

By Senator Mayfield

19-01965-23

202332__

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 8.0001, 10.201, 11.45, 14.2019, 16.71, 16.713, 16.715,
 4 20.03, 22.03, 23.21, 24.103, 28.2457, 39.0016, 39.101,
 5 44.1011, 45.011, 61.046, 83.43, 83.803, 90.5015,
 6 90.801, 97.021, 98.065, 101.019, 101.292, 101.69,
 7 106.08, 110.123, 110.501, 112.044, 112.0455, 112.061,
 8 112.19, 112.26, 112.3144, 112.3187, 112.352, 112.353,
 9 112.361, 112.625, 116.34, 121.021, 121.051, 125.0104,
 10 125.488, 159.47, 163.32051, 166.0484, 175.261,
 11 185.221, 205.022, 215.5551, 216.011, 251.001, 252.35,
 12 282.319, 287.012, 287.057, 288.101, 288.9625, 290.007,
 13 295.0185, 295.061, 322.051, 322.21, 327.371, 327.4108,
 14 331.303, 331.3101, 332.0075, 337.023, 348.0305,
 15 373.0363, 377.814, 379.2273, 381.00319, 381.0065,
 16 383.145, 394.4573, 394.459, 394.9086, 395.1041,
 17 395.1065, 400.141, 401.23, 409.1465, 409.147,
 18 409.1664, 409.2557, 409.2564, 409.912, 414.1251,
 19 415.102, 440.02, 440.14, 440.151, 440.385, 440.525,
 20 455.32, 456.048, 456.076, 468.603, 471.038, 491.003,
 21 491.0045, 491.009, 497.260, 550.002, 550.01215,
 22 550.2625, 553.895, 560.141, 624.36, 626.321, 626.9891,
 23 695.031, 705.101, 718.501, 719.501, 720.304, 741.313,
 24 744.2111, 766.105, 768.28, 796.07, 815.062, 907.044,
 25 943.10, 943.13, 946.502, 951.23, 960.0021, 961.06,
 26 985.26, 1000.21, 1001.11, 1001.60, 1002.01, 1002.20,
 27 1002.3105, 1002.33, 1002.37, 1002.394, 1002.42,
 28 1002.43, 1002.455, 1003.01, 1003.03, 1003.21, 1003.26,
 29 1003.4282, 1003.485, 1003.52, 1003.573, 1003.575,

19-01965-23

202332__

30 1004.22, 1004.43, 1004.447, 1004.648, 1004.6496,
 31 1004.65, 1004.79, 1006.0626, 1006.07, 1006.1493,
 32 1006.28, 1006.73, 1007.33, 1008.24, 1008.47, 1009.21,
 33 1009.286, 1009.89, 1009.895, and 1012.2315, F.S.;
 34 deleting provisions that have expired, have become
 35 obsolete, have had their effect, have served their
 36 purpose, or have been impliedly repealed or
 37 superseded; replacing incorrect cross-references and
 38 citations; correcting grammatical, typographical, and
 39 like errors; removing inconsistencies, redundancies,
 40 and unnecessary repetition in the statutes; and
 41 improving the clarity of the statutes and facilitating
 42 their correct interpretation; providing effective
 43 dates.

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

47 Section 1. Paragraph (b) of subsection (2) of section
 48 8.0001, Florida Statutes, is amended to read:

49 8.0001 Definitions.—In accordance with s. 8(a), Art. X of
 50 the State Constitution, the United States Decennial Census of
 51 2020 is the official census of the state for the purposes of
 52 congressional redistricting.

53 (2) As used in this chapter, the term:

54 (b) "Block equivalency file" describes a list of all blocks
 55 within the state and the congressional district number
 56 designated for each block. Blocks are listed by a 15-character
 57 number that combines the five-character county-level Federal
 58 Information Processing Standards (FIPS) code, the six-character

19-01965-23

202332

59 tract number with leading zeros and an implied decimal, the
60 single-character block group number, and the three-character
61 block number.

62 Reviser's note.—Amended to confirm an editorial insertion to
63 conform to the complete name of the standards and
64 guidelines for federal computer systems that are developed
65 by the National Institute of Standards and Technology.

66 Section 2. Paragraph (b) of subsection (3) of section
67 10.201, Florida Statutes, is amended to read:

68 10.201 Official census for apportionment; definitions.—

69 (3) As used in this joint resolution, the term:

70 (b) "Block equivalency file" describes a list of all blocks
71 within the state and the representative or senatorial district
72 number designated for each block. Blocks are listed by a 15-
73 character number that combines the five-character county-level
74 Federal Information Processing Standards ~~System~~ (FIPS) code, the
75 six-character tract number with leading zeros and an implied
76 decimal, the single-character block group number, and the three-
77 character block number.

78 Reviser's note.—Amended to confirm an editorial substitution to
79 conform to the correct name of the standards and guidelines
80 for federal computer systems that are developed by the
81 National Institute of Standards and Technology.

