

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 28.2221, 39.00146, 50.0211, 95.361, 97.0575, 102.072,
4 110.117, 110.12303, 171.203, 189.0695, 193.4517,
5 265.2865, 282.318, 282.319, 288.106, 288.8014,
6 290.0475, 316.5501, 319.141, 319.1414, 319.25,
7 322.032, 322.18, 337.11, 337.401, 350.0605, 366.02,
8 366.032, 366.04, 366.96, 373.016, 373.0465, 373.701,
9 373.707, 379.2311, 380.0933, 390.011, 395.002,
10 395.701, 397.410, 402.62, 403.064, 403.086, 409.905,
11 413.271, 420.602, 445.007, 468.505, 480.033, 553.791,
12 604.73, 624.105, 624.51057, 626.9541, 633.202, 660.46,
13 736.1008, 736.1411, 738.602, 765.101, 768.1382,
14 768.381, 812.014, 812.015, 823.14, 849.086, 870.01,
15 948.16, 1001.03, 1001.10, 1001.42, 1002.33, 1002.37,
16 1002.421, 1002.82, 1003.4203, 1003.4282, 1003.5716,
17 1004.015, 1004.097, 1006.60, 1008.25, 1008.30,
18 1008.31, 1008.365, 1011.62, 1011.802, and 1012.976,
19 F.S.; deleting provisions that have expired, have
20 become obsolete, have had their effect, have served
21 their purpose, or have been impliedly repealed or
22 superseded; replacing incorrect cross-references and
23 citations; correcting grammatical, typographical, and
24 like errors; removing inconsistencies, redundancies,
25 and unnecessary repetition in the statutes; and

26 | improving the clarity of the statutes and facilitating
 27 | their correct interpretation; providing an effective
 28 | date.

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

32 | Section 1. Paragraph (c) of subsection (5) of section
 33 | 28.2221, Florida Statutes, is amended to read:

34 | 28.2221 Electronic access to official records.—

35 | (5)

36 | (c) Notice of the right of any affected party to request
 37 | removal of information or records pursuant to this subsection
 38 | must be conspicuously and clearly displayed by the county
 39 | recorder on the publicly available Internet website on which
 40 | images or copies of the county's public records are placed and
 41 | in the office of each county recorder. Such notice must contain
 42 | appropriate instructions for making the removal request in
 43 | person, by mail, or by electronic transmission. The notice must
 44 | state, in substantially similar form, that any person has a
 45 | right to request that a county recorder remove from a publicly
 46 | available Internet website information made exempt from
 47 | inspection or copying under s. 119.071 or an image or copy of a
 48 | public record, including an official record, if that image or
 49 | copy is of a military discharge; death certificate; or a court
 50 | file, record, or paper relating to matters or cases governed by

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51 the Florida Rules of Family Law, the Florida Rules of Juvenile
52 Procedure, or the Florida Probate Rules. The notice must state
53 that information removed as exempt under s. 119.071 will not be
54 removed from the Official Records as described in s. 28.222(2).
55 Such request must be made in writing and delivered in person, by
56 mail, or by electronic transmission to the county recorder. The
57 request must identify the Official Records book and page number,
58 instrument number, or clerk's file number for any information or
59 document to be removed. For requests for removal from a person
60 claiming a public records exemption pursuant to s. 119.071, the
61 request must be written; be notarized; state under oath the
62 statutory basis for removal of the information, image, or copy
63 that is restricted from general public display on the county
64 recorder's publicly available Internet website; and confirm the
65 individual's eligibility for exempt status. A party making a
66 false attestation is subject to the penalty of perjury under s.
67 837.012. A fee may not be charged for the removal of a document
68 pursuant to such request.

69 Reviser's note.—Amended to confirm an editorial insertion to
70 improve clarity.

71 Section 2. Paragraph (h) of subsection (2) of section
72 39.00146, Florida Statutes, is amended to read:

73 39.00146 Case record face sheet.—

74 (2) The case record of every child under the supervision
75 or in the custody of the department or the department's

76 authorized agents, including community-based care lead agencies
 77 and their subcontracted providers, must include a face sheet
 78 containing relevant information about the child and his or her
 79 case, including at least all of the following:

80 (h) If the child has any siblings and they are not placed
 81 in the same out-of-home placement, the reasons the children are
 82 not in joint placement and the reasonable efforts that the
 83 department or appropriate lead agency will make to provide
 84 frequent visitation or other ongoing interaction between the
 85 siblings, unless the court determines that the interaction would
 86 be contrary to a sibling's safety or well-being in accordance
 87 with s. 39.4024.

88 Reviser's note.—Amended to confirm an editorial insertion to
 89 improve clarity.

90 Section 3. Paragraph (b) of subsection (1) and paragraph
 91 (d) of subsection (4) of section 50.0211, Florida Statutes, are
 92 amended to read:

93 50.0211 Internet website publication.—

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

95 (b) "Governmental agency notice" includes any of the
 96 following notices required by law to be published in a
 97 newspaper:

98 1. Notices related to special or local ~~legal~~ legislation
 99 pursuant to s. 11.02.

100 2. Educational unit notices pursuant to s. 120.81.

- 101 3. Retirement system notices pursuant to s. 121.0511.
- 102 4. Notices related to inclusion of positions in the Senior
- 103 Management Service Class of the Florida Retirement System
- 104 pursuant to s. 121.055.
- 105 5. Notices proposing the enactment of county ordinances
- 106 pursuant to s. 125.66.
- 107 6. Code enforcement notices published pursuant to s.
- 108 162.12.
- 109 7. Notices proposing the enactment of municipal ordinances
- 110 pursuant to s. 166.041.
- 111 8. Special district meeting notices pursuant to s.
- 112 189.015.
- 113 9. Establishment and termination notices for community
- 114 development districts pursuant to ss. 190.005 and 190.046,
- 115 respectively.
- 116 10. Disclosures of tax impact by value adjustment boards
- 117 pursuant to s. 194.037.
- 118 11. Advertisements of real or personal property with
- 119 delinquent taxes pursuant to s. 197.402.
- 120 12. Advertisements of hearing notices, millage rates, and
- 121 budgets pursuant to s. 200.065.
- 122 13. Turnpike project notices pursuant to s. 338.223.
- 123 14. Public-private partnership notices pursuant to ss.
- 124 348.0308 and 348.7605.
- 125 15. Notices of prime recharge area designations for the

126 Floridan and Biscayne aquifers pursuant to s. 373.0397.
 127 16. Water management district notices pursuant to s.
 128 373.146.
 129 17. Hazardous waste disposal notices pursuant to s.
 130 403.722.
 131 18. Forfeiture notices pursuant to ss. 849.38 and 932.704.
 132 (4)
 133 (d) The Florida Press Association shall seek to ensure
 134 that minority populations throughout the state have equitable
 135 access to legal notices posted on the statewide legal notice
 136 website located at: www.floridapublicnotices.com. The Florida
 137 Press Association shall publish a report listing all newspapers
 138 that have placed notices on www.floridapublicnotices.com in the
 139 preceding calendar quarter. The report must specifically
 140 identify which criteria under s. 50.011(1)(c)1.-3. ~~that~~ each
 141 newspaper satisfied. Each quarterly report must also include the
 142 number of unique visitors to the statewide legal notice website
 143 during that quarter and the number of legal notices that were
 144 published during that quarter by Internet-only publication or by
 145 publication in a print newspaper and on the statewide website.
 146 At a minimum, the reports for the 4 preceding calendar quarters
 147 shall be available on the website.
 148 Reviser's note.—Paragraph (1)(b) is amended to conform to the
 149 fact that referenced s. 11.02 relates to notice of special
 150 or local legislation or certain relief acts. Paragraph

151 (4) (d) is amended to confirm an editorial deletion to
 152 improve clarity.

153 Section 4. Subsection (2) of section 95.361, Florida
 154 Statutes, is amended to read:

155 95.361 Roads presumed to be dedicated.—

156 (2) In those instances where a road has been constructed
 157 by a nongovernmental entity, or where the road was not
 158 constructed by the entity currently maintaining or repairing it,
 159 or where it cannot be determined who constructed the road, and
 160 when such road has been regularly maintained or repaired for the
 161 immediate past 7 years by a county, a municipality, or the
 162 Department of Transportation, whether jointly or severally, such
 163 road shall be deemed to be dedicated to the public to the extent
 164 of the width that actually has been maintained or repaired for
 165 the prescribed period, whether or not the road has been formally
 166 established as a public highway. This subsection shall not apply
 167 to an electric utility, as defined in s. 366.02(4) ~~366.02(2)~~.

168 The dedication shall vest all rights, title, easement, and
 169 appurtenances in and to the road in:

- 170 (a) The county, if it is a county road;
- 171 (b) The municipality, if it is a municipal street or road;
- 172 or
- 173 (c) The state, if it is a road in the State Highway System
 174 or State Park Road System,

175

176 whether or not there is a record of conveyance, dedication, or
 177 appropriation to the public use.

178 Reviser's note.—Amended to conform to the reordering of
 179 definitions in s. 366.02 by this act.

180 Section 5. Paragraph (a) of subsection (3) of section
 181 97.0575, Florida Statutes, is amended to read:

182 97.0575 Third-party voter registrations.—

183 (3)(a) A third-party voter registration organization that
 184 collects voter registration applications serves as a fiduciary
 185 to the applicant, ensuring that any voter registration
 186 application entrusted to the organization, irrespective of party
 187 affiliation, race, ethnicity, or gender, must be promptly
 188 delivered to the division or the supervisor of elections in the
 189 county in which the applicant resides within 14 days after the
 190 application was completed by the applicant, but not after
 191 registration closes for the next ensuing election. A third-party
 192 voter registration organization must notify the applicant at the
 193 time the application is collected that the organization might
 194 not deliver the application to the division or the supervisor of
 195 elections in the county in which the applicant resides in less
 196 than 14 days or before registration closes for the next ensuing
 197 election and must advise the applicant that he or she may
 198 deliver the application in person or by mail. The third-party
 199 voter registration organization must also inform the applicant
 200 how to register online with the division and how to determine

201 whether the application has been delivered. If a voter
202 registration application collected by any third-party voter
203 registration organization is not promptly delivered to the
204 division or supervisor of elections in the county in which the
205 applicant resides, the third-party voter registration
206 organization is liable for the following fines:

207 1. A fine in the amount of \$50 for each application
208 received by the division or the supervisor of elections in the
209 county in which the applicant resides more than 14 days after
210 the applicant delivered the completed voter registration
211 application to the third-party voter registration organization
212 or any person, entity, or agent acting on its behalf. A fine in
213 the amount of \$250 for each application received if the third-
214 party voter registration organization or person, entity, or
215 agency acting on its behalf acted willfully.

216 2. A fine in the amount of \$100 for each application
217 collected by a third-party voter registration organization or
218 any person, entity, or agent acting on its behalf, before book
219 closing for any given election for federal or state office and
220 received by the division or the supervisor of elections in the
221 county in which the applicant resides after the book-closing
222 deadline for such election. A fine in the amount of \$500 for
223 each application received if the third-party registration
224 organization or person, entity, or agency acting on its behalf
225 acted willfully.

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226 3. A fine in the amount of \$500 for each application
227 collected by a third-party voter registration organization or
228 any person, entity, or agent acting on its behalf, which is not
229 submitted to the division or supervisor of elections in the
230 county in which the applicant resides. A fine in the amount of
231 \$1,000 for any application not submitted if the third-party
232 voter registration organization or person, entity, or agency
233 acting on its behalf acted willfully.

234
235 The aggregate fine pursuant to this paragraph which may be
236 assessed against a third-party voter registration organization,
237 including affiliate organizations, for violations committed in a
238 calendar year is \$1,000.

239 Reviser's note.—Amended to confirm an editorial insertion to
240 improve clarity.

241 Section 6. Section 102.072, Florida Statutes, is amended
242 to read:

243 102.072 Vote-by-mail count reporting.—Beginning at 7 p.m.
244 on election day, the supervisor must, at least once every hour
245 while actively counting, post on his or her website the number
246 of vote-by-mail ballots that have been received and the number
247 of vote-by-mail ballots that remain uncounted.

248 Reviser's note.—Amended to improve sentence construction.

249 Section 7. Subsection (1) of section 110.117, Florida
250 Statutes, is amended to read:

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251 110.117 Paid holidays.—

252 (1) The following holidays shall be paid holidays observed
253 by all state branches and agencies:

254 (a) New Year's Day.

255 (b) Birthday of Martin Luther King, Jr., third Monday in
256 January.

257 (c) Memorial Day.

258 (d) Independence Day.

259 (e) Labor Day.

260 (f) Veterans' Day, November 11.

261 (g) Thanksgiving Day.

262 (h) Friday after Thanksgiving.

263 (i) Christmas Day.

264 ~~(j) If any of these holidays falls on Saturday, the~~
265 ~~preceding Friday shall be observed as a holiday. If any of these~~
266 ~~holidays falls on Sunday, the following Monday shall be observed~~
267 ~~as a holiday.~~

268

269 If any of these holidays falls on Saturday, the
270 preceding Friday shall be observed as a holiday. If
271 any of these holidays falls on Sunday, the following
272 Monday shall be observed as a holiday.

273 Reviser's note.—Amended to conform to context. Paragraph (j) is
274 not a listed holiday and is applicable to the list of
275 holidays in paragraphs (a)-(i).

276 Section 8. Paragraph (e) of subsection (3) of section
 277 110.12303, Florida Statutes, is amended to read:

278 110.12303 State group insurance program; additional
 279 benefits; price transparency program; reporting.—

280 (3) The department shall contract with an entity that
 281 provides enrollees with online information on the cost and
 282 quality of health care services and providers, allows an
 283 enrollee to shop for health care services and providers, and
 284 rewards the enrollee by sharing savings generated by the
 285 enrollee's choice of services or providers. The contract shall
 286 require the entity to:

287 ~~(c) On or before January 1 of 2019, 2020, and 2021, the~~
 288 ~~department shall report to the Governor, the President of the~~
 289 ~~Senate, and the Speaker of the House of Representatives on the~~
 290 ~~participation level, amount paid to enrollees, and cost-savings~~
 291 ~~to both the enrollees and the state resulting from the~~
 292 ~~implementation of this subsection.~~

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

294 Section 9. Paragraph (d) of subsection (6) of section
 295 171.203, Florida Statutes, is amended to read:

296 171.203 Interlocal service boundary agreement.—The
 297 governing body of a county and one or more municipalities or
 298 independent special districts within the county may enter into
 299 an interlocal service boundary agreement under this part. The
 300 governing bodies of a county, a municipality, or an independent

301 special district may develop a process for reaching an
 302 interlocal service boundary agreement which provides for public
 303 participation in a manner that meets or exceeds the requirements
 304 of subsection (13), or the governing bodies may use the process
 305 established in this section.

306 (6) An interlocal service boundary agreement may address
 307 any issue concerning service delivery, fiscal responsibilities,
 308 or boundary adjustment. The agreement may include, but need not
 309 be limited to, provisions that:

310 (d) Address other services and infrastructure not
 311 currently provided by an electric utility as defined by s.
 312 366.02(4) ~~s. 366.02(2)~~ or a natural gas transmission company as
 313 defined by s. 368.103(4). However, this paragraph does not
 314 affect any territorial agreement between electrical utilities or
 315 public utilities under chapter 366 or affect the determination
 316 of a territorial dispute by the Public Service Commission under
 317 s. 366.04.

318 Reviser's note.—Amended to conform to the reordering of
 319 definitions in s. 366.02 by this act.

320 Section 10. Paragraph (f) of subsection (1) of section
 321 189.0695, Florida Statutes, is amended to read:

322 189.0695 Independent special districts; performance
 323 reviews.—

324 (1) For purposes of this section, the term "performance
 325 review" means an evaluation of an independent special district

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326 and its programs, activities, and functions. The term includes
327 research and analysis of the following:

328 (f) The extent to which the special district's goals and
329 objectives have been achieved, including whether the goals and
330 objectives are clearly stated, are measurable, adequately
331 address the statutory purpose of the special district, provide
332 sufficient direction for the district's programs and activities,
333 and may be achieved within the district's adopted budget.

334 Reviser's note.—Amended to confirm an editorial insertion to
335 improve clarity.

336 Section 11. Paragraphs (a) and (b) of subsection (1) of
337 section 193.4517, Florida Statutes, are amended to read:

338 193.4517 Assessment of agricultural equipment rendered
339 unable to be used due to Hurricane Michael.—

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

341 (a) "Farm" has the same meaning as provided in s.
342 823.14(3)(c) ~~s. 823.14(3)(b)~~.

343 (b) "Farm operation" has the same meaning as provided in
344 s. 823.14(3)(d) ~~s. 823.14(3)(c)~~.

345 Reviser's note.—Amended to conform to the reordering of
346 definitions in s. 823.14(3) by this act.

347 Section 12. Subsection (6) of section 265.2865, Florida
348 Statutes, is amended to read:

349 265.2865 Florida Artists Hall of Fame.—

350 (6) The Division of Arts and Culture of the Department of

351 State shall adopt rules necessary to carry out the purposes of
352 this section, including, but not limited to, procedures for
353 accepting nominations to, making recommendations for, and
354 selecting members of the Florida Artists Hall of Fame and
355 providing travel expenses for such recipients. Notwithstanding
356 s. 112.061, the Secretary of State may approve first-class
357 travel accommodations for recipients of the Florida Artists Hall
358 of Fame award and their representatives for health or security
359 purposes.

