servicemember who died or suffered a
2215 service-connected 100-percent total and permanent disability
2216 rating for compensation as determined by the United States
2217 Department of Veterans Affairs ~~Veterans Administration~~, or who
2218 has been determined to have a service-connected total and
2219 permanent disability rating of 100 percent and is in receipt of
2220 disability retirement pay from any branch of the United States
2221 Armed Services, in the Iranian rescue mission known as Operation
2222 Eagle Claw, which servicemember was residing in the state on
2223 April 25, 1980. A certified copy of a death certificate, a valid
2224 identification card issued by the Department of Veterans'
2225 Affairs in accordance with s. 295.17, a letter certifying the
2226 service-connected 100-percent total and permanent disability
2227 rating for compensation from the United States Department of
2228 Veterans Affairs ~~Veterans Administration~~, or a letter certifying
2229 the service-connected total and permanent disability rating of

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2230 100 percent for retirement pay from any branch of the United
 2231 States Armed Services shall be prima facie evidence of the fact
 2232 that the dependent children of the servicemember are eligible
 2233 for such benefits.

2234 Reviser's note.—Amended to conform to the renaming of the
 2235 Veterans Administration as the United States Department of
 2236 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.
 2237 Section 54. Subsection (1) of section 295.017, Florida
 2238 Statutes, is amended to read:

2239 295.017 Children of servicemembers who died or became
 2240 disabled in the Lebanon and Grenada military arenas; educational
 2241 opportunity.—

2242 (1) It is hereby declared to be the policy of the state to
 2243 provide educational opportunity at state expense for the
 2244 dependent children of any servicemember who died or suffered a
 2245 service-connected 100-percent total and permanent disability
 2246 rating for compensation as determined by the United States
 2247 Department of Veterans Affairs ~~Veterans Administration~~, or who
 2248 has been determined to have a service-connected total and
 2249 permanent disability rating of 100 percent and is in receipt of
 2250 disability retirement pay from any branch of the United States
 2251 Armed Services, while participating in a Multinational Peace
 2252 Keeping Force in Lebanon during the period from September 17,
 2253 1982, through February 3, 1984, inclusive, or as a participant
 2254 in Operation Urgent Fury in Grenada during the period from

2255 | October 23, 1983, through November 2, 1983, inclusive, which
 2256 | servicemember was residing in the state during those periods of
 2257 | military action. A certified copy of a death certificate, a
 2258 | valid identification card issued in accordance with the
 2259 | provisions of s. 295.17, a letter certifying the service-
 2260 | connected 100-percent total and permanent disability rating for
 2261 | compensation from the United States Department of Veterans
 2262 | Affairs ~~Veterans Administration~~, or a letter certifying the
 2263 | service-connected total and permanent disability rating of 100
 2264 | percent for retirement pay from any branch of the United States
 2265 | Armed Services shall be prima facie evidence of the fact that
 2266 | the dependent children of the servicemember are eligible for
 2267 | such benefits.

2268 | Reviser's note.—Amended to conform to the renaming of the
 2269 | Veterans Administration as the United States Department of
 2270 | Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

2271 | Section 55. Section 295.13, Florida Statutes, is amended
 2272 | to read:

2273 | 295.13 Disability of minority of veterans and spouse
 2274 | removed, benefits under Servicemen's Readjustment Act.—The
 2275 | disability of minority of any person otherwise eligible for a
 2276 | loan, or guaranty or insurance of a loan, pursuant to chapter 37
 2277 | of Title 38 U.S.C., "Home, Farm and Business Loans," and the
 2278 | disability of the minor spouse of any eligible veteran, in
 2279 | connection with any transaction entered into pursuant to that

2280 Act of the Congress, as heretofore or hereafter amended, shall
 2281 not affect the binding effect of any obligation incurred by such
 2282 eligible person or spouse as an incident to any such
 2283 transaction, including incurring of indebtedness and acquiring,
 2284 encumbering, selling, releasing, or conveying property, or any
 2285 interest therein, if all or part of any such obligation is
 2286 guaranteed or insured by the United States Government or the
 2287 United States Department of Veterans Affairs ~~Veterans~~
 2288 ~~Administration~~ pursuant to such act and amendments thereto; or
 2289 if the United States Department of Veterans Affairs ~~Veterans~~
 2290 ~~Administration~~ is the creditor, by reason of a loan or a sale
 2291 pursuant to such act and amendments. This section does not
 2292 create, or render enforceable, any other or greater rights or
 2293 liabilities than would exist if neither such person nor such
 2294 spouse were a minor.

2295 Reviser's note.—Amended to conform to the renaming of the
 2296 Veterans Administration as the United States Department of
 2297 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

2298 Section 56. Subsections (1) and (2) of section 298.225,
 2299 Florida Statutes, are amended to read:

2300 298.225 Water control plan; plan development and
 2301 amendment.—

2302 (1) ~~Effective October 1, 1998,~~ Any plan of reclamation,
 2303 water management plan, or plan of improvement developed and
 2304 implemented by a water control district created by this chapter

2305 or by special act of the Legislature is considered a "water
 2306 control plan" for purposes of this chapter.

2307 (2) ~~By October 1, 2000,~~ The board of supervisors of each
 2308 water control district must develop or revise the district's
 2309 water control plan to reflect the minimum applicable
 2310 requirements set forth in subsection (3).

2311 Reviser's note.—Amended to delete obsolete language.

2312 Section 57. Section 316.0896, Florida Statutes, is
 2313 repealed.

2314 Reviser's note.—The referenced section, which relates to the
 2315 assistive truck platooning technology pilot project, is
 2316 obsolete. The study has been completed.

2317 Section 58. Paragraphs (a) and (b) of subsection (2) of
 2318 section 316.193, Florida Statutes, are amended to read:

2319 316.193 Driving under the influence; penalties.—

2320 (2) (a) Except as provided in paragraph (b), subsection
 2321 (3), or subsection (4), any person who is convicted of a
 2322 violation of subsection (1) shall be punished:

2323 1. By a fine of:

2324 a. Not less than \$500 or more than \$1,000 for a first
 2325 conviction.

2326 b. Not less than \$1,000 or more than \$2,000 for a second
 2327 conviction; and

2328 2. By imprisonment for:

2329 a. Not more than 6 months for a first conviction.

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2330 b. Not more than 9 months for a second conviction.

2331 3. For a second conviction, by mandatory placement for a
2332 period of at least 1 year, at the convicted person's sole
2333 expense, of an ignition interlock device approved by the
2334 department in accordance with s. 316.1938 upon all vehicles that
2335 are individually or jointly leased or owned and routinely
2336 operated by the convicted person, when the convicted person
2337 qualifies for a permanent or restricted license. ~~The~~
2338 ~~installation of such device may not occur before July 1, 2003.~~

2339

2340 The portion of a fine imposed in excess of \$500 pursuant to sub-
2341 subparagraph 1.a. and the portion of a fine imposed in excess of
2342 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by
2343 the clerk to the Department of Revenue for deposit into the
2344 General Revenue Fund.

2345 (b)1. Any person who is convicted of a third violation of
2346 this section for an offense that occurs within 10 years after a
2347 prior conviction for a violation of this section commits a
2348 felony of the third degree, punishable as provided in s.
2349 775.082, s. 775.083, or s. 775.084. In addition, the court shall
2350 order the mandatory placement for a period of not less than 2
2351 years, at the convicted person's sole expense, of an ignition
2352 interlock device approved by the department in accordance with
2353 s. 316.1938 upon all vehicles that are individually or jointly
2354 leased or owned and routinely operated by the convicted person,

2355 when the convicted person qualifies for a permanent or
2356 restricted license. ~~The installation of such device may not~~
2357 ~~occur before July 1, 2003.~~

2358 2. Any person who is convicted of a third violation of
2359 this section for an offense that occurs more than 10 years after
2360 the date of a prior conviction for a violation of this section
2361 shall be punished by a fine of not less than \$2,000 or more than
2362 \$5,000 and by imprisonment for not more than 12 months. The
2363 portion of a fine imposed in excess of \$2,500 pursuant to this
2364 subparagraph shall be remitted by the clerk to the Department of
2365 Revenue for deposit into the General Revenue Fund. In addition,
2366 the court shall order the mandatory placement for a period of at
2367 least 2 years, at the convicted person's sole expense, of an
2368 ignition interlock device approved by the department in
2369 accordance with s. 316.1938 upon all vehicles that are
2370 individually or jointly leased or owned and routinely operated
2371 by the convicted person, when the convicted person qualifies for
2372 a permanent or restricted license. ~~The installation of such~~
2373 ~~device may not occur before July 1, 2003.~~

2374 3. Any person who is convicted of a fourth or subsequent
2375 violation of this section, regardless of when any prior
2376 conviction for a violation of this section occurred, commits a
2377 felony of the third degree, punishable as provided in s.
2378 775.082, s. 775.083, or s. 775.084. However, the fine imposed
2379 for such fourth or subsequent violation may be not less than

2380 \$2,000. The portion of a fine imposed in excess of \$1,000
 2381 pursuant to this subparagraph shall be remitted by the clerk to
 2382 the Department of Revenue for deposit into the General Revenue
 2383 Fund.

2384 Reviser's note.—Amended to delete obsolete language.

2385 Section 59. Paragraph (a) of subsection (3) of section
 2386 316.306, Florida Statutes, is amended to read:

2387 316.306 School and work zones; prohibition on the use of a
 2388 wireless communications device in a handheld manner.—

2389 (3)(a)1. A person may not operate a motor vehicle while
 2390 using a wireless communications device in a handheld manner in a
 2391 designated school crossing, school zone, or work zone area as
 2392 defined in s. 316.003(104) ~~316.003(101)~~. This subparagraph shall
 2393 only be applicable to work zone areas if construction personnel
 2394 are present or are operating equipment on the road or
 2395 immediately adjacent to the work zone area. For the purposes of
 2396 this paragraph, a motor vehicle that is stationary is not being
 2397 operated and is not subject to the prohibition in this
 2398 paragraph.

2399 2.a. During the period from October 1, 2019, through
 2400 December 31, 2019, a law enforcement officer may stop motor
 2401 vehicles to issue verbal or written warnings to persons who are
 2402 in violation of subparagraph 1. for the purposes of informing
 2403 and educating such persons of this section. This sub-
 2404 subparagraph shall stand repealed on October 1, 2020.

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2405 | b. Effective January 1, 2020, a law enforcement officer
2406 | may stop motor vehicles and issue citations to persons who are
2407 | driving while using a wireless communications device in a
2408 | handheld manner in violation of subparagraph 1.

2409 | Reviser's note.—Amended to confirm the editorial substitution of
2410 | a reference to s. 316.003(104) for a reference to s.
2411 | 316.003(101) to conform to the addition of subsections
2412 | within s. 316.003 by s. 1, ch. 2019-101, Laws of Florida,
2413 | and s. 1, ch. 2019-109, Laws of Florida.

2414 | Section 60. Subsection (1) of section 316.5501, Florida
2415 | Statutes, is amended to read:

2416 | 316.5501 Permitting program for combination truck tractor,
2417 | semitrailer, and trailer combination coupled as a single unit
2418 | subject to certain requirements.—

2419 | (1) By no later than January 1, 2020, the Department of
2420 | Transportation in conjunction with the Department of Highway
2421 | Safety and Motor Vehicles shall develop a permitting program
2422 | that, notwithstanding any other provision of law except
2423 | conflicting federal law and applicable provisions of s. 316.550,
2424 | prescribes the operation of any combination of truck tractor,
2425 | semitrailer, and trailer combination coupled together so as to
2426 | operate as a single unit in which the semitrailer and the
2427 | trailer unit may each be up to 48 feet in length, but not less
2428 | than 28 feet in length, if such truck tractor, semitrailer, and
2429 | trailer combination is:

2430 (a) Being used for the primary purpose of transporting
 2431 farm products as defined in s. 823.14(3)(c) on a prescribed
 2432 route within the boundary of the Everglades Agricultural Area as
 2433 described in s. 373.4592(15);

2434 (b) Traveling on a prescribed route that has been
 2435 submitted to and approved by the Department of Transportation
 2436 for public safety purposes having taken into account, at a
 2437 minimum, the point of origin, destination, traffic and
 2438 pedestrian volume on the route, turning radius at intersections
 2439 along the route, and potential for damage to roadways or bridges
 2440 on the route;

2441 (c) Operating only on state or local roadways within a
 2442 radius of 60 miles from where such truck tractor, semitrailer,
 2443 and trailer combination was loaded; however, travel is not
 2444 authorized on the Interstate Highway System; and

2445 (d) Meeting the following weight limitations:

2446 1. The maximum gross weight of the truck tractor and the
 2447 first trailer shall not exceed 88,000 pounds.

2448 2. The maximum gross weight of the dolly and second
 2449 trailer shall not exceed 67,000 pounds.

2450 3. The maximum overall gross weight of the truck tractor-
 2451 semitrailer-trailer combination shall not exceed 155,000 pounds.

2452 Reviser's note.—Amended to improve clarity.

2453 Section 61. Paragraph (a) of subsection (8) of section
 2454 318.18, Florida Statutes, is amended to read:

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2455 318.18 Amount of penalties.—The penalties required for a
2456 noncriminal disposition pursuant to s. 318.14 or a criminal
2457 offense listed in s. 318.17 are as follows:

2458 (8) (a) Any person who fails to comply with the court's
2459 requirements or who fails to pay the civil penalties specified
2460 in this section within the 30-day period provided for in s.
2461 318.14 must pay an additional civil penalty of \$16, \$6.50 of
2462 which must be remitted to the Department of Revenue for deposit
2463 in the General Revenue Fund, and \$9.50 of which must be remitted
2464 to the Department of Revenue for deposit in the Highway Safety
2465 Operating Trust Fund. Of this additional civil penalty of \$16,
2466 \$4 is not revenue for purposes of s. 28.36 and may not be used
2467 in establishing the budget of the clerk of the court under that
2468 section or s. 28.35. The department shall contract with the
2469 Florida Association of Court Clerks, Inc., to design, establish,
2470 operate, upgrade, and maintain an automated statewide Uniform
2471 Traffic Citation Accounting System to be operated by the clerks
2472 of the court which shall include, but not be limited to, the
2473 accounting for traffic infractions by type, a record of the
2474 disposition of the citations, and an accounting system for the
2475 fines assessed and the subsequent fine amounts paid to the
2476 clerks of the court. ~~On or before December 1, 2001,~~ The clerks
2477 of the court must provide the information required by this
2478 chapter to be transmitted to the department by electronic
2479 transmission pursuant to the contract.

2480 Reviser's note.—Amended to delete obsolete language.

2481 Section 62. Paragraph (c) of subsection (1) of section
2482 319.14, Florida Statutes, is amended to read:

2483 319.14 Sale of motor vehicles registered or used as
2484 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
2485 nonconforming vehicles, custom vehicles, or street rod vehicles;
2486 conversion of low-speed vehicles.—

2487 (1)

2488 (c) As used in this section, the term:

2489 1. "Police vehicle" means a motor vehicle owned or leased
2490 by the state or a county or municipality and used in law
2491 enforcement.

2492 2.a. "Short-term-lease vehicle" means a motor vehicle
2493 leased without a driver and under a written agreement to one or
2494 more persons from time to time for a period of less than 12
2495 months.

2496 b. "Long-term-lease vehicle" means a motor vehicle leased
2497 without a driver and under a written agreement to one person for
2498 a period of 12 months or longer.

2499 c. "Lease vehicle" includes both short-term-lease vehicles
2500 and long-term-lease vehicles.

2501 3. "Rebuilt vehicle" means a motor vehicle or mobile home
2502 built from salvage or junk, as defined in s. 319.30(1).

2503 4. "Assembled from parts" means a motor vehicle or mobile
2504 home assembled from parts or combined from parts of motor

2505 vehicles or mobile homes, new or used. "Assembled from parts"
2506 does not mean a motor vehicle defined as a "rebuilt vehicle" in
2507 subparagraph 3., which has been declared a total loss pursuant
2508 to s. 319.30.

2509 5. "Kit car" means a motor vehicle assembled with a kit
2510 supplied by a manufacturer to rebuild a wrecked or outdated
2511 motor vehicle with a new body kit.

2512 6. "Glider kit" means a vehicle assembled with a kit
2513 supplied by a manufacturer to rebuild a wrecked or outdated
2514 truck or truck tractor.

2515 7. "Replica" means a complete new motor vehicle
2516 manufactured to look like an old vehicle.

2517 8. "Flood vehicle" means a motor vehicle or mobile home
2518 that has been declared to be a total loss pursuant to s.
2519 319.30(3)(a) resulting from damage caused by water.

2520 9. "Nonconforming vehicle" means a motor vehicle which has
2521 been purchased by a manufacturer pursuant to a settlement,
2522 determination, or decision under chapter 681.

2523 10. "Settlement" means an agreement entered into between a
2524 manufacturer and a consumer that occurs after a dispute is
2525 submitted to a program, or to an informal dispute settlement
2526 procedure established by a manufacturer, or is approved for
2527 arbitration before the Florida New Motor Vehicle Arbitration
2528 Board as defined in s. 681.102.

2529 11. "Custom vehicle" means a motor vehicle that:

2530 a. Is 25 years of age or older and of a model year after
 2531 1948 or was manufactured to resemble a vehicle that is 25 years
 2532 of age or older and of a model year after 1948; and

2533 b. Has been altered from the manufacturer's original
 2534 design or has a body constructed from nonoriginal materials.

2535
 2536 The model year and year of manufacture that the body of a custom
 2537 vehicle resembles is the model year and year of manufacture
 2538 listed on the certificate of title, regardless of when the
 2539 vehicle was actually manufactured.

2540 12. "Street rod" means a motor vehicle that:

2541 a. Is of a model year of 1948 or older or was manufactured
 2542 after 1948 to resemble a vehicle of a model year of 1948 or
 2543 older; and

2544 b. Has been altered from the manufacturer's original
 2545 design or has a body constructed from nonoriginal materials.

2546
 2547 The model year and year of manufacture that the body of a street
 2548 rod resembles is the model year and year of manufacture listed
 2549 on the certificate of title, regardless of when the vehicle was
 2550 actually manufactured.

2551 Reviser's note.—Amended to improve clarity and conform to the
 2552 full name of the board.

2553 Section 63. Paragraph (c) of subsection (29) of section
 2554 320.08058, Florida Statutes, is amended to read:

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2555 | 320.08058 Specialty license plates.—

2556 | (29) CHOOSE LIFE LICENSE PLATES.—

2557 | ~~(c) By October 1, 2011, the department and each county~~
 2558 | ~~shall transfer all of its Choose Life license plate funds to~~
 2559 | ~~Choose Life, Inc.~~

2560 | Reviser's note.—Amended to delete an obsolete provision.

2561 | Section 64. Subsection (4) of section 320.77, Florida
 2562 | Statutes, is amended to read:

2563 | 320.77 License required of mobile home dealers.—

2564 | (4) FEES.—Upon making initial application, the applicant
 2565 | shall pay to the department a fee of \$300 in addition to any
 2566 | other fees required by law. Applicants may choose to extend the
 2567 | licensure period for 1 additional year for a total of 2 years.
 2568 | An initial applicant shall pay to the department a fee of \$300
 2569 | for the first year and \$100 for the second year in addition to
 2570 | any other fees required by law. An applicant for a renewal
 2571 | license shall pay to the department \$100 for a 1-year renewal or
 2572 | \$200 for a 2-year renewal. The fee for application for change of
 2573 | location shall be \$25. Any applicant for renewal who has failed
 2574 | to submit a ~~his or her~~ renewal application by October 1 of the
 2575 | year of its current license expiration shall pay a renewal
 2576 | application fee equal to the original application fee. No fee is
 2577 | refundable. All fees shall be deposited into the General Revenue
 2578 | Fund.

2579 | Reviser's note.—Amended to improve clarity.

2580 Section 65. Subsection (4) of section 320.771, Florida
 2581 Statutes, is amended to read:

2582 320.771 License required of recreational vehicle dealers.—

2583 (4) FEES.—Upon making initial application, the applicant
 2584 shall pay to the department a fee of \$300 in addition to any
 2585 other fees required by law. Applicants may choose to extend the
 2586 licensure period for 1 additional year for a total of 2 years.
 2587 An initial applicant shall pay to the department a fee of \$300
 2588 for the first year and \$100 for the second year in addition to
 2589 any other fees required by law. An applicant for a renewal
 2590 license shall pay to the department \$100 for a 1-year renewal or
 2591 \$200 for a 2-year renewal. The fee for application for change of
 2592 location shall be \$25. Any applicant for renewal who has failed
 2593 to submit a ~~his or her~~ renewal application by October 1 of the
 2594 year of its current license expiration shall pay a renewal
 2595 application fee equal to the original application fee. No fee is
 2596 refundable. All fees shall be deposited into the General Revenue
 2597 Fund.

2598 Reviser's note.—Amended to improve clarity.

2599 Section 66. Subsection (3) of section 320.8225, Florida
 2600 Statutes, is amended to read:

2601 320.8225 Mobile home and recreational vehicle
 2602 manufacturer, distributor, and importer license.—

2603 (3) FEES.—Upon submitting an initial application, the
 2604 applicant shall pay to the department a fee of \$300. Applicants

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2605 may choose to extend the licensure period for 1 additional year
2606 for a total of 2 years. An initial applicant shall pay to the
2607 department a fee of \$300 for the first year and \$100 for the
2608 second year. An applicant for a renewal license shall pay to the
2609 department \$100 for a 1-year renewal or \$200 for a 2-year
2610 renewal. Any applicant for renewal who fails to submit a ~~his or~~
2611 ~~her~~ renewal application by October 1 of the year of its current
2612 license expiration shall pay a renewal application fee equal to
2613 the original application fee. No fee is refundable. All fees
2614 must be deposited into the General Revenue Fund.

2615 Reviser's note.—Amended to improve clarity.

2616 Section 67. Subsection (5) of section 320.8251, Florida
2617 Statutes, is amended to read:

2618 320.8251 Mobile home installation products; product
2619 approval.—

2620 ~~(5) Any product, component, or system subject to this~~
2621 ~~section which is currently being used in the installation of~~
2622 ~~mobile homes in this state is not required to be certified in~~
2623 ~~accordance with this section until July 1, 2009.~~

2624 Reviser's note.—Amended to delete an obsolete provision.

2625 Section 68. Subsection (15) of section 328.72, Florida
2626 Statutes, is amended to read:

2627 328.72 Classification; registration; fees and charges;
2628 surcharge; disposition of fees; fines; marine turtle stickers.—

2629 (15) DISTRIBUTION OF FEES.—Except as provided in this

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2630 subsection, moneys designated for the use of the counties, as
2631 specified in subsection (1), shall be distributed by the tax
2632 collector to the board of county commissioners for use only as
2633 provided in this section. Such moneys to be returned to the
2634 counties are for the sole purposes of providing, maintaining, or
2635 operating recreational channel marking and other uniform
2636 waterway markers, public boat ramps, lifts, and hoists, marine
2637 railways, boat piers, docks, mooring buoys, and other public
2638 launching facilities; and removing derelict vessels, debris that
2639 specifically impedes ~~impede~~ boat access, not including the
2640 dredging of channels, and vessels and floating structures deemed
2641 a hazard to public safety and health for failure to comply with
2642 s. 327.53. Counties shall demonstrate through an annual detailed
2643 accounting report of vessel registration revenues that the
2644 registration fees were spent as provided in this subsection.
2645 This report shall be provided to the Fish and Wildlife
2646 Conservation Commission no later than November 1 of each year.
2647 If, before January 1 of each calendar year, the accounting
2648 report meeting the prescribed criteria has still not been
2649 provided to the commission, the tax collector of that county may
2650 not distribute the moneys designated for the use of counties, as
2651 specified in subsection (1), to the board of county
2652 commissioners but shall, for the next calendar year, remit such
2653 moneys to the state for deposit into the Marine Resources
2654 Conservation Trust Fund. The commission shall return those

2655 moneys to the county if the county fully complies with this
 2656 section within that calendar year. If the county does not fully
 2657 comply with this section within that calendar year, the moneys
 2658 shall remain within the Marine Resources Trust Fund and may be
 2659 appropriated for the purposes specified in this subsection.

2660 (a) From the vessel registration fees designated for use
 2661 by the counties in subsection (1), \$1 shall be remitted to the
 2662 state for deposit into the Save the Manatee Trust Fund.

2663 (b) From the vessel registration fees designated for use
 2664 by the counties in subsection (1), \$1 shall be remitted to the
 2665 state for deposit into the Marine Resources Conservation Trust
 2666 Fund to fund a grant program for public launching facilities
 2667 pursuant to s. 206.606, giving priority consideration to
 2668 counties with more than 35,000 registered vessels.

2669 (c) From the vessel registration fees designated for use
 2670 by the counties in subsection (1), the following amounts shall
 2671 be remitted to the state for deposit into the Marine Resources
 2672 Conservation Trust Fund to fund derelict vessel removal grants,
 2673 as appropriated by the Legislature pursuant to s. 376.15:

- 2674 1. Class A-2: \$0.25 for each 12-month period registered.
- 2675 2. Class 1: \$2.06 for each 12-month period registered.
- 2676 3. Class 2: \$9.26 for each 12-month period registered.
- 2677 4. Class 3: \$16.45 for each 12-month period registered.
- 2678 5. Class 4: \$20.06 for each 12-month period registered.
- 2679 6. Class 5: \$25.46 for each 12-month period registered.

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2680 (d) Any undisbursed balances identified pursuant to s.
2681 216.301, shall be available for reappropriation to fund the
2682 Florida Boating Improvement Program or public boating access in
2683 accordance with s. 206.606 ~~206.06~~.

