

By Senator Passidomo

28-01064A-22

2022848

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21 their purpose, or have been impliedly repealed or
22 superseded; replacing incorrect cross-references and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.
29

28-01064A-22

2022848

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

31
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
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

28-01064A-22

2022848

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 or
75 in the custody of the department or the department's authorized
76 agents, including community-based care lead agencies and their
77 subcontracted providers, must include a face sheet containing
78 relevant information about the child and his or her case,
79 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.

28-01064A-22

2022848

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. 189.015.

112 9. Establishment and termination notices for community
113 development districts pursuant to ss. 190.005 and 190.046,
114 respectively.

115 10. Disclosures of tax impact by value adjustment boards
116 pursuant to s. 194.037.

28-01064A-22

2022848

- 117 11. Advertisements of real or personal property with
118 delinquent taxes pursuant to s. 197.402.
- 119 12. Advertisements of hearing notices, millage rates, and
120 budgets pursuant to s. 200.065.
- 121 13. Turnpike project notices pursuant to s. 338.223.
- 122 14. Public-private partnership notices pursuant to ss.
123 348.0308 and 348.7605.
- 124 15. Notices of prime recharge area designations for the
125 Floridan and Biscayne aquifers pursuant to s. 373.0397.
- 126 16. Water management district notices pursuant to s.
127 373.146.
- 128 17. Hazardous waste disposal notices pursuant to s.
129 403.722.
- 130 18. Forfeiture notices pursuant to ss. 849.38 and 932.704.
131 (4)
- 132 (d) The Florida Press Association shall seek to ensure that
133 minority populations throughout the state have equitable access
134 to legal notices posted on the statewide legal notice website
135 located at: www.floridapublicnotices.com. The Florida Press
136 Association shall publish a report listing all newspapers that
137 have placed notices on www.floridapublicnotices.com in the
138 preceding calendar quarter. The report must specifically
139 identify which criteria under s. 50.011(1)(c)1.-3. ~~that~~ each
140 newspaper satisfied. Each quarterly report must also include the
141 number of unique visitors to the statewide legal notice website
142 during that quarter and the number of legal notices that were
143 published during that quarter by Internet-only publication or by
144 publication in a print newspaper and on the statewide website.
145 At a minimum, the reports for the 4 preceding calendar quarters

28-01064A-22

2022848

146 shall be available on the website.

147 Reviser's note.—Paragraph (1) (b) is amended to conform to the
148 fact that referenced s. 11.02 relates to notice of special
149 or local legislation or certain relief acts. Paragraph
150 (4) (d) is amended to confirm an editorial deletion to
151 improve clarity.

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

154 95.361 Roads presumed to be dedicated.—

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

169 (a) The county, if it is a county road;

170 (b) The municipality, if it is a municipal street or road;

171 or

172 (c) The state, if it is a road in the State Highway System
173 or State Park Road System,

174

28-01064A-22

2022848

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

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

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

181 97.0575 Third-party voter registrations.—

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

28-01064A-22

2022848

204 applicant resides, the third-party voter registration
205 organization is liable for the following fines:

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

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

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

28-01064A-22

2022848

233

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

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

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

242 102.072 Vote-by-mail count reporting.—Beginning at 7 p.m.
243 on election day, the supervisor must, at least once every hour
244 while actively counting, post on his or her website the number
245 of vote-by-mail ballots that have been received and the number
246 of vote-by-mail ballots that remain uncounted.

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

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

250 110.117 Paid holidays.—

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

253 (a) New Year's Day.

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

256 (c) Memorial Day.

257 (d) Independence Day.

258 (e) Labor Day.

259 (f) Veterans' Day, November 11.

260 (g) Thanksgiving Day.

261 (h) Friday after Thanksgiving.

28-01064A-22

2022848

262 (i) Christmas Day.

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

267

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

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

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

277 110.12303 State group insurance program; additional
278 benefits; price transparency program; reporting.—

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

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

28-01064A-22

2022848

291 ~~implementation of this subsection.~~

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

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

295 171.203 Interlocal service boundary agreement.—The
296 governing body of a county and one or more municipalities or
297 independent special districts within the county may enter into
298 an interlocal service boundary agreement under this part. The
299 governing bodies of a county, a municipality, or an independent
300 special district may develop a process for reaching an
301 interlocal service boundary agreement which provides for public
302 participation in a manner that meets or exceeds the requirements
303 of subsection (13), or the governing bodies may use the process
304 established in this section.

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

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

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

319 Section 10. Paragraph (f) of subsection (1) of section

28-01064A-22

2022848

320 189.0695, Florida Statutes, is amended to read:

321 189.0695 Independent special districts; performance
322 reviews.—

323 (1) For purposes of this section, the term “performance
324 review” means an evaluation of an independent special district
325 and its programs, activities, and functions. The term includes
326 research and analysis of the following:

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

333 Reviser’s note.—Amended to confirm an editorial insertion to
334 improve clarity.

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

337 193.4517 Assessment of agricultural equipment rendered
338 unable to be used due to Hurricane Michael.—

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

340 (a) “Farm” has the same meaning as provided in s.

341 823.14(3)(c) ~~823.14(3)(b)~~.

342 (b) “Farm operation” has the same meaning as provided in s.

343 823.14(3)(d) ~~823.14(3)(e)~~.

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

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

348 265.2865 Florida Artists Hall of Fame.—

28-01064A-22

2022848

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

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

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

363 282.318 Cybersecurity.—

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

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

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

28-01064A-22

2022848

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

380 282.319 Florida Cybersecurity Advisory Council.—

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

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

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

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

390 288.106 Tax refund program for qualified target industry
391 businesses.—

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

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

398 1. Future growth.—Industry forecasts should indicate strong
399 expectation for future growth in both employment and output,
400 according to the most recent available data. Special
401 consideration should be given to businesses that export goods
402 to, or provide services in, international markets and businesses
403 that replace domestic and international imports of goods or
404 services.

405 2. Stability.—The industry should not be subject to
406 periodic layoffs, whether due to seasonality or sensitivity to

28-01064A-22

2022848

407 volatile economic variables such as weather. The industry should
408 also be relatively resistant to recession, so that the demand
409 for products of this industry is not typically subject to
410 decline during an economic downturn.

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

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

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

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

432
433 The term does not include any business engaged in retail
434 industry activities; any electrical utility company as defined
435 in s. 366.02(4) ~~366.02(2)~~; any phosphate or other solid minerals

28-01064A-22

2022848

436 severance, mining, or processing operation; any oil or gas
437 exploration or production operation; or any business subject to
438 regulation by the Division of Hotels and Restaurants of the
439 Department of Business and Professional Regulation. Any business
440 within NAICS code 5611 or 5614, office administrative services
441 and business support services, respectively, may be considered a
442 target industry business only after the local governing body and
443 Enterprise Florida, Inc., make a determination that the
444 community where the business may locate has conditions affecting
445 the fiscal and economic viability of the local community or
446 area, including but not limited to, factors such as low per
447 capita income, high unemployment, high underemployment, and a
448 lack of year-round stable employment opportunities, and such
449 conditions may be improved by the location of such a business to
450 the community. By January 1 of every 3rd year, beginning January
451 1, 2011, the department, in consultation with Enterprise
452 Florida, Inc., economic development organizations, the State
453 University System, local governments, employee and employer
454 organizations, market analysts, and economists, shall review
455 and, as appropriate, revise the list of such target industries
456 and submit the list to the Governor, the President of the
457 Senate, and the Speaker of the House of Representatives.

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

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

462 288.8014 Triumph Gulf Coast, Inc.; organization; board of
463 directors.—

464 (8) The Secretary of Economic Opportunity, or his or her

28-01064A-22

2022848

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

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

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

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

477 290.0475 Rejection of grant applications; penalties for
478 failure to meet application conditions.—Applications are
479 ineligible for funding if any of the following circumstances
480 arise:

481 (5) The applicant has an open community development block
482 grant, except as provided in s. 290.046(2)(a)-(c) ~~290.046(2)(b)~~
483 ~~and (e)~~ and department rules;

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

485 290.046(2)(b) and (c) as s. 290.046(2)(a)-(c) by s. 5, ch.
486 2021-25, Laws of Florida.

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

489 316.5501 Permitting program for combination truck tractor,
490 semitrailer, and trailer combination coupled as a single unit
491 subject to certain requirements.—

492 (1) By no later than January 1, 2020, the Department of
493 Transportation in conjunction with the Department of Highway

28-01064A-22

2022848

494 Safety and Motor Vehicles shall develop a permitting program
495 that, notwithstanding any other provision of law except
496 conflicting federal law and applicable provisions of s. 316.550,
497 prescribes the operation of any combination of truck tractor,
498 semitrailer, and trailer combination coupled together so as to
499 operate as a single unit in which the semitrailer and the
500 trailer unit may each be up to 48 feet in length, but not less
501 than 28 feet in length, if such truck tractor, semitrailer, and
502 trailer combination is:

503 (a) Being used for the primary purpose of transporting farm
504 products as defined in s. 823.14(3)(e) ~~823.14(3)(d)~~ on a
505 prescribed route within the boundary of the Everglades
506 Agricultural Area as described in s. 373.4592(15);
507 Reviser's note.—Amended to conform to the reordering of
508 definitions in s. 823.14(3) by this act.

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

511 319.141 Rebuilt motor vehicle inspection program.—

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

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

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

520 319.1414 Department-authorized private rebuilt inspection
521 providers; investigations; examinations; proceedings; subpoenas
522 and other process; witnesses; oaths; rules.—

28-01064A-22

2022848

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

534 Reviser's note.—Amended to confirm an editorial insertion to
535 improve clarity.

536 Section 21. Subsection (5) of section 319.25, Florida
537 Statutes, is amended to read:

538 319.25 Cancellation of certificates; investigations;
539 examinations; proceedings; subpoenas and other process;
540 witnesses; oaths; rules.—

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

28-01064A-22

2022848

552 Reviser's note.—Amended to confirm an editorial insertion to
553 improve clarity.

554 Section 22. Paragraph (b) of subsection (3) of section
555 322.032, Florida Statutes, is amended to read:

556 322.032 Digital proof of driver license or identification
557 card.—

558 (3)

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

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

571 Reviser's note.—Amended to confirm an editorial insertion to
572 improve sentence structure.

573 Section 23. Paragraph (f) of subsection (2) of section
574 322.18, Florida Statutes, is amended to read:

575 322.18 Original applications, licenses, and renewals;
576 expiration of licenses; delinquent licenses.—

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

580 (f) Notwithstanding any other provision of this chapter, an

28-01064A-22

2022848

581 applicant applying for an original issuance of a commercial
582 driver license as defined in s. 322.01(7) shall be issued a
583 driver license that expires at midnight 8 years after the
584 licensee's last birthday prior to issuance of the license.
585 Reviser's note.—Amended to improve clarity.

586 Section 24. Subsection (15) of section 337.11, Florida
587 Statutes, is amended to read:

588 337.11 Contracting authority of department; bids; emergency
589 repairs, supplemental agreements, and change orders; combined
590 design and construction contracts; progress payments; records;
591 requirements of vehicle registration.—

592 (15) When the department determines that it is in the best
593 interest of the public, the department may enter into a contract
594 with an electric utility as defined in s. 366.02(4) ~~366.02(2)~~
595 for the construction or maintenance of lighting on poles owned
596 by the electric utility and located within a road right-of-way
597 without competitive bidding. In any contract entered into
598 without competition, the individuals taking part in the
599 evaluation or award process shall attest in writing that they
600 are independent of, and have no conflict of interest in, the
601 entities evaluated and selected.

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

604 Section 25. Paragraph (a) of subsection (1) of section
605 337.401, Florida Statutes, is amended to read:

606 337.401 Use of right-of-way for utilities subject to
607 regulation; permit; fees.—

608 (1) (a) The department and local governmental entities,
609 referred to in this section and in ss. 337.402, 337.403, and

28-01064A-22

2022848

610 337.404 as the "authority," that have jurisdiction and control
611 of public roads or publicly owned rail corridors are authorized
612 to prescribe and enforce reasonable rules or regulations with
613 reference to the placing and maintaining across, on, or within
614 the right-of-way limits of any road or publicly owned rail
615 corridors under their respective jurisdictions any electric
616 transmission, voice, telegraph, data, or other communications
617 services lines or wireless facilities; pole lines; poles;
618 railways; ditches; sewers; water, heat, or gas mains; pipelines;
619 fences; gasoline tanks and pumps; or other structures referred
620 to in this section and in ss. 337.402, 337.403, and 337.404 as
621 the "utility." The department may enter into a permit-delegation
622 agreement with a governmental entity if issuance of a permit is
623 based on requirements that the department finds will ensure the
624 safety and integrity of facilities of the Department of
625 Transportation; however, the permit-delegation agreement does
626 not apply to facilities of electric utilities as defined in s.
627 366.02(4) ~~366.02(2)~~.

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

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

632 350.0605 Former commissioners and employees; representation
633 of clients before commission.—

634 (3) For a period of 2 years following termination of
635 service on the commission, a former member may not accept
636 employment by or compensation from a business entity which,
637 directly or indirectly, owns or controls a public utility
638 regulated by the commission, from a public utility regulated by

28-01064A-22

2022848

639 the commission, from a business entity which, directly or
640 indirectly, is an affiliate or subsidiary of a public utility
641 regulated by the commission or is an actual business competitor
642 of a local exchange company or public utility regulated by the
643 commission and is otherwise exempt from regulation by the
644 commission under ss. 364.02(13) and 366.02(8) ~~366.02(1)~~, or from
645 a business entity or trade association that has been a party to
646 a commission proceeding within the 2 years preceding the
647 member's termination of service on the commission. This
648 subsection applies only to members of the Florida Public Service
649 Commission who are appointed or reappointed after May 10, 1993.
650 Reviser's note.—Amended to conform to the reordering of
651 definitions in s. 366.02 by this act.

652 Section 27. Section 366.02, Florida Statutes, is reordered
653 and amended to read:

654 366.02 Definitions.—As used in this chapter:

655 (1)~~(4)~~ "Attaching entity" means a person that is a local
656 exchange carrier, a public utility, a communications services
657 provider, a broadband service provider, or a cable television
658 operator that owns or controls pole attachments.

659 (2)~~(3)~~ "Commission" means the Florida Public Service
660 Commission.

661 (3)~~(5)~~ "Communications services provider" means an entity
662 providing communications services as defined in s. 202.11(1).

663 (4)~~(2)~~ "Electric utility" means any municipal electric
664 utility, investor-owned electric utility, or rural electric
665 cooperative which owns, maintains, or operates an electric
666 generation, transmission, or distribution system within the
667 state.