360 Reviser's note.—Amended to confirm an editorial insertion to
361 improve clarity.

362 Section 13. Paragraph (h) of subsection (4) of section
363 282.318, Florida Statutes, is amended to read:

364 282.318 Cybersecurity.—

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

366 (h) Ensure that the cybersecurity requirements in ~~both~~ the
367 written specifications for the solicitation, contracts, and
368 service-level agreement of information technology and
369 information technology resources and services meet or exceed the
370 applicable state and federal laws, regulations, and standards
371 for cybersecurity, including the National Institute of Standards
372 and Technology Cybersecurity Framework. Service-level agreements
373 must identify service provider and state agency responsibilities
374 for privacy and security, protection of government data,
375 personnel background screening, and security deliverables with

376 associated frequencies.

377 Reviser's note.—Amended to confirm an editorial deletion to
378 facilitate correct interpretation.

379 Section 14. Paragraph (j) of subsection (4) of section
380 282.319, Florida Statutes, is amended to read:

381 282.319 Florida Cybersecurity Advisory Council.—

382 (4) The council shall be comprised of the following
383 members:

384 (j) Three representatives from critical infrastructure
385 sectors, one of whom ~~which~~ must be from a water treatment
386 facility, appointed by the Governor.

387 Reviser's note.—Amended to confirm an editorial substitution to
388 conform to context.

389 Section 15. Paragraph (q) of subsection (2) of section
390 288.106, Florida Statutes, is amended to read:

391 288.106 Tax refund program for qualified target industry
392 businesses.—

393 (2) DEFINITIONS.—As used in this section:

394 (q) "Target industry business" means a corporate
395 headquarters business or any business that is engaged in one of
396 the target industries identified pursuant to the following
397 criteria developed by the department in consultation with
398 Enterprise Florida, Inc.:

399 1. Future growth.—Industry forecasts should indicate
400 strong expectation for future growth in both employment and

401 output, according to the most recent available data. Special
402 consideration should be given to businesses that export goods
403 to, or provide services in, international markets and businesses
404 that replace domestic and international imports of goods or
405 services.

406 2. Stability.—The industry should not be subject to
407 periodic layoffs, whether due to seasonality or sensitivity to
408 volatile economic variables such as weather. The industry should
409 also be relatively resistant to recession, so that the demand
410 for products of this industry is not typically subject to
411 decline during an economic downturn.

412 3. High wage.—The industry should pay relatively high
413 wages compared to statewide or area averages.

414 4. Market and resource independent.—The location of
415 industry businesses should not be dependent on Florida markets
416 or resources as indicated by industry analysis, except for
417 businesses in the renewable energy industry.

418 5. Industrial base diversification and strengthening.—The
419 industry should contribute toward expanding or diversifying the
420 state's or area's economic base, as indicated by analysis of
421 employment and output shares compared to national and regional
422 trends. Special consideration should be given to industries that
423 strengthen regional economies by adding value to basic products
424 or building regional industrial clusters as indicated by
425 industry analysis. Special consideration should also be given to

426 the development of strong industrial clusters that include
427 defense and homeland security businesses.

428 6. Positive economic impact.—The industry is expected to
429 have strong positive economic impacts on or benefits to the
430 state or regional economies. Special consideration should be
431 given to industries that facilitate the development of the state
432 as a hub for domestic and global trade and logistics.

433
434 The term does not include any business engaged in retail
435 industry activities; any electrical utility company as defined
436 in s. 366.02(4) ~~s. 366.02(2)~~; any phosphate or other solid
437 minerals severance, mining, or processing operation; any oil or
438 gas exploration or production operation; or any business subject
439 to regulation by the Division of Hotels and Restaurants of the
440 Department of Business and Professional Regulation. Any business
441 within NAICS code 5611 or 5614, office administrative services
442 and business support services, respectively, may be considered a
443 target industry business only after the local governing body and
444 Enterprise Florida, Inc., make a determination that the
445 community where the business may locate has conditions affecting
446 the fiscal and economic viability of the local community or
447 area, including but not limited to, factors such as low per
448 capita income, high unemployment, high underemployment, and a
449 lack of year-round stable employment opportunities, and such
450 conditions may be improved by the location of such a business to

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451 the community. By January 1 of every 3rd year, beginning January
452 1, 2011, the department, in consultation with Enterprise
453 Florida, Inc., economic development organizations, the State
454 University System, local governments, employee and employer
455 organizations, market analysts, and economists, shall review
456 and, as appropriate, revise the list of such target industries
457 and submit the list to the Governor, the President of the
458 Senate, and the Speaker of the House of Representatives.

459 Reviser's note.—Amended to conform to the reordering of
460 definitions in s. 366.02 by this act.

461 Section 16. Subsection (8) of section 288.8014, Florida
462 Statutes, is amended to read:

463 288.8014 Triumph Gulf Coast, Inc.; organization; board of
464 directors.—

465 (8) The Secretary of Economic Opportunity, or his or her
466 designee, the Secretary of ~~the Department of Environmental~~
467 Protection, or his or her designee, and the chair of the
468 Committee of 8 Disproportionally Affected Counties, or his or
469 her designee, shall be available to consult with the board of
470 directors and may be requested to attend meetings of the board
471 of directors. These individuals shall not be permitted to vote
472 on any matter before the board.

473 Reviser's note.—Amended to provide consistent terminology.

474 "Secretary of Environmental Protection" is Florida Statutes
475 preferred style.

476 Section 17. Subsection (5) of section 290.0475, Florida
 477 Statutes, is amended to read:

478 290.0475 Rejection of grant applications; penalties for
 479 failure to meet application conditions.—Applications are
 480 ineligible for funding if any of the following circumstances
 481 arise:

482 (5) The applicant has an open community development block
 483 grant, except as provided in s. 290.046(2) (a)-(c) ~~s.~~
 484 ~~290.046(2) (b) and (c)~~ and department rules;
 485 Reviser's note.—Amended to conform to the redesignation of s.
 486 290.046(2) (b) and (c) as s. 290.046(2) (a)-(c) by s. 5, ch.
 487 2021-25, Laws of Florida.

488 Section 18. Paragraph (a) of subsection (1) of section
 489 316.5501, Florida Statutes, is amended to read:

490 316.5501 Permitting program for combination truck tractor,
 491 semitrailer, and trailer combination coupled as a single unit
 492 subject to certain requirements.—

493 (1) By no later than January 1, 2020, the Department of
 494 Transportation in conjunction with the Department of Highway
 495 Safety and Motor Vehicles shall develop a permitting program
 496 that, notwithstanding any other provision of law except
 497 conflicting federal law and applicable provisions of s. 316.550,
 498 prescribes the operation of any combination of truck tractor,
 499 semitrailer, and trailer combination coupled together so as to
 500 operate as a single unit in which the semitrailer and the

501 trailer unit may each be up to 48 feet in length, but not less
 502 than 28 feet in length, if such truck tractor, semitrailer, and
 503 trailer combination is:

504 (a) Being used for the primary purpose of transporting
 505 farm products as defined in s. 823.14(3)(e) ~~s. 823.14(3)(d)~~ on a
 506 prescribed route within the boundary of the Everglades
 507 Agricultural Area as described in s. 373.4592(15);

508 Reviser's note.—Amended to conform to the reordering of
 509 definitions in s. 823.14(3) by this act.

510 Section 19. Subsection (10) of section 319.141, Florida
 511 Statutes, is amended to read:

512 319.141 Rebuilt motor vehicle inspection program.—
 513 ~~(10) On or before July 1, 2021, the department shall~~
 514 ~~submit a written report to the President of the Senate and the~~
 515 ~~Speaker of the House of Representatives evaluating the~~
 516 ~~effectiveness of the program and whether to expand the program~~
 517 ~~to other counties.~~

518 Reviser's note.—Amended to delete an obsolete provision; the
 519 referenced report was submitted July 1, 2021.

520 Section 20. Subsection (3) of section 319.1414, Florida
 521 Statutes, is amended to read:

522 319.1414 Department-authorized private rebuilt inspection
 523 providers; investigations; examinations; proceedings; subpoenas
 524 and other process; witnesses; oaths; rules.—

525 (3) If a person refuses to testify; to produce books,

526 | papers, documents, or records; or to otherwise obey a subpoena
 527 | or subpoena duces tecum issued under subsection (2), the
 528 | department may petition a court of competent jurisdiction in the
 529 | county where the person's residence or principal place of
 530 | business is located, upon which the court must issue an order
 531 | requiring such person to obey the subpoena or show cause for
 532 | failing to obey the subpoena. Unless the person shows sufficient
 533 | cause for failing to obey the subpoena, the court shall direct
 534 | the person to obey the subpoena. Failure to comply with such
 535 | order is contempt of court.

536 | Reviser's note.—Amended to confirm an editorial insertion to
 537 | improve clarity.

538 | Section 21. Subsection (5) of section 319.25, Florida
 539 | Statutes, is amended to read:

540 | 319.25 Cancellation of certificates; investigations;
 541 | examinations; proceedings; subpoenas and other process;
 542 | witnesses; oaths; rules.—

543 | (5) If a person refuses to testify; to produce books,
 544 | papers, documents, or records; or to otherwise obey the subpoena
 545 | or subpoena duces tecum issued under subsection (4), the
 546 | department may petition a court of competent jurisdiction in the
 547 | county where the person's residence or principal place of
 548 | business is located, upon which the court must issue an order
 549 | requiring such person to obey the subpoena or show cause for
 550 | failing to obey the subpoena. Unless the person shows sufficient

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551 cause for failing to obey the subpoena, the court must direct
552 the person to obey the subpoena. Failure to comply with such
553 order is contempt of court.

554 Reviser's note.—Amended to confirm an editorial insertion to
555 improve clarity.

556 Section 22. Paragraph (b) of subsection (3) of section
557 322.032, Florida Statutes, is amended to read:

558 322.032 Digital proof of driver license or identification
559 card.—

560 (3)

561 (b)1. Notwithstanding ss. 322.14, 322.141, and 322.142,
562 and any other law prescribing the design for, or information
563 required to be displayed on, a driver license, a digital proof
564 of driver license may comprise a limited profile that includes
565 only information necessary to conduct a specific transaction on
566 the electronic credentialing system.

567 2. Notwithstanding ss. 322.051 and 322.141, and any other
568 law prescribing the design for, or information required to be
569 displayed on, an identification card, a digital proof of
570 identification card may comprise a limited profile that includes
571 only information necessary to conduct a specific transaction on
572 the electronic credentialing system.

573 Reviser's note.—Amended to confirm an editorial insertion to
574 improve sentence structure.

575 Section 23. Paragraph (f) of subsection (2) of section

576 | 322.18, Florida Statutes, is amended to read:

577 | 322.18 Original applications, licenses, and renewals;
578 | expiration of licenses; delinquent licenses.—

579 | (2) Each applicant who is entitled to the issuance of a
580 | driver license, as provided in this section, shall be issued a
581 | driver license, as follows:

582 | (f) Notwithstanding any other provision of this chapter,
583 | an applicant applying for an original issuance of a commercial
584 | driver license as defined in s. 322.01(7) shall be issued a
585 | driver license that expires at midnight 8 years after the
586 | licensee's last birthday prior to issuance of the license.
587 | Reviser's note.—Amended to improve clarity.

588 | Section 24. Subsection (15) of section 337.11, Florida
589 | Statutes, is amended to read:

590 | 337.11 Contracting authority of department; bids;
591 | emergency repairs, supplemental agreements, and change orders;
592 | combined design and construction contracts; progress payments;
593 | records; requirements of vehicle registration.—

594 | (15) When the department determines that it is in the best
595 | interest of the public, the department may enter into a contract
596 | with an electric utility as defined in s. 366.02(4) ~~s. 366.02(2)~~
597 | for the construction or maintenance of lighting on poles owned
598 | by the electric utility and located within a road right-of-way
599 | without competitive bidding. In any contract entered into
600 | without competition, the individuals taking part in the

601 evaluation or award process shall attest in writing that they
 602 are independent of, and have no conflict of interest in, the
 603 entities evaluated and selected.

604 Reviser's note.—Amended to conform to the reordering of
 605 definitions in s. 366.02 by this act.

606 Section 25. Paragraph (a) of subsection (1) of section
 607 337.401, Florida Statutes, is amended to read:

608 337.401 Use of right-of-way for utilities subject to
 609 regulation; permit; fees.—

610 (1)(a) The department and local governmental entities,
 611 referred to in this section and in ss. 337.402, 337.403, and
 612 337.404 as the "authority," that have jurisdiction and control
 613 of public roads or publicly owned rail corridors are authorized
 614 to prescribe and enforce reasonable rules or regulations with
 615 reference to the placing and maintaining across, on, or within
 616 the right-of-way limits of any road or publicly owned rail
 617 corridors under their respective jurisdictions any electric
 618 transmission, voice, telegraph, data, or other communications
 619 services lines or wireless facilities; pole lines; poles;
 620 railways; ditches; sewers; water, heat, or gas mains; pipelines;
 621 fences; gasoline tanks and pumps; or other structures referred
 622 to in this section and in ss. 337.402, 337.403, and 337.404 as
 623 the "utility." The department may enter into a permit-delegation
 624 agreement with a governmental entity if issuance of a permit is
 625 based on requirements that the department finds will ensure the

626 safety and integrity of facilities of the Department of
 627 Transportation; however, the permit-delegation agreement does
 628 not apply to facilities of electric utilities as defined in s.
 629 366.02(4) ~~s. 366.02(2)~~.

630 Reviser's note.—Amended to conform to the reordering of
 631 definitions in s. 366.02 by this act.

632 Section 26. Subsection (3) of section 350.0605, Florida
 633 Statutes, is amended to read:

634 350.0605 Former commissioners and employees;
 635 representation of clients before commission.—

636 (3) For a period of 2 years following termination of
 637 service on the commission, a former member may not accept
 638 employment by or compensation from a business entity which,
 639 directly or indirectly, owns or controls a public utility
 640 regulated by the commission, from a public utility regulated by
 641 the commission, from a business entity which, directly or
 642 indirectly, is an affiliate or subsidiary of a public utility
 643 regulated by the commission or is an actual business competitor
 644 of a local exchange company or public utility regulated by the
 645 commission and is otherwise exempt from regulation by the
 646 commission under ss. 364.02(13) and 366.02(8) ~~366.02(1)~~, or from
 647 a business entity or trade association that has been a party to
 648 a commission proceeding within the 2 years preceding the
 649 member's termination of service on the commission. This
 650 subsection applies only to members of the Florida Public Service

651 Commission who are appointed or reappointed after May 10, 1993.
652 Reviser's note.—Amended to conform to the reordering of
653 definitions in s. 366.02 by this act.

654 Section 27. Section 366.02, Florida Statutes, is reordered
655 and amended to read:

656 366.02 Definitions.—As used in this chapter:

657 (1)~~(4)~~ "Attaching entity" means a person that is a local
658 exchange carrier, a public utility, a communications services
659 provider, a broadband service provider, or a cable television
660 operator that owns or controls pole attachments.

661 (2)~~(3)~~ "Commission" means the Florida Public Service
662 Commission.

663 (3)~~(5)~~ "Communications services provider" means an entity
664 providing communications services as defined in s. 202.11(1).

665 (4)~~(2)~~ "Electric utility" means any municipal electric
666 utility, investor-owned electric utility, or rural electric
667 cooperative which owns, maintains, or operates an electric
668 generation, transmission, or distribution system within the
669 state.

670 (5)~~(6)~~ "Pole" means a pole used for electric distribution
671 service, streetlights, communications services, local exchange
672 services, or cable television services which is owned in whole
673 or in part by a pole owner. The term does not include a pole
674 used solely to support wireless communications service
675 facilities or a pole with no electrical facilities attached.

676 (6)~~(7)~~ "Pole attachment" means any attachment by a public
677 utility, local exchange carrier communications services
678 provider, broadband provider, or cable television operator to a
679 pole, duct, conduit, or right-of-way owned or controlled by a
680 pole owner.

681 (7)~~(8)~~ "Pole owner" means a local exchange carrier, a
682 public utility, a communications services provider, or a cable
683 television operator that owns a pole.

684 (8)~~(1)~~ "Public utility" means every person, corporation,
685 partnership, association, or other legal entity and their
686 lessees, trustees, or receivers supplying electricity or gas
687 (natural, manufactured, or similar gaseous substance) to or for
688 the public within this state; but the term "public utility" does
689 not include either a cooperative now or hereafter organized and
690 existing under the Rural Electric Cooperative Law of the state;
691 a municipality or any agency thereof; any dependent or
692 independent special natural gas district; any natural gas
693 transmission pipeline company making only sales or
694 transportation delivery of natural gas at wholesale and to
695 direct industrial consumers; any entity selling or arranging for
696 sales of natural gas which neither owns nor operates natural gas
697 transmission or distribution facilities within the state; or a
698 person supplying liquefied petroleum gas, in either liquid or
699 gaseous form, irrespective of the method of distribution or
700 delivery, or owning or operating facilities beyond the outlet of

701 a meter through which natural gas is supplied for compression
 702 and delivery into motor vehicle fuel tanks or other
 703 transportation containers, unless such person also supplies
 704 electricity or manufactured or natural gas.

705 (9) "Redundant pole" means a pole owned or controlled by a
 706 pole owner which is:

707 (a) Near or adjacent to a new pole that is intended to
 708 replace the old pole from which some or all of the pole
 709 attachments have not been removed and transferred to the new
 710 pole;

711 (b) Left standing after the pole owner has relocated its
 712 facilities to underground but on which pole attachments of other
 713 attaching entities remain; or

714 (c) Left standing after a pole owner's attachments have
 715 been removed from that route or location to accommodate a new
 716 route or design for the delivery of service.