2684 Reviser's note.—The introductory paragraph was amended to
2685 improve sentence construction; paragraph (d) was amended to
2686 confirm the editorial substitution of a reference to s.
2687 206.606 for a reference to s. 206.06 to correct an apparent
2688 error. Section 206.606 relates to distribution of certain
2689 proceeds and references the Florida Boating Improvement
2690 Program; s. 206.06 relates to the power of the Department
2691 of Revenue to estimate an amount of fuel taxes due and
2692 unpaid.

2693 Section 69. Section 335.067, Florida Statutes, is
2694 repealed.

2695 Reviser's note.—The cited section, which relates to the Conserve
2696 by Bicycle Program, is repealed to remove an obsolete
2697 provision; the study required in the section has been
2698 completed.

2699 Section 70. Paragraph (a) of subsection (3) of section
2700 343.922, Florida Statutes, is amended to read:

2701 343.922 Powers and duties.—

2702 (3) (a) The authority shall develop and adopt a regional
2703 transit development plan that provides a vision for a regionally
2704 integrated transportation system. The goals and objectives of

2705 | the plan are to identify areas of the region where mobility,
2706 | traffic safety, freight mobility, and efficient emergency
2707 | evacuation alternatives need to be improved; identify areas of
2708 | the region where multimodal transportation systems would be most
2709 | beneficial to enhance mobility and economic development; develop
2710 | methods of building partnerships with local governments,
2711 | existing transit providers, expressway authorities, seaports,
2712 | airports, and other local, state, and federal entities; develop
2713 | methods of building partnerships with CSX Corporation and CSX
2714 | Transportation, Inc., to craft mutually beneficial solutions to
2715 | achieve the authority's objectives, and with other private
2716 | sector business community entities that may further the
2717 | authority's mission;and and engage the public in support of
2718 | regional multimodal transportation improvements. The plan shall
2719 | identify and may prioritize projects that will accomplish these
2720 | goals and objectives, including, without limitation, the
2721 | creation of express bus and bus rapid transit services, light
2722 | rail, commuter rail, and heavy rail transit services, ferry
2723 | services, freight services, and any other multimodal
2724 | transportation system projects that address critical
2725 | transportation needs or concerns, pursuant to subsection (2);
2726 | and identify the costs of the proposed projects and revenue
2727 | sources that could be used to pay those costs. In developing the
2728 | plan, the authority shall review and coordinate with the future
2729 | land use, capital improvements, and traffic circulation elements

2730 of its member local governments' comprehensive plans and the
 2731 plans, programs, and schedules of other units of government
 2732 having transit or transportation authority within whose
 2733 jurisdictions the projects or improvements will be located to
 2734 define and resolve potential inconsistencies between such plans
 2735 and the authority's developing plan.

2736 Reviser's note.—Amended to improve clarity.

2737 Section 71. Subsection (3) of section 350.113, Florida
 2738 Statutes, is amended to read:

2739 350.113 Florida Public Service Regulatory Trust Fund;
 2740 moneys to be deposited therein.—

2741 (3) Each regulated company under the jurisdiction of the
 2742 commission, which company was in operation for the preceding 6-
 2743 month period, shall pay to the commission within 30 days
 2744 following the end of each 6-month period, ~~commencing June 30,~~
 2745 ~~1977,~~ a fee based upon the gross operating revenues for such
 2746 period. The fee shall, to the extent practicable, be related to
 2747 the cost of regulating such type of regulated company.
 2748 Differences, if any, between the amount paid in any 6-month
 2749 period and the amount actually determined by the commission to
 2750 be due shall, upon notification by the commission, be
 2751 immediately paid or refunded. Each regulated company which is
 2752 subject to the jurisdiction of the commission, but which did not
 2753 operate under the commission's jurisdiction during the entire
 2754 preceding 6-month period, shall, within 30 days after the close

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2755 of the first 6-month period during which it commenced operations
2756 under, or became subject to, the jurisdiction of the commission,
2757 pay to the commission the prescribed fee based upon its gross
2758 operating revenues derived from intrastate business during those
2759 months or parts of months in which the regulated company did
2760 operate during such 6-month period. In no event shall payments
2761 under this section be less than \$25 annually.

2762 Reviser's note.—Amended to delete obsolete language.

2763 Section 72. Paragraph (g) of subsection (2) of section
2764 364.10, Florida Statutes, is amended to read:

2765 364.10 Lifeline service.—

2766 (2)

2767 (g)1. ~~By December 31, 2010,~~ Each state agency that
2768 provides benefits to persons eligible for Lifeline service shall
2769 undertake, in cooperation with the Department of Children and
2770 Families, the Department of Education, the commission, the
2771 Office of Public Counsel, and telecommunications companies
2772 designated eligible telecommunications carriers providing
2773 Lifeline services, the development of procedures to promote
2774 Lifeline participation. The departments, the commission, and the
2775 Office of Public Counsel may exchange sufficient information
2776 with the appropriate eligible telecommunications carriers and
2777 any commercial mobile radio service provider electing to provide
2778 Lifeline service under paragraph (a), such as a person's name,
2779 date of birth, service address, and telephone number, so that

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2780 the carriers can identify and enroll an eligible person in the
2781 Lifeline and Link-Up programs. The information remains
2782 confidential pursuant to s. 364.107 and may only be used for
2783 purposes of determining eligibility and enrollment in the
2784 Lifeline and Link-Up programs.

2785 2. If any state agency determines that a person is
2786 eligible for Lifeline services, the agency shall immediately
2787 forward the information to the commission to ensure that the
2788 person is automatically enrolled in the program with the
2789 appropriate eligible telecommunications carrier. The state
2790 agency shall include an option for an eligible customer to
2791 choose not to subscribe to the Lifeline service. The Public
2792 Service Commission and the Department of Children and Families
2793 shall, ~~no later than December 31, 2007,~~ adopt rules creating
2794 procedures to automatically enroll eligible customers in
2795 Lifeline service.

2796 3. ~~By December 31, 2010,~~ The commission, the Department of
2797 Children and Families, the Office of Public Counsel, and each
2798 eligible telecommunications carrier offering Lifeline and Link-
2799 Up services shall convene a Lifeline Workgroup to discuss how
2800 the eligible subscriber information in subparagraph 1. will be
2801 shared, the obligations of each party with respect to the use of
2802 that information, and the procedures to be implemented to
2803 increase enrollment and verify eligibility in these programs.
2804 Reviser's note.—Amended to delete obsolete language.

2805 Section 73. Subsection (3) of section 365.172, Florida
 2806 Statutes, is amended to read:

2807 365.172 Emergency communications number "E911."—

2808 (3) DEFINITIONS.—Only as used in this section and ss.
 2809 365.171, 365.173, 365.174, and 365.177 ~~365.176~~, the term:

2810 (a) "Authorized expenditures" means expenditures of the
 2811 fee, as specified in subsection (10).

2812 (b) "Automatic location identification" means the
 2813 capability of the E911 service which enables the automatic
 2814 display of information that defines the approximate geographic
 2815 location of the wireless telephone, or the location of the
 2816 address of the wireline telephone, used to place a 911 call.

2817 (c) "Automatic number identification" means the capability
 2818 of the E911 service which enables the automatic display of the
 2819 service number used to place a 911 call.

2820 (d) "Board" or "E911 Board" means the board of directors
 2821 of the E911 Board established in subsection (5).

2822 (e) "Building permit review" means a review for compliance
 2823 with building construction standards adopted by the local
 2824 government under chapter 553 and does not include a review for
 2825 compliance with land development regulations.

2826 (f) "Collocation" means the situation when a second or
 2827 subsequent wireless provider uses an existing structure to
 2828 locate a second or subsequent antennae. The term includes the
 2829 ground, platform, or roof installation of equipment enclosures,

2830 cabinets, or buildings, and cables, brackets, and other
2831 equipment associated with the location and operation of the
2832 antennae.

2833 (g) "Designed service" means the configuration and manner
2834 of deployment of service the wireless provider has designed for
2835 an area as part of its network.

2836 (h) "Enhanced 911" or "E911" means an enhanced 911 system
2837 or enhanced 911 service that is an emergency telephone system or
2838 service that provides a subscriber with 911 service and, in
2839 addition, directs 911 calls to appropriate public safety
2840 answering points by selective routing based on the geographical
2841 location from which the call originated, or as otherwise
2842 provided in the state plan under s. 365.171, and that provides
2843 for automatic number identification and automatic location-
2844 identification features. E911 service provided by a wireless
2845 provider means E911 as defined in the order.

2846 (i) "Existing structure" means a structure that exists at
2847 the time an application for permission to place antennae on a
2848 structure is filed with a local government. The term includes
2849 any structure that can structurally support the attachment of
2850 antennae in compliance with applicable codes.

2851 (j) "Fee" means the E911 fee authorized and imposed under
2852 subsections (8) and (9).

2853 (k) "Fund" means the Emergency Communications Number E911
2854 System Fund established in s. 365.173 and maintained under this

2855 section for the purpose of recovering the costs associated with
 2856 providing 911 service or E911 service, including the costs of
 2857 implementing the order. The fund shall be segregated into
 2858 wireless, prepaid wireless, and nonwireless categories.

2859 (l) "Historic building, structure, site, object, or
 2860 district" means any building, structure, site, object, or
 2861 district that has been officially designated as a historic
 2862 building, historic structure, historic site, historic object, or
 2863 historic district through a federal, state, or local designation
 2864 program.

2865 (m) "Land development regulations" means any ordinance
 2866 enacted by a local government for the regulation of any aspect
 2867 of development, including an ordinance governing zoning,
 2868 subdivisions, landscaping, tree protection, or signs, the local
 2869 government's comprehensive plan, or any other ordinance
 2870 concerning any aspect of the development of land. The term does
 2871 not include any building construction standard adopted under and
 2872 in compliance with chapter 553.

2873 (n) "Local exchange carrier" means a "competitive local
 2874 exchange telecommunications company" or a "local exchange
 2875 telecommunications company" as defined in s. 364.02.

2876 (o) "Local government" means any municipality, county, or
 2877 political subdivision or agency of a municipality, county, or
 2878 political subdivision.

2879 (p) "Medium county" means any county that has a population

2880 of 75,000 or more but less than 750,000.

2881 (q) "Mobile telephone number" or "MTN" means the telephone
 2882 number assigned to a wireless telephone at the time of initial
 2883 activation.

2884 (r) "Nonwireless category" means the revenues to the fund
 2885 received from voice communications services providers other than
 2886 wireless providers.

2887 (s) "Office" means the Division of State Technology within
 2888 the Department of Management Services, as designated by the
 2889 secretary of the department.

2890 (t) "Order" means:

2891 1. The following orders and rules of the Federal
 2892 Communications Commission issued in FCC Docket No. 94-102:

2893 a. Order adopted on June 12, 1996, with an effective date
 2894 of October 1, 1996, the amendments to s. 20.03 and the creation
 2895 of s. 20.18 of Title 47 of the Code of Federal Regulations
 2896 adopted by the Federal Communications Commission pursuant to
 2897 such order.

2898 b. Memorandum and Order No. FCC 97-402 adopted on December
 2899 23, 1997.

2900 c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

2901 d. Order No. FCC 98-345 adopted December 31, 1998.

2902 2. Orders and rules subsequently adopted by the Federal
 2903 Communications Commission relating to the provision of 911
 2904 services, including Order Number FCC-05-116, adopted May 19,

2905 | 2005.

2906 | (u) "Prepaid wireless category" means all revenues in the
 2907 | fund received through the Department of Revenue from the fee
 2908 | authorized and imposed under subsection (9).

2909 | (v) "Prepaid wireless service" means a right to access
 2910 | wireless service that allows a caller to contact and interact
 2911 | with 911 to access the 911 system, which service must be paid
 2912 | for in advance and is sold in predetermined units or dollars,
 2913 | which units or dollars expire on a predetermined schedule or are
 2914 | decremented on a predetermined basis in exchange for the right
 2915 | to access wireless service.

2916 | (w) "Public agency" means the state and any municipality,
 2917 | county, municipal corporation, or other governmental entity,
 2918 | public district, or public authority located in whole or in part
 2919 | within this state which provides, or has authority to provide,
 2920 | firefighting, law enforcement, ambulance, medical, or other
 2921 | emergency services.

2922 | (x) "Public safety agency" means a functional division of
 2923 | a public agency which provides firefighting, law enforcement,
 2924 | medical, or other emergency services.

2925 | (y) "Public safety answering point," "PSAP," or "answering
 2926 | point" means the public safety agency that receives incoming 911
 2927 | requests for assistance and dispatches appropriate public safety
 2928 | agencies to respond to the requests in accordance with the state
 2929 | E911 plan.

2930 (z) "Rural county" means any county that has a population
 2931 of fewer than 75,000.

2932 (aa) "Service identifier" means the service number, access
 2933 line, or other unique identifier assigned to a subscriber and
 2934 established by the Federal Communications Commission for
 2935 purposes of routing calls whereby the subscriber has access to
 2936 the E911 system.

2937 (bb) "Tower" means any structure designed primarily to
 2938 support a wireless provider's antennae.

2939 (cc) "Voice communications services" means two-way voice
 2940 service, through the use of any technology, which actually
 2941 provides access to E911 services, and includes communications
 2942 services, as defined in s. 202.11, which actually provide access
 2943 to E911 services and which are required to be included in the
 2944 provision of E911 services pursuant to orders and rules adopted
 2945 by the Federal Communications Commission. The term includes
 2946 voice-over-Internet-protocol service. For the purposes of this
 2947 section, the term "voice-over-Internet-protocol service" or
 2948 "VoIP service" means interconnected VoIP services having the
 2949 following characteristics:

- 2950 1. The service enables real-time, two-way voice
 2951 communications;
- 2952 2. The service requires a broadband connection from the
 2953 user's locations;
- 2954 3. The service requires IP-compatible customer premises

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2955 equipment; and

2956 4. The service offering allows users generally to receive
2957 calls that originate on the public switched telephone network
2958 and to terminate calls on the public switched telephone network.

2959 (dd) "Voice communications services provider" or
2960 "provider" means any person or entity providing voice
2961 communications services, except that the term does not include
2962 any person or entity that resells voice communications services
2963 and was assessed the fee authorized and imposed under subsection
2964 (8) by its resale supplier.

2965 (ee) "Wireless 911 system" or "wireless 911 service" means
2966 an emergency telephone system or service that provides a
2967 subscriber with the ability to reach an answering point by
2968 accessing the digits 911.

2969 (ff) "Wireless category" means the revenues to the fund
2970 received from a wireless provider from the fee authorized and
2971 imposed under subsection (8).

2972 (gg) "Wireless communications facility" means any
2973 equipment or facility used to provide service and may include,
2974 but is not limited to, antennae, towers, equipment enclosures,
2975 cabling, antenna brackets, and other such equipment. Placing a
2976 wireless communications facility on an existing structure does
2977 not cause the existing structure to become a wireless
2978 communications facility.

2979 (hh) "Wireless provider" means a person who provides

2980 wireless service and:

- 2981 1. Is subject to the requirements of the order; or
- 2982 2. Elects to provide wireless 911 service or E911 service
- 2983 in this state.

2984 (ii) "Wireless service" means "commercial mobile radio
 2985 service" as provided under ss. 3(27) and 332(d) of the Federal
 2986 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
 2987 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
 2988 66, August 10, 1993, 107 Stat. 312. The term includes service
 2989 provided by any wireless real-time two-way wire communication
 2990 device, including radio-telephone communications used in
 2991 cellular telephone service; personal communications service; or
 2992 the functional or competitive equivalent of a radio-telephone
 2993 communications line used in cellular telephone service, a
 2994 personal communications service, or a network radio access line.
 2995 The term does not include wireless providers that offer mainly
 2996 dispatch service in a more localized, noncellular configuration;
 2997 providers offering only data, one-way, or stored-voice services
 2998 on an interconnected basis; providers of air-to-ground services;
 2999 or public coast stations.

3000 Reviser's note.—Amended to confirm the editorial substitution of
 3001 a reference to s. 365.177 for a reference to s. 365.176 to
 3002 correct an apparent error.

3003 Section 74. Subsection (5) of section 369.305, Florida
 3004 Statutes, is amended to read:

3005 369.305 Review of local comprehensive plans, land
 3006 development regulations, Wekiva River development permits, and
 3007 amendments.—

3008 (5) In its review of revised comprehensive plans ~~after the~~
 3009 ~~due dates described in subsection (5),~~ and in its review of
 3010 comprehensive plan amendments ~~after those due dates,~~ the
 3011 department shall review the local comprehensive plans, and any
 3012 amendments, which are applicable to portions of the Wekiva River
 3013 Protection Area for compliance with the provisions of subsection
 3014 (1) in addition to its review of local comprehensive plans and
 3015 amendments for compliance as defined in s. 163.3184; and all the
 3016 procedures and penalties described in s. 163.3184 shall be
 3017 applicable to this review.

3018 Reviser's note.—Amended to conform to the repeal of the
 3019 referenced subsection (5) by s. 191, ch. 2010-102, Laws of
 3020 Florida.

3021 Section 75. Paragraph (a) of subsection (4) of section
 3022 373.4592, Florida Statutes, is amended to read:

3023 373.4592 Everglades improvement and management.—

3024 (4) EVERGLADES PROGRAM.—

3025 (a) Everglades Construction Project.—The district shall
 3026 implement the Everglades Construction Project. By the time of
 3027 completion of the project, the state, district, or other
 3028 governmental authority shall purchase the inholdings in the
 3029 Rotenberger tract and such other lands necessary to achieve a

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3030 2:1 mitigation ratio for the use of Brown's Farm and other
3031 similar lands, including those needed for the STA 1 Inflow and
3032 Distribution Works. The inclusion of public lands as part of the
3033 project is for the purpose of treating waters not coming from
3034 the EAA for hydroperiod restoration. It is the intent of the
3035 Legislature that the district aggressively pursue the
3036 implementation of the Everglades Construction Project in
3037 accordance with the schedule in this subsection. The Legislature
3038 recognizes that adherence to the schedule is dependent upon
3039 factors beyond the control of the district, including the timely
3040 receipt of funds from all contributors. The district shall take
3041 all reasonable measures to complete timely performance of the
3042 schedule in this section in order to finish the Everglades
3043 Construction Project. The district shall not delay
3044 implementation of the project beyond the time delay caused by
3045 those circumstances and conditions that prevent timely
3046 performance. The district shall not levy ad valorem taxes in
3047 excess of 0.1 mill within the Okeechobee Basin for the purposes
3048 of the design, construction, and acquisition of the Everglades
3049 Construction Project. The ad valorem tax proceeds not exceeding
3050 0.1 mill levied within the Okeechobee Basin for such purposes
3051 shall also be used for design, construction, and implementation
3052 of the Long-Term Plan, including operation and maintenance, and
3053 research for the projects and strategies in the Long-Term Plan,
3054 and including the enhancements and operation and maintenance of

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3055 | the Everglades Construction Project and shall be the sole direct
3056 | district contribution from district ad valorem taxes
3057 | appropriated or expended for the design, construction, and
3058 | acquisition of the Everglades Construction Project unless the
3059 | Legislature by specific amendment to this section increases the
3060 | 0.1 mill ad valorem tax contribution, increases the agricultural
3061 | privilege taxes, or otherwise reallocates the relative
3062 | contribution by ad valorem taxpayers and taxpayers paying the
3063 | agricultural privilege taxes toward the funding of the design,
3064 | construction, and acquisition of the Everglades Construction
3065 | Project. Notwithstanding the provisions of s. 200.069 to the
3066 | contrary, any millage levied under the 0.1 mill limitation in
3067 | this paragraph shall be included as a separate entry on the
3068 | Notice of Proposed Property Taxes pursuant to s. 200.069. Once
3069 | the STAs are completed, the district shall allow these areas to
3070 | be used by the public for recreational purposes in the manner
3071 | set forth in s. 373.1391(1), considering the suitability of
3072 | these lands for such uses. These lands shall be made available
3073 | for recreational use unless the district governing board can
3074 | demonstrate that such uses are incompatible with the restoration
3075 | goals of the Everglades Construction Project or the water
3076 | quality and hydrological purposes of the STAs or would otherwise
3077 | adversely impact the implementation of the project. The district
3078 | shall give preferential consideration to the hiring of
3079 | agricultural workers displaced as a result of the Everglades

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3080 Construction Project, consistent with their qualifications and
3081 abilities, for the construction and operation of these STAs. The
3082 following milestones apply to the completion of the Everglades
3083 Construction Project as depicted in the February 15, 1994,
3084 conceptual design document:

3085 1. The district must complete the final design of the STA
3086 1 East and West and pursue STA 1 East project components as part
3087 of a cost-shared program with the Federal Government. The
3088 district must be the local sponsor of the federal project that
3089 will include STA 1 East, and STA 1 West if so authorized by
3090 federal law;

3091 2. Construction of STA 1 East is to be completed under the
3092 direction of the United States Army Corps of Engineers in
3093 conjunction with the currently authorized C-51 flood control
3094 project;

3095 3. The district must complete construction of STA 1 West
3096 and STA 1 Inflow and Distribution Works under the direction of
3097 the United States Army Corps of Engineers, if the direction is
3098 authorized under federal law, in conjunction with the currently
3099 authorized C-51 flood control project;

3100 4. The district must complete construction of STA 3/4 by
3101 October 1, 2003; however, the district may modify this schedule
3102 to incorporate and accelerate enhancements to STA 3/4 as
3103 directed in the Long-Term Plan;

3104 5. The district must complete construction of STA 6;

3105 6. The district must, by December 31, 2006, complete
 3106 construction of enhancements to the Everglades Construction
 3107 Project recommended in the Long-Term Plan and initiate other
 3108 pre-2006 strategies in the plan; and

3109 7. East Beach Water Control District, South Shore Drainage
 3110 District, South Florida Conservancy District, East Shore Water
 3111 Control District, and the lessee of agricultural lease number
 3112 3420 shall complete any system modifications described in the
 3113 Everglades Construction Project to the extent that funds are
 3114 available from the Everglades Fund. These entities shall divert
 3115 the discharges described within the Everglades Construction
 3116 Project within 60 days of completion of construction of the
 3117 appropriate STA. Such required modifications shall be deemed to
 3118 be a part of each district's plan of reclamation pursuant to
 3119 chapter 298.

3120 Reviser's note.—Amended to improve clarity.

3121 Section 76. Subsections (16), (18), and (50) of section
 3122 376.301, Florida Statutes, are amended to read:

3123 376.301 Definitions of terms used in ss. 376.30-376.317,
 3124 376.70, and 376.75.—When used in ss. 376.30-376.317, 376.70, and
 3125 376.75, unless the context clearly requires otherwise, the term:

3126 (14)~~(16)~~ "Dry drop-off facility" means any commercial
 3127 retail store that receives from customers clothing and other
 3128 fabrics for drycleaning or laundering at an offsite drycleaning
 3129 facility and that does not clean the clothing or fabrics at the

3130 store utilizing drycleaning solvents.

3131 (50)~~(18)~~ "Wholesale supply facility" means a commercial
 3132 establishment that supplies drycleaning solvents to drycleaning
 3133 facilities.

3134 (26)~~(50)~~ "Nearby real property owner" means the individual
 3135 or entity that is vested with ownership, dominion, or legal or
 3136 rightful title to real property, or that has a ground lease in
 3137 real property, onto which drycleaning solvent has migrated
 3138 through soil or groundwater from a drycleaning facility or
 3139 wholesale supply facility eligible for site rehabilitation under
 3140 s. 376.3078(3) or from a drycleaning facility or wholesale
 3141 supply facility that is approved by the department for voluntary
 3142 cleanup under s. 376.3078(11).

3143 Reviser's note.—Amended to conform with the alphabetic ordering
 3144 of the defined terms elsewhere in the section.

3145 Section 77. Paragraph (b) of subsection (12) of section
 3146 376.3071, Florida Statutes, is amended to read:

3147 376.3071 Inland Protection Trust Fund; creation; purposes;
 3148 funding.—

3149 (12) SITE CLEANUP.—

3150 (b) Low-scored site initiative.—Notwithstanding
 3151 subsections (5) and (6), a site with a priority ranking score of
 3152 29 points or less may voluntarily participate in the low-scored
 3153 site initiative regardless of whether the site is eligible for
 3154 state restoration funding.

3155 1. To participate in the low-scored site initiative, the
3156 property owner, or a responsible party who provides evidence of
3157 authorization from the property owner, must submit a "No Further
3158 Action" proposal and affirmatively demonstrate that the
3159 conditions imposed under subparagraph 4. are met.

3160 2. Upon affirmative demonstration that the conditions
3161 imposed under subparagraph 4. are met, the department shall
3162 issue a site rehabilitation completion order incorporating the
3163 "No Further Action" proposal submitted by the property owner or
3164 the responsible party, who must provide evidence of
3165 authorization from the property owner. If no contamination is
3166 detected, the department may issue a site rehabilitation
3167 completion order.

3168 3. Sites that are eligible for state restoration funding
3169 may receive payment of costs for the low-scored site initiative
3170 as follows:

3171 a. A property owner, or a responsible party who provides
3172 evidence of authorization from the property owner, may submit an
3173 assessment and limited remediation plan designed to
3174 affirmatively demonstrate that the site meets the conditions
3175 imposed under subparagraph 4. Notwithstanding the priority
3176 ranking score of the site, the department may approve the cost
3177 of the assessment and limited remediation, including up to 12
3178 months of groundwater monitoring and 12 months of limited
3179 remediation activities in one or more task assignments or

3180 modifications thereof, not to exceed the threshold amount
3181 provided in s. 287.017 for CATEGORY TWO, for each site where the
3182 department has determined that the assessment and limited
3183 remediation, if applicable, will likely result in a
3184 determination of "No Further Action." The department may not pay
3185 the costs associated with the establishment of institutional or
3186 engineering controls other than the costs associated with a
3187 professional land survey or a specific purpose survey, if such
3188 is needed, and the costs associated with obtaining a title
3189 report and paying recording fees.