82 Section 3. Paragraph (k) of subsection (2) of section
83 11.45, Florida Statutes, is amended to read:

84 11.45 Definitions; duties; authorities; reports; rules.—

85 (2) DUTIES.—The Auditor General shall:

86 (k) Contact each district school board, as defined in s.
87 1003.01(7) ~~1003.01(1)~~, with the findings and recommendations

19-01965-23

202332

88 contained within the Auditor General's previous operational
 89 audit report. The district school board shall provide the
 90 Auditor General with evidence of the initiation of corrective
 91 action within 45 days after the date it is requested by the
 92 Auditor General and evidence of completion of corrective action
 93 within 180 days after the date it is requested by the Auditor
 94 General. If the district school board fails to comply with the
 95 Auditor General's request or is unable to take corrective action
 96 within the required timeframe, the Auditor General shall notify
 97 the Legislative Auditing Committee.

98
 99 The Auditor General shall perform his or her duties
 100 independently but under the general policies established by the
 101 Legislative Auditing Committee. This subsection does not limit
 102 the Auditor General's discretionary authority to conduct other
 103 audits or engagements of governmental entities as authorized in
 104 subsection (3).

105 Reviser's note.—Amended to conform to the reordering of
 106 definitions in s. 1003.01 by this act.

107 Section 4. Subsection (5) of section 14.2019, Florida
 108 Statutes, is amended to read:

109 14.2019 Statewide Office for Suicide Prevention.—

110 (5) The First Responders Suicide Deterrence Task Force, a
 111 task force as defined in s. 20.03(5) ~~20.03(8)~~, is created
 112 adjunct to the Statewide Office for Suicide Prevention.

113 (a) The purpose of the task force is to make
 114 recommendations on how to reduce the incidence of suicide and
 115 attempted suicide among employed or retired first responders in
 116 the state.

19-01965-23

202332

117 (b) The task force is composed of a representative of the
118 statewide office and a representative of each of the following
119 first responder organizations, nominated by the organization and
120 appointed by the Secretary of Children and Families:

- 121 1. The Florida Professional Firefighters Association.
- 122 2. The Florida Police Benevolent Association.
- 123 3. The Florida State Lodge of the Fraternal Order of
124 Police.
- 125 4. The Florida Sheriffs Association.
- 126 5. The Florida Police Chiefs Association.
- 127 6. The Florida Fire Chiefs' Association.

128 (c) The task force shall elect a chair from among its
129 membership. Except as otherwise provided, the task force shall
130 operate in a manner consistent with s. 20.052.

131 (d) The task force shall identify or make recommendations
132 on developing training programs and materials that would better
133 enable first responders to cope with personal life stressors and
134 stress related to their profession and foster an organizational
135 culture that:

- 136 1. Promotes mutual support and solidarity among active and
137 retired first responders.
- 138 2. Trains agency supervisors and managers to identify
139 suicidal risk among active and retired first responders.
- 140 3. Improves the use and awareness of existing resources
141 among active and retired first responders.
- 142 4. Educates active and retired first responders on suicide
143 awareness and help-seeking.

144 (e) The task force shall identify state and federal public
145 resources, funding and grants, first responder association

19-01965-23

202332

146 resources, and private resources to implement identified
147 training programs and materials.

148 (f) The task force shall report on its findings and
149 recommendations for training programs and materials to deter
150 suicide among active and retired first responders to the
151 Governor, the President of the Senate, and the Speaker of the
152 House of Representatives by each July 1, ~~beginning in 2021, and~~
153 through 2023.

154 (g) This subsection is repealed July 1, 2023.

155 Reviser's note.—The introductory paragraph to subsection (5) is
156 amended to conform to the reordering of definitions in s.
157 20.03 by this act. Paragraph (f) is amended to delete
158 obsolete language.

159 Section 5. Paragraph (b) of subsection (3) of section
160 16.71, Florida Statutes, is amended to read:

161 16.71 Florida Gaming Control Commission; creation;
162 meetings; membership.—

163 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.—

164 (b) The Governor may not solicit or request any
165 nominations, recommendations, or communications about potential
166 candidates for appointment to the commission from:

167 1. Any person that holds a permit or license issued under
168 chapter 550, or a license issued under chapter 551 or chapter
169 849; an officer, official, or employee of such permitholder or
170 licensee; or an ultimate equitable owner, as defined in s.
171 550.002(37) ~~550.002(36)~~, of such permitholder or licensee;

172 2. Any officer, official, employee, or other person with
173 duties or responsibilities relating to a gaming operation owned
174 by an Indian tribe that has a valid and active compact with the

19-01965-23

202332__

175 state; a contractor or subcontractor of such tribe or an entity
 176 employed, licensed, or contracted by such tribe; or an ultimate
 177 equitable owner, as defined in s. 550.002(37) ~~550.002(36)~~, of
 178 such entity; or

179 3. Any registered lobbyist for the executive or legislative
 180 branch who represents any person or entity identified in
 181 subparagraph 1. or subparagraph 2.