717 Reviser's note.—Amended to place the definitions of the section
 718 in alphabetical order.

719 Section 28. Subsection (1) of section 366.032, Florida
 720 Statutes, is amended to read:

721 366.032 Preemption over utility service restrictions.—

722 (1) A municipality, county, special district, or other
 723 political subdivision of the state may not enact or enforce a
 724 resolution, ordinance, rule, code, or policy or take any action
 725 that restricts or prohibits or has the effect of restricting or

726 prohibiting the types or fuel sources of energy production which
 727 may be used, delivered, converted, or supplied by the following
 728 entities to serve customers that such entities are authorized to
 729 serve:

730 (a) A public utility or an electric utility as defined in
 731 this chapter;

732 (b) An entity formed under s. 163.01 that generates,
 733 sells, or transmits electrical energy;

734 (c) A natural gas utility as defined in s. 366.04 (3) (c);

735 (d) A natural gas transmission company as defined in s.
 736 368.103; or

737 (e) A Category I liquefied petroleum gas dealer or
 738 Category II liquefied petroleum gas dispenser or Category III
 739 liquefied petroleum gas cylinder exchange operator as defined in
 740 s. 527.01.

741 Reviser's note.—Amended to confirm an editorial insertion to
 742 improve clarity.

743 Section 29. Paragraph (b) of subsection (9) of section
 744 366.04, Florida Statutes, is amended to read:

745 366.04 Jurisdiction of commission.—

746 (9)

747 (b) The commission shall adopt rules to administer and
 748 implement this subsection. The rules must be proposed for
 749 adoption no later than April 1, 2022, and must address at least
 750 the following:

751 1. Mandatory pole inspections, including repair or
752 replacement;

753 2. Vegetation management requirements for poles owned by
754 providers of communications services; and

755 ~~3.2.~~ Monetary penalties to be imposed upon any
756 communications services provider that fails to comply with any
757 such rule of the commission. Monetary penalties imposed by the
758 commission must be consistent with s. 366.095.

759 Reviser's note.—Amended to confirm editorial changes to move a
760 portion of subparagraph 1. to a new subparagraph 2. and
761 redesignate present subparagraph 2. as subparagraph 3.,
762 since the material appears to be a list, and to provide
763 clarity.

764 Section 30. Paragraph (a) of subsection (2) of section
765 366.96, Florida Statutes, is amended to read:

766 366.96 Storm protection plan cost recovery.—

767 (2) As used in this section, the term:

768 (a) "Public utility" or "utility" has the same meaning as
769 set forth in s. 366.02(8) ~~s. 366.02(1)~~, except that it does not
770 include a gas utility.

771 Reviser's note.—Amended to conform to the reordering of
772 definitions in s. 366.02 by this act.

773 Section 31. Paragraph (a) of subsection (4) of section
774 373.016, Florida Statutes, is amended to read:

775 373.016 Declaration of policy.—

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776 (4) (a) Because water constitutes a public resource
777 benefiting the entire state, it is the policy of the Legislature
778 that the waters in the state be managed on a state and regional
779 basis. Consistent with this directive, the Legislature
780 recognizes the need to allocate water throughout the state so as
781 to meet all reasonable-beneficial uses. However, the Legislature
782 acknowledges that such allocations have in the past adversely
783 affected the water resources of certain areas in this state. To
784 protect such water resources and to meet the current and future
785 needs of those areas with abundant water, the Legislature
786 directs the department and the water management districts to
787 encourage the use of water from sources nearest the area of use
788 or application whenever practicable. Such sources shall include
789 all naturally occurring water sources and all alternative water
790 sources, including, but not limited to, desalination,
791 conservation, reuse of nonpotable reclaimed water and
792 stormwater, and aquifer storage and recovery. Reuse of potable
793 reclaimed water and stormwater shall not be subject to the
794 evaluation described in s. 373.223(3) (a)-(g). However, this
795 directive to encourage the use of water, whenever practicable,
796 from sources nearest the area of use or application shall not
797 apply to the transport and direct and indirect use of water
798 within the area encompassed by the Central and Southern Florida
799 Flood Control Project, nor shall it apply anywhere in the state
800 to the transport and use of water supplied exclusively for

801 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 802 to the transport and use of reclaimed water for electrical power
 803 production by an electric utility as defined in s. 366.02(4) ~~s.~~
 804 ~~366.02(2)~~.

805 Reviser's note.—Amended to conform to the reordering of
 806 definitions in s. 366.02 by this act.

807 Section 32. Paragraph (d) of subsection (2) of section
 808 373.0465, Florida Statutes, is amended to read:

809 373.0465 Central Florida Water Initiative.—

810 (2)

811 (d) The department, in consultation with the St. Johns
 812 River Water Management District, the South Florida Water
 813 Management District, the Southwest Florida Water Management
 814 District, and the Department of Agriculture and Consumer
 815 Services, shall adopt uniform rules for application within the
 816 Central Florida Water Initiative Area that include:

817 1. A single, uniform definition of the term "harmful to
 818 the water resources" consistent with the term's usage in s.
 819 373.219;

820 2. A single method for calculating residential per capita
 821 water use;

822 3. A single process for permit reviews;

823 4. A single, consistent process, as appropriate, to set
 824 minimum flows and minimum water levels and water reservations;

825 5. A goal for residential per capita water use for each

826 consumptive use permit;

827 6. An annual conservation goal for each consumptive use
828 permit consistent with the regional water supply plan;

829 7. A drought allocation for supplemental irrigation for
830 agricultural uses which is based on a 2-in-10-year rainfall
831 condition or, if the applicant so requests, is based on a 5-in-
832 10-year rainfall condition alone or combined with the 2-in-10-
833 year rainfall condition. The applicable water management
834 district may also condition, for information only purposes,
835 consumptive use permits to advise permittees that their annual
836 use of water should be less than the drought allocation in all
837 years except for the drought condition that is the basis for the
838 allocation or a more severe drought; and

839 8. A process for the applicable water management district
840 to annually examine an agricultural user's 5-year moving average
841 supplemental irrigation water use against the annual
842 supplemental irrigation needs in the 5-in-10-year rainfall
843 condition beginning no earlier than 5 years following the
844 effective date of the rules adopted under this section. If this
845 annual examination indicates that the agricultural user's 5-year
846 moving average use exceeds that needed in such rainfall
847 condition for reasons other than prolonged periods of below
848 average rainfall, the water management district may modify the
849 agricultural user's permit to include an annual supplemental
850 irrigation allocation based on both the amount of supplemental

851 irrigation required during a 2-in-10-year rainfall condition and
852 the amount of supplemental irrigation required during a 5-in-10-
853 year rainfall condition as provided in rules adopted pursuant to
854 this section. In such case, the supplemental irrigation
855 allocation based on the 5-in-10-year rainfall condition shall be
856 valid for only 5 years unless the agricultural user's 5-year
857 moving average use continues to exceed the amount of
858 supplemental irrigation needed during a 5-in-10-year rainfall
859 condition for reasons other than prolonged periods of drought.

860

861 Subparagraphs 7. and 8. may not be construed to limit the
862 ability of the department or a water management district to
863 establish different supplemental irrigation requirements as part
864 of an existing or future recovery or prevention strategy adopted
865 pursuant to s. 373.0363, s. 373.042, or s. 373.0421. The uniform
866 rules must include existing recovery strategies within the
867 Central Florida Water Initiative Area adopted before July 1,
868 2016. The department may grant variances to the uniform rules if
869 there are unique circumstances or hydrogeological factors that
870 make application of the uniform rules unrealistic or
871 impractical.

872 Reviser's note.—Amended to confirm an editorial insertion to
873 improve clarity.

874 Section 33. Paragraph (a) of subsection (2) of section
875 373.701, Florida Statutes, is amended to read:

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876 373.701 Declaration of policy.—It is declared to be the
877 policy of the Legislature:

878 (2) (a) Because water constitutes a public resource
879 benefiting the entire state, it is the policy of the Legislature
880 that the waters in the state be managed on a state and regional
881 basis. Consistent with this directive, the Legislature
882 recognizes the need to allocate water throughout the state so as
883 to meet all reasonable-beneficial uses. However, the Legislature
884 acknowledges that such allocations have in the past adversely
885 affected the water resources of certain areas in this state. To
886 protect such water resources and to meet the current and future
887 needs of those areas with abundant water, the Legislature
888 directs the department and the water management districts to
889 encourage the use of water from sources nearest the area of use
890 or application whenever practicable. Such sources shall include
891 all naturally occurring water sources and all alternative water
892 sources, including, but not limited to, desalination,
893 conservation, reuse of nonpotable reclaimed water and
894 stormwater, and aquifer storage and recovery. Reuse of potable
895 reclaimed water and stormwater shall not be subject to the
896 evaluation described in s. 373.223(3) (a) - (g). However, this
897 directive to encourage the use of water, whenever practicable,
898 from sources nearest the area of use or application shall not
899 apply to the transport and direct and indirect use of water
900 within the area encompassed by the Central and Southern Florida

901 Flood Control Project, nor shall it apply anywhere in the state
 902 to the transport and use of water supplied exclusively for
 903 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 904 to the transport and use of reclaimed water for electrical power
 905 production by an electric utility as defined in s. 366.02(4) ~~s.~~
 906 ~~366.02(2)~~.

907 Reviser's note.—Amended to conform to the reordering of
 908 definitions in s. 366.02 by this act.

909 Section 34. Paragraph (a) of subsection (9) of section
 910 373.707, Florida Statutes, is amended to read:

911 373.707 Alternative water supply development.—

912 (9) Funding assistance provided by the water management
 913 districts for a water reuse system may include the following
 914 conditions for that project if a water management district
 915 determines that such conditions will encourage water use
 916 efficiency:

917 (a) Metering of reclaimed water use for residential
 918 irrigation, agricultural irrigation, industrial uses, except for
 919 electric utilities as defined in s. 366.02(4) ~~s. 366.02(2)~~,
 920 landscape irrigation, golf course irrigation, irrigation of
 921 other public access areas, commercial and institutional uses
 922 such as toilet flushing, and transfers to other reclaimed water
 923 utilities;

924 Reviser's note.—Amended to conform to the reordering of
 925 definitions in s. 366.02 by this act.

926 Section 35. Paragraph (d) of subsection (2) of section
 927 379.2311, Florida Statutes, is amended to read:

928 379.2311 Nonnative animal management.—

929 (2) The Legislature finds that priority invasive species
 930 continue to expand their range and to decimate the fauna and
 931 flora of the Everglades and other natural areas and ecosystems
 932 in the southern and central parts of the state at an
 933 accelerating rate. Therefore, the commission shall establish a
 934 pilot program to mitigate the impact of priority invasive
 935 species on the public lands or waters of this state.

936 ~~(d) The commission shall submit a report of findings and~~
 937 ~~recommendations regarding its implementation of the pilot~~
 938 ~~program to the Governor, the President of the Senate, and the~~
 939 ~~Speaker of the House of Representatives by January 1, 2021.~~

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

941 Section 36. Paragraph (g) of subsection (2) of section
 942 380.0933, Florida Statutes, is amended to read:

943 380.0933 Florida Flood Hub for Applied Research and
 944 Innovation.—

945 (2) The hub shall, at a minimum:

946 (g) Assist in the development of training and in the
 947 development of a workforce in the state that is knowledgeable
 948 about flood and sea level rise research, prediction, and
 949 adaptation and mitigation strategies.

950 Reviser's note.—Amended to confirm an editorial insertion to

951 improve clarity.

952 Section 37. Subsection (7) of section 390.011, Florida
 953 Statutes, is amended to read:

954 390.011 Definitions.—As used in this chapter, the term:

955 (7) "Hospital" means a facility as defined in s.
 956 395.002(12) ~~s. 395.002(13)~~ and licensed under chapter 395 and
 957 part II of chapter 408.

958 Reviser's note.—Amended to conform to the reordering of
 959 definitions in s. 395.002 by this act.

960 Section 38. Subsections (10) through (13) of section
 961 395.002, Florida Statutes, are reordered and amended, and
 962 subsection (28) of that section is amended, to read:

963 395.002 Definitions.—As used in this chapter:

964 ~~(10)-(11)~~ "General hospital" means any facility which meets
 965 the provisions of subsection (12) ~~subsection (13)~~ and which
 966 regularly makes its facilities and services available to the
 967 general population.

968 ~~(11)-(12)~~ "Governmental unit" means the state or any
 969 county, municipality, or other political subdivision, or any
 970 department, division, board, or other agency of any of the
 971 foregoing.

972 ~~(12)-(13)~~ "Hospital" means any establishment that:

973 (a) Offers services more intensive than those required for
 974 room, board, personal services, and general nursing care, and
 975 offers facilities and beds for use beyond 24 hours by

976 individuals requiring diagnosis, treatment, or care for illness,
 977 injury, deformity, infirmity, abnormality, disease, or
 978 pregnancy; and

979 (b) Regularly makes available at least clinical laboratory
 980 services, diagnostic X-ray services, and treatment facilities
 981 for surgery or obstetrical care, or other definitive medical
 982 treatment of similar extent, except that a critical access
 983 hospital, as defined in s. 408.07, shall not be required to make
 984 available treatment facilities for surgery, obstetrical care, or
 985 similar services as long as it maintains its critical access
 986 hospital designation and shall be required to make such
 987 facilities available only if it ceases to be designated as a
 988 critical access hospital.

989
 990 However, the provisions of this chapter do not apply to any
 991 institution conducted by or for the adherents of any well-
 992 recognized church or religious denomination that depends
 993 exclusively upon prayer or spiritual means to heal, care for, or
 994 treat any person. For purposes of local zoning matters, the term
 995 "hospital" includes a medical office building located on the
 996 same premises as a hospital facility, provided the land on which
 997 the medical office building is constructed is zoned for use as a
 998 hospital; provided the premises were zoned for hospital purposes
 999 on January 1, 1992.

1000 (13) ~~(10)~~ "Hospital-based off-campus emergency department"

1001 means a facility that:

1002 (a) Provides emergency services and care;

1003 (b) Is owned and operated by a licensed hospital and

1004 operates under the license of the hospital; and

1005 (c) Is located on separate premises from the hospital.

1006 (28) "Specialty hospital" means any facility which meets

1007 the provisions of subsection (12) ~~subsection (13)~~, and which

1008 regularly makes available either:

1009 (a) The range of medical services offered by general

1010 hospitals but restricted to a defined age or gender group of the

1011 population;

1012 (b) A restricted range of services appropriate to the

1013 diagnosis, care, and treatment of patients with specific

1014 categories of medical or psychiatric illnesses or disorders; or

1015 (c) Intensive residential treatment programs for children

1016 and adolescents as defined in subsection (16).

1017 Reviser's note.—Amended to place the definitions in subsections

1018 (10) through (13) in alphabetical order and to conform

1019 cross-references.

1020 Section 39. Paragraph (c) of subsection (1) of section

1021 395.701, Florida Statutes, is amended to read:

1022 395.701 Annual assessments on net operating revenues for

1023 inpatient and outpatient services to fund public medical

1024 assistance; administrative fines for failure to pay assessments

1025 when due; exemption.—

1026 (1) For the purposes of this section, the term:

1027 (c) "Hospital" means a health care institution as defined

1028 in s. 395.002(12) ~~s. 395.002(13)~~, but does not include any

1029 hospital operated by a state agency.

1030 Reviser's note.—Amended to conform to the reordering of

1031 definitions in s. 395.002 by this act.

1032 Section 40. Subsections (3) and (4) of section 397.410,

1033 Florida Statutes, are amended to read:

1034 397.410 Licensure requirements; minimum standards; rules.—

1035 ~~(3) By October 1, 2017, the department shall publish a~~

1036 ~~notice of development of rulemaking, and by January 1, 2018, the~~

1037 ~~department shall publish a notice of proposed rule pursuant to~~

1038 ~~s. 120.54(3)(a) to implement the provisions of this section.~~

1039 ~~(4) The department shall provide a report to the Governor,~~

1040 ~~the President of the Senate, and the Speaker of the House of~~

1041 ~~Representatives by December 1, 2020, concerning the~~

1042 ~~appropriateness of service component licensure requirements as~~

1043 ~~those requirements apply to the qualifications of personnel~~

1044 ~~providing direct clinical treatment. The report shall include,~~

1045 ~~but not be limited to, the requirements established in rule, the~~

1046 ~~number and nature of complaints received regarding personnel~~

1047 ~~providing direct clinical treatment and about the qualifications~~

1048 ~~of the individuals subject to the complaints, and the~~

1049 ~~precipitating cause, number, and types of licensure actions~~

1050 ~~taken by the department regarding such personnel.~~

1051 Reviser's note.—Amended to delete obsolete provisions.

1052 Section 41. Paragraph (d) of subsection (4) of section
1053 402.62, Florida Statutes, is amended to read:

1054 402.62 Strong Families Tax Credit.—

1055 (4) RESPONSIBILITIES OF THE DEPARTMENT.—The Department of
1056 Children and Families shall do all of the following:

1057 (d) Compel the return of funds that are provided to an
1058 eligible charitable organization that fails to comply with the
1059 requirements of this section. Eligible charitable organizations
1060 that are subject to return of funds are ineligible to receive
1061 funding under this section for a period of 10 years after final
1062 agency action to compel the return of funding.