28-01064A-22

2022848

668 (5)~~(6)~~ "Pole" means a pole used for electric distribution
669 service, streetlights, communications services, local exchange
670 services, or cable television services which is owned in whole
671 or in part by a pole owner. The term does not include a pole
672 used solely to support wireless communications service
673 facilities or a pole with no electrical facilities attached.

674 (6)~~(7)~~ "Pole attachment" means any attachment by a public
675 utility, local exchange carrier communications services
676 provider, broadband provider, or cable television operator to a
677 pole, duct, conduit, or right-of-way owned or controlled by a
678 pole owner.

679 (7)~~(8)~~ "Pole owner" means a local exchange carrier, a
680 public utility, a communications services provider, or a cable
681 television operator that owns a pole.

682 (8)~~(1)~~ "Public utility" means every person, corporation,
683 partnership, association, or other legal entity and their
684 lessees, trustees, or receivers supplying electricity or gas
685 (natural, manufactured, or similar gaseous substance) to or for
686 the public within this state; but the term "public utility" does
687 not include either a cooperative now or hereafter organized and
688 existing under the Rural Electric Cooperative Law of the state;
689 a municipality or any agency thereof; any dependent or
690 independent special natural gas district; any natural gas
691 transmission pipeline company making only sales or
692 transportation delivery of natural gas at wholesale and to
693 direct industrial consumers; any entity selling or arranging for
694 sales of natural gas which neither owns nor operates natural gas
695 transmission or distribution facilities within the state; or a
696 person supplying liquefied petroleum gas, in either liquid or

28-01064A-22

2022848

697 gaseous form, irrespective of the method of distribution or
698 delivery, or owning or operating facilities beyond the outlet of
699 a meter through which natural gas is supplied for compression
700 and delivery into motor vehicle fuel tanks or other
701 transportation containers, unless such person also supplies
702 electricity or manufactured or natural gas.

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

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

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

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

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

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

719 366.032 Preemption over utility service restrictions.—

720 (1) A municipality, county, special district, or other
721 political subdivision of the state may not enact or enforce a
722 resolution, ordinance, rule, code, or policy or take any action
723 that restricts or prohibits or has the effect of restricting or
724 prohibiting the types or fuel sources of energy production which
725 may be used, delivered, converted, or supplied by the following

28-01064A-22

2022848

726 entities to serve customers that such entities are authorized to
727 serve:

728 (a) A public utility or an electric utility as defined in
729 this chapter;

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

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

733 (d) A natural gas transmission company as defined in s.
734 368.103; or

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

739 Reviser's note.—Amended to confirm an editorial insertion to
740 improve clarity.

741 Section 29. Paragraph (b) of subsection (9) of section
742 366.04, Florida Statutes, is amended to read:

743 366.04 Jurisdiction of commission.—

744 (9)

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

749 1. Mandatory pole inspections, including repair or
750 replacement;

751 2. Vegetation management requirements for poles owned by
752 providers of communications services; and

753 3.2. Monetary penalties to be imposed upon any
754 communications services provider that fails to comply with any

28-01064A-22

2022848

755 such rule of the commission. Monetary penalties imposed by the
756 commission must be consistent with s. 366.095.

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

762 Section 30. Paragraph (a) of subsection (2) of section
763 366.96, Florida Statutes, is amended to read:

764 366.96 Storm protection plan cost recovery.—

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

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

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

771 Section 31. Paragraph (a) of subsection (4) of section
772 373.016, Florida Statutes, is amended to read:

773 373.016 Declaration of policy.—

774 (4) (a) Because water constitutes a public resource
775 benefiting the entire state, it is the policy of the Legislature
776 that the waters in the state be managed on a state and regional
777 basis. Consistent with this directive, the Legislature
778 recognizes the need to allocate water throughout the state so as
779 to meet all reasonable-beneficial uses. However, the Legislature
780 acknowledges that such allocations have in the past adversely
781 affected the water resources of certain areas in this state. To
782 protect such water resources and to meet the current and future
783 needs of those areas with abundant water, the Legislature

28-01064A-22

2022848

784 directs the department and the water management districts to
785 encourage the use of water from sources nearest the area of use
786 or application whenever practicable. Such sources shall include
787 all naturally occurring water sources and all alternative water
788 sources, including, but not limited to, desalination,
789 conservation, reuse of nonpotable reclaimed water and
790 stormwater, and aquifer storage and recovery. Reuse of potable
791 reclaimed water and stormwater shall not be subject to the
792 evaluation described in s. 373.223(3)(a)-(g). However, this
793 directive to encourage the use of water, whenever practicable,
794 from sources nearest the area of use or application shall not
795 apply to the transport and direct and indirect use of water
796 within the area encompassed by the Central and Southern Florida
797 Flood Control Project, nor shall it apply anywhere in the state
798 to the transport and use of water supplied exclusively for
799 bottled water as defined in s. 500.03(1)(d), nor shall it apply
800 to the transport and use of reclaimed water for electrical power
801 production by an electric utility as defined in s. 366.02(4)
802 ~~366.02(2)~~.

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

805 Section 32. Paragraph (d) of subsection (2) of section
806 373.0465, Florida Statutes, is amended to read:

807 373.0465 Central Florida Water Initiative.—

808 (2)

809 (d) The department, in consultation with the St. Johns
810 River Water Management District, the South Florida Water
811 Management District, the Southwest Florida Water Management
812 District, and the Department of Agriculture and Consumer

28-01064A-22

2022848

813 Services, shall adopt uniform rules for application within the
814 Central Florida Water Initiative Area that include:

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

817 2. A single method for calculating residential per capita
818 water use;

819 3. A single process for permit reviews;

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

822 5. A goal for residential per capita water use for each
823 consumptive use permit;

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

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

836 8. A process for the applicable water management district
837 to annually examine an agricultural user's 5-year moving average
838 supplemental irrigation water use against the annual
839 supplemental irrigation needs in the 5-in-10-year rainfall
840 condition beginning no earlier than 5 years following the
841 effective date of the rules adopted under this section. If this

28-01064A-22

2022848

842 annual examination indicates that the agricultural user's 5-year
843 moving average use exceeds that needed in such rainfall
844 condition for reasons other than prolonged periods of below
845 average rainfall, the water management district may modify the
846 agricultural user's permit to include an annual supplemental
847 irrigation allocation based on both the amount of supplemental
848 irrigation required during a 2-in-10-year rainfall condition and
849 the amount of supplemental irrigation required during a 5-in-10-
850 year rainfall condition as provided in rules adopted pursuant to
851 this section. In such case, the supplemental irrigation
852 allocation based on the 5-in-10-year rainfall condition shall be
853 valid for only 5 years unless the agricultural user's 5-year
854 moving average use continues to exceed the amount of
855 supplemental irrigation needed during a 5-in-10-year rainfall
856 condition for reasons other than prolonged periods of drought.

857
858 Subparagraphs 7. and 8. may not be construed to limit the
859 ability of the department or a water management district to
860 establish different supplemental irrigation requirements as part
861 of an existing or future recovery or prevention strategy adopted
862 pursuant to s. 373.0363, s. 373.042, or s. 373.0421. The uniform
863 rules must include existing recovery strategies within the
864 Central Florida Water Initiative Area adopted before July 1,
865 2016. The department may grant variances to the uniform rules if
866 there are unique circumstances or hydrogeological factors that
867 make application of the uniform rules unrealistic or
868 impractical.

869 Reviser's note.—Amended to confirm an editorial insertion to
870 improve clarity.

28-01064A-22

2022848

871 Section 33. Paragraph (a) of subsection (2) of section
872 373.701, Florida Statutes, is amended to read:

873 373.701 Declaration of policy.—It is declared to be the
874 policy of the Legislature:

875 (2) (a) Because water constitutes a public resource
876 benefiting the entire state, it is the policy of the Legislature
877 that the waters in the state be managed on a state and regional
878 basis. Consistent with this directive, the Legislature
879 recognizes the need to allocate water throughout the state so as
880 to meet all reasonable-beneficial uses. However, the Legislature
881 acknowledges that such allocations have in the past adversely
882 affected the water resources of certain areas in this state. To
883 protect such water resources and to meet the current and future
884 needs of those areas with abundant water, the Legislature
885 directs the department and the water management districts to
886 encourage the use of water from sources nearest the area of use
887 or application whenever practicable. Such sources shall include
888 all naturally occurring water sources and all alternative water
889 sources, including, but not limited to, desalination,
890 conservation, reuse of nonpotable reclaimed water and
891 stormwater, and aquifer storage and recovery. Reuse of potable
892 reclaimed water and stormwater shall not be subject to the
893 evaluation described in s. 373.223(3) (a)-(g). However, this
894 directive to encourage the use of water, whenever practicable,
895 from sources nearest the area of use or application shall not
896 apply to the transport and direct and indirect use of water
897 within the area encompassed by the Central and Southern Florida
898 Flood Control Project, nor shall it apply anywhere in the state
899 to the transport and use of water supplied exclusively for

28-01064A-22

2022848

900 bottled water as defined in s. 500.03(1)(d), nor shall it apply
901 to the transport and use of reclaimed water for electrical power
902 production by an electric utility as defined in s. 366.02(4)
903 ~~366.02(2)~~.

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

906 Section 34. Paragraph (a) of subsection (9) of section
907 373.707, Florida Statutes, is amended to read:

908 373.707 Alternative water supply development.—

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

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

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

923 Section 35. Paragraph (d) of subsection (2) of section
924 379.2311, Florida Statutes, is amended to read:

925 379.2311 Nonnative animal management.—

926 (2) The Legislature finds that priority invasive species
927 continue to expand their range and to decimate the fauna and
928 flora of the Everglades and other natural areas and ecosystems

28-01064A-22

2022848

929 in the southern and central parts of the state at an
930 accelerating rate. Therefore, the commission shall establish a
931 pilot program to mitigate the impact of priority invasive
932 species on the public lands or waters of this state.

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

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

938 Section 36. Paragraph (g) of subsection (2) of section
939 380.0933, Florida Statutes, is amended to read:

940 380.0933 Florida Flood Hub for Applied Research and
941 Innovation.—

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

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

947 Reviser's note.—Amended to confirm an editorial insertion to
948 improve clarity.

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

951 390.011 Definitions.—As used in this chapter, the term:

952 (7) "Hospital" means a facility as defined in s.
953 395.002(12) ~~395.002(13)~~ and licensed under chapter 395 and part
954 II of chapter 408.

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

957 Section 38. Subsections (10) through (13) of section

28-01064A-22

2022848

958 395.002, Florida Statutes, are reordered and amended, and
959 subsection (28) of that section is amended, to read:

960 395.002 Definitions.—As used in this chapter:

961 (10)~~(11)~~ "General hospital" means any facility which meets
962 the provisions of subsection (12) ~~subsection (13)~~ and which
963 regularly makes its facilities and services available to the
964 general population.

965 (11)~~(12)~~ "Governmental unit" means the state or any county,
966 municipality, or other political subdivision, or any department,
967 division, board, or other agency of any of the foregoing.

968 (12)~~(13)~~ "Hospital" means any establishment that:

969 (a) Offers services more intensive than those required for
970 room, board, personal services, and general nursing care, and
971 offers facilities and beds for use beyond 24 hours by
972 individuals requiring diagnosis, treatment, or care for illness,
973 injury, deformity, infirmity, abnormality, disease, or
974 pregnancy; and

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

985

986 However, the provisions of this chapter do not apply to any

28-01064A-22

2022848

987 institution conducted by or for the adherents of any well-
988 recognized church or religious denomination that depends
989 exclusively upon prayer or spiritual means to heal, care for, or
990 treat any person. For purposes of local zoning matters, the term
991 "hospital" includes a medical office building located on the
992 same premises as a hospital facility, provided the land on which
993 the medical office building is constructed is zoned for use as a
994 hospital; provided the premises were zoned for hospital purposes
995 on January 1, 1992.

996 (13)~~(10)~~ "Hospital-based off-campus emergency department"
997 means a facility that:

998 (a) Provides emergency services and care;

999 (b) Is owned and operated by a licensed hospital and
1000 operates under the license of the hospital; and

1001 (c) Is located on separate premises from the hospital.

1002 (28) "Specialty hospital" means any facility which meets
1003 the provisions of subsection (12) ~~subsection (13)~~, and which
1004 regularly makes available either:

1005 (a) The range of medical services offered by general
1006 hospitals but restricted to a defined age or gender group of the
1007 population;

1008 (b) A restricted range of services appropriate to the
1009 diagnosis, care, and treatment of patients with specific
1010 categories of medical or psychiatric illnesses or disorders; or

1011 (c) Intensive residential treatment programs for children
1012 and adolescents as defined in subsection (16).

1013 Reviser's note.—Amended to place the definitions in subsections

1014 (10) through (13) in alphabetical order and to conform
1015 cross-references.

28-01064A-22

2022848

1016 Section 39. Paragraph (c) of subsection (1) of section
1017 395.701, Florida Statutes, is amended to read:

1018 395.701 Annual assessments on net operating revenues for
1019 inpatient and outpatient services to fund public medical
1020 assistance; administrative fines for failure to pay assessments
1021 when due; exemption.—

1022 (1) For the purposes of this section, the term:

1023 (c) "Hospital" means a health care institution as defined
1024 in s. 395.002(12) ~~395.002(13)~~, but does not include any hospital
1025 operated by a state agency.

1026 Reviser's note.—Amended to conform to the reordering of
1027 definitions in s. 395.002 by this act.

1028 Section 40. Subsections (3) and (4) of section 397.410,
1029 Florida Statutes, are amended to read:

1030 397.410 Licensure requirements; minimum standards; rules.—

1031 ~~(3) By October 1, 2017, the department shall publish a
1032 notice of development of rulemaking, and by January 1, 2018, the
1033 department shall publish a notice of proposed rule pursuant to
1034 s. 120.54(3)(a) to implement the provisions of this section.~~

1035 ~~(4) The department shall provide a report to the Governor,
1036 the President of the Senate, and the Speaker of the House of
1037 Representatives by December 1, 2020, concerning the
1038 appropriateness of service component licensure requirements as
1039 those requirements apply to the qualifications of personnel
1040 providing direct clinical treatment. The report shall include,
1041 but not be limited to, the requirements established in rule, the
1042 number and nature of complaints received regarding personnel
1043 providing direct clinical treatment and about the qualifications
1044 of the individuals subject to the complaints, and the~~

28-01064A-22

2022848

1045 ~~precipitating cause, number, and types of licensure actions~~
1046 ~~taken by the department regarding such personnel.~~

1047 Reviser's note.—Amended to delete obsolete provisions.

1048 Section 41. Paragraph (d) of subsection (4) of section
1049 402.62, Florida Statutes, is amended to read:

1050 402.62 Strong Families Tax Credit.—

1051 (4) RESPONSIBILITIES OF THE DEPARTMENT.—The Department of
1052 Children and Families shall do all of the following:

1053 (d) Compel the return of funds that are provided to an
1054 eligible charitable organization that fails to comply with the
1055 requirements of this section. Eligible charitable organizations
1056 that are subject to return of funds are ineligible to receive
1057 funding under this section for a period of 10 years after final
1058 agency action to compel the return of funding.