3190 b. After the approval of initial site assessment results
3191 provided pursuant to state funding under sub-subparagraph a.,
3192 the department may approve an additional amount not to exceed
3193 the threshold amount provided in s. 287.017 for CATEGORY TWO for
3194 limited remediation needed to achieve a determination of "No
3195 Further Action."

3196 c. The assessment and limited remediation work shall be
3197 completed no later than 15 months after the department
3198 authorizes the start of a state-funded, low-score site
3199 initiative task. If groundwater monitoring is required after the
3200 assessment and limited remediation in order to satisfy the
3201 conditions under subparagraph 4., the department may authorize
3202 an additional 12 months to complete the monitoring.

3203 d. No more than \$15 million for the low-scored site
3204 initiative may be encumbered from the fund in any fiscal year.

3205 Funds shall be made available on a first-come, first-served
3206 basis and shall be limited to 10 sites in each fiscal year for
3207 each property owner or each responsible party who provides
3208 evidence of authorization from the property owner.

3209 e. Program deductibles, copayments, and the limited
3210 contamination assessment report requirements under paragraph
3211 (13) (d) do not apply to expenditures under this paragraph.

3212 4. The department shall issue an order incorporating the
3213 "No Further Action" proposal submitted by a property owner or a
3214 responsible party who provides evidence of authorization from
3215 the property owner upon affirmative demonstration that all of
3216 the following conditions are met:

3217 a. Soil saturated with petroleum or petroleum products, or
3218 soil that causes a total corrected hydrocarbon measurement of
3219 500 parts per million or higher for the Gasoline Analytical
3220 Group or 50 parts per million or higher for the Kerosene
3221 Analytical Group, as defined by department rule, does not exist
3222 onsite as a result of a release of petroleum products.

3223 b. A minimum of 12 months of groundwater monitoring
3224 indicates that the plume is shrinking or stable.

3225 c. The release of petroleum products at the site does not
3226 adversely affect adjacent surface waters, including their
3227 effects on human health and the environment.

3228 d. The area containing the petroleum products' chemicals
3229 of concern:

3230 (I) Is confined to the source property boundaries of the
3231 real property on which the discharge originated, unless the
3232 property owner has requested or authorized a more limited area
3233 in the "No Further Action" proposal submitted under this
3234 subsection; or

3235 (II) Has migrated from the source property onto or beneath
3236 a transportation facility as defined in s. 334.03(30) for which
3237 the department has approved, and the governmental entity owning
3238 the transportation facility has agreed to institutional controls
3239 as defined in s. 376.301(21) ~~376.301(22)~~. This sub-sub-
3240 subparagraph does not, however, impose any legal liability on
3241 the transportation facility owner, obligate such owner to engage
3242 in remediation, or waive such owner's right to recover costs for
3243 damages.

3244 e. The groundwater contamination containing the petroleum
3245 products' chemicals of concern is not a threat to any permitted
3246 potable water supply well.

3247 f. Soils onsite found between land surface and 2 feet
3248 below land surface which are subject to human exposure meet the
3249 soil cleanup target levels established in subparagraph (5)(b)9.,
3250 or human exposure is limited by appropriate institutional or
3251 engineering controls.

3252
3253 Issuance of a site rehabilitation completion order under this
3254 paragraph acknowledges that minimal contamination exists onsite

3255 and that such contamination is not a threat to the public
 3256 health, safety, or welfare; water resources; or the environment.
 3257 Pursuant to subsection (4), the issuance of the site
 3258 rehabilitation completion order, with or without conditions,
 3259 does not alter eligibility for state-funded rehabilitation that
 3260 would otherwise be applicable under this section.

3261 Reviser's note.—Amended to conform to the redesignation of
 3262 subunits in s. 376.301 pursuant to the amendments made to
 3263 that section by this act.

3264 Section 78. Subsection (8) of section 376.86, Florida
 3265 Statutes, is amended to read:

3266 376.86 Brownfield Areas Loan Guarantee Program.—

3267 (8) The council shall provide an annual report to the
 3268 Legislature by February 1 of each year describing its activities
 3269 and agreements approved relating to redevelopment of brownfield
 3270 areas. ~~This section shall be reviewed by the Legislature by~~
 3271 ~~January 1, 2007, and a determination made related to the need to~~
 3272 ~~continue or modify this section. New loan guarantees may not be~~
 3273 ~~approved in 2007 until the review by the Legislature has been~~
 3274 ~~completed and a determination has been made as to the~~
 3275 ~~feasibility of continuing the use of the Inland Protection Trust~~
 3276 ~~Fund to guarantee portions of loans under this section.~~

3277 Reviser's note.—Amended to delete obsolete language.

3278 Section 79. Paragraph (n) of subsection (2) of section
 3279 377.703, Florida Statutes, is amended to read:

3280 377.703 Additional functions of the Department of
 3281 Agriculture and Consumer Services.—

3282 (2) DUTIES.—The department shall perform the following
 3283 functions, unless as otherwise provided, consistent with the
 3284 development of a state energy policy:

3285 (n) On an annual basis, the department shall prepare an
 3286 assessment of ~~the utilization of the renewable energy~~
 3287 ~~technologies investment tax credit authorized in s. 220.192 and~~
 3288 the renewable energy production credit authorized in s. 220.193,
 3289 which the department shall submit to the President of the
 3290 Senate, the Speaker of the House of Representatives, and the
 3291 Executive Office of the Governor by February 1 of each year. The
 3292 assessment shall include, at a minimum, the following
 3293 information:

3294 ~~1. For the renewable energy technologies investment tax~~
 3295 ~~credit authorized in s. 220.192:~~

3296 ~~a. The name of each taxpayer receiving an allocation under~~
 3297 ~~this section;~~

3298 ~~b. The amount of the credits allocated for that fiscal~~
 3299 ~~year for each taxpayer; and~~

3300 ~~c. The type of technology and a description of each~~
 3301 ~~investment for which each taxpayer receives an allocation.~~

3302 ~~2. For the renewable energy production credit authorized~~
 3303 ~~in s. 220.193:~~

3304 1.a. The name of each taxpayer receiving an allocation

3305 | under this section;

3306 | 2.b. The amount of credits allocated for that fiscal year
3307 | for each taxpayer;

3308 | 3.e. The type and amount of renewable energy produced and
3309 | sold, whether the facility producing that energy is a new or
3310 | expanded facility, and the approximate date on which production
3311 | began; and

3312 | 4.d. The aggregate amount of credits allocated for all
3313 | taxpayers claiming credits under this section for the fiscal
3314 | year.

3315 | Reviser's note.—Amended to conform to the repeal of s. 220.192
3316 | by s. 3, ch. 2019-4, Laws of Florida.

3317 | Section 80. Subsection (6) of section 379.2291, Florida
3318 | Statutes, is amended to read:

3319 | 379.2291 Endangered and Threatened Species Act.—

3320 | (6) MEASURABLE BIOLOGICAL GOALS.—Measurable biological
3321 | goals that define manatee recovery developed by the commission,
3322 | working in conjunction with the United States Fish and Wildlife
3323 | Service, shall be used by the commission in its development of
3324 | management plans or workplans. In addition to other criteria,
3325 | these measurable biological goals shall be used by the
3326 | commission when evaluating existing and proposed protection
3327 | rules, and in determining progress in achieving manatee
3328 | recovery. ~~Not later than July 1, 2005,~~ The commission shall
3329 | develop rules to define how measurable biological goals will be

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3330 used by the commission when evaluating the need for additional
3331 manatee protection rules.

3332 Reviser's note.—Amended to delete obsolete language.

3333 Section 81. Subsection (2) of section 379.245, Florida
3334 Statutes, is amended to read:

3335 379.245 Spiny lobster reports by dealers during closed
3336 season required.—

3337 (2) Failure to submit a report as described in subsection
3338 (1) or reporting a greater or lesser amount of whole spiny
3339 lobster, spiny lobster tails, or spiny lobster meat than is
3340 actually in the dealer's possession or name is a major violation
3341 of this chapter, punishable as provided in s. 379.407(2)
3342 ~~379.407(1)~~, s. 379.414, or both. The commission shall seize the
3343 entire supply of unreported or falsely reported whole spiny
3344 lobster, spiny lobster tails, or spiny lobster meat, and shall
3345 carry the same before the court for disposal. The dealer shall
3346 post a cash bond in the amount of the fair value of the entire
3347 quantity of unreported or falsely reported spiny lobster as
3348 determined by the judge. After posting the cash bond, the dealer
3349 shall have 24 hours to transport said products outside the
3350 limits of Florida for sale as provided by s. 379.337. Otherwise,
3351 the product shall be declared a nuisance and disposed of by the
3352 commission according to law.

3353 Reviser's note.—Amended to correct a cross-reference. Section
3354 379.407(2) is in regards to major violations; s. 379.407(1)

3355 | is in regards to base penalties.

3356 | Section 82. Paragraph (e) of subsection (3) and paragraph
 3357 | (a) of subsection (4) of section 379.366, Florida Statutes, are
 3358 | amended to read:

3359 | 379.366 Blue crab; regulation.—

3360 | (3)

3361 | ~~(c) Waiver of fees. For the 2007-2008 license year, the~~
 3362 | ~~commission shall waive all fees under this subsection for all~~
 3363 | ~~persons who qualify by September 30, 2007, to participate in the~~
 3364 | ~~blue crab effort management program established by commission~~
 3365 | ~~rule.~~

3366 | (4) (a) *Untagged trap penalties.* ~~By July 1, 2008,~~ The
 3367 | commission shall adopt by rule the administrative penalties
 3368 | authorized by this subsection. In addition to any other
 3369 | penalties provided in s. 379.407 for any blue crab endorsement
 3370 | holder who violates commission rules requiring the placement of
 3371 | trap tags for traps used for the directed harvest of blue crabs,
 3372 | the following administrative penalties apply:

3373 | 1. For a first violation, the commission shall assess an
 3374 | administrative penalty of up to \$1,000.

3375 | 2. For a second violation that occurs within 24 months
 3376 | after any previous such violation, the commission shall assess
 3377 | an administrative penalty of up to \$2,000, and the blue crab
 3378 | endorsement holder's blue crab fishing privileges may be
 3379 | suspended for 12 calendar months.

3380 3. For a third violation that occurs within 36 months
 3381 after any two previous such violations, the commission shall
 3382 assess an administrative penalty of up to \$5,000, and the blue
 3383 crab endorsement holder's blue crab fishing privileges may be
 3384 suspended for 24 calendar months.

3385 4. A fourth violation that occurs within 48 months after
 3386 any three previous such violations shall result in permanent
 3387 revocation of all of the violator's saltwater fishing
 3388 privileges, including having the commission proceed against the
 3389 endorsement holder's saltwater products license in accordance
 3390 with s. 379.407.

3391
 3392 Any blue crab endorsement holder assessed an administrative
 3393 penalty under this paragraph shall, within 30 calendar days
 3394 after notification, pay the administrative penalty to the
 3395 commission or request an administrative hearing under ss.
 3396 120.569 and 120.57.

3397 Reviser's note.—Amended to delete obsolete language.

3398 Section 83. Paragraph (b) of subsection (1) of section
 3399 379.372, Florida Statutes, is amended to read:

3400 379.372 Capturing, keeping, possessing, transporting, or
 3401 exhibiting venomous reptiles, reptiles of concern, conditional
 3402 reptiles, or prohibited reptiles; license required.—

3403 (1)

3404 (b) ~~By December 31, 2007,~~ The commission shall establish a

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3405 list of reptiles of concern, including venomous, nonvenomous,
3406 native, nonnative, or other reptiles, which require additional
3407 regulation for capture, possession, transportation, or
3408 exhibition due to their nature, habits, status, or potential to
3409 negatively impact humans, the environment, or ecology.

3410 Reviser's note.—Amended to delete obsolete language.

3411 Section 84. Paragraph (d) of subsection (12) of section
3412 381.02035, Florida Statutes, is amended to read:

3413 381.02035 Canadian Prescription Drug Importation Program.—

3414 (12) ANNUAL REPORT.—By December 1 of each year, the agency
3415 shall submit a report to the Governor, the President of the
3416 Senate, and the Speaker of the House of Representatives on the
3417 operation of the program during the previous fiscal year. The
3418 report must include, at a minimum:

3419 (d) The estimated cost savings during the previous fiscal
3420 year and to date attributable to the program;

3421 Reviser's note.—Amended to confirm the editorial insertion of
3422 the word "to."

3423 Section 85. Paragraph (g) of subsection (14) of section
3424 381.986, Florida Statutes, is amended to read:

3425 381.986 Medical use of marijuana.—

3426 (14) EXCEPTIONS TO OTHER LAWS.—

3427 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
3428 any other provision of law, but subject to the requirements of
3429 this section and pursuant to policies and procedures established

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3430 pursuant to s. 1006.062(8) ~~1006.62(8)~~, school personnel may
3431 possess marijuana that is obtained for medical use pursuant to
3432 this section by a student who is a qualified patient.

3433 Reviser's note.—Amended to correct an erroneous cross-reference;
3434 s. 1006.62 does not have a subsection (8); s. 1006.062(8)
3435 relates to medical policy and procedure relating to
3436 students who are qualified patients to use medical
3437 marijuana.

3438 Section 86. Subsections (7) and (10) of section 383.2162,
3439 Florida Statutes, are amended to read:

3440 383.2162 Black infant health practice initiative.—

3441 (7) EVALUATIONS AND REPORTS.—The department shall conduct
3442 an annual evaluation of the implementation of the initiative
3443 describing which areas are participating in the initiative, the
3444 number of reviews conducted by each participating coalition,
3445 grant balances, and recommendations for modifying the
3446 initiative. ~~All participating coalitions shall produce a report~~
3447 ~~on their collective findings and recommendations by January 1,~~
3448 ~~2010, to the Governor, the President of the Senate, the Speaker~~
3449 ~~of the House of Representatives, and the State Surgeon General.~~

3450 ~~(10) IMPLEMENTATION TIMELINE. The department shall~~
3451 ~~administer grants in a manner that will allow each participating~~
3452 ~~coalition to begin reviewing cases no later than January 1,~~
3453 ~~2008.~~

3454 Reviser's note.—Amended to delete obsolete language.

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3455 Section 87. Paragraph (b) of subsection (1) of section
 3456 393.115, Florida Statutes, is amended to read:

3457 393.115 Discharge.—

3458 (1) DISCHARGE AT THE AGE OF MAJORITY.—

3459 (b) If the resident appears to meet the criteria for
 3460 involuntary admission to residential services, pursuant to ~~as~~
 3461 ~~defined in~~ s. 393.11, the agency shall file a petition to
 3462 determine the appropriateness of continued residential placement
 3463 on an involuntary basis. The agency shall file the petition for
 3464 involuntary admission in the county in which the client resides.
 3465 If the resident was originally involuntarily admitted to
 3466 residential services pursuant to s. 393.11, then the agency
 3467 shall file the petition in the court having continuing
 3468 jurisdiction over the case.

3469 Reviser's note.—Amended to conform to the fact that criteria for
 3470 involuntary admission to residential services are found in
 3471 s. 393.11, but the term is not defined there.

3472 Section 88. Subsection (1) of section 394.499, Florida
 3473 Statutes, is amended to read:

3474 394.499 Integrated children's crisis stabilization
 3475 unit/juvenile addictions receiving facility services.—

3476 (1) ~~Beginning July 1, 2001,~~ The Department of Children and
 3477 Families, in consultation with the Agency for Health Care
 3478 Administration, is authorized to establish children's behavioral
 3479 crisis unit demonstration models ~~in Collier, Lee, and Sarasota~~

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3480 ~~Counties. As a result of the recommendations regarding expansion~~
3481 ~~of the demonstration models contained in the evaluation report~~
3482 ~~of December 31, 2003, the department, in cooperation with the~~
3483 ~~agency, may expand the demonstration models to other areas in~~
3484 ~~the state after July 1, 2005.~~ The children's behavioral crisis
3485 unit demonstration models will integrate children's mental
3486 health crisis stabilization units with substance abuse juvenile
3487 addictions receiving facility services, to provide emergency
3488 mental health and substance abuse services that are integrated
3489 within facilities licensed and designated by the agency for
3490 children under 18 years of age who meet criteria for admission
3491 or examination under this section. The services shall be
3492 designated as "integrated children's crisis stabilization
3493 unit/juvenile addictions receiving facility services," shall be
3494 licensed by the agency as children's crisis stabilization units,
3495 and shall meet all licensure requirements for crisis
3496 stabilization units. The department, in cooperation with the
3497 agency, shall develop standards that address eligibility
3498 criteria; clinical procedures; staffing requirements;
3499 operational, administrative, and financing requirements; and
3500 investigation of complaints for such integrated facility
3501 services. Standards that are implemented specific to substance
3502 abuse services shall meet or exceed existing standards for
3503 addictions receiving facilities.

3504 Reviser's note.—Amended to delete language that has served its

3505 | purpose.

3506 | Section 89. Paragraph (b) of subsection (6) of section

3507 | 395.1041, Florida Statutes, is amended to read:

3508 | 395.1041 Access to emergency services and care.—

3509 | (6) RIGHTS OF PERSONS BEING TREATED.—

3510 | (b) Each hospital with an emergency department shall

3511 | develop a best practices policy to promote the prevention of

3512 | unintentional drug overdoses. The policy may include, but is not

3513 | limited to:

3514 | 1. A process to obtain the patient's consent to notify the

3515 | patient's next of kin, and each physician or health care

3516 | practitioner who prescribed a controlled substance to the

3517 | patient, regarding the patient's overdose, her or his location,

3518 | and the nature of the substance or controlled substance involved

3519 | in the overdose.

3520 | 2. A process for providing the patient or the patient's

3521 | next of kin with information about licensed substance abuse

3522 | treatment services, voluntary admission procedures under part IV

3523 | of chapter 397, involuntary admission procedures under part V of

3524 | chapter 397, and involuntary commitment procedures under chapter

3525 | 394.

3526 | 3. Guidelines for emergency department health care

3527 | practitioners authorized to prescribe controlled substances to

3528 | reduce the risk of opioid use, misuse, and addiction.

3529 | 4. The use of licensed or certified behavioral health

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3530 professionals or peer specialists in the emergency department to
3531 encourage the patient to seek substance abuse treatment.

3532 5. The use of Screening, Brief Intervention, and Referral
3533 to Treatment protocols in the emergency department.

3534

3535 ~~6.~~ This paragraph may not be construed as creating a cause of
3536 action by any party.

3537 Reviser's note.—Amended to conform to context. Subparagraph

3538 (6) (b) 6. does not fit within the list of items in paragraph

3539 (6) (b) but does apply to paragraph (b); placement within a
3540 flush left paragraph at the end of paragraph (b) clarifies
3541 intent.

3542 Section 90. Paragraph (c) of subsection (6) of section
3543 395.40, Florida Statutes, is amended to read:

3544 395.40 Legislative findings and intent.—

3545 (6) Furthermore, the Legislature encourages the department
3546 to actively foster the provision of trauma care and serve as a
3547 catalyst for improvements in the process and outcome of the
3548 provision of trauma care in an inclusive trauma system. Among
3549 other considerations, the department is required to:

3550 (c) Update the state trauma system plan at least annually
3551 by February 2005 ~~and at least annually thereafter.~~

3552 Reviser's note.—Amended to delete obsolete language.

3553 Section 91. Subsection (2) of section 400.063, Florida
3554 Statutes, is amended to read:

3555 | 400.063 Resident protection.—

3556 | (2) The agency is authorized to establish for each

3557 | facility, subject to intervention by the agency, a separate bank

3558 | account for the deposit to the credit of the agency of any

3559 | moneys received from the Health Care Trust Fund or any other

3560 | moneys received for the maintenance and care of residents in the

3561 | facility, and the agency is authorized to disburse moneys from

3562 | such account to pay obligations incurred for the purposes of

3563 | this section. The agency is authorized to requisition moneys

3564 | from the Health Care Trust Fund in advance of an actual need for

3565 | cash on the basis of an estimate by the agency of moneys to be

3566 | spent under the authority of this section. Any bank account

3567 | established under this section need not be approved in advance

3568 | of its creation as required by s. 17.58, but shall be secured by

3569 | depository insurance equal to or greater than the balance of

3570 | such account or by the pledge of collateral security ~~in~~

3571 | ~~conformance with criteria established in s. 18.11.~~ The agency

3572 | shall notify the Chief Financial Officer of any such account so

3573 | established and shall make a quarterly accounting to the Chief

3574 | Financial Officer for all moneys deposited in such account.

3575 | Reviser's note.—Amended to conform to the repeal of s. 18.11 by

3576 | s. 11, ch. 81-285, Laws of Florida, which repeal was

3577 | confirmed by s. 1, ch. 83-85, Laws of Florida.

3578 | Section 92. Paragraph (a) of subsection (2) of section

3579 | 400.191, Florida Statutes, is amended to read:

3580 400.191 Availability, distribution, and posting of reports
3581 and records.—

3582 (2) The agency shall publish the Nursing Home Guide
3583 quarterly in electronic form to assist consumers and their
3584 families in comparing and evaluating nursing home facilities.

3585 (a) The agency shall provide an Internet site which shall
3586 include at least the following information either directly or
3587 indirectly through a link to another established site or sites
3588 of the agency's choosing:

3589 1. A section entitled "Have you considered programs that
3590 provide alternatives to nursing home care?" which shall be the
3591 first section of the Nursing Home Guide and which shall
3592 prominently display information about available alternatives to
3593 nursing homes and how to obtain additional information regarding
3594 these alternatives. The Nursing Home Guide shall explain that
3595 this state offers alternative programs that permit qualified
3596 elderly persons to stay in their homes instead of being placed
3597 in nursing homes and shall encourage interested persons to call
3598 the Comprehensive Assessment Review and Evaluation for Long-Term
3599 Care Services (CARES) Program to inquire if they qualify. The
3600 Nursing Home Guide shall list available home and community-based
3601 programs which shall clearly state the services that are
3602 provided and indicate whether nursing home services are included
3603 if needed.

3604 2. A list by name and address of all nursing home

- 3605 facilities in this state, including any prior name by which a
 3606 facility was known during the previous 24-month period.
- 3607 3. Whether such nursing home facilities are proprietary or
 3608 nonproprietary.
- 3609 4. The current owner of the facility's license and the
 3610 year that that entity became the owner of the license.
- 3611 5. The name of the owner or owners of each facility and
 3612 whether the facility is affiliated with a company or other
 3613 organization owning or managing more than one nursing facility
 3614 in this state.
- 3615 6. The total number of beds in each facility and the most
 3616 recently available occupancy levels.
- 3617 7. The number of private and semiprivate rooms in each
 3618 facility.
- 3619 8. The religious affiliation, if any, of each facility.
- 3620 9. The languages spoken by the administrator and staff of
 3621 each facility.
- 3622 10. Whether or not each facility accepts Medicare or
 3623 Medicaid recipients or insurance, health maintenance
 3624 organization, United States Department of Veterans Affairs
 3625 ~~Veterans Administration~~, CHAMPUS program, or workers'
 3626 compensation coverage.
- 3627 11. Recreational and other programs available at each
 3628 facility.
- 3629 12. Special care units or programs offered at each

3630 facility.

3631 13. Whether the facility is a part of a retirement
 3632 community that offers other services pursuant to part III of
 3633 this chapter or part I or part III of chapter 429.

3634 14. Survey and deficiency information, including all
 3635 federal and state recertification, licensure, revisit, and
 3636 complaint survey information, for each facility. For
 3637 noncertified nursing homes, state survey and deficiency
 3638 information, including licensure, revisit, and complaint survey
 3639 information shall be provided.

3640 Reviser's note.—Amended to conform to the renaming of the
 3641 Veterans Administration as the United States Department of
 3642 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

3643 Section 93. Subsection (6) of section 402.22, Florida
 3644 Statutes, is amended to read:

3645 402.22 Education program for students who reside in
 3646 residential care facilities operated by the Department of
 3647 Children and Families or the Agency for Persons with
 3648 Disabilities.—

3649 (6) Notwithstanding the provisions of s. 1001.42(4)(m)
 3650 ~~1001.42(4)(n)~~, the educational program at the Marianna Sunland
 3651 Center in Jackson County shall be operated by the Department of
 3652 Education, either directly or through grants or contractual
 3653 agreements with other public educational agencies. The annual
 3654 state allocation to any such agency shall be computed pursuant

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3655 to s. 1011.62(1), (2), and (6) and allocated in the amount that
3656 would have been provided the local school district in which the
3657 residential facility is located.

3658 Reviser's note.—Amended to correct a cross-reference. As part of
3659 the 2002 update to the Education Code, s. 988, ch. 2002-
3660 387, Laws of Florida, changed the reference from s.
3661 230.23(4)(n), which related to alternative education
3662 programs for students in residential care facilities, to s.
3663 1001.42(4)(n). However, the language relating to
3664 alternative education programs for students in residential
3665 care facilities was placed in s. 1001.42(4)(m) per s. 55,
3666 ch. 2002-387; s. 1001.42(4)(n) relates to educational
3667 services in detention facilities.

3668 Section 94. Subsection (35) of section 403.703, Florida
3669 Statutes, is amended to read:

3670 403.703 Definitions.—As used in this part, the term:
3671 (40)~~(35)~~ "Special wastes" means solid wastes that can
3672 require special handling and management, including, but not
3673 limited to, white goods, waste tires, used oil, lead-acid
3674 batteries, construction and demolition debris, ash residue, yard
3675 trash, and biological wastes.