1063 Reviser's note.—Amended to confirm an editorial insertion to
1064 improve clarity.

1065 Section 42. Subsection (16) of section 403.064, Florida
1066 Statutes, is amended to read:

1067 403.064 Reuse of reclaimed water.—

1068 (16) Utilities implementing reuse projects are encouraged,
1069 except in the case of use by electric utilities as defined in s.
1070 366.02(4) ~~s. 366.02(2)~~, to meter use of reclaimed water by all
1071 end users and to charge for the use of reclaimed water based on
1072 the actual volume used when such metering and charges can be
1073 shown to encourage water conservation. Metering and the use of
1074 volume-based rates are effective water management tools for the
1075 following reuse activities: residential irrigation, agricultural

1076 irrigation, industrial uses, landscape irrigation, irrigation of
 1077 other public access areas, commercial and institutional uses
 1078 such as toilet flushing, and transfers to other reclaimed water
 1079 utilities. Each domestic wastewater utility that provides
 1080 reclaimed water for the reuse activities listed in this section
 1081 shall include a summary of its metering and rate structure as
 1082 part of its annual reuse report to the department.

1083 Reviser's note.—Amended to conform to the reordering of
 1084 definitions in s. 366.02 by this act.

1085 Section 43. Paragraph (d) of subsection (1) and subsection
 1086 (10) of section 403.086, Florida Statutes, are amended to read:

1087 403.086 Sewage disposal facilities; advanced and secondary
 1088 waste treatment.—

1089 (1)

1090 ~~(d) By December 31, 2020, the department, in consultation~~
 1091 ~~with the water management districts and sewage disposal~~
 1092 ~~facilities, shall submit to the Governor, the President of the~~
 1093 ~~Senate, and the Speaker of the House of Representatives a~~
 1094 ~~progress report on the status of upgrades made by each facility~~
 1095 ~~to meet the advanced waste treatment requirements under~~
 1096 ~~paragraph (c). The report must include a list of sewage disposal~~
 1097 ~~facilities required to upgrade to advanced waste treatment, the~~
 1098 ~~preliminary cost estimates for the upgrades, and a projected~~
 1099 ~~timeline of the dates by which the upgrades will begin and be~~
 1100 ~~completed and the date by which operations of the upgraded~~

1101 ~~facility will begin.~~

1102 (10) The Legislature finds that the discharge of domestic
 1103 wastewater through ocean outfalls wastes valuable water supplies
 1104 that should be reclaimed for beneficial purposes to meet public
 1105 and natural systems demands. The Legislature also finds that
 1106 discharge of domestic wastewater through ocean outfalls
 1107 compromises the coastal environment, quality of life, and local
 1108 economies that depend on those resources. The Legislature
 1109 declares that more stringent treatment and management
 1110 requirements for such domestic wastewater and the subsequent,
 1111 timely elimination of ocean outfalls as a primary means of
 1112 domestic wastewater discharge are in the public interest.

1113 (a) The construction of new ocean outfalls for domestic
 1114 wastewater discharge and the expansion of existing ocean
 1115 outfalls for this purpose, along with associated pumping and
 1116 piping systems, are prohibited. Each domestic wastewater ocean
 1117 outfall shall be limited to the discharge capacity specified in
 1118 the department permit authorizing the outfall in effect on July
 1119 1, 2008, which discharge capacity shall not be increased.
 1120 Maintenance of existing, department-authorized domestic
 1121 wastewater ocean outfalls and associated pumping and piping
 1122 systems is allowed, subject to the requirements of this section.
 1123 The department is directed to work with the United States
 1124 Environmental Protection Agency to ensure that the requirements
 1125 of this subsection are implemented consistently for all domestic

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1126 wastewater facilities in the state which discharge through ocean
1127 outfalls.

1128 (b) The discharge of domestic wastewater through ocean
1129 outfalls must meet advanced wastewater treatment and management
1130 requirements by December 31, 2018. For purposes of this
1131 subsection, the term "advanced wastewater treatment and
1132 management requirements" means the advanced waste treatment
1133 requirements set forth in subsection (4), a reduction in outfall
1134 baseline loadings of total nitrogen and total phosphorus which
1135 is equivalent to that which would be achieved by the advanced
1136 waste treatment requirements in subsection (4), or a reduction
1137 in cumulative outfall loadings of total nitrogen and total
1138 phosphorus occurring between December 31, 2008, and December 31,
1139 2025, which is equivalent to that which would be achieved if the
1140 advanced waste treatment requirements in subsection (4) were
1141 fully implemented beginning December 31, 2018, and continued
1142 through December 31, 2025. The department shall establish the
1143 average baseline loadings of total nitrogen and total phosphorus
1144 for each outfall using monitoring data available for calendar
1145 years 2003 through 2007 and establish required loading
1146 reductions based on this baseline. The baseline loadings and
1147 required loading reductions of total nitrogen and total
1148 phosphorus shall be expressed as an average annual daily loading
1149 value. The advanced wastewater treatment and management
1150 requirements of this paragraph are deemed met for any domestic

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1151 wastewater facility discharging through an ocean outfall on July
1152 1, 2008, which has installed by December 31, 2018, a fully
1153 operational reuse system comprising 100 percent of the
1154 facility's baseline flow on an annual basis for reuse activities
1155 authorized by the department.

1156 (c)1. Each utility that had a permit for a domestic
1157 wastewater facility that discharged through an ocean outfall on
1158 July 1, 2008, must install, or cause to be installed, a
1159 functioning reuse system within the utility's service area or,
1160 by contract with another utility, within Miami-Dade County,
1161 Broward County, or Palm Beach County by December 31, 2025. For
1162 purposes of this subsection, a "functioning reuse system" means
1163 an environmentally, economically, and technically feasible
1164 system that provides a minimum of 60 percent of a facility's
1165 baseline flow on an annual basis for irrigation of public access
1166 areas, residential properties, or agricultural crops; aquifer
1167 recharge; groundwater recharge; industrial cooling; or other
1168 acceptable reuse purposes authorized by the department. For
1169 purposes of this subsection, the term "baseline flow" means the
1170 annual average flow of domestic wastewater discharging through
1171 the facility's ocean outfall, as determined by the department,
1172 using monitoring data available for calendar years 2003 through
1173 2007.

1174 2. Flows diverted from facilities to other facilities that
1175 provide 100-percent reuse of the diverted flows before December

1176 31, 2025, are considered to contribute to meeting the reuse
1177 requirement. For utilities operating more than one outfall, the
1178 reuse requirement may be apportioned between the facilities
1179 served by the outfalls, including flows diverted to other
1180 facilities for 100-percent reuse before December 31, 2025.
1181 Utilities that shared a common ocean outfall for the discharge
1182 of domestic wastewater on July 1, 2008, regardless of which
1183 utility operates the ocean outfall, are individually responsible
1184 for meeting the reuse requirement and may enter into binding
1185 agreements to share or transfer such responsibility among the
1186 utilities. If treatment in addition to the advanced wastewater
1187 treatment and management requirements described in paragraph (b)
1188 is needed to support a functioning reuse system, the treatment
1189 must be fully operational by December 31, 2025.

1190 3. If a facility that discharges through an ocean outfall
1191 contracts with another utility to install a functioning reuse
1192 system, the department must approve any apportionment of the
1193 reuse generated from the new or expanded reuse system that is
1194 intended to satisfy all or a portion of the reuse requirements
1195 pursuant to subparagraph 1. If a contract is between two
1196 utilities that have reuse requirements pursuant to subparagraph
1197 1., the reuse apportioned to each utility's requirement may not
1198 exceed the total reuse generated by the new or expanded reuse
1199 system. A utility shall provide the department a copy of any
1200 contract with another utility that reflects an agreement between

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1201 the utilities which is subject to the requirements of this
1202 subparagraph.

1203 (d) The discharge of domestic wastewater through ocean
1204 outfalls is prohibited after December 31, 2025, except as a
1205 backup discharge that is part of a functioning reuse system or
1206 other wastewater management system authorized by the department.
1207 Except as otherwise provided in this subsection, a backup
1208 discharge may occur only during periods of reduced demand for
1209 reclaimed water in the reuse system, such as periods of wet
1210 weather, or as the result of peak flows from other wastewater
1211 management systems, and must comply with the advanced wastewater
1212 treatment and management requirements of paragraph (b). Peak
1213 flow backup discharges from other wastewater management systems
1214 may not cumulatively exceed 5 percent of a facility's baseline
1215 flow, measured as a 5-year rolling average, and are subject to
1216 applicable secondary waste treatment and water-quality-based
1217 effluent limitations specified in department rules. If peak flow
1218 backup discharges are in compliance with the effluent
1219 limitations, the discharges are deemed to meet the advanced
1220 wastewater treatment and management requirements of this
1221 subsection.

1222 ~~(e) The holder of a department permit authorizing the~~
1223 ~~discharge of domestic wastewater through an ocean outfall as of~~
1224 ~~July 1, 2008, shall submit the following to the secretary of the~~
1225 ~~department:~~

1226 ~~1. A detailed plan to meet the requirements of this~~
1227 ~~subsection, including the identification of the technical,~~
1228 ~~environmental, and economic feasibility of various reuse~~
1229 ~~options; the identification of each land acquisition and~~
1230 ~~facility necessary to provide for reuse of the domestic~~
1231 ~~wastewater; an analysis of the costs to meet the requirements,~~
1232 ~~including the level of treatment necessary to satisfy state~~
1233 ~~water quality requirements and local water quality~~
1234 ~~considerations and a cost comparison of reuse using flows from~~
1235 ~~ocean outfalls and flows from other domestic wastewater sources;~~
1236 ~~and a financing plan for meeting the requirements, including~~
1237 ~~identifying any actions necessary to implement the financing~~
1238 ~~plan, such as bond issuance or other borrowing, assessments,~~
1239 ~~rate increases, fees, other charges, or other financing~~
1240 ~~mechanisms. The plan must evaluate reuse demand in the context~~
1241 ~~of future regional water supply demands, the availability of~~
1242 ~~traditional water supplies, the need for development of~~
1243 ~~alternative water supplies, the degree to which various reuse~~
1244 ~~options offset potable water supplies, and other factors~~
1245 ~~considered in the Lower East Coast Regional Water Supply Plan of~~
1246 ~~the South Florida Water Management District. The plan must~~
1247 ~~include a detailed schedule for the completion of all necessary~~
1248 ~~actions and be accompanied by supporting data and other~~
1249 ~~documentation. The plan must be submitted by July 1, 2013.~~
1250 ~~2. By July 1, 2016, an update of the plan required in~~

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1251 ~~subparagraph 1. documenting any refinements or changes in the~~
1252 ~~costs, actions, or financing necessary to eliminate the ocean~~
1253 ~~outfall discharge in accordance with this subsection or a~~
1254 ~~written statement that the plan is current and accurate.~~

1255 (e)~~(f)~~ By December 31, 2009, and by December 31 every 5
1256 years thereafter, the holder of a department permit authorizing
1257 the discharge of domestic wastewater through an ocean outfall
1258 shall submit to the secretary of the department a report
1259 summarizing the actions accomplished to date and the actions
1260 remaining and proposed to meet the requirements of this
1261 subsection, including progress toward meeting the specific
1262 deadlines set forth in paragraphs (b) through (d) ~~paragraphs (b)~~
1263 ~~through (e)~~. The report shall include the detailed schedule for
1264 and status of the evaluation of reuse and disposal options,
1265 preparation of preliminary design reports, preparation and
1266 submittal of permit applications, construction initiation,
1267 construction progress milestones, construction completion,
1268 initiation of operation, and continuing operation and
1269 maintenance.

1270 (f)~~(g)~~ By July 1, 2010, and by July 1 every 5 years
1271 thereafter, the department shall submit a report to the
1272 Governor, the President of the Senate, and the Speaker of the
1273 House of Representatives on the implementation of this
1274 subsection. In the report, the department shall summarize
1275 progress to date, including the increased amount of reclaimed

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1276 water provided and potable water offsets achieved, and identify
1277 any obstacles to continued progress, including all instances of
1278 substantial noncompliance.

1279 (g)~~(h)~~ The renewal of each permit that authorizes the
1280 discharge of domestic wastewater through an ocean outfall as of
1281 July 1, 2008, must be accompanied by an order in accordance with
1282 s. 403.088(2)(e) and (f) which establishes an enforceable
1283 compliance schedule consistent with the requirements of this
1284 subsection.

1285 (h)~~(i)~~ An entity that diverts wastewater flow from a
1286 receiving facility that discharges domestic wastewater through
1287 an ocean outfall must meet the reuse requirement of paragraph
1288 (c). Reuse by the diverting entity of the diverted flows shall
1289 be credited to the diverting entity. The diverted flow shall
1290 also be correspondingly deducted from the receiving facility's
1291 baseline flow from which the required reuse is calculated
1292 pursuant to paragraph (c), and the receiving facility's reuse
1293 requirement shall be recalculated accordingly.

1294
1295 ~~The department, the South Florida Water Management District, and~~
1296 ~~the affected utilities must consider the information in the~~
1297 ~~detailed plan in paragraph (e) for the purpose of adjusting, as~~
1298 ~~necessary, the reuse requirements of this subsection. The~~
1299 ~~department shall submit a report to the Legislature by February~~
1300 ~~15, 2015, containing recommendations for any changes necessary~~

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1301 ~~to the requirements of this subsection.~~

1302 Reviser's note.—Amended to delete obsolete provisions and to
 1303 correct a cross-reference to conform.

1304 Section 44. Subsection (8) of section 409.905, Florida
 1305 Statutes, is amended to read:

1306 409.905 Mandatory Medicaid services.—The agency may make
 1307 payments for the following services, which are required of the
 1308 state by Title XIX of the Social Security Act, furnished by
 1309 Medicaid providers to recipients who are determined to be
 1310 eligible on the dates on which the services were provided. Any
 1311 service under this section shall be provided only when medically
 1312 necessary and in accordance with state and federal law.

1313 Mandatory services rendered by providers in mobile units to
 1314 Medicaid recipients may be restricted by the agency. Nothing in
 1315 this section shall be construed to prevent or limit the agency
 1316 from adjusting fees, reimbursement rates, lengths of stay,
 1317 number of visits, number of services, or any other adjustments
 1318 necessary to comply with the availability of moneys and any
 1319 limitations or directions provided for in the General
 1320 Appropriations Act or chapter 216.

1321 (8) NURSING FACILITY SERVICES.—The agency shall pay for
 1322 24-hour-a-day nursing and rehabilitative services for a
 1323 recipient in a nursing facility licensed under part II of
 1324 chapter 400 or in a rural hospital, as defined in s. 395.602, or
 1325 in a Medicare certified skilled nursing facility operated by a

1326 hospital, as defined by s. 395.002(10) ~~s. 395.002(11)~~, that is
 1327 licensed under part I of chapter 395, and in accordance with
 1328 provisions set forth in s. 409.908(2)(a), which services are
 1329 ordered by and provided under the direction of a licensed
 1330 physician. However, if a nursing facility has been destroyed or
 1331 otherwise made uninhabitable by natural disaster or other
 1332 emergency and another nursing facility is not available, the
 1333 agency must pay for similar services temporarily in a hospital
 1334 licensed under part I of chapter 395 provided federal funding is
 1335 approved and available. The agency shall pay only for bed-hold
 1336 days if the facility has an occupancy rate of 95 percent or
 1337 greater. The agency is authorized to seek any federal waivers to
 1338 implement this policy.

1339 Reviser's note.—Amended to conform to the reordering of
 1340 definitions in s. 395.002 by this act.

1341 Section 45. Paragraph (a) of subsection (1) and paragraph
 1342 (b) of subsection (2) of section 413.271, Florida Statutes, are
 1343 amended to read:

1344 413.271 Florida Coordinating Council for the Deaf and Hard
 1345 of Hearing.—

1346 (1) For purposes of this section, the term:

1347 (a) "Communication access real-time ~~realtime~~ translation"
 1348 means the instant translation of the spoken word into English
 1349 text using information technology in which the text appears on a
 1350 computer monitor or other display.

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1351
1352 For purposes of this section, individuals with any level of loss
1353 of hearing provided in the definitions in this subsection are
1354 included in references to deaf or hard of hearing individuals.

1355 (2)

1356 (b) The coordinating council shall be composed of 17
1357 members. The appointment of members not representing agencies
1358 shall be made by the Governor. The appointment of members
1359 representing organizations shall be made by the Governor in
1360 consultation with those organizations. The membership shall be
1361 as follows:

1362 1. Two members representing the Florida Association of the
1363 Deaf.

1364 2. Two members representing the Florida Association of
1365 Self Help for Hard of Hearing People.

1366 3. A member representing the Association of Late-Deafened
1367 Adults.

1368 4. An individual who is deaf and blind.

1369 5. A parent of an individual who is deaf.

1370 6. A member representing the Deaf Service Center
1371 Association.

1372 7. A member representing the Florida Registry of
1373 Interpreters for the Deaf.

1374 8. A member representing the Florida Alexander Graham Bell
1375 Association for the Deaf and Hard of Hearing.

1376 9. A communication access real-time ~~realtime~~ translator.

1377 10. An audiologist licensed under part I of chapter 468.

1378 11. A hearing aid specialist licensed under part II of
1379 chapter 484.

1380 12. The Secretary of Children and Families or his or her
1381 designee.

1382 13. The State Surgeon General or his or her designee.

1383 14. The Commissioner of Education or his or her designee.

1384 15. The Secretary of Elderly Affairs or his or her
1385 designee.