1059 Reviser's note.—Amended to confirm an editorial insertion to
1060 improve clarity.

1061 Section 42. Subsection (16) of section 403.064, Florida
1062 Statutes, is amended to read:

1063 403.064 Reuse of reclaimed water.—

1064 (16) Utilities implementing reuse projects are encouraged,
1065 except in the case of use by electric utilities as defined in s.
1066 366.02(4) ~~366.02(2)~~, to meter use of reclaimed water by all end
1067 users and to charge for the use of reclaimed water based on the
1068 actual volume used when such metering and charges can be shown
1069 to encourage water conservation. Metering and the use of volume-
1070 based rates are effective water management tools for the
1071 following reuse activities: residential irrigation, agricultural
1072 irrigation, industrial uses, landscape irrigation, irrigation of
1073 other public access areas, commercial and institutional uses

28-01064A-22

2022848

1074 such as toilet flushing, and transfers to other reclaimed water
1075 utilities. Each domestic wastewater utility that provides
1076 reclaimed water for the reuse activities listed in this section
1077 shall include a summary of its metering and rate structure as
1078 part of its annual reuse report to the department.

1079 Reviser's note.—Amended to conform to the reordering of
1080 definitions in s. 366.02 by this act.

1081 Section 43. Paragraph (d) of subsection (1) and subsection
1082 (10) of section 403.086, Florida Statutes, are amended to read:
1083 403.086 Sewage disposal facilities; advanced and secondary
1084 waste treatment.—

1085 (1)

1086 ~~(d) By December 31, 2020, the department, in consultation~~
1087 ~~with the water management districts and sewage disposal~~
1088 ~~facilities, shall submit to the Governor, the President of the~~
1089 ~~Senate, and the Speaker of the House of Representatives a~~
1090 ~~progress report on the status of upgrades made by each facility~~
1091 ~~to meet the advanced waste treatment requirements under~~
1092 ~~paragraph (c). The report must include a list of sewage disposal~~
1093 ~~facilities required to upgrade to advanced waste treatment, the~~
1094 ~~preliminary cost estimates for the upgrades, and a projected~~
1095 ~~timeline of the dates by which the upgrades will begin and be~~
1096 ~~completed and the date by which operations of the upgraded~~
1097 ~~facility will begin.~~

1098 (10) The Legislature finds that the discharge of domestic
1099 wastewater through ocean outfalls wastes valuable water supplies
1100 that should be reclaimed for beneficial purposes to meet public
1101 and natural systems demands. The Legislature also finds that
1102 discharge of domestic wastewater through ocean outfalls

28-01064A-22

2022848

1103 compromises the coastal environment, quality of life, and local
1104 economies that depend on those resources. The Legislature
1105 declares that more stringent treatment and management
1106 requirements for such domestic wastewater and the subsequent,
1107 timely elimination of ocean outfalls as a primary means of
1108 domestic wastewater discharge are in the public interest.

1109 (a) The construction of new ocean outfalls for domestic
1110 wastewater discharge and the expansion of existing ocean
1111 outfalls for this purpose, along with associated pumping and
1112 piping systems, are prohibited. Each domestic wastewater ocean
1113 outfall shall be limited to the discharge capacity specified in
1114 the department permit authorizing the outfall in effect on July
1115 1, 2008, which discharge capacity shall not be increased.
1116 Maintenance of existing, department-authorized domestic
1117 wastewater ocean outfalls and associated pumping and piping
1118 systems is allowed, subject to the requirements of this section.
1119 The department is directed to work with the United States
1120 Environmental Protection Agency to ensure that the requirements
1121 of this subsection are implemented consistently for all domestic
1122 wastewater facilities in the state which discharge through ocean
1123 outfalls.

1124 (b) The discharge of domestic wastewater through ocean
1125 outfalls must meet advanced wastewater treatment and management
1126 requirements by December 31, 2018. For purposes of this
1127 subsection, the term "advanced wastewater treatment and
1128 management requirements" means the advanced waste treatment
1129 requirements set forth in subsection (4), a reduction in outfall
1130 baseline loadings of total nitrogen and total phosphorus which
1131 is equivalent to that which would be achieved by the advanced

28-01064A-22

2022848

1132 waste treatment requirements in subsection (4), or a reduction
1133 in cumulative outfall loadings of total nitrogen and total
1134 phosphorus occurring between December 31, 2008, and December 31,
1135 2025, which is equivalent to that which would be achieved if the
1136 advanced waste treatment requirements in subsection (4) were
1137 fully implemented beginning December 31, 2018, and continued
1138 through December 31, 2025. The department shall establish the
1139 average baseline loadings of total nitrogen and total phosphorus
1140 for each outfall using monitoring data available for calendar
1141 years 2003 through 2007 and establish required loading
1142 reductions based on this baseline. The baseline loadings and
1143 required loading reductions of total nitrogen and total
1144 phosphorus shall be expressed as an average annual daily loading
1145 value. The advanced wastewater treatment and management
1146 requirements of this paragraph are deemed met for any domestic
1147 wastewater facility discharging through an ocean outfall on July
1148 1, 2008, which has installed by December 31, 2018, a fully
1149 operational reuse system comprising 100 percent of the
1150 facility's baseline flow on an annual basis for reuse activities
1151 authorized by the department.

1152 (c)1. Each utility that had a permit for a domestic
1153 wastewater facility that discharged through an ocean outfall on
1154 July 1, 2008, must install, or cause to be installed, a
1155 functioning reuse system within the utility's service area or,
1156 by contract with another utility, within Miami-Dade County,
1157 Broward County, or Palm Beach County by December 31, 2025. For
1158 purposes of this subsection, a "functioning reuse system" means
1159 an environmentally, economically, and technically feasible
1160 system that provides a minimum of 60 percent of a facility's

28-01064A-22

2022848

1161 baseline flow on an annual basis for irrigation of public access
1162 areas, residential properties, or agricultural crops; aquifer
1163 recharge; groundwater recharge; industrial cooling; or other
1164 acceptable reuse purposes authorized by the department. For
1165 purposes of this subsection, the term "baseline flow" means the
1166 annual average flow of domestic wastewater discharging through
1167 the facility's ocean outfall, as determined by the department,
1168 using monitoring data available for calendar years 2003 through
1169 2007.

1170 2. Flows diverted from facilities to other facilities that
1171 provide 100-percent reuse of the diverted flows before December
1172 31, 2025, are considered to contribute to meeting the reuse
1173 requirement. For utilities operating more than one outfall, the
1174 reuse requirement may be apportioned between the facilities
1175 served by the outfalls, including flows diverted to other
1176 facilities for 100-percent reuse before December 31, 2025.
1177 Utilities that shared a common ocean outfall for the discharge
1178 of domestic wastewater on July 1, 2008, regardless of which
1179 utility operates the ocean outfall, are individually responsible
1180 for meeting the reuse requirement and may enter into binding
1181 agreements to share or transfer such responsibility among the
1182 utilities. If treatment in addition to the advanced wastewater
1183 treatment and management requirements described in paragraph (b)
1184 is needed to support a functioning reuse system, the treatment
1185 must be fully operational by December 31, 2025.

1186 3. If a facility that discharges through an ocean outfall
1187 contracts with another utility to install a functioning reuse
1188 system, the department must approve any apportionment of the
1189 reuse generated from the new or expanded reuse system that is

28-01064A-22

2022848

1190 intended to satisfy all or a portion of the reuse requirements
1191 pursuant to subparagraph 1. If a contract is between two
1192 utilities that have reuse requirements pursuant to subparagraph
1193 1., the reuse apportioned to each utility's requirement may not
1194 exceed the total reuse generated by the new or expanded reuse
1195 system. A utility shall provide the department a copy of any
1196 contract with another utility that reflects an agreement between
1197 the utilities which is subject to the requirements of this
1198 subparagraph.

1199 (d) The discharge of domestic wastewater through ocean
1200 outfalls is prohibited after December 31, 2025, except as a
1201 backup discharge that is part of a functioning reuse system or
1202 other wastewater management system authorized by the department.
1203 Except as otherwise provided in this subsection, a backup
1204 discharge may occur only during periods of reduced demand for
1205 reclaimed water in the reuse system, such as periods of wet
1206 weather, or as the result of peak flows from other wastewater
1207 management systems, and must comply with the advanced wastewater
1208 treatment and management requirements of paragraph (b). Peak
1209 flow backup discharges from other wastewater management systems
1210 may not cumulatively exceed 5 percent of a facility's baseline
1211 flow, measured as a 5-year rolling average, and are subject to
1212 applicable secondary waste treatment and water-quality-based
1213 effluent limitations specified in department rules. If peak flow
1214 backup discharges are in compliance with the effluent
1215 limitations, the discharges are deemed to meet the advanced
1216 wastewater treatment and management requirements of this
1217 subsection.

1218 ~~(e) The holder of a department permit authorizing the~~

28-01064A-22

2022848

1219 ~~discharge of domestic wastewater through an ocean outfall as of~~
1220 ~~July 1, 2008, shall submit the following to the secretary of the~~
1221 ~~department:~~

1222 1. ~~A detailed plan to meet the requirements of this~~
1223 ~~subsection, including the identification of the technical,~~
1224 ~~environmental, and economic feasibility of various reuse~~
1225 ~~options; the identification of each land acquisition and~~
1226 ~~facility necessary to provide for reuse of the domestic~~
1227 ~~wastewater; an analysis of the costs to meet the requirements,~~
1228 ~~including the level of treatment necessary to satisfy state~~
1229 ~~water quality requirements and local water quality~~
1230 ~~considerations and a cost comparison of reuse using flows from~~
1231 ~~ocean outfalls and flows from other domestic wastewater sources;~~
1232 ~~and a financing plan for meeting the requirements, including~~
1233 ~~identifying any actions necessary to implement the financing~~
1234 ~~plan, such as bond issuance or other borrowing, assessments,~~
1235 ~~rate increases, fees, other charges, or other financing~~
1236 ~~mechanisms. The plan must evaluate reuse demand in the context~~
1237 ~~of future regional water supply demands, the availability of~~
1238 ~~traditional water supplies, the need for development of~~
1239 ~~alternative water supplies, the degree to which various reuse~~
1240 ~~options offset potable water supplies, and other factors~~
1241 ~~considered in the Lower East Coast Regional Water Supply Plan of~~
1242 ~~the South Florida Water Management District. The plan must~~
1243 ~~include a detailed schedule for the completion of all necessary~~
1244 ~~actions and be accompanied by supporting data and other~~
1245 ~~documentation. The plan must be submitted by July 1, 2013.~~

1246 2. ~~By July 1, 2016, an update of the plan required in~~
1247 ~~subparagraph 1. documenting any refinements or changes in the~~

28-01064A-22

2022848

1248 ~~costs, actions, or financing necessary to eliminate the ocean~~
1249 ~~outfall discharge in accordance with this subsection or a~~
1250 ~~written statement that the plan is current and accurate.~~

1251 (e) ~~(f)~~ By December 31, 2009, and by December 31 every 5
1252 years thereafter, the holder of a department permit authorizing
1253 the discharge of domestic wastewater through an ocean outfall
1254 shall submit to the secretary of the department a report
1255 summarizing the actions accomplished to date and the actions
1256 remaining and proposed to meet the requirements of this
1257 subsection, including progress toward meeting the specific
1258 deadlines set forth in paragraphs (b) through (d) ~~paragraphs (b)~~
1259 ~~through (e)~~. The report shall include the detailed schedule for
1260 and status of the evaluation of reuse and disposal options,
1261 preparation of preliminary design reports, preparation and
1262 submittal of permit applications, construction initiation,
1263 construction progress milestones, construction completion,
1264 initiation of operation, and continuing operation and
1265 maintenance.

1266 (f) ~~(g)~~ By July 1, 2010, and by July 1 every 5 years
1267 thereafter, the department shall submit a report to the
1268 Governor, the President of the Senate, and the Speaker of the
1269 House of Representatives on the implementation of this
1270 subsection. In the report, the department shall summarize
1271 progress to date, including the increased amount of reclaimed
1272 water provided and potable water offsets achieved, and identify
1273 any obstacles to continued progress, including all instances of
1274 substantial noncompliance.

1275 (g) ~~(h)~~ The renewal of each permit that authorizes the
1276 discharge of domestic wastewater through an ocean outfall as of

28-01064A-22

2022848__

1277 July 1, 2008, must be accompanied by an order in accordance with
1278 s. 403.088(2) (e) and (f) which establishes an enforceable
1279 compliance schedule consistent with the requirements of this
1280 subsection.

1281 (h)~~(i)~~ An entity that diverts wastewater flow from a
1282 receiving facility that discharges domestic wastewater through
1283 an ocean outfall must meet the reuse requirement of paragraph
1284 (c). Reuse by the diverting entity of the diverted flows shall
1285 be credited to the diverting entity. The diverted flow shall
1286 also be correspondingly deducted from the receiving facility's
1287 baseline flow from which the required reuse is calculated
1288 pursuant to paragraph (c), and the receiving facility's reuse
1289 requirement shall be recalculated accordingly.

1290
1291 ~~The department, the South Florida Water Management District, and~~
1292 ~~the affected utilities must consider the information in the~~
1293 ~~detailed plan in paragraph (e) for the purpose of adjusting, as~~
1294 ~~necessary, the reuse requirements of this subsection. The~~
1295 ~~department shall submit a report to the Legislature by February~~
1296 ~~15, 2015, containing recommendations for any changes necessary~~
1297 ~~to the requirements of this subsection.~~

1298 Reviser's note.—Amended to delete obsolete provisions and to
1299 correct a cross-reference to conform.

1300 Section 44. Subsection (8) of section 409.905, Florida
1301 Statutes, is amended to read:

1302 409.905 Mandatory Medicaid services.—The agency may make
1303 payments for the following services, which are required of the
1304 state by Title XIX of the Social Security Act, furnished by
1305 Medicaid providers to recipients who are determined to be

28-01064A-22

2022848

1306 eligible on the dates on which the services were provided. Any
1307 service under this section shall be provided only when medically
1308 necessary and in accordance with state and federal law.
1309 Mandatory services rendered by providers in mobile units to
1310 Medicaid recipients may be restricted by the agency. Nothing in
1311 this section shall be construed to prevent or limit the agency
1312 from adjusting fees, reimbursement rates, lengths of stay,
1313 number of visits, number of services, or any other adjustments
1314 necessary to comply with the availability of moneys and any
1315 limitations or directions provided for in the General
1316 Appropriations Act or chapter 216.