3676 Reviser's note.—Amended to conform with the alphabetic ordering
3677 of the defined terms elsewhere in the section.

3678 Section 95. Subsection (1) of section 403.7065, Florida
3679 Statutes, is amended to read:

3680 403.7065 Procurement of products or materials with
 3681 recycled content.—
 3682 (1) ~~Except as provided in s. 287.045,~~ Any state agency or
 3683 agency of a political subdivision of the state which is using
 3684 state funds, or any person contracting with any such agency with
 3685 respect to work performed under contract, is required to procure
 3686 products or materials with recycled content when the Department
 3687 of Management Services determines that those products or
 3688 materials are available. A decision not to procure such items
 3689 must be based on the Department of Management Services'
 3690 determination that such procurement is not reasonably available
 3691 within an acceptable period of time, fails to meet the
 3692 performance standards set forth in the applicable
 3693 specifications, or fails to meet the performance standards of
 3694 the agency. ~~When the requirements of s. 287.045 are met,~~
 3695 ~~agencies shall be subject to the procurement requirements of~~
 3696 ~~that section for procuring products or materials with recycled~~
 3697 ~~content.~~
 3698 Reviser's note.—Amended to conform to the repeal of s. 287.045
 3699 by s. 17, ch. 2010-151, Laws of Florida.
 3700 Section 96. Section 403.8163, Florida Statutes, is amended
 3701 to read:
 3702 403.8163 Sites for disposal of spoil from maintenance
 3703 dredge operations; selection.—Lands created by spoil or used as
 3704 dredge spoil sites must be given priority consideration as sites

3705 | for disposal of spoil in maintenance dredge operations, except
 3706 | when the ~~Division of Beaches and Shores~~ of the Department of
 3707 | Environmental Protection determines that the spoil, or some
 3708 | substantial portion thereof, may be placed as compatible
 3709 | sediment into the littoral system of an adjacent sandy beach or
 3710 | coastal barrier dune system for the preservation and protection
 3711 | of such beach or dune system.

3712 | Reviser's note.—Amended to conform to the fact that the Division
 3713 | of Beaches and Shores was abolished by s. 1, ch. 94-356,
 3714 | Laws of Florida; the Department of Environmental
 3715 | Protection's beach programs are now under the Division of
 3716 | Water Resource Management.

3717 | Section 97. Paragraph (b) of subsection (2) of section
 3718 | 403.854, Florida Statutes, is amended to read:

3719 | 403.854 Variances, exemptions, and waivers.—
 3720 | (2)

3721 | ~~(b) Proposed additions to existing treatment plants not~~
 3722 | ~~under contract for construction on July 1, 1977, shall not be~~
 3723 | ~~automatically exempt.~~

3724 | Reviser's note.—Amended to delete an obsolete provision.

3725 | Section 98. Paragraph (e) of subsection (3) of section
 3726 | 408.036, Florida Statutes, is amended to read:

3727 | 408.036 Projects subject to review; exemptions.—

3728 | (3) EXEMPTIONS.—Upon request, the following projects are
 3729 | subject to exemption from subsection (1):

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3730 (e) For the addition of nursing home beds licensed under
3731 chapter 400 in a number not exceeding 30 total beds or 25
3732 percent of the number of beds licensed in the facility being
3733 replaced under paragraph (2)(b), paragraph (2)(c), or paragraph
3734 (j) ~~(m)~~, whichever is less.

3735 Reviser's note.—Amended to confirm the editorial substitution of
3736 a reference to paragraph (j) for a reference to paragraph
3737 (m) to conform to the redesignation of paragraphs by s. 13,
3738 ch. 2019-136, Laws of Florida.

3739 Section 99. Paragraph (a) of subsection (2) of section
3740 408.7057, Florida Statutes, is amended to read:

3741 408.7057 Statewide provider and health plan claim dispute
3742 resolution program.—

3743 (2)(a) The agency shall establish a program ~~by January 1,~~
3744 ~~2001,~~ to provide assistance to contracted and noncontracted
3745 providers and health plans for resolution of claim disputes that
3746 are not resolved by the provider and the health plan. The agency
3747 shall contract with a resolution organization to timely review
3748 and consider claim disputes submitted by providers and health
3749 plans and recommend to the agency an appropriate resolution of
3750 those disputes. The agency shall establish by rule
3751 jurisdictional amounts and methods of aggregation for claim
3752 disputes that may be considered by the resolution organization.

3753 Reviser's note.—Amended to delete obsolete language.

3754 Section 100. Subsection (5) of section 408.809, Florida

3755 Statutes, is amended to read:

3756 408.809 Background screening; prohibited offenses.—

3757 ~~(5) A person who serves as a controlling interest of, is~~
3758 ~~employed by, or contracts with a licensee on July 31, 2010, who~~
3759 ~~has been screened and qualified according to standards specified~~
3760 ~~in s. 435.03 or s. 435.04 must be rescreened by July 31, 2015,~~
3761 ~~in compliance with the following schedule. If, upon rescreening,~~
3762 ~~such person has a disqualifying offense that was not a~~
3763 ~~disqualifying offense at the time of the last screening, but is~~
3764 ~~a current disqualifying offense and was committed before the~~
3765 ~~last screening, he or she may apply for an exemption from the~~
3766 ~~appropriate licensing agency and, if agreed to by the employer,~~
3767 ~~may continue to perform his or her duties until the licensing~~
3768 ~~agency renders a decision on the application for exemption if~~
3769 ~~the person is eligible to apply for an exemption and the~~
3770 ~~exemption request is received by the agency within 30 days after~~
3771 ~~receipt of the rescreening results by the person. The~~
3772 ~~rescreening schedule shall be:~~

3773 ~~(a) Individuals for whom the last screening was conducted~~
3774 ~~on or before December 31, 2004, must be rescreened by July 31,~~
3775 ~~2013.~~

3776 ~~(b) Individuals for whom the last screening conducted was~~
3777 ~~between January 1, 2005, and December 31, 2008, must be~~
3778 ~~rescreened by July 31, 2014.~~

3779 ~~(c) Individuals for whom the last screening conducted was~~

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3780 ~~between January 1, 2009, through July 31, 2011, must be~~
3781 ~~rescreened by July 31, 2015.~~

3782 Reviser's note.—Amended to delete an obsolete provision.

3783 Section 101. Section 409.964, Florida Statutes, is amended
3784 to read:

3785 409.964 Managed care program; state plan; waivers.—The
3786 Medicaid program is established as a statewide, integrated
3787 managed care program for all covered services, including long-
3788 term care services. The agency shall apply for and implement
3789 state plan amendments or waivers of applicable federal laws and
3790 regulations necessary to implement the program. Before seeking a
3791 waiver, the agency shall provide public notice and the
3792 opportunity for public comment and include public feedback in
3793 the waiver application. The agency shall hold one public meeting
3794 in each of the regions described in s. 409.966(2), and the time
3795 period for public comment for each region shall end no sooner
3796 than 30 days after the completion of the public meeting in that
3797 region. ~~The agency shall submit any state plan amendments, new~~
3798 ~~waiver requests, or requests for extensions or expansions for~~
3799 ~~existing waivers, needed to implement the managed care program~~
3800 ~~by August 1, 2011.~~

3801 Reviser's note.—Amended to delete obsolete language.

3802 Section 102. Section 409.971, Florida Statutes, is amended
3803 to read:

3804 409.971 Managed medical assistance program.—The agency

3805 shall make payments for primary and acute medical assistance and
 3806 related services using a managed care model. ~~By January 1, 2013,~~
 3807 ~~the agency shall begin implementation of the statewide managed~~
 3808 ~~medical assistance program, with full implementation in all~~
 3809 ~~regions by October 1, 2014.~~

3810 Reviser's note.—Amended to delete obsolete language.

3811 Section 103. Subsection (1) of section 409.978, Florida
 3812 Statutes, is amended to read:

3813 409.978 Long-term care managed care program.—

3814 (1) Pursuant to s. 409.963, the agency shall administer
 3815 the long-term care managed care program described in ss.
 3816 409.978-409.985, but may delegate specific duties and
 3817 responsibilities for the program to the Department of Elderly
 3818 Affairs and other state agencies. ~~By July 1, 2012, the agency~~
 3819 ~~shall begin implementation of the statewide long-term care~~
 3820 ~~managed care program, with full implementation in all regions by~~
 3821 ~~October 1, 2013.~~

3822 Reviser's note.—Amended to delete obsolete language.

3823 Section 104. Paragraph (i) of subsection (3) of section
 3824 411.226, Florida Statutes, is amended to read:

3825 411.226 Learning Gateway.—

3826 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

3827 ~~(i) The steering committee must approve, deny, or~~
 3828 ~~conditionally approve a Learning Gateway proposal within 60 days~~
 3829 ~~after receipt of the proposal. If a proposal is conditionally~~

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3830 ~~approved, the steering committee must assist the Learning~~
3831 ~~Gateway applicant to correct deficiencies in the proposal by~~
3832 ~~December 1, 2002. Funds must be available to a pilot program 15~~
3833 ~~days after final approval of its proposal by the steering~~
3834 ~~committee. Funds must be available to all pilot programs by~~
3835 ~~January 1, 2003.~~

3836 Reviser's note.—Amended to delete an obsolete provision.

3837 Section 105. Subsections (3) and (4) of section 411.228,
3838 Florida Statutes, are amended to read:

3839 411.228 Accountability.—

3840 (3) ~~The steering committee shall oversee a formative~~
3841 ~~evaluation of the project during implementation, including~~
3842 ~~reporting short term outcomes and system improvements. By~~
3843 ~~January 2005, the steering committee shall make recommendations~~
3844 ~~to the Governor, the President of the Senate, the Speaker of the~~
3845 ~~House of Representatives, and the Commissioner of Education~~
3846 ~~related to the merits of expansion of the demonstration~~
3847 ~~projects.~~

3848 ~~(4) By January 1, 2005,~~ The steering committee, in
3849 conjunction with the demonstration projects, shall develop a
3850 model county-level strategic plan to formalize the goals,
3851 objectives, strategies, and intended outcomes of the
3852 comprehensive system, and to support the integration and
3853 efficient delivery of all services and supports for parents of
3854 children from birth through age 9 who have learning problems or

3855 learning disabilities. The model county-level strategic plan
3856 must include, but need not be limited to, strategies to:

3857 (a) Establish a system whereby parents can access
3858 information about learning problems in young children and
3859 receive services at their discretion;

3860 (b) Improve early identification of those who are at risk
3861 for learning problems and learning disabilities;

3862 (c) Provide access to an appropriate array of services
3863 within the child's natural environment or regular classroom
3864 setting or specialized training in other settings;

3865 (d) Improve and coordinate screening for children from
3866 birth through age 9;

3867 (e) Improve and coordinate services for children from
3868 birth through age 9;

3869 (f) Address training of professionals in effectively
3870 identifying factors, across all domains, which place children
3871 from birth through age 9 at risk of school failure and in
3872 appropriate interventions for the learning differences;

3873 (g) Provide appropriate support to families;

3874 (h) Share best practices with caregivers and referral
3875 sources;

3876 (i) Address resource needs of the assessment and
3877 intervention system; and

3878 (j) Address development of implementation plans to
3879 establish protocols for requiring and receiving parental consent

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3880 for services; to identify action steps, responsible parties, and
3881 implementation schedules; and to ensure appropriate alignment
3882 with agency strategic plans.

3883 Reviser's note.—Amended to delete obsolete language.

3884 Section 106. Paragraphs (b) and (d) of subsection (2) of
3885 section 413.271, Florida Statutes, are amended to read:

3886 413.271 Florida Coordinating Council for the Deaf and Hard
3887 of Hearing.—

3888 (2)

3889 (b) The coordinating council shall be composed of 17
3890 members. The appointment of members not representing agencies
3891 shall be made by the Governor. The appointment of members
3892 representing organizations shall be made by the Governor in
3893 consultation with those organizations. The membership shall be
3894 as follows:

3895 1. Two members representing the Florida Association of the
3896 Deaf.

3897 2. Two members representing the Florida Association of
3898 Self Help for Hard of Hearing People.

3899 3. A member representing the Association of Late-Deafened
3900 Adults.

3901 4. An individual who is deaf and blind.

3902 5. A parent of an individual who is deaf.

3903 6. A member representing the Deaf Service Center
3904 Association.

- 3905 7. A member representing the Florida Registry of
 3906 Interpreters for the Deaf.
- 3907 8. A member representing the Florida Alexander Graham Bell
 3908 Association for the Deaf and Hard of Hearing.
- 3909 9. A communication access realtime translator.
- 3910 10. An audiologist licensed under part I of chapter 468.
- 3911 11. A hearing aid specialist licensed under part II of
 3912 chapter 484.
- 3913 12. The Secretary of Children and Families or his or her
 3914 designee.
- 3915 13. The State Surgeon General or his or her designee.
- 3916 14. The Commissioner of Education or his or her designee.
- 3917 15. The Secretary of Elderly Affairs or his or her
 3918 designee.
- 3919
- 3920 If any organization from which a representative is to be drawn
 3921 ceases to exist, a representative of a similar organization
 3922 shall be named to the coordinating council. The Governor shall
 3923 make appointments to the coordinating council ~~no later than~~
 3924 ~~August 1, 2004,~~ and may remove any member for cause. Each member
 3925 shall be appointed to a term of 4 years. ~~However, for the~~
 3926 ~~purpose of providing staggered terms, of the initial~~
 3927 ~~appointments not representing state agencies, seven members,~~
 3928 ~~including the audiologist and the hearing aid specialist, shall~~
 3929 ~~be appointed to 2-year terms and six members shall be appointed~~

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3930 ~~to 4-year terms.~~ Any vacancy on the coordinating council shall
3931 be filled in the same manner as the original appointment, and
3932 any member appointed to fill a vacancy occurring because of
3933 death, resignation, or ineligibility for membership shall serve
3934 only for the unexpired term of the member's predecessor. Prior
3935 to serving on the coordinating council, all appointees must
3936 attend orientation training that shall address, at a minimum,
3937 the provisions of this section; the programs operated by the
3938 coordinating council; the role and functions of the coordinating
3939 council; the current budget for the coordinating council; the
3940 results of the most recent formal audit of the coordinating
3941 council; and the requirements of the state's public records law,
3942 the code of ethics, the Administrative Procedure Act, and other
3943 laws relating to public officials, including conflict-of-
3944 interest laws.

3945 (d) ~~The first meeting of the council shall be held no~~
3946 ~~later than August 1, 2004.~~ The council members, ~~at the~~
3947 ~~organizational meeting,~~ shall elect by a majority vote of the
3948 members one member to serve as chair of the council for a term
3949 of 1 year. The council shall meet at least once each quarter.
3950 All meetings are subject to the call of the chair. Nine members
3951 of the council shall constitute a quorum.

3952 Reviser's note.—Amended to delete obsolete language.

3953 Section 107. Subsection (6) of section 420.9071, Florida
3954 Statutes, is amended to read:

3955 | 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
 3956 | term:

3957 | (6) "Community-based organization" means a nonprofit
 3958 | organization that has among its purposes the provision of
 3959 | affordable housing to persons who have special needs or have
 3960 | very low income, low income, or moderate income within a
 3961 | designated area, which may include a municipality, a county, or
 3962 | more than one municipality or county, and maintains, through a
 3963 | minimum of one-third representation on the organization's
 3964 | governing board, accountability to housing program beneficiaries
 3965 | and residents of the designated area. ~~A community housing
 3966 | development organization established pursuant to 24 C.F.R. s.
 3967 | 92.2 and a community development corporation created pursuant to
 3968 | chapter 290 are examples of community-based organizations.~~

3969 | Reviser's Note.—Amended to delete obsolete language.

3970 | Section 108. Paragraph (g) of subsection (5) of section
 3971 | 420.9075, Florida Statutes, is amended to read:

3972 | 420.9075 Local housing assistance plans; partnerships.—

3973 | (5) The following criteria apply to awards made to
 3974 | eligible sponsors or eligible persons for the purpose of
 3975 | providing eligible housing:

3976 | (g)1. All units constructed, rehabilitated, or otherwise
 3977 | assisted with the funds provided from the local housing
 3978 | assistance trust fund must be occupied by very-low-income
 3979 | persons, low-income persons, and moderate-income persons except

3980 as otherwise provided in this section.

3981 2. At least 30 percent of the funds deposited into the
 3982 local housing assistance trust fund must be reserved for awards
 3983 to very-low-income persons or eligible sponsors who will serve
 3984 very-low-income persons and at least an additional 30 percent of
 3985 the funds deposited into the local housing assistance trust fund
 3986 must be reserved for awards to low-income persons or eligible
 3987 sponsors who will serve low-income persons. ~~This subparagraph
 3988 does not apply to a county or an eligible municipality that
 3989 includes, or has included within the previous 5 years, an area
 3990 of critical state concern designated or ratified by the
 3991 Legislature for which the Legislature has declared its intent to
 3992 provide affordable housing. The exemption created by this act
 3993 expires on July 1, 2013, and shall apply retroactively.~~

3994 Reviser's Note.—Amended to delete obsolete language.

3995 Section 109. Section 429.55, Florida Statutes, is amended
 3996 to read:

3997 429.55 Consumer information website.—The Legislature finds
 3998 that consumers need additional information on the quality of
 3999 care and service in assisted living facilities in order to
 4000 select the best facility for themselves or their loved ones.
 4001 Therefore, the Agency for Health Care Administration shall
 4002 create content that is easily accessible through the home page
 4003 of the agency's website either directly or indirectly through
 4004 links to one or more other established websites of the agency's

4005 choosing. The website must be searchable by facility name,
4006 license type, city, or zip code. By November 1, 2015, the agency
4007 shall include all content in its possession on the website and
4008 add content when received from facilities. At a minimum, the
4009 content must include:

4010 (1) Information on each licensed assisted living facility,
4011 including, but not limited to:

4012 (a) The name and address of the facility.

4013 (b) The name of the owner or operator of the facility.

4014 (c) The number and type of licensed beds in the facility.

4015 (d) The types of licenses held by the facility.

4016 (e) The facility's license expiration date and status.

4017 (f) The total number of clients that the facility is
4018 licensed to serve and the most recently available occupancy
4019 levels.

4020 (g) The number of private and semiprivate rooms offered.

4021 (h) The bed-hold policy.

4022 (i) The religious affiliation, if any, of the assisted
4023 living facility.

4024 (j) The languages spoken by the staff.

4025 (k) Availability of nurses.

4026 (l) Forms of payment accepted, including, but not limited
4027 to, Medicaid, Medicaid long-term managed care, private
4028 insurance, health maintenance organization, United States
4029 Department of Veterans Affairs, CHAMPUS program, or workers'

4030 compensation coverage.

4031 (m) Indication if the licensee is operating under
 4032 bankruptcy protection.

4033 (n) Recreational and other programs available.

4034 (o) Special care units or programs offered.

4035 (p) Whether the facility is a part of a retirement
 4036 community that offers other services pursuant to this part or
 4037 part III of this chapter, part II or part III of chapter 400, or
 4038 chapter 651.

4039 (q) Links to the State Long-Term Care Ombudsman Program
 4040 website and the program's statewide toll-free telephone number.

4041 (r) Links to the websites of the providers.

4042 (s) Other relevant information that the agency currently
 4043 collects.

4044 (2) Survey and violation information for the facility,
 4045 including a list of the facility's violations committed during
 4046 the previous 60 months, which on July 1, 2015, may include
 4047 violations committed on or after July 1, 2010. The list shall be
 4048 updated monthly and include for each violation:

4049 (a) A summary of the violation, including all licensure,
 4050 revisit, and complaint survey information, presented in a manner
 4051 understandable by the general public.

4052 (b) Any sanctions imposed by final order.

4053 (c) The date the corrective action was confirmed by the
 4054 agency.

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4055 (3) Links to inspection reports that the agency has on
4056 file.

4057
4058 ~~(4)~~—The agency may adopt rules to administer this section.

4059 Reviser's note.—Amended to improve clarity. The language in
4060 former subsection (4) applies to the whole section.

4061 Section 110. Subsection (5) of section 430.0402, Florida
4062 Statutes, is amended to read:

4063 430.0402 Screening of direct service providers.—

4064 ~~(5) Individuals serving as direct service providers on
4065 July 31, 2011, must be screened by July 1, 2013. The department
4066 may adopt rules to establish a schedule to stagger the
4067 implementation of the required screening over a 1-year period,
4068 beginning July 1, 2012, through July 1, 2013.~~

4069 Reviser's note.—Amended to delete obsolete .

4070 Section 111. Section 440.103, Florida Statutes, is amended
4071 to read:

4072 440.103 Building permits; identification of minimum
4073 premium policy.—Every employer shall, as a condition to applying
4074 for and receiving a building permit, show proof and certify to
4075 the permit issuer that it has secured compensation for its
4076 employees under this chapter as provided in ss. 440.10 and
4077 440.38. Such proof of compensation must be evidenced by a
4078 certificate of coverage issued by the carrier, a valid exemption
4079 certificate approved by the department, or a copy of the

4080 employer's authority to self-insure and shall be presented,
 4081 electronically or physically, each time the employer applies for
 4082 a building permit. As provided in s. 553.79(21) ~~553.79(20)~~, for
 4083 the purpose of inspection and record retention, site plans or
 4084 building permits may be maintained at the worksite in the
 4085 original form or in the form of an electronic copy. These plans
 4086 and permits must be open to inspection by the building official
 4087 or a duly authorized representative, as required by the Florida
 4088 Building Code. As provided in s. 627.413(5), each certificate of
 4089 coverage must show, on its face, whether or not coverage is
 4090 secured under the minimum premium provisions of rules adopted by
 4091 rating organizations licensed pursuant to s. 627.221. The words
 4092 "minimum premium policy" or equivalent language shall be typed,
 4093 printed, stamped, or legibly handwritten.

4094 Reviser's note.—Amended to conform to the redesignation of s.
 4095 553.79(20) as s. 553.79(21) by s. 5, ch. 2019-75, Laws of
 4096 Florida.

4097 Section 112. Paragraph (h) of subsection (3) of section
 4098 443.131, Florida Statutes, is amended to read:

4099 443.131 Contributions.—

4100 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 4101 EXPERIENCE.—

4102 (h) Additional conditions for variation from the standard
 4103 rate.—An employer's contribution rate may not be reduced below
 4104 the standard rate under this section unless:

4105 | 1. All contributions, reimbursements, interest, and
 4106 | penalties incurred by the employer for wages paid by him or her
 4107 | in all previous calendar quarters, except the 4 calendar
 4108 | quarters immediately preceding the calendar quarter or calendar
 4109 | year for which the benefit ratio is computed, are paid;

4110 | 2. The employer has produced for inspection and copying
 4111 | all work records in his or her possession, custody, or control
 4112 | which were requested by the Department of Economic Opportunity
 4113 | or its tax collection service provider pursuant to s.
 4114 | 443.171(5). An employer shall have at least 60 days to provide
 4115 | the requested work records before the employer is assigned the
 4116 | standard rate; and

4117 | 3. The employer entitled to a rate reduction has ~~must have~~
 4118 | at least one annual payroll as defined in subparagraph (b)1.
 4119 | unless the employer is eligible for additional credit under the
 4120 | Federal Unemployment Tax Act. If the Federal Unemployment Tax
 4121 | Act is amended or repealed in a manner affecting credit under
 4122 | the federal act, this section applies only to the extent that
 4123 | additional credit is allowed against the payment of the tax
 4124 | imposed by the act.

4125 |
 4126 | The tax collection service provider shall assign an earned
 4127 | contribution rate to an employer for the quarter immediately
 4128 | after the quarter in which all contributions, reimbursements,
 4129 | interest, and penalties are paid in full and all work records

4130 requested pursuant to s. 443.171(5) are produced for inspection
 4131 and copying by the Department of Economic Opportunity or the tax
 4132 collection service provider.

4133 Reviser's note.—Amended to improve clarity.

4134 Section 113. Subsection (2) of section 446.021, Florida
 4135 Statutes, is amended to read:

4136 446.021 Definitions of terms used in ss. 446.011-446.092.—
 4137 As used in ss. 446.011-446.092, the term:

4138 (2) "Apprentice" means a person at least 16 years of age
 4139 who is engaged in learning a recognized skilled trade through
 4140 actual work experience under the supervision of journeyworker
 4141 craftspersons ~~journeyworkers~~ ~~craftsmen~~, which training should be
 4142 combined with properly coordinated studies of related technical
 4143 and supplementary subjects, and who has entered into a written
 4144 agreement, which may be cited as an apprentice agreement, with a
 4145 registered apprenticeship sponsor who may be either an employer,
 4146 an association of employers, or a local joint apprenticeship
 4147 committee.

4148 Reviser's note.—Amended to improve clarity.

4149 Section 114. Paragraph (a) of subsection (2) of section
 4150 458.3475, Florida Statutes, is amended to read:

4151 458.3475 Anesthesiologist assistants.—

4152 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.—

4153 (a) An anesthesiologist who directly supervises an
 4154 anesthesiologist assistant must be qualified in the medical

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4155 areas in which the anesthesiologist assistant performs and is
4156 liable for the performance of the anesthesiologist assistant. An
4157 anesthesiologist may only supervise two anesthesiologist
4158 assistants at the same time. The board may, by rule, allow an
4159 anesthesiologist to supervise up to four anesthesiologist
4160 assistants, ~~after July 1, 2008.~~

4161 Reviser's note.—Amended to delete obsolete language.

4162 Section 115. Subsections (1) and (2) of section 458.351,
4163 Florida Statutes, are amended to read:

4164 458.351 Reports of adverse incidents in office practice
4165 settings.—

4166 (1) Any adverse incident that occurs ~~on or after January~~
4167 ~~1, 2000,~~ in any office maintained by a physician for the
4168 practice of medicine which is not licensed under chapter 395
4169 must be reported to the department in accordance with the
4170 provisions of this section.