1386

1387 If any organization from which a representative is to be drawn
1388 ceases to exist, a representative of a similar organization
1389 shall be named to the coordinating council. The Governor shall
1390 make appointments to the coordinating council and may remove any
1391 member for cause. Each member shall be appointed to a term of 4
1392 years. Any vacancy on the coordinating council shall be filled
1393 in the same manner as the original appointment, and any member
1394 appointed to fill a vacancy occurring because of death,
1395 resignation, or ineligibility for membership shall serve only
1396 for the unexpired term of the member's predecessor. Prior to
1397 serving on the coordinating council, all appointees must attend
1398 orientation training that shall address, at a minimum, the
1399 provisions of this section; the programs operated by the
1400 coordinating council; the role and functions of the coordinating

1401 council; the current budget for the coordinating council; the
 1402 results of the most recent formal audit of the coordinating
 1403 council; and the requirements of the state's public records law,
 1404 the code of ethics, the Administrative Procedure Act, and other
 1405 laws relating to public officials, including conflict-of-
 1406 interest laws.

1407 Reviser's note.—Amended to conform to usage in the Florida
 1408 Statutes.

1409 Section 46. Subsection (1) of section 420.602, Florida
 1410 Statutes, is amended to read:

1411 420.602 Definitions.—As used in this part, the following
 1412 terms shall have the following meanings, unless the context
 1413 otherwise requires:

1414 (1) "Adjusted for family size" means adjusted in a manner
 1415 which results in an income eligibility level which is lower for
 1416 households with fewer than four people, or higher for households
 1417 with more than four people, than the base income eligibility
 1418 level determined as provided in subsection (8) ~~subsection (9)~~,
 1419 subsection (9) ~~subsection (10)~~, or subsection (11) ~~subsection~~
 1420 ~~(12)~~, based upon a formula as established by rule of the
 1421 corporation.

1422 Reviser's note.—Amended to confirm the editorial substitution of
 1423 cross-references to conform to the repeal of former
 1424 subsection (7) by s. 46, ch. 2021-25, Laws of Florida.

1425 Section 47. Paragraph (a) of subsection (2) and paragraphs

1426 (a) and (b) of subsection (11) of section 445.007, Florida
 1427 Statutes, are amended to read:

1428 445.007 Local workforce development boards.—

1429 (2)(a) The local workforce development board shall elect a
 1430 chair from among the representatives described in Pub. L. No.
 1431 113-128, Title I, s. 107(b)(2)(A) to serve for a term of no more
 1432 than 2 years who ~~and~~ may not serve more than two terms as chair.
 1433 Members of a local workforce development board shall serve
 1434 staggered terms and may not serve for more than 8 consecutive
 1435 years, unless such member is a representative of a governmental
 1436 entity. Service in a term of office which commenced before July
 1437 1, 2021, does not count toward the 8-year limitation.

1438 (11)(a) To increase transparency and accountability, a
 1439 local workforce development board must comply with the
 1440 requirements of this section before contracting with a member of
 1441 the local board; a relative, as defined in s. 112.3143(1)(c), of
 1442 a local board member; an organization or individual represented
 1443 on the local board; or ~~of~~ an employee of the local board. Such
 1444 contracts may not be executed before or without the prior
 1445 approval of the department. Such contracts, as well as
 1446 documentation demonstrating adherence to this section as
 1447 specified by the department, must be submitted to the department
 1448 for review and approval. Such a contract must be approved by a
 1449 two-thirds vote of the local board, a quorum having been
 1450 established; all conflicts of interest must be disclosed before

1451 the vote in a manner that is consistent with the procedures
1452 outlined in s. 112.3143(4); and any member who may benefit from
1453 the contract, or whose organization or relative may benefit from
1454 the contract, must abstain from the vote. A contract subject to
1455 the requirements of this subsection may not be included on a
1456 consent agenda.

1457 (b) A contract under \$10,000 between a local board; a
1458 relative, as defined in s. 112.3143(1)(c), of a local board
1459 member; or ~~of~~ an employee of the local board is not required to
1460 have the prior approval of the department, but must be approved
1461 by a two-thirds vote of the local board, a quorum having been
1462 established, and must be reported to the department and the
1463 state board within 30 days after approval.

1464 Reviser's note.—Paragraph (2)(a) is amended to confirm an
1465 editorial substitution to improve clarity. Paragraphs
1466 (11)(a) and (b) are amended to confirm editorial deletions
1467 to improve clarity.

1468 Section 48. Paragraph (1) of subsection (1) of section
1469 468.505, Florida Statutes, is amended to read:

1470 468.505 Exemptions; exceptions.—

1471 (1) Nothing in this part may be construed as prohibiting
1472 or restricting the practice, services, or activities of:

1473 (1) A person employed by a nursing facility exempt from
1474 licensing under s. 395.002(12) ~~s. 395.002(13)~~, or a person
1475 exempt from licensing under s. 464.022.

1476 Reviser's note.—Amended to conform to the reordering of
 1477 definitions in s. 395.002 by this act.

1478 Section 49. Subsection (9) of section 480.033, Florida
 1479 Statutes, is amended to read:

1480 480.033 Definitions.—As used in this act:

1481 (9) "Licensure" means the procedure by which a person,
 1482 hereinafter referred to as a "practitioner," applies to the
 1483 board for approval to practice massage therapy or to operate an
 1484 establishment.

1485 Reviser's note.—Amended to conform to ch. 2021-143, Laws of
 1486 Florida, which substituted references to massage therapy
 1487 practice for references to massage practice.

1488 Section 50. Paragraphs (g), (h), and (i) of subsection (1)
 1489 of section 553.791, Florida Statutes, are reordered and amended
 1490 to read:

1491 553.791 Alternative plans review and inspection.—

1492 (1) As used in this section, the term:

1493 (g)~~(h)~~ "Electronic signature" means any letters,
 1494 characters, or symbols manifested by electronic or similar means
 1495 which are executed or adopted by a party with an intent to
 1496 authenticate a writing or record.

1497 (h)~~(i)~~ "Electronic transmission" or "submitted
 1498 electronically" means any form or process of communication not
 1499 directly involving the physical transfer of paper or another
 1500 tangible medium which is suitable for the retention, retrieval,

1501 and reproduction of information by the recipient and is
 1502 retrievable in paper form by the receipt through an automated
 1503 process. All notices provided for in this section may be
 1504 transmitted electronically and shall have the same legal effect
 1505 as if physically posted or mailed.

1506 (i)~~(g)~~ "Electronically posted" means providing notices of
 1507 decisions, results, or records, including inspection records,
 1508 through the use of a website or other form of electronic
 1509 communication used to transmit or display information.

1510 Reviser's note.—Amended to place the definitions in paragraphs
 1511 (g) though (i) in alphabetical order.

1512 Section 51. Paragraph (c) of subsection (5) of section
 1513 604.73, Florida Statutes, is amended to read:

1514 604.73 Urban agriculture pilot projects; local regulation
 1515 of urban agriculture.—

1516 (5) LOCAL REGULATION.—Notwithstanding s. 604.50, s.
 1517 823.14, or any other law to the contrary, urban agriculture is
 1518 subject to applicable municipal regulations if:

1519 (c) Before the reenactment of the regulations under
 1520 paragraph (b), the municipality designates existing farm
 1521 operations, as defined in s. 823.14(3)(d) ~~s. 823.14(3)(b)~~,
 1522 within its jurisdiction as legally nonconforming.

1523 Reviser's note.—Amended to conform to the reordering of
 1524 definitions in s. 823.14(3) by this act.

1525 Section 52. Section 624.105, Florida Statutes, is amended

1526 | to read:

1527 | 624.105 Waiver of customer liability.—Any regulated
 1528 | company as defined in s. 350.111, any electric utility as
 1529 | defined in s. 366.02(4) ~~s. 366.02(2)~~, any utility as defined in
 1530 | s. 367.021(12) or s. 367.022(2) and (7), and any provider of
 1531 | communications services as defined in s. 202.11(1) may charge
 1532 | for and include an optional waiver of liability provision in
 1533 | their customer contracts under which the entity agrees to waive
 1534 | all or a portion of the customer's liability for service from
 1535 | the entity for a defined period in the event of the customer's
 1536 | call to active military service, death, disability, involuntary
 1537 | unemployment, qualification for family leave, or similar
 1538 | qualifying event or condition. Such provisions may not be
 1539 | effective in the customer's contract with the entity unless
 1540 | affirmatively elected by the customer. No such provision shall
 1541 | constitute insurance so long as the provision is a contract
 1542 | between the entity and its customer.

1543 | Reviser's note.—Amended to conform to the reordering of
 1544 | definitions in s. 366.02 by this act.

1545 | Section 53. Subsection (1) of section 624.51057, Florida
 1546 | Statutes, is amended to read:

1547 | 624.51057 Credit for contributions to eligible charitable
 1548 | organizations.—

1549 | (1) For taxable years beginning on or after January 1,
 1550 | 2022, there is allowed a credit of 100 percent of an eligible

1551 contribution made to an eligible charitable organization under
 1552 s. 402.62 against any tax due for a taxable year under s.
 1553 624.509(1) after deducting from such tax deductions for
 1554 assessments made pursuant to s. 440.51; credits for taxes paid
 1555 under ss. 175.101 and 185.08; credits for income taxes paid
 1556 under chapter 220; and the credit allowed under s. 624.509(5),
 1557 as such credit is limited by s. 624.509(6). An eligible
 1558 contribution must be made to an eligible charitable organization
 1559 on or before the date the taxpayer is required to file a return
 1560 pursuant to ss. 624.509 and 624.5092. An insurer claiming a
 1561 credit against premium tax liability under this section is not
 1562 required to pay any additional retaliatory tax levied under s.
 1563 624.5091 as a result of claiming such credit. Section 624.5091
 1564 does not limit such credit in any manner.

1565 Reviser's note.—Amended to confirm an editorial insertion to
 1566 improve clarity.

1567 Section 54. Paragraph (i) of subsection (1) of section
 1568 626.9541, Florida Statutes, is amended to read:

1569 626.9541 Unfair methods of competition and unfair or
 1570 deceptive acts or practices defined.—

1571 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 1572 ACTS.—The following are defined as unfair methods of competition
 1573 and unfair or deceptive acts or practices:

1574 (i) Unfair claim settlement practices.—

1575 1. Attempting to settle claims on the basis of an

1576 application, when serving as a binder or intended to become a
 1577 part of the policy, or any other material document which was
 1578 altered without notice to, or knowledge or consent of, the
 1579 insured;

1580 2. A material misrepresentation made to an insured or any
 1581 other person having an interest in the proceeds payable under
 1582 such contract or policy, for the purpose and with the intent of
 1583 effecting settlement of such claims, loss, or damage under such
 1584 contract or policy on less favorable terms than those provided
 1585 in, and contemplated by, such contract or policy; ~~or~~

1586 3. Committing or performing with such frequency as to
 1587 indicate a general business practice any of the following:

1588 a. Failing to adopt and implement standards for the proper
 1589 investigation of claims;

1590 b. Misrepresenting pertinent facts or insurance policy
 1591 provisions relating to coverages at issue;

1592 c. Failing to acknowledge and act promptly upon
 1593 communications with respect to claims;

1594 d. Denying claims without conducting reasonable
 1595 investigations based upon available information;

1596 e. Failing to affirm or deny full or partial coverage of
 1597 claims, and, as to partial coverage, the dollar amount or extent
 1598 of coverage, or failing to provide a written statement that the
 1599 claim is being investigated, upon the written request of the
 1600 insured within 30 days after proof-of-loss statements have been

1601 completed;

1602 f. Failing to promptly provide a reasonable explanation in
 1603 writing to the insured of the basis in the insurance policy, in
 1604 relation to the facts or applicable law, for denial of a claim
 1605 or for the offer of a compromise settlement;

1606 g. Failing to promptly notify the insured of any
 1607 additional information necessary for the processing of a claim;
 1608 ~~or~~

1609 h. Failing to clearly explain the nature of the requested
 1610 information and the reasons why such information is necessary;
 1611 or-

1612 i. Failing to pay personal injury protection insurance
 1613 claims within the time periods required by s. 627.736(4)(b). The
 1614 office may order the insurer to pay restitution to a
 1615 policyholder, medical provider, or other claimant, including
 1616 interest at a rate consistent with the amount set forth in s.
 1617 55.03(1), for the time period within which an insurer fails to
 1618 pay claims as required by law. Restitution is in addition to any
 1619 other penalties allowed by law, including, but not limited to,
 1620 the suspension of the insurer's certificate of authority; or-

1621 4. Failing to pay undisputed amounts of partial or full
 1622 benefits owed under first-party property insurance policies
 1623 within 90 days after an insurer receives notice of a residential
 1624 property insurance claim, determines the amounts of partial or
 1625 full benefits, and agrees to coverage, unless payment of the

1626 undisputed benefits is prevented by an act of God, prevented by
 1627 the impossibility of performance, or due to actions by the
 1628 insured or claimant that constitute fraud, lack of cooperation,
 1629 or intentional misrepresentation regarding the claim for which
 1630 benefits are owed.

1631 Reviser's note.—Amended to correct punctuation sequences.

1632 Section 55. Paragraph (b) of subsection (16) of section
 1633 633.202, Florida Statutes, is amended to read:

1634 633.202 Florida Fire Prevention Code.—

1635 (16)

1636 (b) Notwithstanding any other provision of law:

1637 1. A nonresidential farm building in which the occupancy
 1638 is limited by the property owner to no more than 35 persons is
 1639 exempt from the Florida Fire Prevention Code, including the
 1640 national codes and Life Safety Code incorporated by reference.

1641 2. An agricultural pole barn is exempt from the Florida
 1642 Fire Prevention Code, including the national codes and the Life
 1643 Safety Code incorporated by reference.

1644 3. Except for an agricultural pole barn, a structure on a
 1645 farm, as defined in s. 823.14(3)(c) ~~s. 823.14(3)(b)~~, which is
 1646 used by an owner for agritourism activity, as defined in s.
 1647 570.86, for which the owner receives consideration must be
 1648 classified in one of the following classes:

1649 a. Class 1: A nonresidential farm building that is used by
 1650 the owner 12 or fewer times per year for agritourism activity

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1651 with up to 100 persons occupying the structure at one time. A
1652 structure in this class is subject to annual inspection for
1653 classification by the local authority having jurisdiction. This
1654 class is not subject to the Florida Fire Prevention Code but is
1655 subject to rules adopted by the State Fire Marshal pursuant to
1656 this section.

1657 b. Class 2: A nonresidential farm building that is used by
1658 the owner for agritourism activity with up to 300 persons
1659 occupying the structure at one time. A structure in this class
1660 is subject to annual inspection for classification by the local
1661 authority having jurisdiction. This class is not subject to the
1662 Florida Fire Prevention Code but is subject to rules adopted by
1663 the State Fire Marshal pursuant to this section.

1664 c. Class 3: A structure or facility that is used primarily
1665 for housing, sheltering, or otherwise accommodating members of
1666 the general public. A structure or facility in this class is
1667 subject to annual inspection for classification by the local
1668 authority having jurisdiction. This class is subject to the
1669 Florida Fire Prevention Code.

1670 Reviser's note.—Amended to conform to the reordering of
1671 definitions in s. 823.14(3) by this act.

1672 Section 56. Paragraph (e) of subsection (1) of section
1673 660.46, Florida Statutes, is amended to read:

1674 660.46 Substitution of fiduciaries.—

1675 (1) The provisions of this section shall apply to the

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1676 transfer of fiduciary accounts by substitution, and for those
1677 purposes these provisions shall constitute alternative
1678 procedures to those provided or required by any other provisions
1679 of law relating to the transfer of fiduciary accounts or the
1680 substitution of persons acting or who are to act in a fiduciary
1681 capacity. In this section, and only for its purposes, the term:

1682 (e) "Trust disclosure document" has the meaning ascribed
1683 in s. 736.1008(4)(c) ~~s. 736.1008(4)(a)~~.

1684 Reviser's note.—Amended to conform to the reordering of
1685 definitions in s. 736.1008 by this act.

1686 Section 57. Subsection (4) of section 736.1008, Florida
1687 Statutes, is reordered and amended to read:

1688 736.1008 Limitations on proceedings against trustees.—

1689 (4) As used in this section, the term:

1690 (a)~~(e)~~ "Limitation notice" means a written statement of
1691 the trustee or a trust director that an action by a beneficiary
1692 for breach of trust based on any matter adequately disclosed in
1693 a trust disclosure document may be barred unless the action is
1694 commenced within 6 months after receipt of the trust disclosure
1695 document or receipt of a limitation notice that applies to that
1696 trust disclosure document, whichever is later. A limitation
1697 notice may but is not required to be in the following form: "An
1698 action for breach of trust based on matters disclosed in a trust
1699 accounting or other written report of the trustee or a trust
1700 director may be subject to a 6-month statute of limitations from

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1701 the receipt of the trust accounting or other written report. If
1702 you have questions, please consult your attorney."

1703 (b) "Trust accounting" means an accounting that adequately
1704 discloses the information required by and that substantially
1705 complies with the standards set forth in s. 736.08135.

1706 (c)~~(a)~~ "Trust disclosure document" means a trust
1707 accounting or any other written report of the trustee or a trust
1708 director. A trust disclosure document adequately discloses a
1709 matter if the document provides sufficient information so that a
1710 beneficiary knows of a claim or reasonably should have inquired
1711 into the existence of a claim with respect to that matter.