1317 (8) NURSING FACILITY SERVICES.—The agency shall pay for 24-
1318 hour-a-day nursing and rehabilitative services for a recipient
1319 in a nursing facility licensed under part II of chapter 400 or
1320 in a rural hospital, as defined in s. 395.602, or in a Medicare
1321 certified skilled nursing facility operated by a hospital, as
1322 defined by s. 395.002(10) ~~395.002(11)~~, that is licensed under
1323 part I of chapter 395, and in accordance with provisions set
1324 forth in s. 409.908(2)(a), which services are ordered by and
1325 provided under the direction of a licensed physician. However,
1326 if a nursing facility has been destroyed or otherwise made
1327 uninhabitable by natural disaster or other emergency and another
1328 nursing facility is not available, the agency must pay for
1329 similar services temporarily in a hospital licensed under part I
1330 of chapter 395 provided federal funding is approved and
1331 available. The agency shall pay only for bed-hold days if the
1332 facility has an occupancy rate of 95 percent or greater. The
1333 agency is authorized to seek any federal waivers to implement
1334 this policy.

28-01064A-22

2022848

1335 Reviser's note.—Amended to conform to the reordering of
1336 definitions in s. 395.002 by this act.

1337 Section 45. Paragraph (a) of subsection (1) and paragraph
1338 (b) of subsection (2) of section 413.271, Florida Statutes, are
1339 amended to read:

1340 413.271 Florida Coordinating Council for the Deaf and Hard
1341 of Hearing.—

1342 (1) For purposes of this section, the term:

1343 (a) "Communication access real-time ~~realtime~~ translation"
1344 means the instant translation of the spoken word into English
1345 text using information technology in which the text appears on a
1346 computer monitor or other display.

1347
1348 For purposes of this section, individuals with any level of loss
1349 of hearing provided in the definitions in this subsection are
1350 included in references to deaf or hard of hearing individuals.

1351 (2)

1352 (b) The coordinating council shall be composed of 17
1353 members. The appointment of members not representing agencies
1354 shall be made by the Governor. The appointment of members
1355 representing organizations shall be made by the Governor in
1356 consultation with those organizations. The membership shall be
1357 as follows:

1358 1. Two members representing the Florida Association of the
1359 Deaf.

1360 2. Two members representing the Florida Association of Self
1361 Help for Hard of Hearing People.

1362 3. A member representing the Association of Late-Deafened
1363 Adults.

28-01064A-22

2022848

- 1364 4. An individual who is deaf and blind.
- 1365 5. A parent of an individual who is deaf.
- 1366 6. A member representing the Deaf Service Center
1367 Association.
- 1368 7. A member representing the Florida Registry of
1369 Interpreters for the Deaf.
- 1370 8. A member representing the Florida Alexander Graham Bell
1371 Association for the Deaf and Hard of Hearing.
- 1372 9. A communication access real-time ~~realtime~~ translator.
- 1373 10. An audiologist licensed under part I of chapter 468.
- 1374 11. A hearing aid specialist licensed under part II of
1375 chapter 484.
- 1376 12. The Secretary of Children and Families or his or her
1377 designee.
- 1378 13. The State Surgeon General or his or her designee.
- 1379 14. The Commissioner of Education or his or her designee.
- 1380 15. The Secretary of Elderly Affairs or his or her
1381 designee.

1382

1383 If any organization from which a representative is to be drawn
1384 ceases to exist, a representative of a similar organization
1385 shall be named to the coordinating council. The Governor shall
1386 make appointments to the coordinating council and may remove any
1387 member for cause. Each member shall be appointed to a term of 4
1388 years. Any vacancy on the coordinating council shall be filled
1389 in the same manner as the original appointment, and any member
1390 appointed to fill a vacancy occurring because of death,
1391 resignation, or ineligibility for membership shall serve only
1392 for the unexpired term of the member's predecessor. Prior to

28-01064A-22

2022848

1393 serving on the coordinating council, all appointees must attend
1394 orientation training that shall address, at a minimum, the
1395 provisions of this section; the programs operated by the
1396 coordinating council; the role and functions of the coordinating
1397 council; the current budget for the coordinating council; the
1398 results of the most recent formal audit of the coordinating
1399 council; and the requirements of the state's public records law,
1400 the code of ethics, the Administrative Procedure Act, and other
1401 laws relating to public officials, including conflict-of-
1402 interest laws.

1403 Reviser's note.—Amended to conform to usage in the Florida
1404 Statutes.

1405 Section 46. Subsection (1) of section 420.602, Florida
1406 Statutes, is amended to read:

1407 420.602 Definitions.—As used in this part, the following
1408 terms shall have the following meanings, unless the context
1409 otherwise requires:

1410 (1) "Adjusted for family size" means adjusted in a manner
1411 which results in an income eligibility level which is lower for
1412 households with fewer than four people, or higher for households
1413 with more than four people, than the base income eligibility
1414 level determined as provided in subsection (8) ~~subsection (9)~~,
1415 subsection (9) ~~subsection (10)~~, or subsection (11) ~~subsection~~
1416 ~~(12)~~, based upon a formula as established by rule of the
1417 corporation.

1418 Reviser's note.—Amended to confirm the editorial substitution of
1419 cross-references to conform to the repeal of former
1420 subsection (7) by s. 46, ch. 2021-25, Laws of Florida.

1421 Section 47. Paragraph (a) of subsection (2) and paragraphs

28-01064A-22

2022848

1422 (a) and (b) of subsection (11) of section 445.007, Florida
1423 Statutes, are amended to read:

1424 445.007 Local workforce development boards.—

1425 (2) (a) The local workforce development board shall elect a
1426 chair from among the representatives described in Pub. L. No.
1427 113-128, Title I, s. 107(b) (2) (A) to serve for a term of no more
1428 than 2 years who ~~and~~ may not serve more than two terms as chair.
1429 Members of a local workforce development board shall serve
1430 staggered terms and may not serve for more than 8 consecutive
1431 years, unless such member is a representative of a governmental
1432 entity. Service in a term of office which commenced before July
1433 1, 2021, does not count toward the 8-year limitation.

1434 (11) (a) To increase transparency and accountability, a
1435 local workforce development board must comply with the
1436 requirements of this section before contracting with a member of
1437 the local board; a relative, as defined in s. 112.3143(1) (c), of
1438 a local board member; an organization or individual represented
1439 on the local board; or ~~of~~ an employee of the local board. Such
1440 contracts may not be executed before or without the prior
1441 approval of the department. Such contracts, as well as
1442 documentation demonstrating adherence to this section as
1443 specified by the department, must be submitted to the department
1444 for review and approval. Such a contract must be approved by a
1445 two-thirds vote of the local board, a quorum having been
1446 established; all conflicts of interest must be disclosed before
1447 the vote in a manner that is consistent with the procedures
1448 outlined in s. 112.3143(4); and any member who may benefit from
1449 the contract, or whose organization or relative may benefit from
1450 the contract, must abstain from the vote. A contract subject to

28-01064A-22

2022848

1451 the requirements of this subsection may not be included on a
1452 consent agenda.

1453 (b) A contract under \$10,000 between a local board; a
1454 relative, as defined in s. 112.3143(1)(c), of a local board
1455 member; or ~~of~~ an employee of the local board is not required to
1456 have the prior approval of the department, but must be approved
1457 by a two-thirds vote of the local board, a quorum having been
1458 established, and must be reported to the department and the
1459 state board within 30 days after approval.

1460 Reviser's note.—Paragraph (2)(a) is amended to confirm an
1461 editorial substitution to improve clarity. Paragraphs
1462 (11)(a) and (b) are amended to confirm editorial deletions
1463 to improve clarity.

1464 Section 48. Paragraph (1) of subsection (1) of section
1465 468.505, Florida Statutes, is amended to read:

1466 468.505 Exemptions; exceptions.—

1467 (1) Nothing in this part may be construed as prohibiting or
1468 restricting the practice, services, or activities of:

1469 (1) A person employed by a nursing facility exempt from
1470 licensing under s. 395.002(12) ~~395.002(13)~~, or a person exempt
1471 from licensing under s. 464.022.

1472 Reviser's note.—Amended to conform to the reordering of
1473 definitions in s. 395.002 by this act.

1474 Section 49. Subsection (9) of section 480.033, Florida
1475 Statutes, is amended to read:

1476 480.033 Definitions.—As used in this act:

1477 (9) "Licensure" means the procedure by which a person,
1478 hereinafter referred to as a "practitioner," applies to the
1479 board for approval to practice massage therapy or to operate an

28-01064A-22

2022848

1480 establishment.

1481 Reviser's note.—Amended to conform to ch. 2021-143, Laws of
1482 Florida, which substituted references to massage therapy
1483 practice for references to massage practice.

1484 Section 50. Paragraphs (g), (h), and (i) of subsection (1)
1485 of section 553.791, Florida Statutes, are reordered and amended
1486 to read:

1487 553.791 Alternative plans review and inspection.—

1488 (1) As used in this section, the term:

1489 (g) ~~(h)~~ "Electronic signature" means any letters,
1490 characters, or symbols manifested by electronic or similar means
1491 which are executed or adopted by a party with an intent to
1492 authenticate a writing or record.

1493 (h) ~~(i)~~ "Electronic transmission" or "submitted
1494 electronically" means any form or process of communication not
1495 directly involving the physical transfer of paper or another
1496 tangible medium which is suitable for the retention, retrieval,
1497 and reproduction of information by the recipient and is
1498 retrievable in paper form by the receipt through an automated
1499 process. All notices provided for in this section may be
1500 transmitted electronically and shall have the same legal effect
1501 as if physically posted or mailed.

1502 (i) ~~(g)~~ "Electronically posted" means providing notices of
1503 decisions, results, or records, including inspection records,
1504 through the use of a website or other form of electronic
1505 communication used to transmit or display information.

1506 Reviser's note.—Amended to place the definitions in paragraphs
1507 (g) though (i) in alphabetical order.

1508 Section 51. Paragraph (c) of subsection (5) of section

28-01064A-22

2022848

1509 604.73, Florida Statutes, is amended to read:

1510 604.73 Urban agriculture pilot projects; local regulation
1511 of urban agriculture.—

1512 (5) LOCAL REGULATION.—Notwithstanding s. 604.50, s. 823.14,
1513 or any other law to the contrary, urban agriculture is subject
1514 to applicable municipal regulations if:

1515 (c) Before the reenactment of the regulations under
1516 paragraph (b), the municipality designates existing farm
1517 operations, as defined in s. 823.14(3)(d) ~~823.14(3)(b)~~, within
1518 its jurisdiction as legally nonconforming.

1519 Reviser's note.—Amended to conform to the reordering of
1520 definitions in s. 823.14(3) by this act.

1521 Section 52. Section 624.105, Florida Statutes, is amended
1522 to read:

1523 624.105 Waiver of customer liability.—Any regulated company
1524 as defined in s. 350.111, any electric utility as defined in s.
1525 366.02(4) ~~366.02(2)~~, any utility as defined in s. 367.021(12) or
1526 s. 367.022(2) and (7), and any provider of communications
1527 services as defined in s. 202.11(1) may charge for and include
1528 an optional waiver of liability provision in their customer
1529 contracts under which the entity agrees to waive all or a
1530 portion of the customer's liability for service from the entity
1531 for a defined period in the event of the customer's call to
1532 active military service, death, disability, involuntary
1533 unemployment, qualification for family leave, or similar
1534 qualifying event or condition. Such provisions may not be
1535 effective in the customer's contract with the entity unless
1536 affirmatively elected by the customer. No such provision shall
1537 constitute insurance so long as the provision is a contract

28-01064A-22

2022848

1538 between the entity and its customer.

1539 Reviser's note.—Amended to conform to the reordering of
1540 definitions in s. 366.02 by this act.

1541 Section 53. Subsection (1) of section 624.51057, Florida
1542 Statutes, is amended to read:

1543 624.51057 Credit for contributions to eligible charitable
1544 organizations.—

1545 (1) For taxable years beginning on or after January 1,
1546 2022, there is allowed a credit of 100 percent of an eligible
1547 contribution made to an eligible charitable organization under
1548 s. 402.62 against any tax due for a taxable year under s.
1549 624.509(1) after deducting from such tax deductions for
1550 assessments made pursuant to s. 440.51; credits for taxes paid
1551 under ss. 175.101 and 185.08; credits for income taxes paid
1552 under chapter 220; and the credit allowed under s. 624.509(5),
1553 as such credit is limited by s. 624.509(6). An eligible
1554 contribution must be made to an eligible charitable organization
1555 on or before the date the taxpayer is required to file a return
1556 pursuant to ss. 624.509 and 624.5092. An insurer claiming a
1557 credit against premium tax liability under this section is not
1558 required to pay any additional retaliatory tax levied under s.
1559 624.5091 as a result of claiming such credit. Section 624.5091
1560 does not limit such credit in any manner.