4171 (2) Any physician or other licensee under this chapter
4172 practicing in this state must notify the department if the
4173 physician or licensee was involved in an adverse incident that
4174 occurred ~~on or after January 1, 2000,~~ in any office maintained
4175 by a physician for the practice of medicine which is not
4176 licensed under chapter 395.

4177 Reviser's note.—Amended to delete obsolete language.

4178 Section 116. Paragraph (1) of subsection (1) of section
4179 459.0055, Florida Statutes, is amended to read:

4180 459.0055 General licensure requirements.—

4181 (1) Except as otherwise provided herein, any person
 4182 desiring to be licensed or certified as an osteopathic physician
 4183 pursuant to this chapter shall:

4184 (1) Demonstrate that she or he has successfully completed
 4185 a resident internship of not less than 12 months in a hospital
 4186 approved for this purpose by the Board of Trustees of the
 4187 American Osteopathic Association or any other internship program
 4188 approved by the board upon a showing of good cause by the
 4189 applicant. ~~This requirement may be waived for an applicant who~~
 4190 ~~matriculated in a college of osteopathic medicine during or~~
 4191 ~~before 1948; and~~

4192 Reviser's note.—Amended to delete obsolete language.

4193 Section 117. Paragraph (a) of subsection (2) of section
 4194 459.023, Florida Statutes, is amended to read:

4195 459.023 Anesthesiologist assistants.—

4196 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.—

4197 (a) An anesthesiologist who directly supervises an
 4198 anesthesiologist assistant must be qualified in the medical
 4199 areas in which the anesthesiologist assistant performs and is
 4200 liable for the performance of the anesthesiologist assistant. An
 4201 anesthesiologist may only supervise two anesthesiologist
 4202 assistants at the same time. The board may, by rule, allow an
 4203 anesthesiologist to supervise up to four anesthesiologist
 4204 assistants, ~~after July 1, 2008.~~

4205 Reviser's note.—Amended to delete obsolete language.

4206 Section 118. Paragraph (b) of subsection (4) and paragraph

4207 (a) of subsection (5) of section 464.019, Florida Statutes, are

4208 amended to read:

4209 464.019 Approval of nursing education programs.—

4210 (4) INTERNET WEBSITE.—The board shall publish the

4211 following information on its Internet website:

4212 (b) The following data for each approved program, which

4213 includes, to the extent applicable:

4214 1. All documentation provided by the program in its

4215 program application ~~if submitted on or after July 1, 2009.~~

4216 2. The summary description of the program's compliance

4217 submitted under subsection (3).

4218 3. The program's accreditation status, including

4219 identification of the accrediting agency.

4220 4. The program's probationary status.

4221 5. The program's graduate passage rates for the most

4222 recent 2 calendar years.

4223 6. Each program's retention rates for students tracked

4224 from program entry to graduation.

4225

4226 The information required to be published under this subsection

4227 shall be made available in a manner that allows interactive

4228 searches and comparisons of individual programs selected by the

4229 website user. The board shall update the Internet website at

4230 | least quarterly with the available information.

4231 | (5) ACCOUNTABILITY.—

4232 | (a)1. An approved program must achieve a graduate passage
 4233 | rate for first-time test takers which is not more than 10
 4234 | percentage points lower than the average passage rate during the
 4235 | same calendar year for graduates of comparable degree programs
 4236 | who are United States educated, first-time test takers on the
 4237 | National Council of State Boards of Nursing Licensing
 4238 | Examination, as calculated by the contract testing service of
 4239 | the National Council of State Boards of Nursing. For purposes of
 4240 | this subparagraph, an approved program is comparable to all
 4241 | degree programs of the same program type from among the
 4242 | following program types:

4243 | a. Professional nursing education programs that terminate
 4244 | in a bachelor's degree.

4245 | b. Professional nursing education programs that terminate
 4246 | in an associate degree.

4247 | c. Professional nursing education programs that terminate
 4248 | in a diploma.

4249 | d. Practical nursing education programs.

4250 | 2. ~~Beginning with graduate passage rates for calendar year~~
 4251 | ~~2010,~~ If an approved program's graduate passage rates do not
 4252 | equal or exceed the required passage rates for 2 consecutive
 4253 | calendar years, the board shall place the program on
 4254 | probationary status pursuant to chapter 120 and the program

4255 | director shall appear before the board to present a plan for
4256 | remediation, which shall include specific benchmarks to identify
4257 | progress toward a graduate passage rate goal. The program must
4258 | remain on probationary status until it achieves a graduate
4259 | passage rate that equals or exceeds the required passage rate
4260 | for any 1 calendar year. The board shall deny a program
4261 | application for a new prelicensure nursing education program
4262 | submitted by an educational institution if the institution has
4263 | an existing program that is already on probationary status.

4264 | 3. Upon the program's achievement of a graduate passage
4265 | rate that equals or exceeds the required passage rate, the
4266 | board, at its next regularly scheduled meeting following release
4267 | of the program's graduate passage rate by the National Council
4268 | of State Boards of Nursing, shall remove the program's
4269 | probationary status. If the program, during the 2 calendar years
4270 | following its placement on probationary status, does not achieve
4271 | the required passage rate for any 1 calendar year, the board may
4272 | extend the program's probationary status for 1 additional year,
4273 | provided the program has demonstrated adequate progress toward
4274 | the graduate passage rate goal by meeting a majority of the
4275 | benchmarks established in the remediation plan. If the program
4276 | is not granted the 1-year extension or fails to achieve the
4277 | required passage rate by the end of such extension, the board
4278 | shall terminate the program pursuant to chapter 120.

4279 | Reviser's note.—Amended to delete obsolete language.

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4280 Section 119. Subsection (5) of section 465.0235, Florida
 4281 Statutes, is amended to read:

4282 465.0235 Automated pharmacy systems used by long-term care
 4283 facilities, hospices, or state correctional institutions.—

4284 (5) The board shall adopt rules governing the use of an
 4285 automated pharmacy system ~~by January 1, 2005~~, which must
 4286 specify:

4287 (a) Recordkeeping requirements;

4288 (b) Security requirements; and

4289 (c) Labeling requirements that permit the use of unit-dose
 4290 medications if the facility, hospice, or institution maintains
 4291 medication-administration records that include directions for
 4292 use of the medication and the automated pharmacy system
 4293 identifies:

4294 1. The dispensing pharmacy;

4295 2. The prescription number;

4296 3. The name of the patient; and

4297 4. The name of the prescribing practitioner.

4298 Reviser's note.—Amended to delete obsolete language.

4299 Section 120. Subsection (8) of section 471.005, Florida
 4300 Statutes, is amended to read:

4301 471.005 Definitions.—As used in this chapter, the term:

4302 (8) "License" means the licensing of engineers ~~or~~ to
 4303 practice engineering in this state.

4304 Reviser's note.—Amended to confirm the editorial deletion of the

4305 word "or" to improve clarity.

4306 Section 121. Subsection (3) of section 480.046, Florida
 4307 Statutes, is amended to read:

4308 480.046 Grounds for disciplinary action by the board.—

4309 (3) The board shall revoke or suspend the license of a
 4310 massage establishment licensed under this act, or ~~to~~ deny
 4311 subsequent licensure of such an establishment, if any of the
 4312 following occurs:

4313 (a) The license has been obtained by fraud or
 4314 misrepresentation.

4315 (b) The holder of a license is guilty of fraud or deceit
 4316 or of gross negligence, incompetency, or misconduct in the
 4317 operation of a massage establishment.

4318 (c) The establishment owner, the designated establishment
 4319 manager, or any individual providing massage therapy services
 4320 for the establishment has had the entry in any jurisdiction of:

4321 1. A final order or other disciplinary action taken for
 4322 sexual misconduct involving prostitution;

4323 2. A final order or other disciplinary action taken for
 4324 crimes related to the practice of massage therapy involving
 4325 prostitution; or

4326 3. A conviction or a plea of guilty or nolo contendere to
 4327 any misdemeanor or felony crime, regardless of adjudication,
 4328 related to prostitution or related acts as described in s.
 4329 796.07.

4330 Reviser's note.—Amended to confirm the editorial deletion of the
 4331 word "to" to improve clarity.

4332 Section 122. Subsection (1) of section 482.227, Florida
 4333 Statutes, is amended to read:

4334 482.227 Guarantees and warranties; ~~contracts executed~~
 4335 ~~after October 1, 2003.~~—

4336 (1) The Legislature finds that the terms "guarantee" and
 4337 "warranty" are common in contracts for the treatment of wood-
 4338 destroying organisms. The purpose of this section is to assure
 4339 that contract language describing a "guarantee" or "warranty" is
 4340 clear and easily identifiable for the protection of consumers
 4341 and licensees. Therefore the following provisions shall apply to
 4342 each new contract for the treatment of wood-destroying organisms
 4343 issued by the licensee and signed by the customer ~~after October~~
 4344 ~~1, 2003.~~

4345 Reviser's note.—Amended to delete obsolete language.

4346 Section 123. Subsection (2) of section 491.009, Florida
 4347 Statutes, is amended to read:

4348 491.009 Discipline.—

4349 (2) The department, or, in the case of psychologists, the
 4350 Board of Psychology ~~board~~, may enter an order denying licensure
 4351 or imposing any of the penalties in s. 456.072(2) against any
 4352 applicant for licensure or licensee who is found guilty of
 4353 violating any provision of subsection (1) of this section or who
 4354 is found guilty of violating any provision of s. 456.072(1).

4355 Reviser's note.—Amended to improve clarity. For purposes of
4356 chapter 491, "board" is defined as the Board of Clinical
4357 Social Work, Marriage and Family Therapy, and Mental Health
4358 Counseling; psychologists are regulated under chapter 490,
4359 and the regulatory board defined for purposes of that
4360 chapter is the Board of Psychology.

4361 Section 124. Paragraph (f) of subsection (2) of section
4362 494.00611, Florida Statutes, is amended to read:

4363 494.00611 Mortgage lender license.—

4364 (2) In order to apply for a mortgage lender license, an
4365 applicant must:

4366 (f) Submit a copy of the applicant's financial audit
4367 report for the most recent fiscal year, pursuant to United
4368 States generally accepted accounting principles. If the
4369 applicant is a wholly owned subsidiary of another corporation,
4370 the financial audit report for the parent corporation satisfies
4371 this requirement. The commission may establish by rule the form
4372 and procedures for filing the financial audit report, including
4373 the requirement to file the report with the registry when
4374 technology is available. The financial audit report must
4375 document that the applicant has a bona fide and verifiable net
4376 worth, of at least \$63,000 if the applicant is not seeking a
4377 servicing endorsement, or at least \$250,000 if the applicant is
4378 seeking a servicing endorsement, which must be continuously
4379 maintained as a condition of licensure. ~~However, if the~~

4380 ~~applicant held an active license issued before October 1, 2010,~~
 4381 ~~pursuant to former s. 494.0065, and the applicant is seeking a~~
 4382 ~~servicing endorsement, the minimum net worth requirement:~~

4383 ~~1. Until September 30, 2011, is \$63,000.~~

4384 ~~2. Between October 1, 2011, and September 30, 2012, is~~
 4385 ~~\$125,000.~~

4386 ~~3. On or after October 1, 2012, is \$250,000.~~

4387 Reviser's note.—Amended to delete obsolete language.

4388 Section 125. Section 497.262, Florida Statutes, is amended
 4389 to read:

4390 497.262 Duty of care and maintenance of licensed
 4391 cemetery.—Every cemetery company or other entity responsible for
 4392 the care and maintenance of a licensed cemetery in this state
 4393 shall ensure that the grounds, structures, and other
 4394 improvements of the cemetery are well cared for and maintained
 4395 in a proper and dignified condition. The licensing authority
 4396 shall adopt, ~~by no later than July 1, 1999,~~ such rules as are
 4397 necessary to implement and enforce this section. In developing
 4398 and adopting such rules, the licensing authority may define
 4399 different classes of cemeteries or care and maintenance, and may
 4400 provide for different rules to apply to each of said classes, if
 4401 the designation of classes and the application of different
 4402 rules is in the public interest and is supported by findings by
 4403 the licensing authority based on evidence of industry practices,
 4404 economic and physical feasibility, location, or intended uses;

4405 provided, that the rules shall provide minimum standards
 4406 applicable to all cemeteries. For example, and without limiting
 4407 the generality of the foregoing, the licensing authority may
 4408 determine that a small rural cemetery with large trees and shade
 4409 area does not require, and may not be able to attain, the same
 4410 level of lawn care as a large urban cemetery with large open
 4411 grassy areas and sprinkler systems.

4412 Reviser's note.—Amended to delete obsolete language.

4413 Section 126. Subsection (5) of section 497.607, Florida
 4414 Statutes, is amended to read:

4415 497.607 Cremation; procedure required.—

4416 (5) In regard to human remains delivered to the control of
 4417 the anatomical board of this state headquartered at the
 4418 University of Florida Health Science Center, the provisions of
 4419 this ~~subsection~~ and chapter shall not be construed to prohibit
 4420 the anatomical board from causing the final disposition of such
 4421 human remains through cremation or otherwise when performed in
 4422 facilities owned and operated by such anatomical board or the
 4423 University of Florida Health Science Center pursuant to and
 4424 using such processes, equipment, and procedures as said
 4425 anatomical board determines to be proper and adequate.

4426 Reviser's note.—Amended to improve clarity.

4427 Section 127. Section 506.20, Florida Statutes, is amended
 4428 to read:

4429 506.20 Filing and recording of marks and brands on field

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4430 boxes.—Any person desiring to avail herself or himself of the
4431 benefits of ss. 506.19-506.28, may make application to the
4432 Department of Agriculture and Consumer Services and shall file
4433 with such department a true copy and description of such
4434 identifying mark or brand, which, if entitled thereto under the
4435 provisions of ss. 506.19-506.28, shall be filed and recorded by
4436 such department in a book to be provided and kept by it for that
4437 purpose, and the name of the owner of such brand or mark shall
4438 be likewise entered into such record, and such department shall
4439 then assign or designate a permanent registered number to the
4440 owner of such brand or mark, said number to be assigned
4441 progressively as marks and brands are received and recorded, and
4442 the registered number so assigned shall then become a part of
4443 the registered brand or mark and shall plainly and distinctly be
4444 made to appear on such field boxes, pallets, crates, receptacles
4445 and containers, together with the identifying mark or brand
4446 referred to in s. 506.19 hereof. The department shall determine
4447 if such brand or mark so applied for is not a duplication of any
4448 brand or mark previously recorded by or with it, or does not so
4449 closely resemble the same as to be misleading or deceiving. If
4450 the brand or mark applied for does so resemble or is such a
4451 duplication of previously recorded brands or marks as to be
4452 misleading or deceiving, the application shall be denied and the
4453 applicant may file some other brand or mark in the manner
4454 described above. ~~The books and records previously kept by the~~

4455 ~~Secretary of State shall be transferred to the Commissioner of~~
 4456 ~~Agriculture upon the effective date of this act.~~

4457 Reviser's note.—Amended to delete obsolete language.

4458 Section 128. Subsection (2) of section 509.096, Florida
 4459 Statutes, is amended to read:

4460 509.096 Human trafficking awareness training and policies
 4461 for employees of public lodging establishments; enforcement.—

4462 (2) The human trafficking awareness training required
 4463 under paragraph (1)(a) must be submitted to and approved by the
 4464 Department of Business and Professional Regulation and must
 4465 include all of the following:

4466 (a) The definition of human trafficking and the difference
 4467 between the two forms of human trafficking: sex trafficking and
 4468 labor trafficking.

4469 (b) Guidance specific to the public lodging sector
 4470 concerning how to identify individuals who may be victims of
 4471 human trafficking.

4472 (c) Guidance concerning the role of the employees of a
 4473 public lodging establishment in reporting and responding to
 4474 suspected human trafficking.

4475 Reviser's note.—Amended to confirm the editorial insertion of
 4476 the word "and" to improve clarity.

4477 Section 129. Subsection (1) and paragraph (a) of
 4478 subsection (3) of section 526.143, Florida Statutes, are amended
 4479 to read:

4480 526.143 Alternate generated power capacity for motor fuel
4481 dispensing facilities.—

4482 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
4483 defined in s. 526.303(16), and each wholesaler, as defined in s.
4484 526.303(17), which sells motor fuel in this state must be
4485 capable of operating its distribution loading racks using an
4486 alternate generated power source for a minimum of 72 hours.
4487 Pending a postdisaster examination of the equipment by the
4488 operator to determine any extenuating damage that would render
4489 it unsafe to use, the facility must have such alternate
4490 generated power source available for operation no later than 36
4491 hours after a major disaster as defined in s. 252.34.

4492 Installation of appropriate wiring, including a transfer switch,
4493 shall be performed by a certified electrical contractor. Each
4494 business that is subject to this subsection must keep a copy of
4495 the documentation of such installation on site or at its
4496 corporate headquarters. In addition, each business must keep a
4497 written statement attesting to the periodic testing and ensured
4498 operational capacity of the equipment. The required documents
4499 must be made available, upon request, to the Division of
4500 Emergency Management and the director of the county emergency
4501 management agency.

4502 (3) (a) ~~No later than June 1, 2007,~~ Each motor fuel retail
4503 outlet described in subparagraph 1., subparagraph 2., or
4504 subparagraph 3., which is located within one-half mile proximate

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4505 to an interstate highway or state or federally designated
4506 evacuation route must be prewired with an appropriate transfer
4507 switch and be capable of operating all fuel pumps, dispensing
4508 equipment, lifesafety systems, and payment-acceptance equipment
4509 using an alternate generated power source:

4510 1. A motor fuel retail outlet located in a county having a
4511 population of 300,000 or more which has 16 or more fueling
4512 positions.

4513 2. A motor fuel retail outlet located in a county having a
4514 population of 100,000 or more, but fewer than 300,000, which has
4515 12 or more fueling positions.

4516 3. A motor fuel retail outlet located in a county having a
4517 population of fewer than 100,000 which has eight or more fueling
4518 positions.

4519 Reviser's note.—Amended to delete obsolete language.

4520 Section 130. Section 534.041, Florida Statutes, is amended
4521 to read:

4522 534.041 Renewal of certificate of mark or brand.—The
4523 registration of a mark or brand entitles the registered owner to
4524 exclusive ownership and use of the mark or brand for a period
4525 ending at midnight on the last day of the month 10 years after
4526 the date of registration. Upon application, registration may be
4527 renewed for successive 10-year periods, each ending at midnight
4528 on the last day of the month 10 years after the date of renewal.
4529 At least 60 days before the expiration of a registration, the

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4530 department shall notify by letter the registered owner of the
4531 mark or brand that, upon application for renewal ~~and payment of~~
4532 ~~the renewal fee~~, the department will issue a renewal certificate
4533 granting the registered owner exclusive ownership and use of the
4534 mark or brand for another 10-year period ending at midnight on
4535 the last day of the month 10 years after the date of renewal.
4536 Failure to make application for renewal within the month of
4537 expiration of a registration will cause the department to send a
4538 second notice to the registered owner by mail at her or his last
4539 known address. Failure of the registered owner to make
4540 application for renewal within 30 days after receipt of the
4541 second notice will cause the owner's mark or brand to be placed
4542 on an inactive list for a period of 12 months, after which it
4543 will be canceled and become subject to registration by another
4544 person.

4545 Reviser's note.—Amended to conform to the fact that s. 32, ch.
4546 2017-85, Laws of Florida, amended this section to eliminate
4547 the renewal fee.

4548 Section 131. Paragraph (a) of subsection (16) of section
4549 553.79, Florida Statutes, is amended to read:

4550 553.79 Permits; applications; issuance; inspections.—

4551 (16) (a) A local enforcement agency may not deny issuance
4552 of a building permit to; issue a notice of violation to; or
4553 fine, penalize, sanction, or assess fees against an arms-length
4554 purchaser of a property for value solely because a building

4555 permit ~~was~~ applied for by a previous owner of the property was
 4556 not closed. The local enforcement agency shall maintain all
 4557 rights and remedies against the property owner and contractor
 4558 listed on the permit.

4559 Revisers note.—Amended to confirm the editorial deletion of the
 4560 word "was" to improve clarity.

4561 Section 132. Paragraph (b) of subsection (15) of section
 4562 553.791, Florida Statutes, is amended to read:

4563 553.791 Alternative plans review and inspection.—

4564 (15)

4565 (b) A local enforcement agency, local building official,
 4566 or local government may establish, for private providers and
 4567 duly authorized representatives working within that
 4568 jurisdiction, a system of registration to verify compliance with
 4569 the licensure requirements of paragraph (1)(j) ~~(1)(i)~~ and the
 4570 insurance requirements of subsection (16).

4571 Reviser's note.—Amended to conform to the redesignation of
 4572 paragraph (1)(i) as paragraph (1)(j) by s. 14, ch. 2019-
 4573 165, Laws of Florida.

4574 Section 133. Paragraph (a) of subsection (5) of section
 4575 563.06, Florida Statutes, is amended to read:

4576 563.06 Malt beverages; imprint on individual container;
 4577 size of containers; exemptions.—

4578 (5)(a) Nothing contained in this section shall require
 4579 that malt beverages packaged in individual containers and

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4580 possessed by any person in the state for purposes of sale or
4581 resale in the state have imprinted thereon the word "Florida" or
4582 "FL" if the manufacturer of the malt beverages can establish
4583 before the division that the manufacturer has a tracking system
4584 in place, by use of code or otherwise, which enables the
4585 manufacturer, with at least ~~85 percent reliability by July 1,~~
4586 ~~1996, and 90 percent reliability by January 1, 2000,~~ to identify
4587 the following:

4588 1. The place where individual containers of malt beverages
4589 were produced;

4590 2. The state into which the individual containers of malt
4591 beverages were shipped; and

4592 3. The individual distributors within the state which
4593 received the individual containers of malt beverages.

4594 Reviser's note.—Amended to delete obsolete language.

4595 Section 134. Paragraph (e) of subsection (2) of section
4596 578.11, Florida Statutes, is amended to read:

4597 578.11 Duties, authority, and rules of the department.—

4598 (2) The department is authorized to:

4599 (e) Prescribe limitations for each restricted noxious weed
4600 to be used in enforcement of this chapter and ~~to~~ add or subtract
4601 therefrom from time to time as the need may arise.

4602 Reviser's note—Amended to confirm the editorial deletion of the
4603 word "to" to improve clarity.

4604 Section 135. Subsection (5) of section 581.184, Florida

4605 Statutes, is amended to read:

4606 581.184 Adoption of rules; citrus disease management.—

4607 (5) Owners or operators of nonproduction vehicles and
 4608 equipment shall follow the department guidelines for citrus
 4609 canker decontamination ~~effective June 15, 2000.~~

4610 Reviser's note—Amended to delete obsolete language.

4611 Section 136. Subsection (9) of section 607.0141, Florida
 4612 Statutes, is amended to read:

4613 607.0141 Notice.—

4614 (9) Receipt of an electronic acknowledgment from an
 4615 information processing system described in subparagraph (5) (a) 4.
 4616 ~~paragraph (5) (d)~~ establishes that an electronic transmission was
 4617 received, but, by itself, does not establish that the content
 4618 sent corresponds to the content received.

4619 Reviser's note—Amended to correct an erroneous reference.

4620 Paragraph (5) (d) does not exist; subparagraph (5) (a) 4.
 4621 describes an information processing system.

4622 Section 137. Paragraph (a) of subsection (2) of section
 4623 607.0732, Florida Statutes, is amended to read:

4624 607.0732 Shareholder agreements.—

4625 (2) An agreement authorized by this section shall be:

4626 (a)1. Set forth or referenced in the articles of
 4627 incorporation or bylaws and approved by all persons who are
 4628 shareholders at the time of the agreement; or

4629 2. Set forth in a written agreement that is signed by all

4630 persons who are shareholders at the time of the agreement and
 4631 such written agreement is made known to the corporation; and
 4632 Reviser's note—Amended to improve clarity.

4633 Section 138. Section 624.4055, Florida Statutes, is
 4634 amended to read:

4635 624.4055 Restrictions on existing private passenger
 4636 automobile insurance. ~~Effective January 1, 2008,~~ No insurer
 4637 writing private passenger automobile insurance in this state may
 4638 continue to write such insurance if the insurer writes
 4639 homeowners' insurance in another state but not in this state,
 4640 unless the insurer writing private passenger automobile
 4641 insurance in this state is affiliated with an insurer writing
 4642 homeowners' insurance in this state.

4643 Reviser's note—Amended to delete obsolete language.

4644 Section 139. Section 624.40711, Florida Statutes, is
 4645 amended to read:

4646 624.40711 Restrictions on insurers that are wholly owned
 4647 subsidiaries of insurers to do business in state. ~~Effective~~
 4648 ~~December 31, 2008,~~ and Notwithstanding any other provision of
 4649 law:

4650 (1) A new certificate of authority for the transaction of
 4651 residential property insurance may not be issued to any insurer
 4652 domiciled in this state that is a wholly owned subsidiary of an
 4653 insurer authorized to do business in any other state.

4654 (2) The rate filings of any insurer domiciled in this

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4655 state that is a wholly owned subsidiary of an insurer authorized
4656 to do business in any other state shall include information
4657 relating to the profits of the parent company of the insurer
4658 domiciled in this state.