1712 Reviser's note.—Amended to place the definitions in subsection
1713 (4) in alphabetical order.

1714 Section 58. Paragraph (a) of subsection (1) and paragraph
1715 (a) of subsection (2) of section 736.1411, Florida Statutes, are
1716 amended to read:

1717 736.1411 No duty to monitor, inform, or advise.—

1718 (1) Notwithstanding s. 736.1409(1), relating to the duty
1719 of a directed trustee to take reasonable action when directed
1720 and to the release of liability for such action, unless the
1721 terms of a trust provide otherwise:

1722 (a) A trustee does not have a duty to:

1723 1. Monitor a trust director; or

1724 2. Inform or give advice to a settlor, beneficiary,

1725 trustee, or trust director concerning an instance in which the

1726 trustee might have acted differently from ~~than~~ the trust
 1727 director.

1728 (2) Notwithstanding s. 736.1408(1), relating to the
 1729 fiduciary duty of a trust director, unless the terms of a trust
 1730 provide otherwise:

1731 (a) A trust director does not have a duty to:

- 1732 1. Monitor a trustee or another trust director; or
- 1733 2. Inform or give advice to a settlor, beneficiary,
 1734 trustee, or another trust director concerning an instance in
 1735 which the trust director might have acted differently from ~~than~~
 1736 a trustee or another trust director.

1737 Reviser's note.—Amended to confirm an editorial substitution to
 1738 conform to context.

1739 Section 59. Paragraph (a) of subsection (2) of section
 1740 738.602, Florida Statutes, is amended to read:

1741 738.602 Payments from deferred compensation plans,
 1742 annuities, and retirement plans or accounts.—

1743 (2)(a) For a fund that is a separate account, income of
 1744 the fund shall be determined:

- 1745 1. As if the fund were a trust subject to the provisions
 1746 of ss. 738.401-738.706; or
- 1747 2. As a unitrust amount calculated by multiplying the fair
 1748 market value of the fund as of the first day of the first
 1749 accounting period and, thereafter, as of the last day of the
 1750 accounting period that immediately precedes the accounting

1751 period during which a payment is received by the percentage
 1752 determined in accordance with s. 738.1041(2)(b)2.a. The
 1753 fiduciary shall determine such percentage as of the first month
 1754 that the fiduciary's election to treat the income of the fund as
 1755 a unitrust amount becomes effective. For purposes of this
 1756 subparagraph, "fair market value" means the fair market value of
 1757 the assets held in the fund as of the applicable valuation date
 1758 determined as provided in this subparagraph. The fiduciary is
 1759 not liable for good faith reliance upon any valuation supplied
 1760 by the person or persons in possession of the fund. If the
 1761 fiduciary makes or terminates an election under this
 1762 subparagraph, the fiduciary shall make such disclosure in a
 1763 trust disclosure document that satisfies the requirements of s.
 1764 736.1008(4)(c) ~~736.1008(4)(a)~~.

1765 Reviser's note.—Amended to conform to the reordering of
 1766 definitions in s. 736.1008 by this act.

1767 Section 60. Subsection (2) of section 765.101, Florida
 1768 Statutes, is amended to read:

1769 765.101 Definitions.—As used in this chapter:

1770 (2) "Attending physician" means the physician who has
 1771 primary responsibility for the treatment and care of the patient
 1772 while the patient receives such treatment or care in a hospital
 1773 as defined in s. 395.002(12) ~~s. 395.002(13)~~.

1774 Reviser's note.—Amended to conform to the reordering of
 1775 definitions in s. 395.002 by this act.

1776 Section 61. Paragraph (e) of subsection (1) of section
 1777 768.1382, Florida Statutes, is amended to read:

1778 768.1382 Streetlights, security lights, and other similar
 1779 illumination; limitation on liability.—

1780 (1) As used in this section, the term:

1781 (e) "Streetlight provider" means the state or any of the
 1782 state's officers, agencies, or instrumentalities, any political
 1783 subdivision as defined in s. 1.01, any public utility as defined
 1784 in s. 366.02 (8) ~~s. 366.02 (1)~~, or any electric utility as defined
 1785 in s. 366.02 (4) ~~s. 366.02 (2)~~.

1786 Reviser's note.—Amended to conform to the reordering of
 1787 definitions in s. 366.02 by this act.

1788 Section 62. Paragraph (b) of subsection (1) of section
 1789 768.381, Florida Statutes, is amended to read:

1790 768.381 COVID-19-related claims against health care
 1791 providers.—

1792 (1) DEFINITIONS.—As used in this section, the term:

1793 (b) "COVID-19" means the novel coronavirus identified as
 1794 SARS-CoV-2 ~~SARS-zc-2~~; any disease caused by SARS-CoV-2, its
 1795 viral fragments, or a virus mutating therefrom; and all
 1796 conditions associated with the disease which are caused by SARS-
 1797 CoV-2, its viral fragments, or a virus mutating therefrom.

1798 Reviser's note.—Amended to confirm a correction by the editors
 1799 of an input error during production of the 2021 Florida
 1800 Statutes.

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1801 Section 63. Paragraph (b) of subsection (2) of section
1802 812.014, Florida Statutes, is amended to read:
1803 812.014 Theft.—
1804 (2)
1805 (b)1. If the property stolen is valued at \$20,000 or more,
1806 but less than \$100,000;
1807 2. If the property stolen is cargo valued at less than
1808 \$50,000 that has entered the stream of interstate or intrastate
1809 commerce from the shipper's loading platform to the consignee's
1810 receiving dock;
1811 3. If the property stolen is emergency medical equipment,
1812 valued at \$300 or more, that is taken from a facility licensed
1813 under chapter 395 or from an aircraft or vehicle permitted under
1814 chapter 401; or
1815 4. If the property stolen is law enforcement equipment,
1816 valued at \$300 or more, that is taken from an authorized
1817 emergency vehicle, as defined in s. 316.003,
1818
1819 the offender commits grand theft in the second degree,
1820 punishable as a felony of the second degree, as provided in s.
1821 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
1822 means mechanical or electronic apparatus used to provide
1823 emergency services and care as defined in s. 395.002(9) or to
1824 treat medical emergencies. Law enforcement equipment means any
1825 property, device, or apparatus used by any law enforcement

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1826 officer as defined in s. 943.10 in the officer's official
1827 business. However, if the property is stolen during a riot or an
1828 aggravated riot prohibited under s. 870.01 and the perpetration
1829 of the theft is facilitated by conditions arising from the riot;
1830 or within a county that is subject to a state of emergency
1831 declared by the Governor under chapter 252, the theft is
1832 committed after the declaration of emergency is made, and the
1833 perpetration of the theft is facilitated by conditions arising
1834 from the emergency, the theft is a felony of the first degree,
1835 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1836 As used in this paragraph, the term "conditions arising from the
1837 riot" means civil unrest, power outages, curfews, or a reduction
1838 in the presence of or response time for first responders or
1839 homeland security personnel and the term "conditions arising
1840 from the emergency" means civil unrest, power outages, curfews,
1841 voluntary or mandatory evacuations, or a reduction in the
1842 presence of or response time for first responders or homeland
1843 security personnel. A person arrested for committing a theft
1844 during a riot or an aggravated riot or within a county that is
1845 subject to a state of emergency may not be released until the
1846 person appears before a committing magistrate at a first
1847 appearance hearing. For purposes of sentencing under chapter
1848 921, a felony offense that is reclassified under this paragraph
1849 is ranked one level above the ranking under s. 921.0022 or s.
1850 921.0023 of the offense committed.

1851 Reviser's note.—Amended to improve sentence structure.

1852 Section 64. Paragraph (g) of subsection (1) of section
1853 812.015, Florida Statutes, is amended to read:

1854 812.015 Retail and farm theft; transit fare evasion;
1855 mandatory fine; alternative punishment; detention and arrest;
1856 exemption from liability for false arrest; resisting arrest;
1857 penalties.—

1858 (1) As used in this section:

1859 (g) "Farm theft" means the unlawful taking possession of
1860 any items that are grown or produced on land owned, rented, or
1861 leased by another person. The term includes the unlawful taking
1862 possession of equipment and associated materials used to grow or
1863 produce farm products as defined in s. 823.14(3)(e) ~~s.~~
1864 ~~823.14(3)(d)~~.

1865 Reviser's note.—Amended to conform to the reordering of
1866 definitions in s. 823.14(3) by this act

1867 Section 65. Subsection (3) of section 823.14, Florida
1868 Statutes, is reordered and amended to read:

1869 823.14 Florida Right to Farm Act.—

1870 (3) DEFINITIONS.—As used in this section:

1871 (a) "Agritourism activity" has the same meaning as
1872 provided in s. 570.86.

1873 (b)(e) "Established date of operation" means the date the
1874 farm operation commenced. For an agritourism activity, the term
1875 "established date of operation" means the date the specific

1876 agritourism activity commenced. If the farm operation is
1877 subsequently expanded within the original boundaries of the farm
1878 land, the established date of operation of the expansion shall
1879 also be considered as the date the original farm operation
1880 commenced. If the land boundaries of the farm are subsequently
1881 expanded, the established date of operation for each expansion
1882 is deemed to be a separate and independent established date of
1883 operation. The expanded operation shall not divest the farm
1884 operation of a previous established date of operation.

1885 (c)~~(b)~~ "Farm" means the land, buildings, support
1886 facilities, machinery, and other appurtenances used in the
1887 production of farm or aquaculture products.

1888 (d)~~(e)~~ "Farm operation" means all conditions or activities
1889 by the owner, lessee, agent, independent contractor, or supplier
1890 which occur on a farm in connection with the production of farm,
1891 honeybee, or apiculture products or in connection with
1892 complementary agritourism activities. These conditions and
1893 activities include, but are not limited to, the marketing of
1894 farm products at roadside stands or farm markets; the operation
1895 of machinery and irrigation pumps; the generation of noise,
1896 odors, dust, fumes, and particle emissions; ground or aerial
1897 seeding and spraying; the placement and operation of an apiary;
1898 the application of chemical fertilizers, conditioners,
1899 insecticides, pesticides, and herbicides; agritourism
1900 activities; and the employment and use of labor.

1901 (e)~~(d)~~ "Farm product" means any plant, as defined in s.
 1902 581.011, or animal or insect useful to humans and includes, but
 1903 is not limited to, any product derived therefrom.

1904 (f) "Nuisance" means any interference with reasonable use
 1905 and enjoyment of land, including, but not limited to, noise,
 1906 smoke, odors, dust, fumes, particle emissions, or vibration. The
 1907 term also includes all claims that meet the requirements of this
 1908 definition, regardless of whether the plaintiff designates those
 1909 claims as brought in nuisance, negligence, trespass, personal
 1910 injury, strict liability, or other tort.

1911 Reviser's note.—Amended to place the definitions in subsection
 1912 (3) in alphabetical order.

1913 Section 66. Paragraph (c) of subsection (5) of section
 1914 849.086, Florida Statutes, is amended to read:

1915 849.086 Cardrooms authorized.—

1916 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
 1917 operate a cardroom in this state unless such person holds a
 1918 valid cardroom license issued pursuant to this section.

1919 (c) Notwithstanding any other provision of law, a pari-
 1920 mutuel permitholder, other than a permitholder issued a permit
 1921 pursuant to s. 550.3345, may not be issued a license for the
 1922 operation of a cardroom if the permitholder did not hold an
 1923 operating license for the conduct of pari-mutuel wagering for
 1924 fiscal year 2020-2021. In order for an initial cardroom license
 1925 to be issued to a thoroughbred permitholder issued a permit

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1926 pursuant to s. 550.3345, the applicant must have requested, as
1927 part of its pari-mutuel annual license application, to conduct
1928 at least a full schedule of live racing. In order for a cardroom
1929 license to be renewed by a thoroughbred permitholder, the
1930 applicant must have requested, as part of its pari-mutuel annual
1931 license application, to conduct at least 90 percent of the total
1932 number of live performances conducted by such permitholder
1933 during either the state fiscal year in which its initial
1934 cardroom license was issued or the state fiscal year immediately
1935 prior thereto if the permitholder ran at least a full schedule
1936 of live racing or games in the prior year.

1937 Reviser's note.—Amended to confirm an editorial insertion to
1938 improve clarity.

1939 Section 67. Subsection (3) of section 870.01, Florida
1940 Statutes, is amended to read:

1941 870.01 Affrays and riots.—

1942 (3) A person commits aggravated rioting if, in the course
1943 of committing a riot, he or she:

1944 (a) Participates with 25 or more other persons;

1945 (b) Causes great bodily harm to a person not participating
1946 in the riot;

1947 (c) Causes property damage in excess of \$5,000;

1948 (d) Displays, uses, threatens to use, or attempts to use a
1949 deadly weapon; or

1950 (e) By force, or threat of force, endangers the safe

1951 movement of a vehicle traveling on a public street, highway, or
 1952 road.

1953
 1954 A person who commits aggravated ~~aggravating~~ rioting commits a
 1955 felony of the second degree, punishable as provided in s.
 1956 775.082, s. 775.083, or s. 775.084.

1957 Reviser's note.—Amended to confirm an editorial substitution to
 1958 conform to context. Chapter 2021-6, Laws of Florida,
 1959 introduced the crime of aggravated rioting to the statutes,
 1960 and all instances in the law except this one use the word
 1961 "aggravated."

1962 Section 68. Paragraph (a) of subsection (2) of section
 1963 948.16, Florida Statutes, is amended to read:

1964 948.16 Misdemeanor pretrial substance abuse education and
 1965 treatment intervention program; misdemeanor pretrial veterans'
 1966 treatment intervention program; misdemeanor pretrial mental
 1967 health court program.—

1968 (2) (a) A veteran or a servicemember, as defined in s.
 1969 394.47891(2) (d) or (c), respectively, who is otherwise qualified
 1970 to participate in a veterans treatment court program under s.
 1971 394.47891, and is charged with a misdemeanor is eligible for
 1972 admission into a misdemeanor veterans treatment court program
 1973 ~~program~~, for a period based on the program's requirements and
 1974 the treatment plan for the offender, pursuant to the
 1975 requirements of s. 394.47891(4) and (8).

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1976 Reviser's note.—Amended to confirm an editorial deletion to
 1977 eliminate redundancy.
 1978 Section 69. Subsection (10) of section 1001.03, Florida
 1979 Statutes, is amended to read:
 1980 1001.03 Specific powers of State Board of Education.—
 1981 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
 1982 EDUCATION.—The State Board of Education, in conjunction with the
 1983 Board of Governors, shall develop and implement a common
 1984 placement test to assess the basic communication and computation
 1985 ~~and communication~~ skills of students who intend to enter a
 1986 degree program at any Florida College System institution or
 1987 state university.
 1988 Reviser's note.—Amended to conform to ch. 2021-162, Laws of
 1989 Florida, which substituted the words "communication and
 1990 computation" for the words "computation and communication"
 1991 as those words relate to education.
 1992 Section 70. Subsection (1) of section 1001.10, Florida
 1993 Statutes, is amended to read:
 1994 1001.10 Commissioner of Education; general powers and
 1995 duties.—
 1996 (1) The Commissioner of Education is the chief educational
 1997 officer of the state and the sole custodian of the educational
 1998 data warehouse, and is responsible for giving full assistance to
 1999 the State Board of Education in enforcing compliance with the
 2000 mission and goals of the Early Learning-20 ~~Early Learning~~

2001 education system, except for the State University System.
 2002 Reviser's note.—Amended to confirm the editorial substitution of
 2003 the term "Early Learning-20" for the term "Early Learning"
 2004 to correct a drafting error and conform to amendments by
 2005 ch. 2021-10, Laws of Florida.
 2006 Section 71. Subsection (7) of section 1001.42, Florida
 2007 Statutes, is amended to read:
 2008 1001.42 Powers and duties of district school board.—The
 2009 district school board, acting as a board, shall exercise all
 2010 powers and perform all duties listed below:
 2011 (7) PROHIBITION FROM EMPLOYMENT.—Prohibit educational
 2012 support employees, instructional personnel, and administrative
 2013 personnel, as defined in s. 1012.01, from employment in any
 2014 position that requires direct contact with students if the
 2015 employees or personnel are ineligible for such employment under
 2016 s. 1012.315 or have been terminated or have resigned in lieu of
 2017 termination for sexual misconduct with a student. If the
 2018 prohibited conduct occurs while employed, the district school
 2019 board must report the employees or personnel and the
 2020 disqualifying circumstances to the department for inclusion on
 2021 the disqualification list maintained by the department pursuant
 2022 to s. 1001.10(4)(b). An elected or appointed school board
 2023 official forfeits his or her salary for 1 year if:
 2024 (a) The school board official knowingly signs and
 2025 transmits to any state official a report of alleged misconduct

2026 | by educational support employees, instructional personnel, or
 2027 | administrative personnel which the school board official knows
 2028 | to be false or incorrect; or

2029 | (b) The school board official knowingly fails to adopt
 2030 | policies that require:

2031 | 1. Educational support employees, instructional personnel,
 2032 | and administrative personnel to report alleged misconduct by
 2033 | other educational support employees, instructional personnel,
 2034 | and administrative personnel;

2035 | 2. The district school superintendent to report misconduct
 2036 | by educational support employees, instructional personnel, or
 2037 | school administrators that would result in disqualification from
 2038 | educator certification or employment as provided in s. 1012.315
 2039 | to the law enforcement agencies with jurisdiction over the
 2040 | conduct; or

2041 | 3. The investigation of all reports of alleged misconduct
 2042 | by educational support employees, instructional personnel, and
 2043 | administrative personnel, if the misconduct affects the health,
 2044 | safety, or welfare of a student, regardless of whether the
 2045 | person resigned or was terminated before the conclusion of the
 2046 | investigation. The policies must require the district school
 2047 | superintendent to notify the department of the result of the
 2048 | investigation and whether the misconduct warranted termination,
 2049 | regardless of whether the person resigned or was terminated
 2050 | before the conclusion of the investigation.