1561 Reviser's note.—Amended to confirm an editorial insertion to
1562 improve clarity.

1563 Section 54. Paragraph (i) of subsection (1) of section
1564 626.9541, Florida Statutes, is amended to read:

1565 626.9541 Unfair methods of competition and unfair or
1566 deceptive acts or practices defined.—

28-01064A-22

2022848

1567 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1568 ACTS.—The following are defined as unfair methods of competition
1569 and unfair or deceptive acts or practices:

1570 (i) *Unfair claim settlement practices.*—

1571 1. Attempting to settle claims on the basis of an
1572 application, when serving as a binder or intended to become a
1573 part of the policy, or any other material document which was
1574 altered without notice to, or knowledge or consent of, the
1575 insured;

1576 2. A material misrepresentation made to an insured or any
1577 other person having an interest in the proceeds payable under
1578 such contract or policy, for the purpose and with the intent of
1579 effecting settlement of such claims, loss, or damage under such
1580 contract or policy on less favorable terms than those provided
1581 in, and contemplated by, such contract or policy; ~~or~~

1582 3. Committing or performing with such frequency as to
1583 indicate a general business practice any of the following:

1584 a. Failing to adopt and implement standards for the proper
1585 investigation of claims;

1586 b. Misrepresenting pertinent facts or insurance policy
1587 provisions relating to coverages at issue;

1588 c. Failing to acknowledge and act promptly upon
1589 communications with respect to claims;

1590 d. Denying claims without conducting reasonable
1591 investigations based upon available information;

1592 e. Failing to affirm or deny full or partial coverage of
1593 claims, and, as to partial coverage, the dollar amount or extent
1594 of coverage, or failing to provide a written statement that the
1595 claim is being investigated, upon the written request of the

28-01064A-22

2022848

1596 insured within 30 days after proof-of-loss statements have been
1597 completed;

1598 f. Failing to promptly provide a reasonable explanation in
1599 writing to the insured of the basis in the insurance policy, in
1600 relation to the facts or applicable law, for denial of a claim
1601 or for the offer of a compromise settlement;

1602 g. Failing to promptly notify the insured of any additional
1603 information necessary for the processing of a claim; ~~or~~

1604 h. Failing to clearly explain the nature of the requested
1605 information and the reasons why such information is necessary;
1606 or-

1607 i. Failing to pay personal injury protection insurance
1608 claims within the time periods required by s. 627.736(4)(b). The
1609 office may order the insurer to pay restitution to a
1610 policyholder, medical provider, or other claimant, including
1611 interest at a rate consistent with the amount set forth in s.
1612 55.03(1), for the time period within which an insurer fails to
1613 pay claims as required by law. Restitution is in addition to any
1614 other penalties allowed by law, including, but not limited to,
1615 the suspension of the insurer's certificate of authority; or-

1616 4. Failing to pay undisputed amounts of partial or full
1617 benefits owed under first-party property insurance policies
1618 within 90 days after an insurer receives notice of a residential
1619 property insurance claim, determines the amounts of partial or
1620 full benefits, and agrees to coverage, unless payment of the
1621 undisputed benefits is prevented by an act of God, prevented by
1622 the impossibility of performance, or due to actions by the
1623 insured or claimant that constitute fraud, lack of cooperation,
1624 or intentional misrepresentation regarding the claim for which

28-01064A-22

2022848

1625 benefits are owed.

1626 Reviser's note.—Amended to correct punctuation sequences.

1627 Section 55. Paragraph (b) of subsection (16) of section
1628 633.202, Florida Statutes, is amended to read:

1629 633.202 Florida Fire Prevention Code.—

1630 (16)

1631 (b) Notwithstanding any other provision of law:

1632 1. A nonresidential farm building in which the occupancy is
1633 limited by the property owner to no more than 35 persons is
1634 exempt from the Florida Fire Prevention Code, including the
1635 national codes and Life Safety Code incorporated by reference.

1636 2. An agricultural pole barn is exempt from the Florida
1637 Fire Prevention Code, including the national codes and the Life
1638 Safety Code incorporated by reference.

1639 3. Except for an agricultural pole barn, a structure on a
1640 farm, as defined in s. 823.14(3)(c) ~~823.14(3)(b)~~, which is used
1641 by an owner for agritourism activity, as defined in s. 570.86,
1642 for which the owner receives consideration must be classified in
1643 one of the following classes:

1644 a. Class 1: A nonresidential farm building that is used by
1645 the owner 12 or fewer times per year for agritourism activity
1646 with up to 100 persons occupying the structure at one time. A
1647 structure in this class is subject to annual inspection for
1648 classification by the local authority having jurisdiction. This
1649 class is not subject to the Florida Fire Prevention Code but is
1650 subject to rules adopted by the State Fire Marshal pursuant to
1651 this section.

1652 b. Class 2: A nonresidential farm building that is used by
1653 the owner for agritourism activity with up to 300 persons

28-01064A-22

2022848

1654 occupying the structure at one time. A structure in this class
1655 is subject to annual inspection for classification by the local
1656 authority having jurisdiction. This class is not subject to the
1657 Florida Fire Prevention Code but is subject to rules adopted by
1658 the State Fire Marshal pursuant to this section.

1659 c. Class 3: A structure or facility that is used primarily
1660 for housing, sheltering, or otherwise accommodating members of
1661 the general public. A structure or facility in this class is
1662 subject to annual inspection for classification by the local
1663 authority having jurisdiction. This class is subject to the
1664 Florida Fire Prevention Code.

1665 Reviser's note.—Amended to conform to the reordering of
1666 definitions in s. 823.14(3) by this act.

1667 Section 56. Paragraph (e) of subsection (1) of section
1668 660.46, Florida Statutes, is amended to read:

1669 660.46 Substitution of fiduciaries.—

1670 (1) The provisions of this section shall apply to the
1671 transfer of fiduciary accounts by substitution, and for those
1672 purposes these provisions shall constitute alternative
1673 procedures to those provided or required by any other provisions
1674 of law relating to the transfer of fiduciary accounts or the
1675 substitution of persons acting or who are to act in a fiduciary
1676 capacity. In this section, and only for its purposes, the term:

1677 (e) "Trust disclosure document" has the meaning ascribed in
1678 s. 736.1008(4)(c) ~~736.1008(4)(a)~~.

1679 Reviser's note.—Amended to conform to the reordering of
1680 definitions in s. 736.1008 by this act.

1681 Section 57. Subsection (4) of section 736.1008, Florida
1682 Statutes, is reordered and amended to read:

28-01064A-22

2022848

1683 736.1008 Limitations on proceedings against trustees.—

1684 (4) As used in this section, the term:

1685 (a)~~(e)~~ "Limitation notice" means a written statement of the
1686 trustee or a trust director that an action by a beneficiary for
1687 breach of trust based on any matter adequately disclosed in a
1688 trust disclosure document may be barred unless the action is
1689 commenced within 6 months after receipt of the trust disclosure
1690 document or receipt of a limitation notice that applies to that
1691 trust disclosure document, whichever is later. A limitation
1692 notice may but is not required to be in the following form: "An
1693 action for breach of trust based on matters disclosed in a trust
1694 accounting or other written report of the trustee or a trust
1695 director may be subject to a 6-month statute of limitations from
1696 the receipt of the trust accounting or other written report. If
1697 you have questions, please consult your attorney."

1698 (b) "Trust accounting" means an accounting that adequately
1699 discloses the information required by and that substantially
1700 complies with the standards set forth in s. 736.08135.

1701 (c)~~(a)~~ "Trust disclosure document" means a trust accounting
1702 or any other written report of the trustee or a trust director.
1703 A trust disclosure document adequately discloses a matter if the
1704 document provides sufficient information so that a beneficiary
1705 knows of a claim or reasonably should have inquired into the
1706 existence of a claim with respect to that matter.

1707 Reviser's note.—Amended to place the definitions in subsection

1708 (4) in alphabetical order.

1709 Section 58. Paragraph (a) of subsection (1) and paragraph

1710 (a) of subsection (2) of section 736.1411, Florida Statutes, are
1711 amended to read:

28-01064A-22

2022848

1712 736.1411 No duty to monitor, inform, or advise.—

1713 (1) Notwithstanding s. 736.1409(1), relating to the duty of
1714 a directed trustee to take reasonable action when directed and
1715 to the release of liability for such action, unless the terms of
1716 a trust provide otherwise:

1717 (a) A trustee does not have a duty to:

1718 1. Monitor a trust director; or

1719 2. Inform or give advice to a settlor, beneficiary,
1720 trustee, or trust director concerning an instance in which the
1721 trustee might have acted differently from ~~than~~ the trust
1722 director.

1723 (2) Notwithstanding s. 736.1408(1), relating to the
1724 fiduciary duty of a trust director, unless the terms of a trust
1725 provide otherwise:

1726 (a) A trust director does not have a duty to:

1727 1. Monitor a trustee or another trust director; or

1728 2. Inform or give advice to a settlor, beneficiary,
1729 trustee, or another trust director concerning an instance in
1730 which the trust director might have acted differently from ~~than~~
1731 a trustee or another trust director.

1732 Reviser's note.—Amended to confirm an editorial substitution to
1733 conform to context.

1734 Section 59. Paragraph (a) of subsection (2) of section
1735 738.602, Florida Statutes, is amended to read:

1736 738.602 Payments from deferred compensation plans,
1737 annuities, and retirement plans or accounts.—

1738 (2) (a) For a fund that is a separate account, income of the
1739 fund shall be determined:

1740 1. As if the fund were a trust subject to the provisions of

28-01064A-22

2022848

1741 ss. 738.401-738.706; or

1742 2. As a unitrust amount calculated by multiplying the fair
1743 market value of the fund as of the first day of the first
1744 accounting period and, thereafter, as of the last day of the
1745 accounting period that immediately precedes the accounting
1746 period during which a payment is received by the percentage
1747 determined in accordance with s. 738.1041(2)(b)2.a. The
1748 fiduciary shall determine such percentage as of the first month
1749 that the fiduciary's election to treat the income of the fund as
1750 a unitrust amount becomes effective. For purposes of this
1751 subparagraph, "fair market value" means the fair market value of
1752 the assets held in the fund as of the applicable valuation date
1753 determined as provided in this subparagraph. The fiduciary is
1754 not liable for good faith reliance upon any valuation supplied
1755 by the person or persons in possession of the fund. If the
1756 fiduciary makes or terminates an election under this
1757 subparagraph, the fiduciary shall make such disclosure in a
1758 trust disclosure document that satisfies the requirements of s.
1759 736.1008(4)(c) ~~736.1008(4)(a)~~.

1760 Reviser's note.—Amended to conform to the reordering of
1761 definitions in s. 736.1008 by this act.

1762 Section 60. Subsection (2) of section 765.101, Florida
1763 Statutes, is amended to read:

1764 765.101 Definitions.—As used in this chapter:

1765 (2) "Attending physician" means the physician who has
1766 primary responsibility for the treatment and care of the patient
1767 while the patient receives such treatment or care in a hospital
1768 as defined in s. 395.002(12) ~~395.002(13)~~.

1769 Reviser's note.—Amended to conform to the reordering of

28-01064A-22

2022848

1770 definitions in s. 395.002 by this act.

1771 Section 61. Paragraph (e) of subsection (1) of section
1772 768.1382, Florida Statutes, is amended to read:

1773 768.1382 Streetlights, security lights, and other similar
1774 illumination; limitation on liability.—

1775 (1) As used in this section, the term:

1776 (e) "Streetlight provider" means the state or any of the
1777 state's officers, agencies, or instrumentalities, any political
1778 subdivision as defined in s. 1.01, any public utility as defined
1779 in s. 366.02(8) ~~366.02(1)~~, or any electric utility as defined in
1780 s. 366.02(4) ~~366.02(2)~~.

1781 Reviser's note.—Amended to conform to the reordering of
1782 definitions in s. 366.02 by this act.

1783 Section 62. Paragraph (b) of subsection (1) of section
1784 768.381, Florida Statutes, is amended to read:

1785 768.381 COVID-19-related claims against health care
1786 providers.—

1787 (1) DEFINITIONS.—As used in this section, the term:

1788 (b) "COVID-19" means the novel coronavirus identified as
1789 SARS-CoV-2 ~~SARS-zc-2~~; any disease caused by SARS-CoV-2, its
1790 viral fragments, or a virus mutating therefrom; and all
1791 conditions associated with the disease which are caused by SARS-
1792 CoV-2, its viral fragments, or a virus mutating therefrom.

1793 Reviser's note.—Amended to confirm a correction by the editors
1794 of an input error during production of the 2021 Florida
1795 Statutes.

1796 Section 63. Paragraph (b) of subsection (2) of section
1797 812.014, Florida Statutes, is amended to read:

1798 812.014 Theft.—

28-01064A-22

2022848

1799 (2)

1800 (b)1. If the property stolen is valued at \$20,000 or more,
1801 but less than \$100,000;

1802 2. If the property stolen is cargo valued at less than
1803 \$50,000 that has entered the stream of interstate or intrastate
1804 commerce from the shipper's loading platform to the consignee's
1805 receiving dock;

1806 3. If the property stolen is emergency medical equipment,
1807 valued at \$300 or more, that is taken from a facility licensed
1808 under chapter 395 or from an aircraft or vehicle permitted under
1809 chapter 401; or

1810 4. If the property stolen is law enforcement equipment,
1811 valued at \$300 or more, that is taken from an authorized
1812 emergency vehicle, as defined in s. 316.003,
1813

1814 the offender commits grand theft in the second degree,
1815 punishable as a felony of the second degree, as provided in s.
1816 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
1817 means mechanical or electronic apparatus used to provide
1818 emergency services and care as defined in s. 395.002(9) or to
1819 treat medical emergencies. Law enforcement equipment means any
1820 property, device, or apparatus used by any law enforcement
1821 officer as defined in s. 943.10 in the officer's official
1822 business. However, if the property is stolen during a riot or an
1823 aggravated riot prohibited under s. 870.01 and the perpetration
1824 of the theft is facilitated by conditions arising from the riot;
1825 or within a county that is subject to a state of emergency
1826 declared by the Governor under chapter 252, the theft is
1827 committed after the declaration of emergency is made, and the

28-01064A-22

2022848

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

1846 Reviser's note.—Amended to improve sentence structure.

1847 Section 64. Paragraph (g) of subsection (1) of section
1848 812.015, Florida Statutes, is amended to read:

1849 812.015 Retail and farm theft; transit fare evasion;
1850 mandatory fine; alternative punishment; detention and arrest;
1851 exemption from liability for false arrest; resisting arrest;
1852 penalties.—

1853 (1) As used in this section:

1854 (g) "Farm theft" means the unlawful taking possession of
1855 any items that are grown or produced on land owned, rented, or
1856 leased by another person. The term includes the unlawful taking

28-01064A-22

2022848

1857 possession of equipment and associated materials used to grow or
1858 produce farm products as defined in s. 823.14(3)(e)
1859 ~~823.14(3)(d)~~.

1860 Reviser's note.—Amended to conform to the reordering of
1861 definitions in s. 823.14(3) by this act

1862 Section 65. Subsection (3) of section 823.14, Florida
1863 Statutes, is reordered and amended to read:

1864 823.14 Florida Right to Farm Act.—

1865 (3) DEFINITIONS.—As used in this section:

1866 (a) "Agritourism activity" has the same meaning as provided
1867 in s. 570.86.