4659 Reviser's note—Amended to delete obsolete language.

4660 Section 140. Subsection (15) of section 624.610, Florida
4661 Statutes, is amended to read:

4662 624.610 Reinsurance.—

4663 ~~(15) Any reinsurer approved pursuant to s.~~
4664 ~~624.610(3)(a)2., as such provision existed prior to July 1,~~
4665 ~~2000, which fails to obtain accreditation pursuant to this~~
4666 ~~section prior to December 30, 2003, shall have its approval~~
4667 ~~terminated by operation of law on that date.~~

4668 Reviser's note.—Amended to delete an obsolete provision.

4669 Section 141. Subsection (4) of section 625.091, Florida
4670 Statutes, is amended to read:

4671 625.091 Losses and loss adjustment expense reserves;
4672 liability insurance and workers' compensation insurance.—The
4673 reserve liabilities recorded in the insurer's annual statement
4674 and financial statements for u losses and loss adjustment
4675 expenses shall be the estimated value of its claims when
4676 ultimately settled and shall be computed as follows:

4677 (4) (a) Accounting credit for anticipated recoveries from
4678 the Special Disability Trust Fund may only be taken in the
4679 determination of loss reserves and may not be reflected on the

4680 financial statements in any manner other than that allowed
4681 pursuant to this subsection.

4682 ~~(b)1. For calendar years 1999-2003, an insurer recording~~
4683 ~~anticipated recoveries from the Special Disability Trust Fund~~
4684 ~~shall limit the aggregate amount to the amount management~~
4685 ~~reasonably expects will be reimbursed or the following amount,~~
4686 ~~whichever is lower:~~

4687 ~~a. For financial statements filed in 2000, an insurer may~~
4688 ~~take accounting credit in an amount equaling 80 percent of the~~
4689 ~~amount utilized in calendar year 1996.~~

4690 ~~b. For financial statements filed in 2001, an insurer may~~
4691 ~~take accounting credit in an amount equaling 60 percent of the~~
4692 ~~amount utilized in calendar year 1996.~~

4693 ~~e. For financial statements filed in 2002, an insurer may~~
4694 ~~take accounting credit in an amount equaling 40 percent of the~~
4695 ~~amount utilized in calendar year 1996.~~

4696 ~~d. For financial statements filed in 2003, an insurer may~~
4697 ~~take accounting credit in an amount equaling 20 percent of the~~
4698 ~~amount utilized in calendar year 1996.~~

4699 ~~2. Subparagraph 1. does not apply to an insurer recording~~
4700 ~~anticipated recoveries from the Special Disability Trust Fund on~~
4701 ~~the basis of:~~

4702 ~~a. A proof of claim which the fund has reviewed,~~
4703 ~~determined to be a valid claim and so notified the carrier, and~~
4704 ~~extended a payment offer; or~~

4705 ~~b. A reimbursement request audited and approved for~~
 4706 ~~payment or paid by the fund;~~
 4707 ~~(b)(c) Beginning with financial statements filed in 2004,~~
 4708 An insurer may only take accounting credit for anticipated
 4709 recoveries from the Special Disability Trust Fund for each proof
 4710 of claim which the fund has reviewed, determined to be a valid
 4711 claim and so notified the carrier, and extended a payment offer;
 4712 or a reimbursement request audited and approved for payment or
 4713 paid by the fund.

4714 ~~(c)(d)1. Beginning in calendar year 1998,~~ Each insurer
 4715 shall separately identify anticipated recoveries from the
 4716 Special Disability Trust Fund on the annual statement required
 4717 to be filed pursuant to s. 624.424.

4718 2. For all financial statements filed with the office,
 4719 each insurer shall disclose in the notes to the financial
 4720 statements of any financial statement required to be filed
 4721 pursuant to s. 624.424 any credit in loss reserves taken for
 4722 anticipated recoveries from the Special Disability Trust Fund.
 4723 That disclosure shall include:

4724 a. The amount of credit taken by the insurer in the
 4725 determination of its loss reserves for the prior calendar year
 4726 and the current reporting period on a year-to-date basis.

4727 b. The amount of payments received by the insurer from the
 4728 Special Disability Trust Fund during the prior calendar year and
 4729 the year-to-date recoveries for the current year.

4730 c. The amount the insurer was assessed by the Special
 4731 Disability Trust Fund during the prior calendar year and during
 4732 the current calendar year.

4733 Reviser's note.—Amended to delete obsolete language.

4734 Section 142. Subsection (6) of section 625.161, Florida
 4735 Statutes, is amended to read:

4736 625.161 Valuation of property.—

4737 (6) Any insurer that reported real estate ~~as of December~~
 4738 ~~31, 2000,~~ with a value in excess of that allowed by subsection
 4739 (1) shall comply with the requirements of that subsection
 4740 ~~beginning January 1, 2001.~~

4741 Reviser's note.—Amended to delete obsolete language.

4742 Section 143. Subsection (3) of section 626.785, Florida
 4743 Statutes, is amended to read:

4744 626.785 Qualifications for license.—

4745 (3) Notwithstanding any other provisions of this chapter,
 4746 a funeral director, a direct disposer, or an employee of a
 4747 funeral establishment that holds a preneed license ~~certificate~~
 4748 ~~of authority~~ pursuant to s. 497.452 may obtain an agent's
 4749 license to sell only policies of life insurance covering the
 4750 expense of a prearrangement for funeral services or merchandise
 4751 so as to provide funds at the time the services and merchandise
 4752 are needed. The face amount of insurance covered by any such
 4753 policy shall not exceed \$21,000, plus an annual percentage
 4754 increase based on the Annual Consumer Price Index compiled by

4755 the United States Department of Labor, beginning with the Annual
4756 Consumer Price Index announced by the United States Department
4757 of Labor for 2016.

4758 Reviser's note.—Amended to conform to the amendment and transfer
4759 of s. 497.405, which referenced certificate of authority,
4760 to s. 497.452, referencing preneed licenses, by s. 101, ch.
4761 2004-301, Laws of Florida. Section 52, ch. 2005-155, Laws
4762 of Florida, updated the cross-reference but did not update
4763 the "certificate of authority" reference.

4764 Section 144. Subsection (3) of section 626.9913, Florida
4765 Statutes, is amended to read:

4766 626.9913 Viatical settlement provider license continuance;
4767 annual report; fees; deposit.—

4768 (3) To ensure the faithful performance of its obligations
4769 to its viators in the event of insolvency or the loss of its
4770 license, a viatical settlement provider licensee must deposit
4771 and maintain deposited in trust with the department securities
4772 eligible for deposit under s. 625.52, having at all times a
4773 value of not less than \$100,000; ~~however, a viatical settlement~~
4774 ~~provider licensed in this state prior to June 1, 2004, which has~~
4775 ~~deposited and maintains continuously deposited in trust with the~~
4776 ~~department securities in the amount of \$25,000 and which posted~~
4777 ~~and maintains continuously posted a security bond acceptable to~~
4778 ~~the department in the amount of \$75,000, has until June 1, 2005,~~
4779 ~~to comply with the requirements of this subsection.~~

4780 Reviser's note.—Amended to delete obsolete language.

4781 Section 145. Subsection (1) of section 626.99175, Florida
4782 Statutes, is amended to read:

4783 626.99175 Life expectancy providers; registration
4784 required; denial, suspension, revocation.—

4785 (1) ~~After July 1, 2006,~~ A person may not perform the
4786 functions of a life expectancy provider without first having
4787 registered as a life expectancy provider, except as provided in
4788 subsection (6).

4789 Reviser's note.—Amended to delete obsolete language.

4790 Section 146. Subsections (3) and (4) of section 626.992,
4791 Florida Statutes, are amended to read:

4792 626.992 Use of licensed viatical settlement providers,
4793 viatical settlement brokers, and registered life expectancy
4794 providers required.—

4795 (3) ~~After July 1, 2006,~~ A person may not operate as a life
4796 expectancy provider unless such person is registered as a life
4797 expectancy provider pursuant to this act.

4798 (4) ~~After July 1, 2006,~~ A viatical settlement provider,
4799 viatical settlement broker, or any other person in the business
4800 of viatical settlements may not obtain life expectancies from a
4801 person who is not registered as a life expectancy provider
4802 pursuant to this act.

4803 Reviser's note.—Amended to delete obsolete language.

4804 Section 147. Subsections (2) and (3) of section 627.021,

4805 Florida Statutes, are amended to read:

4806 627.021 Scope of this part.—

4807 (2) This part ~~chapter~~ does not apply to:

4808 (a) Reinsurance, except joint reinsurance as provided in
4809 s. 627.311.

4810 (b) Insurance against loss of or damage to aircraft, their
4811 hulls, accessories, or equipment, or against liability, other
4812 than workers' compensation and employer's liability, arising out
4813 of the ownership, maintenance, or use of aircraft.

4814 (c) Insurance of vessels or craft, their cargoes, marine
4815 builders' risks, marine protection and indemnity, or other risks
4816 commonly insured under marine insurance policies.

4817 (d) Commercial inland marine insurance.

4818 (e) Surplus lines insurance placed under the provisions of
4819 ss. 626.913-626.937.

4820 (3) For the purposes of this part ~~chapter~~, all motor
4821 vehicle insurance shall be deemed to be casualty insurance only.

4822 Reviser's note.—Amended to correct a cross-reference. The
4823 reference to "this chapter" is from s. 413, ch. 59-205,
4824 Laws of Florida; in that context, the reference was to
4825 chapter 16 of the Florida Insurance Code enacted by that
4826 act. Chapter 16 became part I of chapter 627 per
4827 codification by the reviser's office.

4828 Section 148. Paragraph (a) of subsection (7) of section
4829 627.4133, Florida Statutes, is amended to read:

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4830 627.4133 Notice of cancellation, nonrenewal, or renewal
4831 premium.—

4832 (7) (a) ~~Effective August 1, 2007,~~ With respect to any
4833 residential property insurance policy, every notice of renewal
4834 premium must specify:

4835 1. The dollar amounts recouped for assessments by the
4836 Florida Hurricane Catastrophe Fund, the Citizens Property
4837 Insurance Corporation, and the Florida Insurance Guaranty
4838 Association. The actual names of the entities must appear next
4839 to the dollar amounts.

4840 2. The dollar amount of any premium increase that is due
4841 to an approved rate increase and the total dollar amount that is
4842 due to coverage changes.

4843 Reviser's note.—Amended to delete obsolete language.

4844 Section 149. Paragraph (b) of subsection (1) of section
4845 627.4147, Florida Statutes, is amended to read:

4846 627.4147 Medical malpractice insurance contracts.—

4847 (1) In addition to any other requirements imposed by law,
4848 each self-insurance policy as authorized under s. 627.357 or s.
4849 624.462 or insurance policy providing coverage for claims
4850 arising out of the rendering of, or the failure to render,
4851 medical care or services, including those of the Florida Medical
4852 Malpractice Joint Underwriting Association, shall include:

4853 (b)1. A clause clearly stating whether or not the insured
4854 has the exclusive right to veto any offer of admission of

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4855 liability and for arbitration pursuant to s. 766.106, settlement
4856 offer, or offer of judgment if the offer is within policy
4857 limits. An insurer or self-insurer shall not make or conclude,
4858 without the permission of the insured, any offer of admission of
4859 liability and for arbitration pursuant to s. 766.106, settlement
4860 offer, or offer of judgment, if such offer is outside the policy
4861 limits. However, any offer for admission of liability and for
4862 arbitration made under s. 766.106, settlement offer, or offer of
4863 judgment made by an insurer or self-insurer shall be made in
4864 good faith and in the best interest of the insured.

4865 2. If the policy contains a clause stating the insured
4866 does not have the exclusive right to veto any offer or admission
4867 of liability and for arbitration made pursuant to s. 766.106,
4868 settlement offer or offer of judgment, the insurer or self-
4869 insurer shall provide to the insured or the insured's legal
4870 representative by certified mail, return receipt requested, a
4871 copy of the final offer of admission of liability and for
4872 arbitration made pursuant to s. 766.106, settlement offer or
4873 offer of judgment and at the same time such offer is provided to
4874 the claimant. A copy of any final agreement reached between the
4875 insurer and claimant shall also be provided to the insured
4876 ~~insurer~~ or his or her legal representative by certified mail,
4877 return receipt requested not more than 10 days after affecting
4878 such agreement.

4879 Reviser's note.—Amended to correct an apparent error.

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4880 Section 150. Subsection (3) of section 627.443, Florida
 4881 Statutes, is amended to read:

4882 627.443 Essential health benefits.—

4883 (3) This section specifically authorizes an insurer or
 4884 health maintenance organization to include any combination of
 4885 services or coverages required by any one state or a combination
 4886 of states to provide the 10 categories of essential health
 4887 benefits required under PPACA in a policy or contract issued in
 4888 this state.

4889 Reviser's note.—Amended to confirm the editorial insertion of
 4890 the word "state."

4891 Section 151. Paragraph (b) of subsection (4) of section
 4892 627.6561, Florida Statutes, is amended to read:

4893 627.6561 Preexisting conditions.—

4894 (4)

4895 (b) Subparagraphs (a)1. and 2. ~~1. and 2.~~ do not apply to
 4896 an individual after the end of the first 63-day period during
 4897 all of which the individual was not covered under any creditable
 4898 coverage.

4899 Reviser's note.—Amended to correct cross-references. Paragraph
 4900 (b) is not divided into subparagraphs; the correct
 4901 reference is to subparagraphs (a)1. and 2.

4902 Section 152. Paragraph (c) of subsection (3) of section
 4903 634.061, Florida Statutes, is amended to read:

4904 634.061 Application for and issuance of license.—

4905 (3) The application when filed shall be accompanied by:
 4906 (c) The license fee ~~tax~~ as required under s. 634.071.
 4907 Reviser's note.—Amended to conform to the language used by the
 4908 amendment to s. 634.071 by s. 15, ch. 91-106, Laws of
 4909 Florida.
 4910 Section 153. Subsection (2) of section 636.228, Florida
 4911 Statutes, is amended to read:
 4912 636.228 Marketing of discount plans.—
 4913 (2) The discount plan organization must have an executed
 4914 written agreement with a marketer before the marketer markets,
 4915 promotes, sells, or distributes ~~marketer's marketing, promoting,~~
 4916 ~~selling, or distributing~~ the discount plan. Such agreement must
 4917 prohibit the marketer from using marketing materials, brochures,
 4918 and discount cards without the approval in writing by the
 4919 discount plan organization. The discount plan organization may
 4920 delegate functions to its marketers but shall be bound by any
 4921 acts of its marketers, within the scope of the delegation, which
 4922 do not comply with this part.
 4923 Reviser's note.—Amended to improve clarity.
 4924 Section 154. Subsection (45) of section 641.31, Florida
 4925 Statutes, is amended to read:
 4926 641.31 Health maintenance contracts.—
 4927 (45) A contract between a health maintenance organization
 4928 issuing major medical individual or group coverage and a
 4929 telehealth provider, as defined in s. 456.47, must be voluntary

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4930 | between the health maintenance organization and the provider and
 4931 | must establish mutually acceptable payment rates or payment
 4932 | methodologies for services provided through telehealth. Any
 4933 | contract provision that distinguishes between payment rates or
 4934 | payment methodologies for services provided through telehealth
 4935 | and the same services provided without the use of telehealth
 4936 | must be initialed by the telehealth provider.

4937 | Reviser's note.—Amended to confirm the editorial insertion of
 4938 | the word "and."

4939 | Section 155. Paragraph (b) of subsection (7) of section
 4940 | 641.3155, Florida Statutes, is amended to read:

4941 | 641.3155 Prompt payment of claims.—

4942 | (7)

4943 | ~~(b) All claims to a health maintenance organization begun~~
 4944 | ~~after October 1, 2000, not under active review by a mediator,~~
 4945 | ~~arbitrator, or third-party dispute entity, shall result in a~~
 4946 | ~~final decision on the claim by the health maintenance~~
 4947 | ~~organization by January 2, 2003, for the purpose of the~~
 4948 | ~~statewide provider and health plan claim dispute resolution~~
 4949 | ~~program pursuant to s. 408.7057.~~

4950 | Reviser's note.—Amended to delete an obsolete provision.

4951 | Section 156. Subsection (1) of section 651.105, Florida
 4952 | Statutes, is amended to read:

4953 | 651.105 Examination.—

4954 | (1) The office may at any time, and shall at least once

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4955 every 3 years, examine the business of any applicant for a
4956 certificate of authority and any provider engaged in the
4957 execution of care contracts or engaged in the performance of
4958 obligations under such contracts, in the same manner as is
4959 provided for the examination of insurance companies pursuant to
4960 ss. 624.316 and 624.318. For a provider as deemed accredited
4961 under ~~in~~ s. 651.028, such examinations must take place at least
4962 once every 5 years. Such examinations must be made by a
4963 representative or examiner designated by the office whose
4964 compensation will be fixed by the office pursuant to s. 624.320.
4965 Routine examinations may be made by having the necessary
4966 documents submitted to the office; and, for this purpose,
4967 financial documents and records conforming to commonly accepted
4968 accounting principles and practices, as required under s.
4969 651.026, are deemed adequate. The final written report of each
4970 examination must be filed with the office and, when so filed,
4971 constitutes a public record. Any provider being examined shall,
4972 upon request, give reasonable and timely access to all of its
4973 records. The representative or examiner designated by the office
4974 may at any time examine the records and affairs and inspect the
4975 physical property of any provider, whether in connection with a
4976 formal examination or not.

4977 Reviser's note.—Amended to confirm the editorial deletion of the
4978 word "in" to improve clarity.

4979 Section 157. Subsection (5) of section 695.27, Florida

4980 Statutes, is amended to read:

4981 695.27 Uniform Real Property Electronic Recording Act.—

4982 (5) ADMINISTRATION AND STANDARDS.—

4983 ~~(a) The Department of State, by rule pursuant to ss.~~

4984 ~~120.536(1) and 120.54, shall prescribe standards to implement~~

4985 ~~this section in consultation with the Electronic Recording~~

4986 ~~Advisory Committee, which is hereby created. The Florida~~

4987 ~~Association of Court Clerks and Comptrollers shall provide~~

4988 ~~administrative support to the committee and technical support to~~

4989 ~~the Department of State and the committee at no charge. The~~

4990 ~~committee shall consist of nine members, as follows:~~

4991 ~~1. Five members appointed by the Florida Association of~~

4992 ~~Court Clerks and Comptrollers, one of whom must be an official~~

4993 ~~from a large urban charter county where the duty to maintain~~

4994 ~~official records exists in a county office other than the clerk~~

4995 ~~of court or comptroller.~~

4996 ~~2. One attorney appointed by the Real Property, Probate~~

4997 ~~and Trust Law Section of The Florida Bar Association.~~

4998 ~~3. Two members appointed by the Florida Land Title~~

4999 ~~Association.~~

5000 ~~4. One member appointed by the Florida Bankers~~

5001 ~~Association.~~

5002 ~~(b) Appointed members shall serve a 1-year term. All~~

5003 ~~initial terms shall commence on the effective date of this act.~~

5004 ~~Members shall serve until their successors are appointed. An~~

5005 ~~appointing authority may reappoint a member for successive~~
 5006 ~~terms. A vacancy on the committee shall be filled in the same~~
 5007 ~~manner in which the original appointment was made, and the term~~
 5008 ~~shall be for the balance of the unexpired term.~~

5009 ~~(c) The first meeting of the committee shall be within 60~~
 5010 ~~days of the effective date of this act. Thereafter, the~~
 5011 ~~committee shall meet at the call of the chair, but at least~~
 5012 ~~annually.~~

5013 ~~(d) The members of the committee shall serve without~~
 5014 ~~compensation and shall not claim per diem and travel expenses~~
 5015 ~~from the Secretary of State.~~

5016 ~~(e) To keep the standards and practices of county~~
 5017 ~~recorders in this state in harmony with the standards and~~
 5018 ~~practices of recording offices in other jurisdictions that enact~~
 5019 ~~substantially this section and to keep the technology used by~~
 5020 ~~county recorders in this state compatible with technology used~~
 5021 ~~by recording offices in other jurisdictions that enact~~
 5022 ~~substantially this section, the Department of State, ~~in~~~~
 5023 ~~consultation with the committee, so far as is consistent with~~
 5024 ~~the purposes, policies, and provisions of this section, in~~
 5025 ~~adopting, amending, and repealing standards, shall consider:~~

5026 (a)1. Standards and practices of other jurisdictions.

5027 (b)2. The most recent standards adopted by national
 5028 standard-setting bodies, such as the Property Records Industry
 5029 Association.

5030 (c)3. The views of interested persons and governmental
 5031 officials and entities.

5032 (d)4. The needs of counties of varying size, population,
 5033 and resources.

5034 (e)5. Standards requiring adequate information security
 5035 protection to ensure that electronic documents are accurate,
 5036 authentic, adequately preserved, and resistant to tampering.

5037 ~~(f) The committee shall terminate on July 1, 2010.~~

5038 Reviser's note.—Amended to delete obsolete language. The
 5039 Electronic Recording Advisory Committee no longer exists.

5040 Section 158. Subsection (2) of section 716.02, Florida
 5041 Statutes, is amended to read:

5042 716.02 Escheat of funds in the possession of federal
 5043 agencies.—All property within the provisions of subsections (1),
 5044 (2), (3), (4) and (5), are declared to have escheated, or to
 5045 escheat, including all principal and interest accruing thereon,
 5046 and to have become the property of the state.

5047 (2) ~~After June 16, 1947,~~ All money or other property which
 5048 has remained in, or has been deposited in the custody of, or
 5049 under the control of, any court of the United States, in and for
 5050 any district within this state, for a period of 4 years, the
 5051 rightful owner or owners of which, either:

5052 (a) Shall have been unknown for a period of 4 years; or,

5053 (b) Shall have died without having disposed thereof, and
 5054 without having left or without leaving heirs, next of kin or

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5055 distributees; or,

5056 (c) Shall have failed within 4 years to demand the payment
5057 or delivery of such funds or other property;

5058

5059 is hereby declared to have escheated, or to escheat, together
5060 with all interest accrued thereon, and to have become the
5061 property of the state.

5062 Reviser's note.—Amended to delete obsolete language.

5063 Section 159. Paragraph (a) of subsection (3) of section
5064 732.603, Florida Statutes, is amended to read:

5065 732.603 Antilapse; deceased devisee; class gifts.—

5066 (3) In the application of this section:

5067 (a) Words of survivorship in a devise or appointment to an
5068 individual, such as "if he survives me," "if she survives me,"
5069 or to "my surviving children," are a sufficient indication of an
5070 intent contrary to the application of subsections (1) and (2).
5071 Words of survivorship used by the donor of the power in a power
5072 to appoint to an individual, such as the term "if he survives
5073 the donee or "if she survives the donee," or in a power to
5074 appoint to the donee's "then surviving children," are a
5075 sufficient indication of an intent contrary to the application
5076 of subsection (2).

5077 Reviser's note.—Amended to conform to gender-neutral drafting
5078 standards.

5079 Section 160. Subsection (5) of section 760.80, Florida

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5080 Statutes, is amended to read:

5081 760.80 Minority representation on boards, commissions,
5082 councils, and committees.—

5083 ~~(5) This section applies to appointments and~~
5084 ~~reappointments made after January 1, 1995. It does not prohibit~~
5085 ~~a member of a decisionmaking or regulatory board, commission,~~
5086 ~~council, or committee from completing a term being served as~~
5087 ~~such member when this act takes effect. A person appointed to a~~
5088 ~~decisionmaking or regulatory board, commission, council, or~~
5089 ~~committee before January 1, 1995, may not be removed from office~~
5090 ~~solely for the purpose of meeting the requirements of this~~
5091 ~~section.~~

5092 Reviser's note.—Amended to delete an obsolete provision.

5093 Section 161. Subsection (2) of section 768.042, Florida
5094 Statutes, is amended to read:

5095 768.042 Damages.—

5096 ~~(2) The provisions of this section shall not apply to any~~
5097 ~~complaint filed prior to May 20, 1975.~~

5098 Reviser's note.—Amended to delete an obsolete provision.

5099 Section 162. Section 768.1326, Florida Statutes, is
5100 amended to read:

5101 768.1326 Placement of automated external defibrillators in
5102 state buildings; rulemaking authority.—~~No later than January 1,~~
5103 ~~2003,~~ The State Surgeon General shall adopt rules to establish
5104 guidelines on the appropriate placement of automated external

5105 defibrillator devices in buildings or portions of buildings
5106 owned or leased by the state, and shall establish, by rule,
5107 recommendations on procedures for the deployment of automated
5108 external defibrillator devices in such buildings in accordance
5109 with the guidelines. The Secretary of Management Services shall
5110 assist the State Surgeon General in the development of the
5111 guidelines. The guidelines for the placement of the automated
5112 external defibrillators shall take into account the typical
5113 number of employees and visitors in the buildings, the extent of
5114 the need for security measures regarding the buildings, special
5115 circumstances in buildings or portions of buildings such as high
5116 electrical voltages or extreme heat or cold, and such other
5117 factors as the State Surgeon General and Secretary of Management
5118 Services determine to be appropriate. The State Surgeon
5119 General's recommendations for deployment of automated external
5120 defibrillators in buildings or portions of buildings owned or
5121 leased by the state shall include:

5122 (1) A reference list of appropriate training courses in
5123 the use of such devices, including the role of cardiopulmonary
5124 resuscitation;

5125 (2) The extent to which such devices may be used by
5126 laypersons;

5127 (3) Manufacturer recommended maintenance and testing of
5128 the devices; and

5129 (4) Coordination with local emergency medical services

5130 systems regarding the incidents of use of the devices.

5131

5132 In formulating these guidelines and recommendations, the State
 5133 Surgeon General may consult with all appropriate public and
 5134 private entities, including national and local public health
 5135 organizations that seek to improve the survival rates of
 5136 individuals who experience cardiac arrest.