2051 Reviser's note.—Amended to confirm editorial insertions to
 2052 improve clarity.
 2053 Section 72. Paragraph (g) of subsection (12) of section
 2054 1002.33, Florida Statutes, is amended to read:
 2055 1002.33 Charter schools.—
 2056 (12) EMPLOYEES OF CHARTER SCHOOLS.—
 2057 (g)1. A charter school shall employ or contract with
 2058 employees who have undergone background screening as provided in
 2059 s. 1012.32. Members of the governing board of the charter school
 2060 shall also undergo background screening in a manner similar to
 2061 that provided in s. 1012.32. An individual may not be employed
 2062 as an employee or contract personnel of a charter school or
 2063 serve as a member of a charter school governing board if the
 2064 individual is on the disqualification list maintained by the
 2065 department pursuant to s. 1001.10(4)(b).
 2066 2. A charter school shall prohibit educational support
 2067 employees, instructional personnel, and school administrators,
 2068 as defined in s. 1012.01, from employment in any position that
 2069 requires direct contact with students if the employees,
 2070 personnel, or administrators are ineligible for such employment
 2071 under s. 1012.315 or have been terminated or have resigned in
 2072 lieu of termination for sexual misconduct with a student. If the
 2073 prohibited conduct occurs while employed, a charter school must
 2074 report the individual and the disqualifying circumstances to the
 2075 department for inclusion on the disqualification list maintained

2076 | pursuant to s. 1001.10(4)(b).

2077 | 3. The governing board of a charter school shall adopt

2078 | policies establishing standards of ethical conduct for

2079 | educational support employees, instructional personnel, and

2080 | school administrators. The policies must require all educational

2081 | support employees, instructional personnel, and school

2082 | administrators, as defined in s. 1012.01, to complete training

2083 | on the standards; establish the duty of educational support

2084 | employees, instructional personnel, and school administrators to

2085 | report, and procedures for reporting, alleged misconduct that

2086 | affects the health, safety, or welfare of a student; and include

2087 | an explanation of the liability protections provided under ss.

2088 | 39.203 and 768.095. A charter school, or any of its employees,

2089 | may not enter into a confidentiality agreement regarding

2090 | terminated or dismissed educational support employees,

2091 | instructional personnel, or school administrators, or employees,

2092 | personnel, or administrators who resign in lieu of termination,

2093 | based in whole or in part on misconduct that affects the health,

2094 | safety, or welfare of a student, and may not provide employees,

2095 | personnel, or administrators with employment references or

2096 | discuss the employees', personnel's, or administrators'

2097 | performance with prospective employers in another educational

2098 | setting, without disclosing the employees', personnel's, or

2099 | administrators' misconduct. Any part of an agreement or contract

2100 | that has the purpose or effect of concealing misconduct by

2101 educational support employees, instructional personnel, or
 2102 school administrators which affects the health, safety, or
 2103 welfare of a student is void, is contrary to public policy, and
 2104 may not be enforced.

2105 4. Before employing an individual in any position that
 2106 requires direct contact with students, a charter school shall
 2107 conduct employment history checks of each individual through use
 2108 of the educator screening tools described in s. 1001.10(5), and
 2109 document the findings. If unable to contact a previous employer,
 2110 the charter school must document efforts to contact the
 2111 employer.

2112 5. The sponsor of a charter school that knowingly fails to
 2113 comply with this paragraph shall terminate the charter under
 2114 subsection (8).

2115 Reviser's note.—Amended to confirm an editorial insertion to
 2116 improve clarity.

2117 Section 73. Paragraph (f) of subsection (3) of section
 2118 1002.37, Florida Statutes, is amended to read:

2119 1002.37 The Florida Virtual School.—

2120 (3) Funding for the Florida Virtual School shall be
 2121 provided as follows:

2122 (f) The Florida Virtual School shall receive state funds
 2123 for operating purposes as provided in the General Appropriations
 2124 Act. The calculation to determine the amount of state funds
 2125 includes: the sum of the base Florida Education Finance Program

2126 funding, the state-funded discretionary contribution and a per-
 2127 full-time equivalent share of the discretionary millage
 2128 compression supplement, the exceptional student education
 2129 guaranteed allocation, the instructional materials allocation,
 2130 the evidence-based ~~research-based~~ reading instruction
 2131 allocation, the mental health assistance allocation, and the
 2132 teacher salary increase allocation. For the purpose of
 2133 calculating the state-funded discretionary contribution,
 2134 multiply the maximum allowable nonvoted discretionary millage
 2135 for operations pursuant to s. 1011.71(1) and (3) by the value of
 2136 96 percent of the current year's taxable value for school
 2137 purposes for the state; divide the result by the total full-time
 2138 equivalent membership of the state; and multiply the result by
 2139 the full-time equivalent membership of the school. Funds may not
 2140 be provided for the purpose of fulfilling the class size
 2141 requirements in ss. 1003.03 and 1011.685.

2142 Reviser's note.—Amended to conform to ch. 2021-9, Laws of
 2143 Florida, which renamed the "research-based reading
 2144 instruction allocation" as the "evidence-based reading
 2145 instruction allocation."

2146 Section 74. Paragraph (r) of subsection (1) of section
 2147 1002.421, Florida Statutes, is amended to read:

2148 1002.421 State school choice scholarship program
 2149 accountability and oversight.—

2150 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private

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2151 school participating in an educational scholarship program
2152 established pursuant to this chapter must be a private school as
2153 defined in s. 1002.01(2) in this state, be registered, and be in
2154 compliance with all requirements of this section in addition to
2155 private school requirements outlined in s. 1002.42, specific
2156 requirements identified within respective scholarship program
2157 laws, and other provisions of Florida law that apply to private
2158 schools, and must:

2159 (r) Prohibit education support employees, instructional
2160 personnel, and school administrators from employment in any
2161 position that requires direct contact with students if the
2162 personnel or administrators are ineligible for such employment
2163 pursuant to this section or s. 1012.315, or have been terminated
2164 or have resigned in lieu of termination for sexual misconduct
2165 with a student. If the prohibited conduct occurs subsequent to
2166 employment, the private school must report the person and the
2167 disqualifying circumstances to the department for inclusion on
2168 the disqualification list maintained pursuant to s.
2169 1001.10(4)(b).

2170
2171 The department shall suspend the payment of funds to a private
2172 school that knowingly fails to comply with this subsection, and
2173 shall prohibit the school from enrolling new scholarship
2174 students, for 1 fiscal year and until the school complies. If a
2175 private school fails to meet the requirements of this subsection

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2176 or has consecutive years of material exceptions listed in the
2177 report required under paragraph (q), the commissioner may
2178 determine that the private school is ineligible to participate
2179 in a scholarship program.

2180 Reviser's note.—Amended to confirm an editorial insertion to
2181 improve clarity.

2182 Section 75. Paragraph (a) of subsection (3) of section
2183 1002.82, Florida Statutes, is amended to read:

2184 1002.82 Department of Education; powers and duties.—

2185 (3)(a) The department shall adopt performance standards
2186 and outcome measures for early learning coalitions that, at a
2187 minimum, include the development of objective and statistically
2188 valid customer service surveys by a state university or ~~or~~ other
2189 independent researcher with specific expertise in customer
2190 service survey development. The survey shall be deployed
2191 beginning in fiscal year 2022-2023 and be distributed to:

2192 1. Customers who use the services in s. 1002.92 upon the
2193 completion of a referral inquiry.

2194 2. Parents, annually, at the time of eligibility
2195 determination.

2196 3. Child care providers that participate in the school
2197 readiness program or the Voluntary Prekindergarten Education
2198 Program at the time of execution of the statewide provider
2199 contract.

2200 4. Board members required under s. 1002.83.

2201 Reviser's note.—Amended to confirm an editorial substitution to
 2202 conform to context.

2203 Section 76. Paragraph (c) of subsection (3) of section
 2204 1003.4203, Florida Statutes, is amended to read:

2205 1003.4203 Digital materials, CAPE Digital Tool
 2206 certificates, and technical assistance.—

2207 (3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall
 2208 identify, in the CAPE Industry Certification Funding List under
 2209 ss. 1003.492 and 1008.44, CAPE Digital Tool certificates that
 2210 indicate a student's digital skills. The department shall notify
 2211 each school district when the certificates are available. The
 2212 certificates shall be made available to all public elementary
 2213 and middle grades students.

2214 (c) The Legislature intends that ~~by July 1, 2018~~, on an
 2215 annual basis, at least 75 percent of public middle grades
 2216 students earn at least one CAPE Digital Tool certificate.

2217 Reviser's note.—Amended to delete obsolete language.

2218 Section 77. Paragraph (d) of subsection (3) of section
 2219 1003.4282, Florida Statutes, is amended to read:

2220 1003.4282 Requirements for a standard high school
 2221 diploma.—

2222 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
 2223 REQUIREMENTS.—

2224 (d) Three credits in social studies.—A student must earn
 2225 one credit in United States History; one credit in World

2226 History; one-half credit in economics; and one-half credit in
 2227 United States Government, which must include a comparative
 2228 discussion of political ideologies, such as communism and
 2229 totalitarianism, that conflict with the principles of freedom
 2230 and democracy essential to the founding principles of the United
 2231 States. The United States History EOC assessment constitutes 30
 2232 percent of the student's final course grade. Beginning with the
 2233 2021-2022 school year, students taking the United States
 2234 Government course are required to take the assessment of civic
 2235 literacy identified by the State Board of Education pursuant to
 2236 s. 1007.25(5) ~~s. 1007.25(4)~~. Students earning a passing score on
 2237 the assessment are exempt from the postsecondary civic literacy
 2238 assessment required by s. 1007.25(5) ~~s. 1007.25(4)~~.

2239 Reviser's note.—Amended to conform to the fact that s.
 2240 1007.25(5) relates to demonstration of competency in civic
 2241 literacy; s. 1007.25(4) relates to the identified digital
 2242 credential regarding competency in general education
 2243 courses.

2244 Section 78. Paragraph (a) of subsection (2) of section
 2245 1003.5716, Florida Statutes, is amended to read:

2246 1003.5716 Transition to postsecondary education and career
 2247 opportunities.—All students with disabilities who are 3 years of
 2248 age to 21 years of age have the right to a free, appropriate
 2249 public education. As used in this section, the term "IEP" means
 2250 individual education plan.

2251 (2) Beginning not later than the first IEP to be in effect
 2252 when the student enters high school, attains the age of 14, or
 2253 when determined appropriate by the parent and the IEP team,
 2254 whichever occurs first, the IEP must include the following
 2255 statements that must be updated annually:

2256 (a) A statement of intent to pursue a standard high school
 2257 diploma and a Scholar or Merit designation, pursuant to s.
 2258 1003.4285, as determined by the parent.

2259 1. The statement must document discussion of the process
 2260 for a student with a disability who meets the requirements for a
 2261 standard high school diploma to defer the receipt of such
 2262 diploma pursuant to s. 1003.4282(9)(c) ~~s. 1003.4282(10)(e)~~.

2263 2. For the IEP in effect at the beginning of the school
 2264 year the student is expected to graduate, the statement must
 2265 include a signed statement by the parent, the guardian, or the
 2266 student, if the student has reached the age of majority and
 2267 rights have transferred to the student, that he or she
 2268 understands the process for deferment and identifying if the
 2269 student will defer the receipt of his or her standard high
 2270 school diploma.

2271 Reviser's note.—Amended to conform to the redesignation of s.
 2272 1003.4282(10)(c) as s. 1003.4282(9)(c) necessitated by the
 2273 repeal of former s. 1003.4282(9) by s. 12, ch. 2021-52,
 2274 Laws of Florida.

2275 Section 79. Subsection (6) of section 1004.015, Florida

2276 Statutes, is amended to read:

2277 1004.015 Florida Talent Development Council.—

2278 (6) The council shall coordinate, facilitate, and
 2279 communicate statewide efforts to meet supply and demand needs
 2280 for the state's health care workforce. Annually, beginning
 2281 December 1, 2021, the council shall report on the implementation
 2282 of this subsection and any other relevant information on the
 2283 Florida Talent Development ~~Developmental~~ Council's web page
 2284 located on the Department of Economic Opportunity's website. To
 2285 support the efforts of the council, the Board of Governors and
 2286 the State Board of Education shall:

2287 (a) Conduct a statistically valid biennial data-driven gap
 2288 analysis of the supply and demand of the health care workforce.
 2289 Demand must align with the Labor Market Estimating Conference
 2290 created in s. 216.136.

2291 (b) Provide 10-year trend information on nursing education
 2292 programs subject to the requirements of s. 464.019. The
 2293 Department of Health, the Board of Governors, the State Board of
 2294 Education, the Commission for Independent Education, the
 2295 Independent Colleges and Universities of Florida, and
 2296 postsecondary institutions participating in a state grant
 2297 program under s. 1009.89 or s. 1009.891, shall provide data on:

2298 1. The number and type of programs and student slots
 2299 available.

2300 2. The number of student applications submitted, the

2301 number of qualified student applicants, and the number of
 2302 students accepted.

2303 3. The number of program graduates.

2304 4. Program retention rates of students tracked from
 2305 program entry to graduation.

2306 5. Graduate passage rates on and the number of times each
 2307 graduate took the National Council of State Boards of Nursing
 2308 Licensing Examination.

2309 6. The number of graduates who become employed as
 2310 practical or professional nurses in the state.

2311 7. The educational advancement of nurses through career
 2312 pathways by comparing their initial degree to the highest degree
 2313 they obtained for the preceding 10 years.

2314 (c) Develop a survey for use by the Department of Health,
 2315 the Commission for Independent Education, the Independent
 2316 Colleges and Universities of Florida, and postsecondary
 2317 institutions participating in a state grant program under s.
 2318 1009.89 or s. 1009.891, to collect data required under paragraph
 2319 (b). The survey must include, but is not limited to, a student's
 2320 age, gender, race, ethnicity, veteran status, wage, employer
 2321 information, loan debt, and retirement expectations.

2322 Reviser's note.—Amended to confirm an editorial substitution to
 2323 conform to the correct name of the council as referenced in
 2324 s. 1004.015, which creates it.

2325 Section 80. Paragraph (g) of subsection (3) of section

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2326 | 1004.097, Florida Statutes, is amended to read:
 2327 | 1004.097 Free expression on campus.—
 2328 | (3) RIGHT TO FREE-SPEECH ACTIVITIES.—
 2329 | (g) Notwithstanding s. 934.03 and subject to the
 2330 | protections provided in the Family Educational Rights and
 2331 | Privacy Act of 1974, 20 U.S.C. s. 1232g, and ss. 1002.22 and
 2332 | 1002.225, a student may record video or audio of class lectures
 2333 | for his or her ~~their~~ own personal educational use, in connection
 2334 | with a complaint to the public institution of higher education
 2335 | where the recording was made, or as evidence in, or in
 2336 | preparation for, a criminal or civil proceeding. A recorded
 2337 | lecture may not be published without the consent of the
 2338 | lecturer.
 2339 | Reviser's note.—Amended to conform to the immediately preceding
 2340 | context.
 2341 | Section 81. Paragraphs (a) and (f) of subsection (3) of
 2342 | section 1006.60, Florida Statutes, are amended to read:
 2343 | 1006.60 Codes of conduct; disciplinary measures; rules or
 2344 | regulations.—
 2345 | (3) The codes of conduct shall be published on the Florida
 2346 | College System institution's or state university's website,
 2347 | protect the rights of all students, and, at minimum, provide the
 2348 | following due process protections to students and student
 2349 | organizations:
 2350 | (a) The right to timely written notice. The code must

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2351 require that the institution or university provide a student or
2352 student organization with timely written notice of the student's
2353 or student organization's alleged violation of the code of
2354 conduct. The notice must include sufficient detail and be
2355 provided with sufficient time to prepare for any disciplinary
2356 proceeding.

2357 1. The written notice must include the allegations to be
2358 investigated; the citation to the specific provision of the code
2359 of conduct at issue; the process to be used in determining
2360 whether a violation has occurred and associated rights; and the
2361 date, time, and location of the disciplinary proceeding.

2362 2. The written notice is considered timely if it is
2363 provided at least 7 business days before the disciplinary
2364 proceeding and may be provided by delivery to the student's
2365 institutional e-mail address and, if the student is under 18
2366 years of age, to the student's parent or to the student
2367 organization's e-mail address.

2368 3. At least 5 business days before the disciplinary
2369 proceeding, the institution or university must provide the
2370 student or student organization with:

2371 a. A listing of all known witnesses who ~~that~~ have
2372 provided, or will provide, information against the student or
2373 student organization.

2374 b. All known information relating to the allegation,
2375 including inculpatory and exculpatory information.