1868 (b) ~~(e)~~ "Established date of operation" means the date the
1869 farm operation commenced. For an agritourism activity, the term
1870 "established date of operation" means the date the specific
1871 agritourism activity commenced. If the farm operation is
1872 subsequently expanded within the original boundaries of the farm
1873 land, the established date of operation of the expansion shall
1874 also be considered as the date the original farm operation
1875 commenced. If the land boundaries of the farm are subsequently
1876 expanded, the established date of operation for each expansion
1877 is deemed to be a separate and independent established date of
1878 operation. The expanded operation shall not divest the farm
1879 operation of a previous established date of operation.

1880 (c) ~~(b)~~ "Farm" means the land, buildings, support
1881 facilities, machinery, and other appurtenances used in the
1882 production of farm or aquaculture products.

1883 (d) ~~(e)~~ "Farm operation" means all conditions or activities
1884 by the owner, lessee, agent, independent contractor, or supplier
1885 which occur on a farm in connection with the production of farm,

28-01064A-22

2022848

1886 honeybee, or apiculture products or in connection with
1887 complementary agritourism activities. These conditions and
1888 activities include, but are not limited to, the marketing of
1889 farm products at roadside stands or farm markets; the operation
1890 of machinery and irrigation pumps; the generation of noise,
1891 odors, dust, fumes, and particle emissions; ground or aerial
1892 seeding and spraying; the placement and operation of an apiary;
1893 the application of chemical fertilizers, conditioners,
1894 insecticides, pesticides, and herbicides; agritourism
1895 activities; and the employment and use of labor.

1896 (e)~~(d)~~ "Farm product" means any plant, as defined in s.
1897 581.011, or animal or insect useful to humans and includes, but
1898 is not limited to, any product derived therefrom.

1899 (f) "Nuisance" means any interference with reasonable use
1900 and enjoyment of land, including, but not limited to, noise,
1901 smoke, odors, dust, fumes, particle emissions, or vibration. The
1902 term also includes all claims that meet the requirements of this
1903 definition, regardless of whether the plaintiff designates those
1904 claims as brought in nuisance, negligence, trespass, personal
1905 injury, strict liability, or other tort.

1906 Reviser's note.—Amended to place the definitions in subsection
1907 (3) in alphabetical order.

1908 Section 66. Paragraph (c) of subsection (5) of section
1909 849.086, Florida Statutes, is amended to read:

1910 849.086 Cardrooms authorized.—

1911 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
1912 operate a cardroom in this state unless such person holds a
1913 valid cardroom license issued pursuant to this section.

1914 (c) Notwithstanding any other provision of law, a pari-

28-01064A-22

2022848

1915 mutuel permitholder, other than a permitholder issued a permit
1916 pursuant to s. 550.3345, may not be issued a license for the
1917 operation of a cardroom if the permitholder did not hold an
1918 operating license for the conduct of pari-mutuel wagering for
1919 fiscal year 2020-2021. In order for an initial cardroom license
1920 to be issued to a thoroughbred permitholder issued a permit
1921 pursuant to s. 550.3345, the applicant must have requested, as
1922 part of its pari-mutuel annual license application, to conduct
1923 at least a full schedule of live racing. In order for a cardroom
1924 license to be renewed by a thoroughbred permitholder, the
1925 applicant must have requested, as part of its pari-mutuel annual
1926 license application, to conduct at least 90 percent of the total
1927 number of live performances conducted by such permitholder
1928 during either the state fiscal year in which its initial
1929 cardroom license was issued or the state fiscal year immediately
1930 prior thereto if the permitholder ran at least a full schedule
1931 of live racing or games in the prior year.

1932 Reviser's note.—Amended to confirm an editorial insertion to
1933 improve clarity.

1934 Section 67. Subsection (3) of section 870.01, Florida
1935 Statutes, is amended to read:

1936 870.01 Affrays and riots.—

1937 (3) A person commits aggravated rioting if, in the course
1938 of committing a riot, he or she:

1939 (a) Participates with 25 or more other persons;

1940 (b) Causes great bodily harm to a person not participating
1941 in the riot;

1942 (c) Causes property damage in excess of \$5,000;

1943 (d) Displays, uses, threatens to use, or attempts to use a

28-01064A-22

2022848

1944 deadly weapon; or

1945 (e) By force, or threat of force, endangers the safe
1946 movement of a vehicle traveling on a public street, highway, or
1947 road.

1948

1949 A person who commits aggravated ~~aggravating~~ rioting commits a
1950 felony of the second degree, punishable as provided in s.
1951 775.082, s. 775.083, or s. 775.084.

1952 Reviser's note.—Amended to confirm an editorial substitution to
1953 conform to context. Chapter 2021-6, Laws of Florida,
1954 introduced the crime of aggravated rioting to the statutes,
1955 and all instances in the law except this one use the word
1956 "aggravated."

1957 Section 68. Paragraph (a) of subsection (2) of section
1958 948.16, Florida Statutes, is amended to read:

1959 948.16 Misdemeanor pretrial substance abuse education and
1960 treatment intervention program; misdemeanor pretrial veterans'
1961 treatment intervention program; misdemeanor pretrial mental
1962 health court program.—

1963 (2) (a) A veteran or a servicemember, as defined in s.
1964 394.47891(2) (d) or (c), respectively, who is otherwise qualified
1965 to participate in a veterans treatment court program under s.
1966 394.47891, and is charged with a misdemeanor is eligible for
1967 admission into a misdemeanor veterans treatment court program
1968 ~~program~~, for a period based on the program's requirements and
1969 the treatment plan for the offender, pursuant to the
1970 requirements of s. 394.47891(4) and (8).

1971 Reviser's note.—Amended to confirm an editorial deletion to
1972 eliminate redundancy.

28-01064A-22

2022848

1973 Section 69. Subsection (10) of section 1001.03, Florida
 1974 Statutes, is amended to read:

1975 1001.03 Specific powers of State Board of Education.—

1976 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
 1977 EDUCATION.—The State Board of Education, in conjunction with the
 1978 Board of Governors, shall develop and implement a common
 1979 placement test to assess the basic communication and computation
 1980 ~~and communication~~ skills of students who intend to enter a
 1981 degree program at any Florida College System institution or
 1982 state university.

1983 Reviser's note.—Amended to conform to ch. 2021-162, Laws of
 1984 Florida, which substituted the words "communication and
 1985 computation" for the words "computation and communication"
 1986 as those words relate to education.

1987 Section 70. Subsection (1) of section 1001.10, Florida
 1988 Statutes, is amended to read:

1989 1001.10 Commissioner of Education; general powers and
 1990 duties.—

1991 (1) The Commissioner of Education is the chief educational
 1992 officer of the state and the sole custodian of the educational
 1993 data warehouse, and is responsible for giving full assistance to
 1994 the State Board of Education in enforcing compliance with the
 1995 mission and goals of the Early Learning-20 ~~Early Learning~~
 1996 education system, except for the State University System.

1997 Reviser's note.—Amended to confirm the editorial substitution of
 1998 the term "Early Learning-20" for the term "Early Learning"
 1999 to correct a drafting error and conform to amendments by
 2000 ch. 2021-10, Laws of Florida.

2001 Section 71. Subsection (7) of section 1001.42, Florida

28-01064A-22

2022848

2002 Statutes, is amended to read:

2003 1001.42 Powers and duties of district school board.—The
2004 district school board, acting as a board, shall exercise all
2005 powers and perform all duties listed below:

2006 (7) PROHIBITION FROM EMPLOYMENT.—Prohibit educational
2007 support employees, instructional personnel, and administrative
2008 personnel, as defined in s. 1012.01, from employment in any
2009 position that requires direct contact with students if the
2010 employees or personnel are ineligible for such employment under
2011 s. 1012.315 or have been terminated or have resigned in lieu of
2012 termination for sexual misconduct with a student. If the
2013 prohibited conduct occurs while employed, the district school
2014 board must report the employees or personnel and the
2015 disqualifying circumstances to the department for inclusion on
2016 the disqualification list maintained by the department pursuant
2017 to s. 1001.10(4)(b). An elected or appointed school board
2018 official forfeits his or her salary for 1 year if:

2019 (a) The school board official knowingly signs and transmits
2020 to any state official a report of alleged misconduct by
2021 educational support employees, instructional personnel, or
2022 administrative personnel which the school board official knows
2023 to be false or incorrect; or

2024 (b) The school board official knowingly fails to adopt
2025 policies that require:

2026 1. Educational support employees, instructional personnel,
2027 and administrative personnel to report alleged misconduct by
2028 other educational support employees, instructional personnel,
2029 and administrative personnel;

2030 2. The district school superintendent to report misconduct

28-01064A-22

2022848

2031 by educational support employees, instructional personnel, or
2032 school administrators that would result in disqualification from
2033 educator certification or employment as provided in s. 1012.315
2034 to the law enforcement agencies with jurisdiction over the
2035 conduct; or

2036 3. The investigation of all reports of alleged misconduct
2037 by educational support employees, instructional personnel, and
2038 administrative personnel, if the misconduct affects the health,
2039 safety, or welfare of a student, regardless of whether the
2040 person resigned or was terminated before the conclusion of the
2041 investigation. The policies must require the district school
2042 superintendent to notify the department of the result of the
2043 investigation and whether the misconduct warranted termination,
2044 regardless of whether the person resigned or was terminated
2045 before the conclusion of the investigation.

2046 Reviser's note.—Amended to confirm editorial insertions to
2047 improve clarity.

2048 Section 72. Paragraph (g) of subsection (12) of section
2049 1002.33, Florida Statutes, is amended to read:

2050 1002.33 Charter schools.—

2051 (12) EMPLOYEES OF CHARTER SCHOOLS.—

2052 (g)1. A charter school shall employ or contract with
2053 employees who have undergone background screening as provided in
2054 s. 1012.32. Members of the governing board of the charter school
2055 shall also undergo background screening in a manner similar to
2056 that provided in s. 1012.32. An individual may not be employed
2057 as an employee or contract personnel of a charter school or
2058 serve as a member of a charter school governing board if the
2059 individual is on the disqualification list maintained by the

28-01064A-22

2022848

2060 department pursuant to s. 1001.10(4)(b).

2061 2. A charter school shall prohibit educational support
2062 employees, instructional personnel, and school administrators,
2063 as defined in s. 1012.01, from employment in any position that
2064 requires direct contact with students if the employees,
2065 personnel, or administrators are ineligible for such employment
2066 under s. 1012.315 or have been terminated or have resigned in
2067 lieu of termination for sexual misconduct with a student. If the
2068 prohibited conduct occurs while employed, a charter school must
2069 report the individual and the disqualifying circumstances to the
2070 department for inclusion on the disqualification list maintained
2071 pursuant to s. 1001.10(4)(b).

2072 3. The governing board of a charter school shall adopt
2073 policies establishing standards of ethical conduct for
2074 educational support employees, instructional personnel, and
2075 school administrators. The policies must require all educational
2076 support employees, instructional personnel, and school
2077 administrators, as defined in s. 1012.01, to complete training
2078 on the standards; establish the duty of educational support
2079 employees, instructional personnel, and school administrators to
2080 report, and procedures for reporting, alleged misconduct that
2081 affects the health, safety, or welfare of a student; and include
2082 an explanation of the liability protections provided under ss.
2083 39.203 and 768.095. A charter school, or any of its employees,
2084 may not enter into a confidentiality agreement regarding
2085 terminated or dismissed educational support employees,
2086 instructional personnel, or school administrators, or employees,
2087 personnel, or administrators who resign in lieu of termination,
2088 based in whole or in part on misconduct that affects the health,

28-01064A-22

2022848

2089 safety, or welfare of a student, and may not provide employees,
2090 personnel, or administrators with employment references or
2091 discuss the employees', personnel's, or administrators'
2092 performance with prospective employers in another educational
2093 setting, without disclosing the employees', personnel's, or
2094 administrators' misconduct. Any part of an agreement or contract
2095 that has the purpose or effect of concealing misconduct by
2096 educational support employees, instructional personnel, or
2097 school administrators which affects the health, safety, or
2098 welfare of a student is void, is contrary to public policy, and
2099 may not be enforced.

2100 4. Before employing an individual in any position that
2101 requires direct contact with students, a charter school shall
2102 conduct employment history checks of each individual through use
2103 of the educator screening tools described in s. 1001.10(5), and
2104 document the findings. If unable to contact a previous employer,
2105 the charter school must document efforts to contact the
2106 employer.

2107 5. The sponsor of a charter school that knowingly fails to
2108 comply with this paragraph shall terminate the charter under
2109 subsection (8).

2110 Reviser's note.—Amended to confirm an editorial insertion to
2111 improve clarity.

2112 Section 73. Paragraph (f) of subsection (3) of section
2113 1002.37, Florida Statutes, is amended to read:

2114 1002.37 The Florida Virtual School.—

2115 (3) Funding for the Florida Virtual School shall be
2116 provided as follows:

2117 (f) The Florida Virtual School shall receive state funds

28-01064A-22

2022848

2118 for operating purposes as provided in the General Appropriations
2119 Act. The calculation to determine the amount of state funds
2120 includes: the sum of the base Florida Education Finance Program
2121 funding, the state-funded discretionary contribution and a per-
2122 full-time equivalent share of the discretionary millage
2123 compression supplement, the exceptional student education
2124 guaranteed allocation, the instructional materials allocation,
2125 the evidence-based ~~research-based~~ reading instruction
2126 allocation, the mental health assistance allocation, and the
2127 teacher salary increase allocation. For the purpose of
2128 calculating the state-funded discretionary contribution,
2129 multiply the maximum allowable nonvoted discretionary millage
2130 for operations pursuant to s. 1011.71(1) and (3) by the value of
2131 96 percent of the current year's taxable value for school
2132 purposes for the state; divide the result by the total full-time
2133 equivalent membership of the state; and multiply the result by
2134 the full-time equivalent membership of the school. Funds may not
2135 be provided for the purpose of fulfilling the class size
2136 requirements in ss. 1003.03 and 1011.685.

2137 Reviser's note.—Amended to conform to ch. 2021-9, Laws of
2138 Florida, which renamed the "research-based reading
2139 instruction allocation" as the "evidence-based reading
2140 instruction allocation."