5137 Reviser's note.—Amended to delete obsolete language.

5138 Section 163. Subsection (6) of section 768.21, Florida
 5139 Statutes, is amended to read:

5140 768.21 Damages.—All potential beneficiaries of a recovery
 5141 for wrongful death, including the decedent's estate, shall be
 5142 identified in the complaint, and their relationships to the
 5143 decedent shall be alleged. Damages may be awarded as follows:

5144 (6) The decedent's personal representative may recover for
 5145 the decedent's estate the following:

5146 (a) Loss of earnings of the deceased from the date of
 5147 injury to the date of death, less lost support of survivors
 5148 excluding contributions in kind, with interest. Loss of the
 5149 prospective net accumulations of an estate, which might
 5150 reasonably have been expected but for the wrongful death,
 5151 reduced to present money value, may also be recovered:

5152 1. If the decedent's survivors include a surviving spouse
 5153 or lineal descendants; or

5154 2. If the decedent is not a minor child as defined in s.

5155 768.18(2), there are no lost support and services recoverable
 5156 under subsection (1), and there is a surviving parent.

5157 (b) Medical or funeral expenses due to the decedent's
 5158 injury or death that have become a charge against her or his
 5159 estate or that were paid by or on behalf of decedent, excluding
 5160 amounts recoverable under subsection (5).

5161
 5162 ~~(e)~~ Evidence of remarriage of the decedent's spouse is
 5163 admissible.

5164 Reviser's note.—Amended to conform to proper structure.

5165 Section 164. Subsection (31) of section 774.203, Florida
 5166 Statutes, is amended to read:

5167 774.203 Definitions.—As used in this act, the term:

5168 (31) "Veterans benefits program" means a program for
 5169 benefits in connection with military service administered by the
 5170 United States Department of Veterans Affairs ~~Veterans'~~
 5171 ~~Administration~~ under Title 38 of the United States Code.

5172 Reviser's note.—Amended to conform to the renaming of the

5173 Veterans Administration as the United States Department of
 5174 Veterans Affairs by s. 1, Pub. L. No. 100-527 in 1988.

5175 Section 165. Paragraphs (a) and (b) of subsection (4) of
 5176 section 790.333, Florida Statutes, are amended to read:

5177 790.333 Sport shooting and training range protection;
 5178 liability; claims, expenses, and fees; penalties; preemption;
 5179 construction.—

5180 (4) DUTIES.—

5181 (a) ~~No later than January 1, 2005,~~ The department shall
 5182 make a good faith effort to provide copies of the Best
 5183 Management Practices for Environmental Stewardship of Florida
 5184 Shooting Ranges to all owners or operators of sport shooting or
 5185 training ranges. The department shall also provide technical
 5186 assistance with implementing environmental management practices,
 5187 which may include workshops, demonstrations, or other guidance,
 5188 if any owner or operator of sport shooting or training ranges
 5189 requests such assistance.

5190 (b) ~~No later than January 1, 2006,~~ Sport shooting or
 5191 training range owners, operators, tenants, or occupants shall
 5192 implement situation appropriate environmental management
 5193 practices.

5194 Reviser's note.—Amended to delete obsolete language.

5195 Section 166. Paragraph (a) of subsection (5) of section
 5196 810.011, Florida Statutes, is amended to read:

5197 810.011 Definitions.—As used in this chapter:

5198 (5) (a) "Posted land" is that land upon which:

5199 1. Signs are placed not more than 500 feet apart along,
 5200 and at each corner of, the boundaries of the land, upon which
 5201 signs there appears prominently, in letters of not less than 2
 5202 inches in height, the words "no trespassing" and in addition
 5203 thereto the name of the owner, lessee, or occupant of said land.
 5204 Said signs shall be placed along the boundary line of posted

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5205 land in a manner and in such position as to be clearly
5206 noticeable from outside the boundary line; or

5207 2.a. Conspicuous no trespassing notice is painted on trees
5208 or posts on the property, provided that the notice is:

5209 (I) Painted in an international orange color and
5210 displaying the stenciled words "No Trespassing" in letters no
5211 less than 2 inches high and 1 inch wide either vertically or
5212 horizontally;

5213 (II) Placed so that the bottom of the painted notice is
5214 not less than 3 feet from the ground or more than 5 feet from
5215 the ground; and

5216 (III) Placed at locations that are readily visible to any
5217 person approaching the property and no more than 500 feet apart
5218 on agricultural land.

5219 b. ~~Beginning October 1, 2007,~~ When a landowner uses the
5220 painted no trespassing posting to identify a "no trespassing"
5221 area, those painted notices shall be accompanied by signs
5222 complying with subparagraph 1. and placed conspicuously at all
5223 places where entry to the property is normally expected or known
5224 to occur.

5225 Reviser's note.—Amended to delete obsolete language.

5226 Section 167. Subsections (1), (2), (3), and (4) of section
5227 843.085, Florida Statutes, are amended to read:

5228 843.085 Unlawful use of badges or other indicia of
5229 authority.—

5230 (1) It is unlawful for any person, unless appointed by the
 5231 Governor pursuant to chapter 354, authorized by the appropriate
 5232 agency, or displayed in a closed or mounted case as a collection
 5233 or exhibit, to wear or display any authorized indicia of
 5234 authority, including any badge, insignia, emblem, identification
 5235 card, or uniform, or any colorable imitation thereof, of any
 5236 federal, state, county, or municipal law enforcement agency, or
 5237 other criminal justice agency as defined in s. 943.045, with the
 5238 intent to mislead or cause another person to believe that he or
 5239 she is a member of that agency or is authorized to display or
 5240 wear such item, or to wear or display any item that displays in
 5241 any manner or combination the word or words "police,"
 5242 "patrolman," "patrolwoman," "agent," "sheriff," "deputy,"
 5243 "trooper," "highway patrol," "commission officer," "Wildlife
 5244 Officer," "Department of Environmental Protection officer,"
 5245 "Marine Patrol Officer," "state attorney," "public defender,"
 5246 "marshal," "constable," "bailiff," or "fire department," with
 5247 the intent to mislead or cause another person to believe that he
 5248 or she is a member of that agency or is authorized to wear or
 5249 display such item.

5250 (2) It is unlawful for a person to own or operate a motor
 5251 vehicle marked or identified in any manner or combination by the
 5252 word or words "police," "patrolman," "patrolwoman," "sheriff,"
 5253 "deputy," "trooper," "highway patrol," "commission officer,"
 5254 "Wildlife Officer," "Department of Environmental Protection

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5255 officer," "Marine Patrol Officer," "marshal," "constable,"
5256 "bailiff," or "fire department," or by any lettering, marking,
5257 or insignia, or colorable imitation thereof, including, but not
5258 limited to, stars, badges, or shields, officially used to
5259 identify the vehicle as a federal, state, county, or municipal
5260 law enforcement vehicle or a vehicle used by a criminal justice
5261 agency as defined in s. 943.045, or a vehicle used by a fire
5262 department with the intent to mislead or cause another person to
5263 believe that such vehicle is an official vehicle of that agency
5264 and is authorized to be used by that agency, unless such vehicle
5265 is owned or operated by the appropriate agency and its use is
5266 authorized by such agency, or the local law enforcement agency
5267 or fire department authorizes the use of such vehicle, or the
5268 person is appointed by the Governor pursuant to chapter 354.

5269 (3) It is unlawful for a person to sell, transfer, or give
5270 away the authorized badge, or colorable imitation thereof,
5271 including miniatures, of any criminal justice agency as defined
5272 in s. 943.045, or bearing in any manner or combination the word
5273 or words "police," "patrolman," "patrolwoman," "sheriff,"
5274 "deputy," "trooper," "highway patrol," "commission officer,"
5275 "Wildlife Officer," "Department of Environmental Protection
5276 officer," "Marine Patrol Officer," "marshal," "constable,"
5277 "agent," "state attorney," "public defender," "bailiff," or
5278 "fire department," with the intent to mislead or cause another
5279 person to believe that he or she is a member of that agency or

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5280 is authorized to wear or display such item, except for agency
5281 purchases or upon the presentation and recordation of both a
5282 driver license and other identification showing any transferee
5283 to actually be a member of such criminal justice agency or
5284 unless the person is appointed by the Governor pursuant to
5285 chapter 354. A transferor of an item covered by this subsection
5286 is required to maintain for 2 years a written record of such
5287 transaction, including records showing compliance with this
5288 subsection, and if such transferor is a business, it shall make
5289 such records available during normal business hours for
5290 inspection by any law enforcement agency having jurisdiction in
5291 the area where the business is located.

5292 (4) This section does not prohibit a fraternal,
5293 benevolent, or labor organization or association, or their
5294 chapters or subsidiaries, from using the following words, in any
5295 manner or in any combination, if those words appear in the
5296 official name of the organization or association: "police,"
5297 "patrolman," "patrolwoman," "sheriff," "deputy," "trooper,"
5298 "highway patrol," "commission officer," "Wildlife Officer,"
5299 "Department of Environmental Protection officer," "Marine Patrol
5300 Officer," "marshal," "constable," "bailiff," or "fire
5301 department."

5302 Reviser's note.—Amended to conform to gender-neutral drafting
5303 standards.

5304 Section 168. Paragraph (d) of subsection (3) of section

5305 900.05, Florida Statutes, is amended to read:

5306 900.05 Criminal justice data collection.—

5307 (3) DATA COLLECTION AND REPORTING.—An entity required to
 5308 collect data in accordance with this subsection shall collect
 5309 the specified data and report them in accordance with this
 5310 subsection to the Department of Law Enforcement on a monthly
 5311 basis.

5312 (d) County detention facility.—The administrator of each
 5313 county detention facility shall collect the following data:

5314 1. Maximum capacity for the county detention facility.

5315 2. Weekly admissions to the county detention facility for
 5316 a revocation of probation or community control.

5317 3. Weekly admissions to the county detention facility for
 5318 a revocation of pretrial release.

5319 4. Daily population of the county detention facility,
 5320 including the specific number of inmates in the custody of the
 5321 county that:

5322 a. Are awaiting case disposition.

5323 b. Have been sentenced by a court to a term of
 5324 incarceration in the county detention facility.

5325 c. Have been sentenced by a court to a term of
 5326 imprisonment with the Department of Corrections and who are
 5327 awaiting transportation to the department.

5328 d. Have a federal detainer, are awaiting disposition of a
 5329 case in federal court, or are awaiting other federal

5330 disposition.

5331 5. Information related to each inmate, including:

5332 a. Identifying information, including name, date of birth,

5333 race, ethnicity, gender, case number, and identification number

5334 assigned by the county detention facility.

5335 b. Date when an inmate is processed and booked into the

5336 county detention facility subsequent to an arrest for a new

5337 violation of law, for a violation of probation or community

5338 control, or for a violation of pretrial release.

5339 c. Reason why an inmate is processed and booked into the

5340 county detention facility, including a new law violation, a

5341 violation of probation or community control, or a violation of

5342 pretrial release.

5343 d. Qualification for a flag designation as defined in this

5344 section, including domestic violence flag, gang affiliation

5345 flag, habitual offender flag, habitual violent felony offender

5346 flag, pretrial release violation flag, sexual offender flag,

5347 prison releasee reoffender flag, three-time violent felony

5348 offender flag, or violent career criminal flag.

5349 6. Total population of the county detention facility at

5350 year-end. This data must include the same specified

5351 classifications as subparagraph 4 ~~3~~.

5352 7. Per diem rate for a county detention facility bed.

5353 8. Daily number of correctional officers for the county

5354 detention facility.

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5355 9. Annual county detention facility budget. This
5356 information only needs to be reported once annually at the
5357 beginning of the county's fiscal year.

5358 10. Annual revenue generated for the county from the
5359 temporary incarceration of federal defendants or inmates.
5360 Reviser's note.—Amended to confirm the editorial substitution of
5361 a reference to subparagraph 4. for a reference to
5362 subparagraph 3. to conform to the redesignation of
5363 subparagraphs by s. 46, ch. 2019-167, Laws of Florida.
5364 Section 169. Subsection (2) of section 944.613, Florida
5365 Statutes, is amended to read:

5366 944.613 Methods of transportation.—

5367 (2) FLORIDA RELEASEE.—In instances when a releasee remains
5368 in this state but leaves the county where the correctional
5369 institution or facility of her or his confinement is located,
5370 transportation shall be provided by common carrier using the
5371 most economical means. Transportation as authorized herein shall
5372 be furnished by nonnegotiable travel voucher payable to the
5373 common carrier being utilized, and in no event shall there be
5374 any cash disbursement to the releasee or any person, firm, or
5375 corporation. Such travel voucher is to be utilized immediately
5376 by the releasee. The source of any private transportation must
5377 be a family member or friend whose purpose is to immediately
5378 transport the releasee to the approved location pursuant to s.
5379 944.611 ~~section 1.~~

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5380 Reviser's note.—Amended to correct a cross-reference. Section 1,
5381 ch. 83-131, Laws of Florida, is the short title; s. 38, ch.
5382 83-131, was compiled as s. 944.611 and does reference
5383 approved locations for a releasee.

5384 Section 170. Subsection (2) of section 948.062, Florida
5385 Statutes, is amended to read:

5386 948.062 Reviewing and reporting serious offenses committed
5387 by offenders placed on probation or community control.—

5388 ~~(2) The department shall provide a statistical data~~
5389 ~~summary from these reviews to the Office of Program Policy~~
5390 ~~Analysis and Government Accountability. The Office of Program~~
5391 ~~Policy Analysis and Government Accountability shall analyze this~~
5392 ~~data and provide a written report to the President of the Senate~~
5393 ~~and the Speaker of the House of Representatives by March 1,~~
5394 ~~2006. The report must include, at a minimum, any identified~~
5395 ~~systemic deficiencies in managing high-risk offenders on~~
5396 ~~community supervision, any patterns of noncompliance by~~
5397 ~~correctional probation officers, and recommendations for~~
5398 ~~improving the community supervision program.~~

5399 Reviser's note.—Amended to delete an obsolete provision.

5400 Section 171. Section 960.07, Florida Statutes, is
5401 reenacted to read:

5402 960.07 Filing of claims for compensation.—

5403 (1) A claim for compensation may be filed by a person
5404 eligible for compensation as provided in s. 960.065 or, if such

5405 | person is a minor, by his or her parent or guardian or, if the
 5406 | person entitled to make a claim is mentally incompetent, by the
 5407 | person's guardian or such other individual authorized to
 5408 | administer his or her estate.

5409 | (2) Except as provided in subsections (3) and (4), a claim
 5410 | must be filed in accordance with this subsection.

5411 | (a)1. A claim arising from a crime occurring before
 5412 | October 1, 2019, must be filed within 1 year after:

5413 | a. The occurrence of the crime upon which the claim is
 5414 | based.

5415 | b. The death of the victim or intervenor.

5416 | c. The death of the victim or intervenor is determined to
 5417 | be the result of a crime, and the crime occurred after June 30,
 5418 | 1994.

5419 | 2. For good cause the department may extend the time for
 5420 | filing a claim under subparagraph 1. for a period not exceeding
 5421 | 2 years after such occurrence.

5422 | (b)1. A claim arising from a crime occurring on or after
 5423 | October 1, 2019, must be filed within 3 years after the later
 5424 | of:

5425 | a. The occurrence of the crime upon which the claim is
 5426 | based;

5427 | b. The death of the victim or intervenor; or

5428 | c. The death of the victim or intervenor is determined to
 5429 | be the result of the crime.

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5430 2. For good cause the department may extend the time for
5431 filing a claim under subparagraph 1. for a period not to exceed
5432 5 years after such occurrence.

5433 (3) Notwithstanding the provisions of subsection (2), if
5434 the victim or intervenor was under the age of 18 at the time the
5435 crime upon which the claim is based occurred, a claim may be
5436 filed in accordance with this subsection.

5437 (a) The victim's or intervenor's parent or guardian may
5438 file a claim on behalf of the victim or intervenor while the
5439 victim or intervenor is less than 18 years of age;

5440 (b) For a claim arising from a crime that occurred before
5441 October 1, 2019, when a victim or intervenor who was under the
5442 age of 18 at the time the crime occurred reaches the age of 18,
5443 the victim or intervenor has 1 year to file a claim; or

5444 (c) For a claim arising from a crime occurring on or after
5445 October 1, 2019, when a victim or intervenor who was under the
5446 age of 18 at the time the crime occurred reaches the age of 18,
5447 the victim or intervenor has 3 years to file a claim.

5448
5449 For good cause, the department may extend the time period
5450 allowed for filing a claim under paragraph (b) for an additional
5451 period not to exceed 1 year or under paragraph (c) for an
5452 additional period not to exceed 2 years.

5453 (4) The provisions of subsection (2) notwithstanding, a
5454 victim of a sexually violent offense as defined in s. 394.912,

5455 | may file a claim for compensation for counseling or other mental
5456 | health services within:

5457 | (a) One year after the filing of a petition under s.
5458 | 394.914, to involuntarily civilly commit the individual who
5459 | perpetrated the sexually violent offense, if the claim arises
5460 | from a crime committed before October 1, 2019; or

5461 | (b) Three years after the filing of a petition under s.
5462 | 394.914, to involuntarily civilly commit the individual who
5463 | perpetrated the sexually violent offense, if the claim arises
5464 | from a crime committed on or after October 1, 2019.

5465 | (5) Claims may be filed in the Tallahassee office of the
5466 | department in person or by mail. Any employee of the department
5467 | receiving a claim for compensation shall, immediately upon
5468 | receipt of such claim, mail the claim to the department at its
5469 | office in Tallahassee. In no event and under no circumstances
5470 | shall the rights of a claimant under this chapter be prejudiced
5471 | or lost by the failure or delay of the employees of the
5472 | department in mailing claims to the department in Tallahassee.

5473 | (6) Upon filing of a claim pursuant to this chapter, in
5474 | which there is an identified offender, the department shall
5475 | promptly notify the state attorney of the circuit wherein the
5476 | crime is alleged to have occurred. If within 10 days after such
5477 | notification such state attorney advises the department that a
5478 | criminal prosecution or delinquency petition is pending upon the
5479 | same alleged crime and requests that action by the department be

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5480 deferred, the department shall defer all proceedings under this
5481 chapter until such time as a trial verdict or delinquency
5482 adjudication has been rendered, and shall so notify such state
5483 attorney and claimant. When a trial verdict or delinquency
5484 adjudication has been rendered, such state attorney shall
5485 promptly notify the department. Nothing in this subsection shall
5486 limit the authority of the department to grant emergency awards
5487 pursuant to s. 960.12.

5488 (7) The state attorney's office shall aid claimants in the
5489 filing and processing of claims, as may be required.

5490 Reviser's note.—Section 68, ch. 2019-167, Laws of Florida,
5491 purported to amend s. 960.07 but did not publish
5492 subsections (5)-(7). Absent affirmative evidence of
5493 legislative intent to repeal them, s. 960.07 is reenacted
5494 to confirm that the omission was not intended.

5495 Section 172. Paragraph (c) of subsection (2) of section
5496 985.26, Florida Statutes, is reenacted to read:

5497 985.26 Length of detention.—

5498 (2)

5499 (c) A prolific juvenile offender under s. 985.255(1)(f)
5500 shall be placed on supervised release detention care with
5501 electronic monitoring or in secure detention care under a
5502 special detention order until disposition. If secure detention
5503 care is ordered by the court, it must be authorized under this
5504 part and may not exceed:

5505 1. Twenty-one days unless an adjudicatory hearing for the
 5506 case has been commenced in good faith by the court or the period
 5507 is extended by the court pursuant to paragraph (b); or

5508 2. Fifteen days after the entry of an order of
 5509 adjudication.

5510
 5511 As used in this paragraph, the term "disposition" means a
 5512 declination to file under s. 985.15(1)(h), the entry of nolle
 5513 prosequi for the charges, the filing of an indictment under s.
 5514 985.56 or an information under s. 985.557, a dismissal of the
 5515 case, or an order of final disposition by the court.

5516 Reviser's note.—Section 151, ch. 2019-167, Laws of Florida,
 5517 reenacted s. 985.26(2) "[f]or the purpose of incorporating
 5518 an amendment made by this act to section 985.557, Florida
 5519 Statutes, in a reference thereto" within s. 985.26(2). The
 5520 reenactment failed to incorporate the amendment by s. 11,
 5521 ch. 2018-86, Laws of Florida, effective July 1, 2019.
 5522 Absent affirmative evidence of legislative intent to repeal
 5523 the July 1, 2019, amendment by s. 11, ch. 2018-86, the
 5524 paragraph is reenacted to confirm the omission was not
 5525 intended.

5526 Section 173. Paragraph (b) of subsection (3) of section
 5527 985.265, Florida Statutes, is reenacted to read:

5528 985.265 Detention transfer and release; education; adult
 5529 jails.—

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5530 (3)

5531 (b) When a juvenile is released from secure detention or
5532 transferred to supervised release detention, detention staff
5533 shall immediately notify the appropriate law enforcement agency,
5534 school personnel, and victim if the juvenile is charged with
5535 committing any of the following offenses or attempting to commit
5536 any of the following offenses:

- 5537 1. Murder, under s. 782.04;
- 5538 2. Sexual battery, under chapter 794;
- 5539 3. Stalking, under s. 784.048; or
- 5540 4. Domestic violence, as defined in s. 741.28.

5541 Reviser's note.—Section 95, ch. 2019-167, Laws of Florida,
5542 reenacted s. 985.265(3) (b) "[f]or the purpose of
5543 incorporating an amendment made by this act to section
5544 784.048, Florida Statutes, in a reference thereto" within
5545 s. 985.265(3) (b). The reenactment failed to incorporate the
5546 amendment by s. 12, ch. 2018-86, Laws of Florida, effective
5547 July 1, 2019. Absent affirmative evidence of intent to
5548 repeal the July 1, 2019, amendment by s. 12, ch. 2018-86,
5549 the paragraph is reenacted to confirm the omission was not
5550 intended.

5551 Section 174. Subsection (4) of section 1002.385, Florida
5552 Statutes, is amended to read:

5553 1002.385 The Gardiner Scholarship.—

5554 (4) PROGRAM PROHIBITIONS.—A student is not eligible for

5555 | the program if he or she is:

5556 | (a) Enrolled in a public school, including, but not
 5557 | limited to, the Florida School for the Deaf and the Blind; the
 5558 | Florida Virtual School; the College-Preparatory Boarding
 5559 | Academy; a developmental research school authorized under s.
 5560 | 1002.32; a charter school authorized under s. 1002.33, s.
 5561 | 1002.331, or s. 1002.332; or a virtual education program
 5562 | authorized under s. 1002.45. For purposes of this paragraph, a
 5563 | 3- or 4-year-old child who receives services funded through the
 5564 | Florida Education Finance Program is considered to be a student
 5565 | enrolled in a public school. Funding provided under this section
 5566 | for a child eligible for enrollment in the Voluntary
 5567 | Prekindergarten Education Program shall constitute funding for
 5568 | the child under part V of this chapter, and no additional
 5569 | funding shall be provided for the child under part V.

5570 | (b) Enrolled in a school operating for the purpose of
 5571 | providing educational services to youth in the Department of
 5572 | Juvenile Justice commitment programs.

5573 | (c) Receiving a scholarship pursuant to the Florida Tax
 5574 | Credit Scholarship Program under s. 1002.395 or the John M.
 5575 | McKay Scholarships for Students with Disabilities Program under
 5576 | s. 1002.39.

5577 | (d) Receiving any other educational scholarship pursuant
 5578 | to this chapter.

5579 | ~~(e) Enrolled in the Florida School for the Deaf and the~~

5580 ~~Blind.~~
 5581 Reviser's note.—Amended to remove redundant information. Section
 5582 1, ch. 2017-166, Laws of Florida, added paragraph (e),
 5583 which lists students at the Florida School for the Deaf and
 5584 Blind; paragraph (a) lists the same students.
 5585 Section 175. Paragraph (b) of subsection (3) of section
 5586 1002.395, Florida Statutes, is amended and subsection (6) of
 5587 that section is reenacted to read:
 5588 1002.395 Florida Tax Credit Scholarship Program.—
 5589 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—
 5590 (b) A student is eligible for a Florida tax credit
 5591 scholarship under this section if the student meets one or more
 5592 of the following criteria:
 5593 1. The student is on the direct certification list or the
 5594 student's household income level does not exceed 185 percent of
 5595 the federal poverty level; ~~or~~
 5596 2. The student is currently placed, or during the previous
 5597 state fiscal year was placed, in foster care or in out-of-home
 5598 care as defined in s. 39.01; or—
 5599 3. The student's household income level is greater than
 5600 185 percent of the federal poverty level but does not exceed 260
 5601 percent of the federal poverty level.
 5602
 5603 A student who initially receives a scholarship based on
 5604 eligibility under subparagraph (b)2. remains eligible to

5605 participate until the student graduates from high school or
5606 attains the age of 21 years, whichever occurs first, regardless
5607 of the student's household income level. A student who initially
5608 received a scholarship based on income eligibility before the
5609 2019-2020 school year remains eligible to participate until he
5610 or she graduates from high school, attains the age of 21 years,
5611 or the student's household income level exceeds 260 percent of
5612 the federal poverty level, whichever occurs first. A sibling of
5613 a student who is participating in the scholarship program under
5614 this subsection is eligible for a scholarship if the student
5615 resides in the same household as the sibling.

5616 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
5617 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
5618 organization:

5619 (a) Must comply with the antidiscrimination provisions of
5620 42 U.S.C. s. 2000d.

5621 (b) Must comply with the following background check
5622 requirements:

5623 1. All owners and operators as defined in subparagraph
5624 (2)(i)1. are, before employment or engagement to provide
5625 services, subject to level 2 background screening as provided
5626 under chapter 435. The fingerprints for the background screening
5627 must be electronically submitted to the Department of Law
5628 Enforcement and can be taken by an authorized law enforcement
5629 agency or by an employee of the eligible nonprofit scholarship-

5630 funding organization or a private company who is trained to take
5631 fingerprints. However, the complete set of fingerprints of an
5632 owner or operator may not be taken by the owner or operator. The
5633 results of the state and national criminal history check shall
5634 be provided to the Department of Education for screening under
5635 chapter 435. The cost of the background screening may be borne
5636 by the eligible nonprofit scholarship-funding organization or
5637 the owner or operator.