2376 (f) The right to an advisor or advocate who may not serve
 2377 in any other role, including as an investigator, decider of
 2378 fact, hearing officer, or member of a committee or panel
 2379 convened to hear or decide the charge, or any appeal.
 2380 Reviser's note.—Paragraph (a) is amended to confirm an editorial
 2381 substitution to conform to context. Paragraph (f) is
 2382 amended to improve clarity and correct sentence structure.
 2383 Section 82. Paragraphs (b), (d), and (e) of subsection (5)
 2384 and paragraph (c) of subsection (8) of section 1008.25, Florida
 2385 Statutes, are amended to read:
 2386 1008.25 Public school student progression; student
 2387 support; screening and progress monitoring; reporting
 2388 requirements.—
 2389 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—
 2390 (b) A Voluntary Prekindergarten Education Program student
 2391 who exhibits a substantial deficiency in early literacy skills
 2392 in accordance with the standards under s. 1002.67(1)(a) and
 2393 based upon the results of the administration of the final
 2394 coordinated screening and progress monitoring under s. 1008.2125
 2395 shall be referred to the local school district and may be
 2396 eligible to receive intensive reading interventions before
 2397 participating in kindergarten. Such intensive reading
 2398 interventions shall be paid for using funds from the district's
 2399 evidence-based ~~research-based~~ reading instruction allocation in
 2400 accordance with s. 1011.62(8) ~~s. 1011.62(9)~~.

2401 (d) The parent of any student who exhibits a substantial
 2402 deficiency in reading, as described in paragraph (a), must be
 2403 notified in writing of the following:

2404 1. That his or her child has been identified as having a
 2405 substantial deficiency in reading, including a description and
 2406 explanation, in terms understandable to the parent, of the exact
 2407 nature of the student's difficulty in learning and lack of
 2408 achievement in reading.

2409 2. A description of the current services that are provided
 2410 to the child.

2411 3. A description of the proposed intensive interventions
 2412 and supports that will be provided to the child that are
 2413 designed to remediate the identified area of reading deficiency.

2414 4. That if the child's reading deficiency is not
 2415 remediated by the end of grade 3, the child must be retained
 2416 unless he or she is exempt from mandatory retention for good
 2417 cause.

2418 5. Strategies, including multisensory strategies, through
 2419 a read-at-home plan the parent can use in helping his or her
 2420 child succeed in reading. The read-at-home plan must provide
 2421 access to the resources identified in paragraph (e) ~~paragraph~~
 2422 ~~(d)~~.

2423 6. That the statewide, standardized English Language Arts
 2424 assessment is not the sole determiner of promotion and that
 2425 additional evaluations, portfolio reviews, and assessments are

2426 available to the child to assist parents and the school district
2427 in knowing when a child is reading at or above grade level and
2428 ready for grade promotion.

2429 7. The district's specific criteria and policies for a
2430 portfolio as provided in subparagraph (6)(b)4. and the evidence
2431 required for a student to demonstrate mastery of Florida's
2432 academic standards for English Language Arts. A school must
2433 immediately begin collecting evidence for a portfolio when a
2434 student in grade 3 is identified as being at risk of retention
2435 or upon the request of the parent, whichever occurs first.

2436 8. The district's specific criteria and policies for
2437 midyear promotion. Midyear promotion means promotion of a
2438 retained student at any time during the year of retention once
2439 the student has demonstrated ability to read at grade level.

2440 9. Information about the student's eligibility for the New
2441 Worlds Reading Initiative under s. 1003.485 and information on
2442 parent training modules and other reading engagement resources
2443 available through the initiative.

2444
2445 After initial notification, the school shall apprise the parent
2446 at least monthly of the student's progress in response to the
2447 intensive interventions and supports. Such communications must
2448 be in writing and must explain any additional interventions or
2449 supports that will be implemented to accelerate the student's
2450 progress if the interventions and supports already being

2451 implemented have not resulted in improvement.

2452 (e) The Department of Education shall compile resources
2453 that each school district must incorporate into a read-at-home
2454 plan provided to the parent of a student who is identified as
2455 having a substantial reading deficiency pursuant to paragraph
2456 (d) ~~paragraph (e)~~. The resources must be made available in an
2457 electronic format that is accessible online and must include the
2458 following:

2459 1. Developmentally appropriate, evidence-based strategies
2460 and programming, including links to video training modules and
2461 opportunities to sign up for at-home reading tips delivered
2462 periodically via text and e-mail, which a parent can use to help
2463 improve his or her child's literacy skills.

2464 2. An overview of the types of assessments used to
2465 identify reading deficiencies and what those assessments measure
2466 or do not measure, the frequency with which the assessments are
2467 administered, and the requirements for interventions and
2468 supports that districts must provide to students who do not make
2469 adequate academic progress.

2470 3. An overview of the process for initiating and
2471 conducting evaluations for exceptional education eligibility.
2472 The overview must include an explanation that a diagnosis of a
2473 medical condition alone is not sufficient to establish
2474 exceptional education eligibility but may be used to document
2475 how that condition relates to the student's eligibility

2476 determination and may be disclosed in an eligible student's
 2477 individual education plan when necessary to inform school
 2478 personnel responsible for implementing the plan.

2479 4. Characteristics of conditions associated with learning
 2480 disorders, including dyslexia, dysgraphia, dyscalculia, and
 2481 developmental aphasia.

2482 5. A list of resources that support informed parent
 2483 involvement in decisionmaking processes for students who have
 2484 difficulty in learning.

2485
 2486 Upon the request of a parent, resources meeting the requirements
 2487 of this paragraph must be provided to the parent in a hardcopy
 2488 format.

2489 (8) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

2490 (c) A Voluntary Prekindergarten Education Program student
 2491 who is at risk of being identified as having a substantial
 2492 deficiency in early literacy skills, based upon results under
 2493 this subsection, must be referred to the school district in
 2494 which he or she resides and may be eligible to receive early
 2495 literacy instruction and interventions after program completion
 2496 and before participating in kindergarten. Such instruction and
 2497 interventions may be paid for using funds from the school
 2498 district's evidence-based reading instruction allocation in
 2499 accordance with s. 1011.62(8) ~~s. 1011.62(9)~~.

2500 Reviser's note.—Paragraph (5)(b) is amended to conform to s. 18,

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2501 ch. 2021-9, Laws of Florida, which renamed the "research-
2502 based reading instruction allocation" as the "evidence-
2503 based research instruction allocation," and to correct a
2504 cross-reference to conform to the deletion of former s.
2505 1011.62(8) by s. 3, ch. 2021-44. Paragraphs (5)(d) and (e)
2506 are amended to correct cross-references to conform to the
2507 addition of a new paragraph (b) by s. 66, ch. 2021-10, Laws
2508 of Florida. Paragraph (8)(c) is amended to correct a cross-
2509 reference to conform to the deletion of former s.
2510 1011.62(8) by s. 3, ch. 2021-44.

2511 Section 83. Paragraph (b) of subsection (3) of section
2512 1008.30, Florida Statutes, is amended to read:

2513 1008.30 Assessing college-level communication and
2514 computation skills for public postsecondary education.—

2515 (3) The rules adopted under subsection (2) must specify
2516 the following:

2517 (b) A student who is assessed for readiness for college-
2518 level ~~computation~~ and communication and computation and whose
2519 assessment results indicate a need for developmental education
2520 must be advised of all the developmental education options
2521 offered at the institution and, after advisement, may enroll in
2522 the developmental education option of his or her choice.

2523 Reviser's note.—Amended to conform to ch. 2021-162, Laws of
2524 Florida, which substituted the words "communication and
2525 computation" for references to the words "computation and

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2526 communication" as those words relate to education.

2527 Section 84. Paragraph (c) of subsection (1) of section
2528 1008.31, Florida Statutes, is amended to read:

2529 1008.31 Florida's Early Learning-20 education performance
2530 accountability system; legislative intent; mission, goals, and
2531 systemwide measures; data quality improvements.—

2532 (1) LEGISLATIVE INTENT.—It is the intent of the
2533 Legislature that:

2534 (c) The Early Learning-20 ~~K-20~~ education performance
2535 accountability system comply with the requirements of the "No
2536 Child Left Behind Act of 2001," Pub. L. No. 107-110, and the
2537 Individuals with Disabilities Education Act (IDEA).

2538 Reviser's note.—Amended to conform to s. 67, ch. 2021-10, Laws
2539 of Florida, and to provide consistent terminology with the
2540 rest of this section.

2541 Section 85. Paragraph (c) of subsection (5) of section
2542 1008.365, Florida Statutes, is amended to read:

2543 1008.365 Reading Achievement Initiative for Scholastic
2544 Excellence Act.—

2545 (5) The department shall provide progress monitoring data
2546 to regional support teams regarding the implementation of
2547 supports. Such supports must include:

2548 (c) Evaluating a school's improvement plan for alignment
2549 with the school district's K-12 comprehensive reading plan under
2550 s. 1011.62(8)(d) ~~s. 1011.62(9)(d)~~ and the school district's

2551 allocation of resources as required by s. 1008.25(3)(a). If the
 2552 regional support team determines that the school district's
 2553 reading plan does not address the school's need to improve
 2554 student outcomes, the regional literacy support director, the
 2555 district school superintendent, or his or her designee, and the
 2556 director of the Just Read, Florida! Office shall convene a
 2557 meeting to rectify the deficiencies of the reading plan.

2558 Reviser's note.—Amended to conform to the redesignation of s.
 2559 1011.62(9) as s. 1011.62(8) by s. 3, ch. 2021-44, Laws of
 2560 Florida.

2561 Section 86. Paragraph (b) of subsection (14) and paragraph
 2562 (a) of subsection (15) of section 1011.62, Florida Statutes, are
 2563 amended to read:

2564 1011.62 Funds for operation of schools.—If the annual
 2565 allocation from the Florida Education Finance Program to each
 2566 district for operation of schools is not determined in the
 2567 annual appropriations act or the substantive bill implementing
 2568 the annual appropriations act, it shall be determined as
 2569 follows:

2570 (14) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
 2571 health assistance allocation is created to provide funding to
 2572 assist school districts in establishing or expanding school-
 2573 based mental health care; train educators and other school staff
 2574 in detecting and responding to mental health issues; and connect
 2575 children, youth, and families who may experience behavioral

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2576 health issues with appropriate services. These funds shall be
2577 allocated annually in the General Appropriations Act or other
2578 law to each eligible school district. Each school district shall
2579 receive a minimum of \$100,000, with the remaining balance
2580 allocated based on each school district's proportionate share of
2581 the state's total unweighted full-time equivalent student
2582 enrollment. Charter schools that submit a plan separate from the
2583 school district are entitled to a proportionate share of
2584 district funding. The allocated funds may not supplant funds
2585 that are provided for this purpose from other operating funds
2586 and may not be used to increase salaries or provide bonuses.
2587 School districts are encouraged to maximize third-party health
2588 insurance benefits and Medicaid claiming for services, where
2589 appropriate.

2590 (b) The plans required under paragraph (a) must be focused
2591 on a multitiered system of supports to deliver evidence-based
2592 mental health care assessment, diagnosis, intervention,
2593 treatment, and recovery services to students with one or more
2594 mental health or co-occurring substance abuse diagnoses and to
2595 students at high risk of such diagnoses. The provision of these
2596 services must be coordinated with a student's primary mental
2597 health care provider and with other mental health providers
2598 involved in the student's care. At a minimum, the plans must
2599 include the following elements:

2600 1. Direct employment of school-based mental health

2601 services providers to expand and enhance school-based student
2602 services and to reduce the ratio of students to staff in order
2603 to better align with nationally recommended ratio models. These
2604 providers include, but are not limited to, certified school
2605 counselors, school psychologists, school social workers, and
2606 other licensed mental health professionals. The plan also must
2607 identify strategies to increase the amount of time that school-
2608 based student services personnel spend providing direct services
2609 to students, which may include the review and revision of
2610 district staffing resource allocations based on school or
2611 student mental health assistance needs.

2612 2. Contracts or interagency agreements with one or more
2613 local community behavioral health providers or providers of
2614 Community Action Team services to provide a behavioral health
2615 staff presence and services at district schools. Services may
2616 include, but are not limited to, mental health screenings and
2617 assessments, individual counseling, family counseling, group
2618 counseling, psychiatric or psychological services, trauma-
2619 informed care, mobile crisis services, and behavior
2620 modification. These behavioral health services may be provided
2621 on or off the school campus and may be supplemented by
2622 telehealth.

2623 3. Policies and procedures, including contracts with
2624 service providers, which will ensure that students who are
2625 referred to a school-based or community-based mental health

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2626 service provider for mental health screening for the
2627 identification of mental health concerns and ensure that the
2628 assessment of students at risk for mental health disorders
2629 occurs within 15 days of referral. School-based mental health
2630 services must be initiated within 15 days after identification
2631 and assessment, and support by community-based mental health
2632 service providers for students who are referred for community-
2633 based mental health services must be initiated within 30 days
2634 after the school or district makes a referral.

2635 4. Strategies or programs to reduce the likelihood of at-
2636 risk students developing social, emotional, or behavioral health
2637 problems, depression, anxiety disorders, suicidal tendencies, or
2638 substance use disorders.

2639 5. Strategies to improve the early identification of
2640 social, emotional, or behavioral problems or substance use
2641 disorders, to improve the provision of early intervention
2642 services, and to assist students in dealing with trauma and
2643 violence.

2644 6. Procedures to assist a mental health services provider
2645 or a behavioral health provider as described in subparagraph 1.
2646 or subparagraph 2., respectively, or a school resource officer
2647 or school safety officer who has completed mental health crisis
2648 intervention training in attempting to verbally de-escalate a
2649 student's crisis situation before initiating an involuntary
2650 examination pursuant to s. 394.463. Such procedures must include

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2651 strategies to de-escalate a crisis situation for a student with
2652 a developmental disability as that term is defined in s.
2653 393.063.

2654 7. Policies of the school district which must require that
2655 in a student crisis situation, school or law enforcement
2656 personnel must make a reasonable attempt to contact a mental
2657 health professional who may initiate an involuntary examination
2658 pursuant to s. 394.463, unless the child poses an imminent
2659 danger to themselves or others, before initiating an involuntary
2660 examination pursuant to s. 394.463. Such contact may be in
2661 person or using telehealth as defined in s. 456.47. The mental
2662 health professional may be available to the school district
2663 either by contracts or interagency agreements with the managing
2664 entity, one or more local community behavioral health providers,
2665 or the local mobile response team or be a direct or contracted
2666 school district employee.

2667 (15) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The
2668 Legislature may provide an annual funding compression and hold
2669 harmless allocation in the General Appropriations Act. The
2670 allocation is created to provide additional funding to school
2671 districts if the school district's total funds per FTE in the
2672 prior year were less than the statewide average or if the school
2673 district's district cost differential in the current year is
2674 less than the prior year. The total allocation shall be
2675 distributed to eligible school districts as follows:

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2676 (a) Using the most recent prior year FEFP calculation for
2677 each eligible school district, subtract the total school
2678 district funds per FTE from the state average funds per FTE, not
2679 including any adjustments made pursuant to paragraph (17)(b)
2680 ~~paragraph (19)(b)~~. The resulting funds per FTE difference, or a
2681 portion thereof, as designated in the General Appropriations
2682 Act, shall then be multiplied by the school district's total
2683 unweighted FTE.

2684
2685 This subsection expires July 1, 2022.
2686 Reviser's note.—Paragraph (14)(b) is amended to improve clarity
2687 and conform to context. Paragraph (15)(a) is amended to
2688 confirm an editorial substitution to conform to the
2689 deletion of former subsections (8) and (11) by s. 3, ch.
2690 2021-44, Laws of Florida.

2691 Section 87. Paragraph (a) of subsection (3) of section
2692 1011.802, Florida Statutes, is amended to read:

2693 1011.802 Florida Pathways to Career Opportunities Grant
2694 Program.—

2695 (3)(a) The department shall award grants for
2696 preapprenticeship or apprenticeship programs with demonstrated
2697 regional demand that:

2698 1. Address a critical statewide or regional shortage as
2699 identified by the Labor Market Estimating Conference created in
2700 s. 216.136 and ~~that~~ are industry sectors not adequately

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2701 represented throughout the state, such as health care;
 2702 2. Address a critical statewide or regional shortage as
 2703 identified by the Labor Market Estimating Conference created in
 2704 s. 216.136; or
 2705 3. Expand existing programs that exceed the median
 2706 completion rate and employment rate 1 year after completion of
 2707 similar programs in the region, or the state if there are no
 2708 similar programs in the region.
 2709 Reviser's note.—Amended to confirm an editorial deletion to
 2710 improve sentence structure.
 2711 Section 88. Subsection (3) of section 1012.976, Florida
 2712 Statutes, is amended to read:
 2713 1012.976 Remuneration of state university employees;
 2714 limitations.—
 2715 (3) EXCEPTIONS.—This section does not prohibit any party
 2716 from providing cash or cash-equivalent compensation from funds
 2717 that are not appropriated state funds to a state university
 2718 employee in excess of the limit in subsection (2). If a party is
 2719 unable or unwilling to fulfill an obligation to provide cash or
 2720 cash-equivalent compensation to a state university employee as
 2721 permitted under this subsection, appropriated state funds may
 2722 not be used to fulfill such obligation. This section does not
 2723 apply to university teaching faculty in instructional programs
 2724 classified as Computer Information Sciences and Support
 2725 Services; Engineering; Engineering Technologies and Engineering-

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2726 Related Fields; Florida Mental Health Institute; Health
2727 Professions and Related Programs; Homeland Security, Law
2728 Enforcement, Firefighting, and Related Fields; Mathematics;
2729 Nursing; or Physical Sciences; or to medical school faculty or
2730 staff.

2731 Reviser's note.—Amended to confirm editorial insertions to
2732 improve clarity and sentence structure.

2733 Section 89. This act shall take effect on the 60th day
2734 after adjournment sine die of the session of the Legislature in
2735 which enacted.