2141 Section 74. Paragraph (r) of subsection (1) of section
2142 1002.421, Florida Statutes, is amended to read:

2143 1002.421 State school choice scholarship program
2144 accountability and oversight.—

2145 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
2146 school participating in an educational scholarship program

28-01064A-22

2022848__

2147 established pursuant to this chapter must be a private school as
2148 defined in s. 1002.01(2) in this state, be registered, and be in
2149 compliance with all requirements of this section in addition to
2150 private school requirements outlined in s. 1002.42, specific
2151 requirements identified within respective scholarship program
2152 laws, and other provisions of Florida law that apply to private
2153 schools, and must:

2154 (r) Prohibit education support employees, instructional
2155 personnel, and school administrators from employment in any
2156 position that requires direct contact with students if the
2157 personnel or administrators are ineligible for such employment
2158 pursuant to this section or s. 1012.315, or have been terminated
2159 or have resigned in lieu of termination for sexual misconduct
2160 with a student. If the prohibited conduct occurs subsequent to
2161 employment, the private school must report the person and the
2162 disqualifying circumstances to the department for inclusion on
2163 the disqualification list maintained pursuant to s.
2164 1001.10(4)(b).

2165
2166 The department shall suspend the payment of funds to a private
2167 school that knowingly fails to comply with this subsection, and
2168 shall prohibit the school from enrolling new scholarship
2169 students, for 1 fiscal year and until the school complies. If a
2170 private school fails to meet the requirements of this subsection
2171 or has consecutive years of material exceptions listed in the
2172 report required under paragraph (q), the commissioner may
2173 determine that the private school is ineligible to participate
2174 in a scholarship program.

2175 Reviser's note.—Amended to confirm an editorial insertion to

28-01064A-22

2022848

2176 improve clarity.

2177 Section 75. Paragraph (a) of subsection (3) of section
2178 1002.82, Florida Statutes, is amended to read:

2179 1002.82 Department of Education; powers and duties.—

2180 (3) (a) The department shall adopt performance standards and
2181 outcome measures for early learning coalitions that, at a
2182 minimum, include the development of objective and statistically
2183 valid customer service surveys by a state university or ~~of~~ other
2184 independent researcher with specific expertise in customer
2185 service survey development. The survey shall be deployed
2186 beginning in fiscal year 2022-2023 and be distributed to:

2187 1. Customers who use the services in s. 1002.92 upon the
2188 completion of a referral inquiry.

2189 2. Parents, annually, at the time of eligibility
2190 determination.

2191 3. Child care providers that participate in the school
2192 readiness program or the Voluntary Prekindergarten Education
2193 Program at the time of execution of the statewide provider
2194 contract.

2195 4. Board members required under s. 1002.83.

2196 Reviser's note.—Amended to confirm an editorial substitution to
2197 conform to context.

2198 Section 76. Paragraph (c) of subsection (3) of section
2199 1003.4203, Florida Statutes, is amended to read:

2200 1003.4203 Digital materials, CAPE Digital Tool
2201 certificates, and technical assistance.—

2202 (3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall
2203 identify, in the CAPE Industry Certification Funding List under
2204 ss. 1003.492 and 1008.44, CAPE Digital Tool certificates that

28-01064A-22

2022848

2205 indicate a student's digital skills. The department shall notify
2206 each school district when the certificates are available. The
2207 certificates shall be made available to all public elementary
2208 and middle grades students.

2209 (c) The Legislature intends that ~~by July 1, 2018~~, on an
2210 annual basis, at least 75 percent of public middle grades
2211 students earn at least one CAPE Digital Tool certificate.
2212 Reviser's note.—Amended to delete obsolete language.

2213 Section 77. Paragraph (d) of subsection (3) of section
2214 1003.4282, Florida Statutes, is amended to read:

2215 1003.4282 Requirements for a standard high school diploma.—

2216 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
2217 REQUIREMENTS.—

2218 (d) *Three credits in social studies.*—A student must earn
2219 one credit in United States History; one credit in World
2220 History; one-half credit in economics; and one-half credit in
2221 United States Government, which must include a comparative
2222 discussion of political ideologies, such as communism and
2223 totalitarianism, that conflict with the principles of freedom
2224 and democracy essential to the founding principles of the United
2225 States. The United States History EOC assessment constitutes 30
2226 percent of the student's final course grade. Beginning with the
2227 2021-2022 school year, students taking the United States
2228 Government course are required to take the assessment of civic
2229 literacy identified by the State Board of Education pursuant to
2230 s. 1007.25(5) ~~1007.25(4)~~. Students earning a passing score on
2231 the assessment are exempt from the postsecondary civic literacy
2232 assessment required by s. 1007.25(5) ~~1007.25(4)~~.

2233 Reviser's note.—Amended to conform to the fact that s.

28-01064A-22

2022848

2234 1007.25(5) relates to demonstration of competency in civic
2235 literacy; s. 1007.25(4) relates to the identified digital
2236 credential regarding competency in general education
2237 courses.

2238 Section 78. Paragraph (a) of subsection (2) of section
2239 1003.5716, Florida Statutes, is amended to read:

2240 1003.5716 Transition to postsecondary education and career
2241 opportunities.—All students with disabilities who are 3 years of
2242 age to 21 years of age have the right to a free, appropriate
2243 public education. As used in this section, the term "IEP" means
2244 individual education plan.

2245 (2) Beginning not later than the first IEP to be in effect
2246 when the student enters high school, attains the age of 14, or
2247 when determined appropriate by the parent and the IEP team,
2248 whichever occurs first, the IEP must include the following
2249 statements that must be updated annually:

2250 (a) A statement of intent to pursue a standard high school
2251 diploma and a Scholar or Merit designation, pursuant to s.
2252 1003.4285, as determined by the parent.

2253 1. The statement must document discussion of the process
2254 for a student with a disability who meets the requirements for a
2255 standard high school diploma to defer the receipt of such
2256 diploma pursuant to s. 1003.4282(9)(c) ~~1003.4282(10)(e)~~.

2257 2. For the IEP in effect at the beginning of the school
2258 year the student is expected to graduate, the statement must
2259 include a signed statement by the parent, the guardian, or the
2260 student, if the student has reached the age of majority and
2261 rights have transferred to the student, that he or she
2262 understands the process for deferment and identifying if the

28-01064A-22

2022848

2263 student will defer the receipt of his or her standard high
2264 school diploma.

2265 Reviser's note.—Amended to conform to the redesignation of s.
2266 1003.4282(10)(c) as s. 1003.4282(9)(c) necessitated by the
2267 repeal of former s. 1003.4282(9) by s. 12, ch. 2021-52,
2268 Laws of Florida.

2269 Section 79. Subsection (6) of section 1004.015, Florida
2270 Statutes, is amended to read:

2271 1004.015 Florida Talent Development Council.—

2272 (6) The council shall coordinate, facilitate, and
2273 communicate statewide efforts to meet supply and demand needs
2274 for the state's health care workforce. Annually, beginning
2275 December 1, 2021, the council shall report on the implementation
2276 of this subsection and any other relevant information on the
2277 Florida Talent Development ~~Developmental~~ Council's web page
2278 located on the Department of Economic Opportunity's website. To
2279 support the efforts of the council, the Board of Governors and
2280 the State Board of Education shall:

2281 (a) Conduct a statistically valid biennial data-driven gap
2282 analysis of the supply and demand of the health care workforce.
2283 Demand must align with the Labor Market Estimating Conference
2284 created in s. 216.136.

2285 (b) Provide 10-year trend information on nursing education
2286 programs subject to the requirements of s. 464.019. The
2287 Department of Health, the Board of Governors, the State Board of
2288 Education, the Commission for Independent Education, the
2289 Independent Colleges and Universities of Florida, and
2290 postsecondary institutions participating in a state grant
2291 program under s. 1009.89 or s. 1009.891, shall provide data on:

28-01064A-22

2022848

- 2292 1. The number and type of programs and student slots
2293 available.
- 2294 2. The number of student applications submitted, the number
2295 of qualified student applicants, and the number of students
2296 accepted.
- 2297 3. The number of program graduates.
- 2298 4. Program retention rates of students tracked from program
2299 entry to graduation.
- 2300 5. Graduate passage rates on and the number of times each
2301 graduate took the National Council of State Boards of Nursing
2302 Licensing Examination.
- 2303 6. The number of graduates who become employed as practical
2304 or professional nurses in the state.
- 2305 7. The educational advancement of nurses through career
2306 pathways by comparing their initial degree to the highest degree
2307 they obtained for the preceding 10 years.
- 2308 (c) Develop a survey for use by the Department of Health,
2309 the Commission for Independent Education, the Independent
2310 Colleges and Universities of Florida, and postsecondary
2311 institutions participating in a state grant program under s.
2312 1009.89 or s. 1009.891, to collect data required under paragraph
2313 (b). The survey must include, but is not limited to, a student's
2314 age, gender, race, ethnicity, veteran status, wage, employer
2315 information, loan debt, and retirement expectations.
- 2316 Reviser's note.—Amended to confirm an editorial substitution to
2317 conform to the correct name of the council as referenced in
2318 s. 1004.015, which creates it.
- 2319 Section 80. Paragraph (g) of subsection (3) of section
2320 1004.097, Florida Statutes, is amended to read:

28-01064A-22

2022848

2321 1004.097 Free expression on campus.—
2322 (3) RIGHT TO FREE-SPEECH ACTIVITIES.—
2323 (g) Notwithstanding s. 934.03 and subject to the
2324 protections provided in the Family Educational Rights and
2325 Privacy Act of 1974, 20 U.S.C. s. 1232g, and ss. 1002.22 and
2326 1002.225, a student may record video or audio of class lectures
2327 for his or her ~~their~~ own personal educational use, in connection
2328 with a complaint to the public institution of higher education
2329 where the recording was made, or as evidence in, or in
2330 preparation for, a criminal or civil proceeding. A recorded
2331 lecture may not be published without the consent of the
2332 lecturer.
2333 Reviser's note.—Amended to conform to the immediately preceding
2334 context.
2335 Section 81. Paragraphs (a) and (f) of subsection (3) of
2336 section 1006.60, Florida Statutes, are amended to read:
2337 1006.60 Codes of conduct; disciplinary measures; rules or
2338 regulations.—
2339 (3) The codes of conduct shall be published on the Florida
2340 College System institution's or state university's website,
2341 protect the rights of all students, and, at minimum, provide the
2342 following due process protections to students and student
2343 organizations:
2344 (a) The right to timely written notice. The code must
2345 require that the institution or university provide a student or
2346 student organization with timely written notice of the student's
2347 or student organization's alleged violation of the code of
2348 conduct. The notice must include sufficient detail and be
2349 provided with sufficient time to prepare for any disciplinary

28-01064A-22

2022848

2350 proceeding.

2351 1. The written notice must include the allegations to be
2352 investigated; the citation to the specific provision of the code
2353 of conduct at issue; the process to be used in determining
2354 whether a violation has occurred and associated rights; and the
2355 date, time, and location of the disciplinary proceeding.

2356 2. The written notice is considered timely if it is
2357 provided at least 7 business days before the disciplinary
2358 proceeding and may be provided by delivery to the student's
2359 institutional e-mail address and, if the student is under 18
2360 years of age, to the student's parent or to the student
2361 organization's e-mail address.

2362 3. At least 5 business days before the disciplinary
2363 proceeding, the institution or university must provide the
2364 student or student organization with:

2365 a. A listing of all known witnesses who ~~that~~ have provided,
2366 or will provide, information against the student or student
2367 organization.

2368 b. All known information relating to the allegation,
2369 including inculpatory and exculpatory information.

2370 (f) The right to an advisor or advocate who may not serve
2371 in any other role, including as an investigator, decider of
2372 fact, hearing officer, or member of a committee or panel
2373 convened to hear or decide the charge, or any appeal.

2374 Reviser's note.—Paragraph (a) is amended to confirm an editorial
2375 substitution to conform to context. Paragraph (f) is
2376 amended to improve clarity and correct sentence structure.

2377 Section 82. Paragraphs (b), (d), and (e) of subsection (5)
2378 and paragraph (c) of subsection (8) of section 1008.25, Florida

28-01064A-22

2022848

2379 Statutes, are amended to read:

2380 1008.25 Public school student progression; student support;
2381 screening and progress monitoring; reporting requirements.—

2382 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

2383 (b) A Voluntary Prekindergarten Education Program student
2384 who exhibits a substantial deficiency in early literacy skills
2385 in accordance with the standards under s. 1002.67(1)(a) and
2386 based upon the results of the administration of the final
2387 coordinated screening and progress monitoring under s. 1008.2125
2388 shall be referred to the local school district and may be
2389 eligible to receive intensive reading interventions before
2390 participating in kindergarten. Such intensive reading
2391 interventions shall be paid for using funds from the district's
2392 evidence-based ~~research-based~~ reading instruction allocation in
2393 accordance with s. 1011.62(8) ~~1011.62(9)~~.

2394 (d) The parent of any student who exhibits a substantial
2395 deficiency in reading, as described in paragraph (a), must be
2396 notified in writing of the following:

2397 1. That his or her child has been identified as having a
2398 substantial deficiency in reading, including a description and
2399 explanation, in terms understandable to the parent, of the exact
2400 nature of the student's difficulty in learning and lack of
2401 achievement in reading.

2402 2. A description of the current services that are provided
2403 to the child.

2404 3. A description of the proposed intensive interventions
2405 and supports that will be provided to the child that are
2406 designed to remediate the identified area of reading deficiency.

2407 4. That if the child's reading deficiency is not remediated

28-01064A-22

2022848

2408 by the end of grade 3, the child must be retained unless he or
2409 she is exempt from mandatory retention for good cause.

2410 5. Strategies, including multisensory strategies, through a
2411 read-at-home plan the parent can use in helping his or her child
2412 succeed in reading. The read-at-home plan must provide access to
2413 the resources identified in paragraph (e) ~~paragraph (d)~~.

2414 6. That the statewide, standardized English Language Arts
2415 assessment is not the sole determiner of promotion and that
2416 additional evaluations, portfolio reviews, and assessments are
2417 available to the child to assist parents and the school district
2418 in knowing when a child is reading at or above grade level and
2419 ready for grade promotion.

2420 7. The district's specific criteria and policies for a
2421 portfolio as provided in subparagraph (6)(b)4. and the evidence
2422 required for a student to demonstrate mastery of Florida's
2423 academic standards for English Language Arts. A school must
2424 immediately begin collecting evidence for a portfolio when a
2425 student in grade 3 is identified as being at risk of retention
2426 or upon the request of the parent, whichever occurs first.

2427 8. The district's specific criteria and policies for
2428 midyear promotion. Midyear promotion means promotion of a
2429 retained student at any time during the year of retention once
2430 the student has demonstrated ability to read at grade level.

2431 9. Information about the student's eligibility for the New
2432 Worlds Reading Initiative under s. 1003.485 and information on
2433 parent training modules and other reading engagement resources
2434 available through the initiative.