5638 2. Every 5 years following employment or engagement to
5639 provide services or association with an eligible nonprofit
5640 scholarship-funding organization, each owner or operator must
5641 meet level 2 screening standards as described in s. 435.04, at
5642 which time the nonprofit scholarship-funding organization shall
5643 request the Department of Law Enforcement to forward the
5644 fingerprints to the Federal Bureau of Investigation for level 2
5645 screening. If the fingerprints of an owner or operator are not
5646 retained by the Department of Law Enforcement under subparagraph
5647 3., the owner or operator must electronically file a complete
5648 set of fingerprints with the Department of Law Enforcement. Upon
5649 submission of fingerprints for this purpose, the eligible
5650 nonprofit scholarship-funding organization shall request that
5651 the Department of Law Enforcement forward the fingerprints to
5652 the Federal Bureau of Investigation for level 2 screening, and
5653 the fingerprints shall be retained by the Department of Law
5654 Enforcement under subparagraph 3.

5655 3. Fingerprints submitted to the Department of Law
5656 Enforcement as required by this paragraph must be retained by
5657 the Department of Law Enforcement in a manner approved by rule
5658 and entered in the statewide automated biometric identification
5659 system authorized by s. 943.05(2)(b). The fingerprints must
5660 thereafter be available for all purposes and uses authorized for
5661 arrest fingerprints entered in the statewide automated biometric
5662 identification system pursuant to s. 943.051.

5663 4. The Department of Law Enforcement shall search all
5664 arrest fingerprints received under s. 943.051 against the
5665 fingerprints retained in the statewide automated biometric
5666 identification system under subparagraph 3. Any arrest record
5667 that is identified with an owner's or operator's fingerprints
5668 must be reported to the Department of Education. The Department
5669 of Education shall participate in this search process by paying
5670 an annual fee to the Department of Law Enforcement and by
5671 informing the Department of Law Enforcement of any change in the
5672 employment, engagement, or association status of the owners or
5673 operators whose fingerprints are retained under subparagraph 3.
5674 The Department of Law Enforcement shall adopt a rule setting the
5675 amount of the annual fee to be imposed upon the Department of
5676 Education for performing these services and establishing the
5677 procedures for the retention of owner and operator fingerprints
5678 and the dissemination of search results. The fee may be borne by
5679 the owner or operator of the nonprofit scholarship-funding

5680 organization.

5681 5. A nonprofit scholarship-funding organization whose
5682 owner or operator fails the level 2 background screening is not
5683 eligible to provide scholarships under this section.

5684 6. A nonprofit scholarship-funding organization whose
5685 owner or operator in the last 7 years has filed for personal
5686 bankruptcy or corporate bankruptcy in a corporation of which he
5687 or she owned more than 20 percent shall not be eligible to
5688 provide scholarships under this section.

5689 7. In addition to the offenses listed in s. 435.04, a
5690 person required to undergo background screening pursuant to this
5691 part or authorizing statutes must not have an arrest awaiting
5692 final disposition for, must not have been found guilty of, or
5693 entered a plea of nolo contendere to, regardless of
5694 adjudication, and must not have been adjudicated delinquent, and
5695 the record must not have been sealed or expunged for, any of the
5696 following offenses or any similar offense of another
5697 jurisdiction:

- 5698 a. Any authorizing statutes, if the offense was a felony.
- 5699 b. This chapter, if the offense was a felony.
- 5700 c. Section 409.920, relating to Medicaid provider fraud.
- 5701 d. Section 409.9201, relating to Medicaid fraud.
- 5702 e. Section 741.28, relating to domestic violence.
- 5703 f. Section 817.034, relating to fraudulent acts through
5704 mail, wire, radio, electromagnetic, photoelectronic, or

5705 photooptical systems.

5706 g. Section 817.234, relating to false and fraudulent

5707 insurance claims.

5708 h. Section 817.505, relating to patient brokering.

5709 i. Section 817.568, relating to criminal use of personal

5710 identification information.

5711 j. Section 817.60, relating to obtaining a credit card

5712 through fraudulent means.

5713 k. Section 817.61, relating to fraudulent use of credit

5714 cards, if the offense was a felony.

5715 l. Section 831.01, relating to forgery.

5716 m. Section 831.02, relating to uttering forged

5717 instruments.

5718 n. Section 831.07, relating to forging bank bills, checks,

5719 drafts, or promissory notes.

5720 o. Section 831.09, relating to uttering forged bank bills,

5721 checks, drafts, or promissory notes.

5722 p. Section 831.30, relating to fraud in obtaining

5723 medicinal drugs.

5724 q. Section 831.31, relating to the sale, manufacture,

5725 delivery, or possession with the intent to sell, manufacture, or

5726 deliver any counterfeit controlled substance, if the offense was

5727 a felony.

5728 (c) Must not have an owner or operator who owns or

5729 operates an eligible private school that is participating in the

5730 scholarship program.

5731 (d) Must provide scholarships, from eligible
5732 contributions, to eligible students for the cost of:

5733 1. Tuition and fees for an eligible private school; or

5734 2. Transportation to a Florida public school in which a
5735 student is enrolled and that is different from the school to
5736 which the student was assigned or to a lab school as defined in
5737 s. 1002.32.

5738 (e) Must give first priority to eligible students who
5739 received a scholarship from an eligible nonprofit scholarship-
5740 funding organization or from the State of Florida during the
5741 previous school year. Beginning in the 2016-2017 school year, an
5742 eligible nonprofit scholarship-funding organization shall give
5743 priority to new applicants whose household income levels do not
5744 exceed 185 percent of the federal poverty level or who are in
5745 foster care or out-of-home care.

5746 (f) Must provide a scholarship to an eligible student on a
5747 first-come, first-served basis unless the student qualifies for
5748 priority pursuant to paragraph (e).

5749 (g) May not restrict or reserve scholarships for use at a
5750 particular private school or provide scholarships to a child of
5751 an owner or operator.

5752 (h) Must allow a student in foster care or out-of-home
5753 care or a dependent child of a parent who is a member of the
5754 United States Armed Forces to apply for a scholarship at any

5755 time.

5756 (i) Must allow an eligible student to attend any eligible
5757 private school and must allow a parent to transfer a scholarship
5758 during a school year to any other eligible private school of the
5759 parent's choice.

5760 (j)1. May use eligible contributions received pursuant to
5761 this section and ss. 212.099, 212.1832, and 1002.40 during the
5762 state fiscal year in which such contributions are collected for
5763 administrative expenses if the organization has operated as an
5764 eligible nonprofit scholarship-funding organization for at least
5765 the preceding 3 fiscal years and did not have any findings of
5766 material weakness or material noncompliance in its most recent
5767 audit under paragraph (m). Administrative expenses from eligible
5768 contributions may not exceed 3 percent of the total amount of
5769 all scholarships awarded by an eligible scholarship-funding
5770 organization under this chapter. Such administrative expenses
5771 must be reasonable and necessary for the organization's
5772 management and distribution of scholarships awarded under this
5773 chapter. No funds authorized under this subparagraph shall be
5774 used for lobbying or political activity or expenses related to
5775 lobbying or political activity. Up to one-third of the funds
5776 authorized for administrative expenses under this subparagraph
5777 may be used for expenses related to the recruitment of
5778 contributions from taxpayers. An eligible nonprofit scholarship-
5779 funding organization may not charge an application fee.

5780 2. Must expend for annual or partial-year scholarships an
5781 amount equal to or greater than 75 percent of the net eligible
5782 contributions remaining after administrative expenses during the
5783 state fiscal year in which such contributions are collected. No
5784 more than 25 percent of such net eligible contributions may be
5785 carried forward to the following state fiscal year. All amounts
5786 carried forward, for audit purposes, must be specifically
5787 identified for particular students, by student name and the name
5788 of the school to which the student is admitted, subject to the
5789 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
5790 and the applicable rules and regulations issued pursuant
5791 thereto. Any amounts carried forward shall be expended for
5792 annual or partial-year scholarships in the following state
5793 fiscal year. No later than September 30 of each year, net
5794 eligible contributions remaining on June 30 of each year that
5795 are in excess of the 25 percent that may be carried forward
5796 shall be used to provide scholarships to eligible students or
5797 transferred to other eligible nonprofit scholarship-funding
5798 organizations to provide scholarships for eligible students. All
5799 transferred funds must be deposited by each eligible nonprofit
5800 scholarship-funding organization receiving such funds into its
5801 scholarship account. All transferred amounts received by any
5802 eligible nonprofit scholarship-funding organization must be
5803 separately disclosed in the annual financial audit required
5804 under paragraph (m).

5805 3. Must, before granting a scholarship for an academic
5806 year, document each scholarship student's eligibility for that
5807 academic year. A scholarship-funding organization may not grant
5808 multiyear scholarships in one approval process.

5809 (k) Must maintain separate accounts for scholarship funds
5810 and operating funds.

5811 (l) With the prior approval of the Department of
5812 Education, may transfer funds to another eligible nonprofit
5813 scholarship-funding organization if additional funds are
5814 required to meet scholarship demand at the receiving nonprofit
5815 scholarship-funding organization. A transfer is limited to the
5816 greater of \$500,000 or 20 percent of the total contributions
5817 received by the nonprofit scholarship-funding organization
5818 making the transfer. All transferred funds must be deposited by
5819 the receiving nonprofit scholarship-funding organization into
5820 its scholarship accounts. All transferred amounts received by
5821 any nonprofit scholarship-funding organization must be
5822 separately disclosed in the annual financial and compliance
5823 audit required in this section.

5824 (m) Must provide to the Auditor General and the Department
5825 of Education a report on the results of an annual financial
5826 audit of its accounts and records conducted by an independent
5827 certified public accountant in accordance with auditing
5828 standards generally accepted in the United States, government
5829 auditing standards, and rules promulgated by the Auditor

5830 General. The audit report must include a report on financial
5831 statements presented in accordance with generally accepted
5832 accounting principles. Audit reports must be provided to the
5833 Auditor General and the Department of Education within 180 days
5834 after completion of the eligible nonprofit scholarship-funding
5835 organization's fiscal year. The Auditor General shall review all
5836 audit reports submitted pursuant to this paragraph. The Auditor
5837 General shall request any significant items that were omitted in
5838 violation of a rule adopted by the Auditor General. The items
5839 must be provided within 45 days after the date of the request.
5840 If the scholarship-funding organization does not comply with the
5841 Auditor General's request, the Auditor General shall notify the
5842 Legislative Auditing Committee.

5843 (n) Must prepare and submit quarterly reports to the
5844 Department of Education pursuant to paragraph (9)(i). In
5845 addition, an eligible nonprofit scholarship-funding organization
5846 must submit in a timely manner any information requested by the
5847 Department of Education relating to the scholarship program.

5848 (o)1.a. Must participate in the joint development of
5849 agreed-upon procedures during the 2009-2010 state fiscal year.
5850 The agreed-upon procedures must uniformly apply to all private
5851 schools and must determine, at a minimum, whether the private
5852 school has been verified as eligible by the Department of
5853 Education under s. 1002.421; has an adequate accounting system,
5854 system of financial controls, and process for deposit and

5855 classification of scholarship funds; and has properly expended
5856 scholarship funds for education-related expenses. During the
5857 development of the procedures, the participating scholarship-
5858 funding organizations shall specify guidelines governing the
5859 materiality of exceptions that may be found during the
5860 accountant's performance of the procedures. The procedures and
5861 guidelines shall be provided to private schools and the
5862 Commissioner of Education by March 15, 2011.

5863 b. Must participate in a joint review of the agreed-upon
5864 procedures and guidelines developed under sub-subparagraph a.,
5865 by February of each biennium, if the scholarship-funding
5866 organization provided more than \$250,000 in scholarship funds to
5867 an eligible private school under this chapter during the state
5868 fiscal year preceding the biennial review. If the procedures and
5869 guidelines are revised, the revisions must be provided to
5870 private schools and the Commissioner of Education by March 15 of
5871 the year in which the revisions were completed. The revised
5872 agreed-upon procedures shall take effect the subsequent school
5873 year. For the 2018-2019 school year only, the joint review of
5874 the agreed-upon procedures must be completed and the revisions
5875 submitted to the commissioner no later than September 15, 2018.
5876 The revised procedures are applicable to the 2018-2019 school
5877 year.

5878 c. Must monitor the compliance of a private school with s.
5879 1002.421(1)(q) if the scholarship-funding organization provided

5880 the majority of the scholarship funding to the school. For each
5881 private school subject to s. 1002.421(1)(q), the appropriate
5882 scholarship-funding organization shall annually notify the
5883 Commissioner of Education by October 30 of:

5884 (I) A private school's failure to submit a report required
5885 under s. 1002.421(1)(q); or

5886 (II) Any material exceptions set forth in the report
5887 required under s. 1002.421(1)(q).

5888 2. Must seek input from the accrediting associations that
5889 are members of the Florida Association of Academic Nonpublic
5890 Schools and the Department of Education when jointly developing
5891 the agreed-upon procedures and guidelines under sub-subparagraph
5892 1.a. and conducting a review of those procedures and guidelines
5893 under sub-subparagraph 1.b.

5894 (p) Must maintain the surety bond or letter of credit
5895 required by subsection (15). The amount of the surety bond or
5896 letter of credit may be adjusted quarterly to equal the actual
5897 amount of undisbursed funds based upon submission by the
5898 organization of a statement from a certified public accountant
5899 verifying the amount of undisbursed funds. The requirements of
5900 this paragraph are waived if the cost of acquiring a surety bond
5901 or letter of credit exceeds the average 10-year cost of
5902 acquiring a surety bond or letter of credit by 200 percent. The
5903 requirements of this paragraph are waived for a state
5904 university; or an independent college or university which is

5905 | eligible to participate in the William L. Boyd, IV, Effective
 5906 | Access to Student Education Grant Program, located and chartered
 5907 | in this state, is not for profit, and is accredited by the
 5908 | Commission on Colleges of the Southern Association of Colleges
 5909 | and Schools.

5910 | (q) Must provide to the Auditor General any information or
 5911 | documentation requested in connection with an operational audit
 5912 | of a scholarship funding organization conducted pursuant to s.
 5913 | 11.45.

5914 |
 5915 | Information and documentation provided to the Department of
 5916 | Education and the Auditor General relating to the identity of a
 5917 | taxpayer that provides an eligible contribution under this
 5918 | section shall remain confidential at all times in accordance
 5919 | with s. 213.053.

5920 | Reviser's note.—Paragraph (3) (b) is amended to conform to
 5921 | structure. Subsection (6) is reenacted to correct an
 5922 | editorial input error. Flush left language erroneously
 5923 | appearing after paragraph (6) (j) is deleted. The language
 5924 | appeared there as well as at the end of subsection (6), the
 5925 | appropriate location for the text.

5926 | Section 176. Paragraph (d) of subsection (16) of section
 5927 | 1003.52, Florida Statutes, is amended to read:

5928 | 1003.52 Educational services in Department of Juvenile
 5929 | Justice programs.—

5930 (16) The Department of Education, in consultation with the
 5931 Department of Juvenile Justice, district school boards, and
 5932 providers, shall adopt rules establishing:

5933 (d) The Department of Education, in partnership with the
 5934 Department of Juvenile Justice, shall develop a comprehensive
 5935 accountability and program improvement process. The
 5936 accountability and program improvement process shall be based on
 5937 student performance measures by type of program and shall rate
 5938 education program performance. The accountability system shall
 5939 identify and recognize high-performing education programs. The
 5940 Department of Education, in partnership with the Department of
 5941 Juvenile Justice, shall identify low-performing programs. Low-
 5942 performing education programs shall receive an onsite program
 5943 evaluation from the Department of Juvenile Justice. School
 5944 improvement, technical assistance, or the reassignment of the
 5945 program shall be based, in part, on the results of the program
 5946 evaluation. Through a corrective action process, low-performing
 5947 programs must demonstrate improvement or ~~reassign~~ the programs
 5948 shall be reassigned ~~program~~.

5949 Reviser's note.—Amended to improve clarity.

5950 Section 177. Paragraph (h) of subsection (4) of section
 5951 1004.435, Florida Statutes, is amended to read:

5952 1004.435 Cancer control and research.—

5953 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 5954 CREATION; COMPOSITION.—

5955 (h) The council shall approve each year a program for
 5956 cancer control and research to be known as the "Florida Cancer
 5957 Control and Research Plan" which shall be ~~consistent with the~~
 5958 ~~State Health Plan and~~ integrated and coordinated with existing
 5959 programs in this state.

5960 Reviser's note.—Amended to delete an obsolete reference. The
 5961 State Health Plan was referenced in s. 408.033; s. 4, ch.
 5962 2000-256, Laws of Florida, deleted it from that section and
 5963 also deleted other references to it.

5964 Section 178. Subsection (1) of section 1004.79, Florida
 5965 Statutes, is amended to read:

5966 1004.79 Incubator facilities for small business concerns.—

5967 (1) Each Florida College System institution established
 5968 pursuant to s. 1000.21(3) ~~1004.02(2)~~ may provide incubator
 5969 facilities to eligible small business concerns. As used in this
 5970 section, "small business concern" shall be defined as an
 5971 independently owned and operated business concern incorporated
 5972 in Florida which is not an affiliate or a subsidiary of a
 5973 business dominant in its field of operation, and which employs
 5974 25 or fewer full-time employees. "Incubator facility" shall be
 5975 defined as a facility in which small business concerns share
 5976 common space, equipment, and support personnel and through which
 5977 such concerns have access to professional consultants for advice
 5978 related to the technical and business aspects of conducting a
 5979 commercial enterprise. The Florida College System institution

5980 board of trustees shall authorize concerns for inclusion in the
 5981 incubator facility.

5982 Reviser's note.—Amended to correct a cross-reference. Section
 5983 1004.02(2) defines adult ESOL or adult ESL; s. 1000.21(3)
 5984 lists Florida College System institutions.

5985 Section 179. Subsection (12) of section 1006.63, Florida
 5986 Statutes, is amended to read:

5987 1006.63 Hazing prohibited.—

5988 (12) Notwithstanding subsection (11), a person is immune
 5989 from prosecution under this section if the person establishes
 5990 that, before medical assistance, law enforcement, or campus
 5991 security arrived on the scene of a hazing event, the person
 5992 rendered aid to the hazing victim. For purposes of this
 5993 subsection, "aid" includes, but is not ~~be~~ limited to, rendering
 5994 cardiopulmonary resuscitation to the victim, clearing an airway
 5995 for the victim to breathe, using a defibrillator to assist the
 5996 victim, or rendering any other assistance to the victim which
 5997 the person intended in good faith to stabilize or improve the
 5998 victim's condition while waiting for medical assistance, law
 5999 enforcement, or campus security to arrive.

6000 Reviser's note.—Amended to confirm the editorial deletion of the
 6001 word "be" to improve clarity.

6002 Section 180. Paragraph (d) of subsection (7) of section
 6003 1007.271, Florida Statutes, is amended to read:

6004 1007.271 Dual enrollment programs.—

6005 (7) Career dual enrollment shall be provided as a
 6006 curricular option for secondary students to pursue in order to
 6007 earn industry certifications adopted pursuant to s. 1008.44,
 6008 which count as credits toward the high school diploma. Career
 6009 dual enrollment shall be available for secondary students
 6010 seeking a degree and industry certification through a career
 6011 education program or course. Each career center established
 6012 under s. 1001.44 shall enter into an agreement with each high
 6013 school in any school district it serves. Beginning with the
 6014 2019-2020 school year, the agreement must be completed annually
 6015 and submitted by the career center to the Department of
 6016 Education by August 1. The agreement must:

6017 (d) Describe how students and parents will be informed of
 6018 career dual enrollment opportunities and related workforce
 6019 demand, how students can apply to participate in a career dual
 6020 enrollment program and register for courses through their high
 6021 schools ~~his or her high school~~, and the postsecondary career
 6022 education expectations for participating students.

6023 Reviser's note.—Amended to improve clarity.

6024 Section 181. Paragraph (c) of subsection (3) of section
 6025 1009.22, Florida Statutes, is amended to read:

6026 1009.22 Workforce education postsecondary student fees.—

6027 (3)

6028 (c) ~~Effective July 1, 2014,~~ For programs leading to a
 6029 career certificate or an applied technology diploma, the

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6030 standard tuition shall be \$2.33 per contact hour for residents
6031 and nonresidents and the out-of-state fee shall be \$6.99 per
6032 contact hour. For adult general education programs, a block
6033 tuition of \$45 per half year or \$30 per term shall be assessed.
6034 Each district school board and Florida College System
6035 institution board of trustees shall adopt policies and
6036 procedures for the collection of and accounting for the
6037 expenditure of the block tuition. All funds received from the
6038 block tuition shall be used only for adult general education
6039 programs. Students enrolled in adult general education programs
6040 may not be assessed the fees authorized in subsection (5),
6041 subsection (6), or subsection (7).

6042 Reviser's note.—Amended to delete obsolete language.

6043 Section 182. Subsection (3) of section 1009.531, Florida
6044 Statutes, is amended to read:

6045 1009.531 Florida Bright Futures Scholarship Program;
6046 student eligibility requirements for initial awards.—

6047 (3) For purposes of calculating the grade point average to
6048 be used in determining initial eligibility for a Florida Bright
6049 Futures Scholarship, the department shall assign additional
6050 weights to grades earned in the following courses:

6051 (a) Courses identified in the course code directory as
6052 Advanced Placement, pre-International Baccalaureate,
6053 International Baccalaureate, International General Certificate
6054 of Secondary Education (pre-AICE), or Advanced International

6055 Certificate of Education.

6056 (b) Courses designated as academic dual enrollment courses
6057 in the statewide course numbering system.

6058
6059 The department may assign additional weights to courses, other
6060 than those described in paragraphs (a) and (b), that are
6061 identified by the Department of Education as containing rigorous
6062 academic curriculum and performance standards. The additional
6063 weight assigned to a course pursuant to this subsection shall
6064 not exceed 0.5 per course. The weighted system shall be
6065 developed and distributed to all high schools in the state ~~prior~~
6066 ~~to January 1, 1998~~. The department may determine a student's
6067 eligibility status during the senior year before graduation and
6068 may inform the student of the award at that time.

6069 Reviser's note.—Amended to delete obsolete language.

6070 Section 183. Subsection (3) of section 1011.32, Florida
6071 Statutes, is amended to read:

6072 1011.32 Florida College System Institution Facility
6073 Enhancement Challenge Grant Program.—

6074 (3) The Florida College System Institution Facility
6075 Enhancement Challenge Grant Program ~~Capital Facilities Matching~~
6076 ~~Program~~ shall provide funds to match private contributions for
6077 the development of high priority instructional and community-
6078 related capital facilities, including common areas connecting
6079 such facilities, within the Florida College System institutions.

6080 Reviser's note.—Amended to conform to the correct name of the
 6081 program.

6082 Section 184. Paragraph (c) of subsection (3) of section
 6083 1011.45, Florida Statutes, is amended to read:

6084 1011.45 End of year balance of funds.—Unexpended amounts
 6085 in any fund in a university current year operating budget shall
 6086 be carried forward and included as the balance forward for that
 6087 fund in the approved operating budget for the following year.

6088 (3) A university's carry forward spending plan shall
 6089 include the estimated cost per planned expenditure and a
 6090 timeline for completion of the expenditure. Authorized
 6091 expenditures in a carry forward spending plan may include:

6092 (c) Completion of a remodeling or infrastructure project,
 6093 including a project for a developmental ~~development~~ research
 6094 school, up to \$10 million per project, if such project is survey
 6095 recommended pursuant to s. 1013.31;

6096 Reviser's note.—Amended to conform to s. 1002.32, which
 6097 establishes developmental research schools.

6098 Section 185. Paragraph (e) of subsection (1) of section
 6099 1013.45, Florida Statutes, is amended to read:

6100 1013.45 Educational facilities contracting and
 6101 construction techniques.—

6102 (1) Boards may employ procedures to contract for
 6103 construction of new facilities, or for additions, remodeling,
 6104 renovation, maintenance, or repairs to existing facilities, that

6105 will include, but not be limited to:

6106 (e) Day-labor contracts not exceeding \$280,000 for
 6107 construction, renovation, remodeling, or maintenance of existing
 6108 facilities. ~~Beginning January 2009,~~ This amount shall be
 6109 adjusted annually based upon changes in the Consumer Price
 6110 Index.

6111 Reviser's note.—Amended to delete obsolete language.

6112 Section 186. Paragraph (b) of subsection (1) of section
 6113 1013.735, Florida Statutes, is amended to read:

6114 1013.735 Classrooms for Kids Program.—

6115 (1) ALLOCATION.—The department shall allocate funds
 6116 appropriated for the Classrooms for Kids Program. It is the
 6117 intent of the Legislature that this program be administered as
 6118 nearly as practicable in the same manner as the capital outlay
 6119 program authorized under s. 9(a), Art. XII of the State
 6120 Constitution. Each district school board's share of the annual
 6121 appropriation for the Classrooms for Kids Program must be
 6122 calculated according to the following formula:

6123 (b) Ten percent of the appropriation must be allocated
 6124 among district school boards according to the allocation formula
 6125 in s. 1013.64(1)(a), excluding adult and career education
 6126 ~~vocational technical~~ facilities.

6127 Reviser's note.—Amended to conform to the redesignation of
 6128 "vocational technical facilities" as "career education
 6129 facilities" by ch. 2004-357, Laws of Florida.

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6130 | Section 187. This act shall take effect on the 60th day
6131 | after adjournment sine die of the session of the Legislature in
6132 | which enacted.