2435
2436 After initial notification, the school shall apprise the parent

28-01064A-22

2022848

2437 at least monthly of the student's progress in response to the
2438 intensive interventions and supports. Such communications must
2439 be in writing and must explain any additional interventions or
2440 supports that will be implemented to accelerate the student's
2441 progress if the interventions and supports already being
2442 implemented have not resulted in improvement.

2443 (e) The Department of Education shall compile resources
2444 that each school district must incorporate into a read-at-home
2445 plan provided to the parent of a student who is identified as
2446 having a substantial reading deficiency pursuant to paragraph
2447 (d) ~~paragraph (e)~~. The resources must be made available in an
2448 electronic format that is accessible online and must include the
2449 following:

2450 1. Developmentally appropriate, evidence-based strategies
2451 and programming, including links to video training modules and
2452 opportunities to sign up for at-home reading tips delivered
2453 periodically via text and e-mail, which a parent can use to help
2454 improve his or her child's literacy skills.

2455 2. An overview of the types of assessments used to identify
2456 reading deficiencies and what those assessments measure or do
2457 not measure, the frequency with which the assessments are
2458 administered, and the requirements for interventions and
2459 supports that districts must provide to students who do not make
2460 adequate academic progress.

2461 3. An overview of the process for initiating and conducting
2462 evaluations for exceptional education eligibility. The overview
2463 must include an explanation that a diagnosis of a medical
2464 condition alone is not sufficient to establish exceptional
2465 education eligibility but may be used to document how that

28-01064A-22

2022848

2466 condition relates to the student's eligibility determination and
2467 may be disclosed in an eligible student's individual education
2468 plan when necessary to inform school personnel responsible for
2469 implementing the plan.

2470 4. Characteristics of conditions associated with learning
2471 disorders, including dyslexia, dysgraphia, dyscalculia, and
2472 developmental aphasia.

2473 5. A list of resources that support informed parent
2474 involvement in decisionmaking processes for students who have
2475 difficulty in learning.

2476

2477 Upon the request of a parent, resources meeting the requirements
2478 of this paragraph must be provided to the parent in a hardcopy
2479 format.

2480 (8) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

2481 (c) A Voluntary Prekindergarten Education Program student
2482 who is at risk of being identified as having a substantial
2483 deficiency in early literacy skills, based upon results under
2484 this subsection, must be referred to the school district in
2485 which he or she resides and may be eligible to receive early
2486 literacy instruction and interventions after program completion
2487 and before participating in kindergarten. Such instruction and
2488 interventions may be paid for using funds from the school
2489 district's evidence-based reading instruction allocation in
2490 accordance with s. 1011.62(8) ~~1011.62(9)~~.

2491 Reviser's note.—Paragraph (5) (b) is amended to conform to s. 18,
2492 ch. 2021-9, Laws of Florida, which renamed the "research-
2493 based reading instruction allocation" as the "evidence-
2494 based research instruction allocation," and to correct a

28-01064A-22

2022848

2495 cross-reference to conform to the deletion of former s.
2496 1011.62(8) by s. 3, ch. 2021-44. Paragraphs (5)(d) and (e)
2497 are amended to correct cross-references to conform to the
2498 addition of a new paragraph (b) by s. 66, ch. 2021-10, Laws
2499 of Florida. Paragraph (8)(c) is amended to correct a cross-
2500 reference to conform to the deletion of former s.

2501 1011.62(8) by s. 3, ch. 2021-44.

2502 Section 83. Paragraph (b) of subsection (3) of section
2503 1008.30, Florida Statutes, is amended to read:

2504 1008.30 Assessing college-level communication and
2505 computation skills for public postsecondary education.—

2506 (3) The rules adopted under subsection (2) must specify the
2507 following:

2508 (b) A student who is assessed for readiness for college-
2509 level ~~computation and communication~~ and computation and whose
2510 assessment results indicate a need for developmental education
2511 must be advised of all the developmental education options
2512 offered at the institution and, after advisement, may enroll in
2513 the developmental education option of his or her choice.

2514 Reviser's note.—Amended to conform to ch. 2021-162, Laws of
2515 Florida, which substituted the words "communication and
2516 computation" for references to the words "computation and
2517 communication" as those words relate to education.

2518 Section 84. Paragraph (c) of subsection (1) of section
2519 1008.31, Florida Statutes, is amended to read:

2520 1008.31 Florida's Early Learning-20 education performance
2521 accountability system; legislative intent; mission, goals, and
2522 systemwide measures; data quality improvements.—

2523 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature

28-01064A-22

2022848

2524 that:

2525 (c) The Early Learning-20 ~~K-20~~ education performance
2526 accountability system comply with the requirements of the "No
2527 Child Left Behind Act of 2001," Pub. L. No. 107-110, and the
2528 Individuals with Disabilities Education Act (IDEA).
2529 Reviser's note.—Amended to conform to s. 67, ch. 2021-10, Laws
2530 of Florida, and to provide consistent terminology with the
2531 rest of this section.

2532 Section 85. Paragraph (c) of subsection (5) of section
2533 1008.365, Florida Statutes, is amended to read:

2534 1008.365 Reading Achievement Initiative for Scholastic
2535 Excellence Act.—

2536 (5) The department shall provide progress monitoring data
2537 to regional support teams regarding the implementation of
2538 supports. Such supports must include:

2539 (c) Evaluating a school's improvement plan for alignment
2540 with the school district's K-12 comprehensive reading plan under
2541 s. 1011.62(8) ~~(d) 1011.62(9)(d)~~ and the school district's
2542 allocation of resources as required by s. 1008.25(3)(a). If the
2543 regional support team determines that the school district's
2544 reading plan does not address the school's need to improve
2545 student outcomes, the regional literacy support director, the
2546 district school superintendent, or his or her designee, and the
2547 director of the Just Read, Florida! Office shall convene a
2548 meeting to rectify the deficiencies of the reading plan.

2549 Reviser's note.—Amended to conform to the redesignation of s.

2550 1011.62(9) as s. 1011.62(8) by s. 3, ch. 2021-44, Laws of
2551 Florida.

2552 Section 86. Paragraph (b) of subsection (14) and paragraph

28-01064A-22

2022848__

2553 (a) of subsection (15) of section 1011.62, Florida Statutes, are
2554 amended to read:

2555 1011.62 Funds for operation of schools.—If the annual
2556 allocation from the Florida Education Finance Program to each
2557 district for operation of schools is not determined in the
2558 annual appropriations act or the substantive bill implementing
2559 the annual appropriations act, it shall be determined as
2560 follows:

2561 (14) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
2562 assistance allocation is created to provide funding to assist
2563 school districts in establishing or expanding school-based
2564 mental health care; train educators and other school staff in
2565 detecting and responding to mental health issues; and connect
2566 children, youth, and families who may experience behavioral
2567 health issues with appropriate services. These funds shall be
2568 allocated annually in the General Appropriations Act or other
2569 law to each eligible school district. Each school district shall
2570 receive a minimum of \$100,000, with the remaining balance
2571 allocated based on each school district's proportionate share of
2572 the state's total unweighted full-time equivalent student
2573 enrollment. Charter schools that submit a plan separate from the
2574 school district are entitled to a proportionate share of
2575 district funding. The allocated funds may not supplant funds
2576 that are provided for this purpose from other operating funds
2577 and may not be used to increase salaries or provide bonuses.
2578 School districts are encouraged to maximize third-party health
2579 insurance benefits and Medicaid claiming for services, where
2580 appropriate.

2581 (b) The plans required under paragraph (a) must be focused

28-01064A-22

2022848

2582 on a multitiered system of supports to deliver evidence-based
2583 mental health care assessment, diagnosis, intervention,
2584 treatment, and recovery services to students with one or more
2585 mental health or co-occurring substance abuse diagnoses and to
2586 students at high risk of such diagnoses. The provision of these
2587 services must be coordinated with a student's primary mental
2588 health care provider and with other mental health providers
2589 involved in the student's care. At a minimum, the plans must
2590 include the following elements:

2591 1. Direct employment of school-based mental health services
2592 providers to expand and enhance school-based student services
2593 and to reduce the ratio of students to staff in order to better
2594 align with nationally recommended ratio models. These providers
2595 include, but are not limited to, certified school counselors,
2596 school psychologists, school social workers, and other licensed
2597 mental health professionals. The plan also must identify
2598 strategies to increase the amount of time that school-based
2599 student services personnel spend providing direct services to
2600 students, which may include the review and revision of district
2601 staffing resource allocations based on school or student mental
2602 health assistance needs.

2603 2. Contracts or interagency agreements with one or more
2604 local community behavioral health providers or providers of
2605 Community Action Team services to provide a behavioral health
2606 staff presence and services at district schools. Services may
2607 include, but are not limited to, mental health screenings and
2608 assessments, individual counseling, family counseling, group
2609 counseling, psychiatric or psychological services, trauma-
2610 informed care, mobile crisis services, and behavior

28-01064A-22

2022848

2611 modification. These behavioral health services may be provided
2612 on or off the school campus and may be supplemented by
2613 telehealth.

2614 3. Policies and procedures, including contracts with
2615 service providers, which will ensure that students who are
2616 referred to a school-based or community-based mental health
2617 service provider for mental health screening for the
2618 identification of mental health concerns and ensure that the
2619 assessment of students at risk for mental health disorders
2620 occurs within 15 days of referral. School-based mental health
2621 services must be initiated within 15 days after identification
2622 and assessment, and support by community-based mental health
2623 service providers for students who are referred for community-
2624 based mental health services must be initiated within 30 days
2625 after the school or district makes a referral.

2626 4. Strategies or programs to reduce the likelihood of at-
2627 risk students developing social, emotional, or behavioral health
2628 problems, depression, anxiety disorders, suicidal tendencies, or
2629 substance use disorders.

2630 5. Strategies to improve the early identification of
2631 social, emotional, or behavioral problems or substance use
2632 disorders, to improve the provision of early intervention
2633 services, and to assist students in dealing with trauma and
2634 violence.

2635 6. Procedures to assist a mental health services provider
2636 or a behavioral health provider as described in subparagraph 1.
2637 or subparagraph 2., respectively, or a school resource officer
2638 or school safety officer who has completed mental health crisis
2639 intervention training in attempting to verbally de-escalate a

28-01064A-22

2022848

2640 student's crisis situation before initiating an involuntary
2641 examination pursuant to s. 394.463. Such procedures must include
2642 strategies to de-escalate a crisis situation for a student with
2643 a developmental disability as that term is defined in s.
2644 393.063.

2645 7. Policies of the school district which must require that
2646 in a student crisis situation, school or law enforcement
2647 personnel must make a reasonable attempt to contact a mental
2648 health professional who may initiate an involuntary examination
2649 pursuant to s. 394.463, unless the child poses an imminent
2650 danger to themselves or others, before initiating an involuntary
2651 examination pursuant to s. 394.463. Such contact may be in
2652 person or using telehealth as defined in s. 456.47. The mental
2653 health professional may be available to the school district
2654 either by contracts or interagency agreements with the managing
2655 entity, one or more local community behavioral health providers,
2656 or the local mobile response team or be a direct or contracted
2657 school district employee.

2658 (15) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The
2659 Legislature may provide an annual funding compression and hold
2660 harmless allocation in the General Appropriations Act. The
2661 allocation is created to provide additional funding to school
2662 districts if the school district's total funds per FTE in the
2663 prior year were less than the statewide average or if the school
2664 district's district cost differential in the current year is
2665 less than the prior year. The total allocation shall be
2666 distributed to eligible school districts as follows:

2667 (a) Using the most recent prior year FEFP calculation for
2668 each eligible school district, subtract the total school

28-01064A-22

2022848

2669 district funds per FTE from the state average funds per FTE, not
2670 including any adjustments made pursuant to paragraph (17) (b)
2671 ~~paragraph (19) (b)~~. The resulting funds per FTE difference, or a
2672 portion thereof, as designated in the General Appropriations
2673 Act, shall then be multiplied by the school district's total
2674 unweighted FTE.

2675
2676 This subsection expires July 1, 2022.

2677 Reviser's note.—Paragraph (14) (b) is amended to improve clarity
2678 and conform to context. Paragraph (15) (a) is amended to
2679 confirm an editorial substitution to conform to the
2680 deletion of former subsections (8) and (11) by s. 3, ch.
2681 2021-44, Laws of Florida.

2682 Section 87. Paragraph (a) of subsection (3) of section
2683 1011.802, Florida Statutes, is amended to read:

2684 1011.802 Florida Pathways to Career Opportunities Grant
2685 Program.—

2686 (3) (a) The department shall award grants for
2687 preapprenticeship or apprenticeship programs with demonstrated
2688 regional demand that:

2689 1. Address a critical statewide or regional shortage as
2690 identified by the Labor Market Estimating Conference created in
2691 s. 216.136 and ~~that~~ are industry sectors not adequately
2692 represented throughout the state, such as health care;

2693 2. Address a critical statewide or regional shortage as
2694 identified by the Labor Market Estimating Conference created in
2695 s. 216.136; or

2696 3. Expand existing programs that exceed the median
2697 completion rate and employment rate 1 year after completion of

28-01064A-22

2022848

2698 similar programs in the region, or the state if there are no
2699 similar programs in the region.

2700 Reviser's note.—Amended to confirm an editorial deletion to
2701 improve sentence structure.

2702 Section 88. Subsection (3) of section 1012.976, Florida
2703 Statutes, is amended to read:

2704 1012.976 Remuneration of state university employees;
2705 limitations.—

2706 (3) EXCEPTIONS.—This section does not prohibit any party
2707 from providing cash or cash-equivalent compensation from funds
2708 that are not appropriated state funds to a state university
2709 employee in excess of the limit in subsection (2). If a party is
2710 unable or unwilling to fulfill an obligation to provide cash or
2711 cash-equivalent compensation to a state university employee as
2712 permitted under this subsection, appropriated state funds may
2713 not be used to fulfill such obligation. This section does not
2714 apply to university teaching faculty in instructional programs
2715 classified as Computer Information Sciences and Support
2716 Services; Engineering; Engineering Technologies and Engineering-
2717 Related Fields; Florida Mental Health Institute; Health
2718 Professions and Related Programs; Homeland Security, Law
2719 Enforcement, Firefighting, and Related Fields; Mathematics;
2720 Nursing; or Physical Sciences; or to medical school faculty or
2721 staff.

2722 Reviser's note.—Amended to confirm editorial insertions to
2723 improve clarity and sentence structure.

2724 Section 89. This act shall take effect on the 60th day
2725 after adjournment sine die of the session of the Legislature in
2726 which enacted.