182 Reviser's note.—Amended to conform to the reordering of
 183 definitions in s. 550.002 by this act.

184 Section 6. Paragraphs (a) and (b) of subsection (2) of
 185 section 16.713, Florida Statutes, are amended to read:

186 16.713 Florida Gaming Control Commission; appointment and
 187 employment restrictions.—

188 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
 189 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
 190 COMMISSION.—

191 (a) A person may not, for the 2 years immediately preceding
 192 the date of appointment to or employment with the commission and
 193 while appointed to or employed with the commission:

194 1. Hold a permit or license issued under chapter 550 or a
 195 license issued under chapter 551 or chapter 849; be an officer,
 196 official, or employee of such permitholder or licensee; or be an
 197 ultimate equitable owner, as defined in s. 550.002(37)
 198 ~~550.002(36)~~, of such permitholder or licensee;

199 2. Be an officer, official, employee, or other person with
 200 duties or responsibilities relating to a gaming operation owned
 201 by an Indian tribe that has a valid and active compact with the
 202 state; be a contractor or subcontractor of such tribe or an
 203 entity employed, licensed, or contracted by such tribe; or be an

19-01965-23

202332

204 ultimate equitable owner, as defined in s. 550.002(37)
205 ~~550.002(36)~~, of such entity;

206 3. Be a registered lobbyist for the executive or
207 legislative branch, except while a commissioner or employee of
208 the commission when officially representing the commission or
209 unless the person registered as a lobbyist for the executive or
210 legislative branch while employed by a state agency as defined
211 in s. 110.107 during the normal course of his or her employment
212 with such agency and he or she has not lobbied on behalf of any
213 entity other than a state agency during the 2 years immediately
214 preceding the date of his or her appointment to or employment
215 with the commission; or

216 4. Be a bingo game operator or an employee of a bingo game
217 operator.

218 (b) A person is ineligible for appointment to or employment
219 with the commission if, within the 2 years immediately preceding
220 such appointment or employment, he or she violated paragraph (a)
221 or solicited or accepted employment with, acquired any direct or
222 indirect interest in, or had any direct or indirect business
223 association, partnership, or financial relationship with, or is
224 a relative of:

225 1. Any person or entity who is an applicant, licensee, or
226 registrant with the commission; or

227 2. Any officer, official, employee, or other person with
228 duties or responsibilities relating to a gaming operation owned
229 by an Indian tribe that has a valid and active compact with the
230 state; any contractor or subcontractor of such tribe or an
231 entity employed, licensed, or contracted by such tribe; or any
232 ultimate equitable owner, as defined in s. 550.002(37)

19-01965-23

202332__

233 ~~550.002(36)~~, of such entity.

234

235 For the purposes of this subsection, the term "relative" means a
 236 spouse, father, mother, son, daughter, grandfather, grandmother,
 237 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
 238 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
 239 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
 240 stepbrother, stepsister, half-brother, or half-sister.

241 Reviser's note.—Amended to conform to the reordering of
 242 definitions in s. 550.002 by this act.

243 Section 7. Paragraphs (b) and (c) of subsection (2) of
 244 section 16.715, Florida Statutes, are amended to read:

245 16.715 Florida Gaming Control Commission standards of
 246 conduct; ex parte communications.—

247 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

248 (b) A commissioner may not, for the 2 years immediately
 249 following the date of resignation or termination from the
 250 commission:

251 1. Hold a permit or license issued under chapter 550, or a
 252 license issued under chapter 551 or chapter 849; be an officer,
 253 official, or employee of such permitholder or licensee; or be an
 254 ultimate equitable owner, as defined in s. 550.002(37)
 255 ~~550.002(36)~~, of such permitholder or licensee;

256 2. Accept employment by or compensation from a business
 257 entity that, directly or indirectly, owns or controls a person
 258 regulated by the commission; from a person regulated by the
 259 commission; from a business entity which, directly or
 260 indirectly, is an affiliate or subsidiary of a person regulated
 261 by the commission; or from a business entity or trade

19-01965-23

202332

262 association that has been a party to a commission proceeding
263 within the 2 years preceding the member's resignation or
264 termination of service on the commission; or

265 3. Be a bingo game operator or an employee of a bingo game
266 operator.

267 (c) A person employed by the commission may not, for the 2
268 years immediately following the date of termination or
269 resignation from employment with the commission:

270 1. Hold a permit or license issued under chapter 550, or a
271 license issued under chapter 551 or chapter 849; be an officer,
272 official, or employee of such permitholder or licensee; or be an
273 ultimate equitable owner, as defined in s. 550.002(37)
274 ~~550.002(36)~~, of such permitholder or licensee; or

275 2. Be a bingo game operator or an employee of a bingo game
276 operator.

277 Reviser's note.—Amended to conform to the reordering of
278 definitions in s. 550.002 by this act.

279 Section 8. Subsections (1) through (6) and (8) through (12)
280 of section 20.03, Florida Statutes, are reordered and amended to
281 read:

282 20.03 Definitions.—To provide uniform nomenclature
283 throughout the structure of the executive branch, the following
284 definitions apply:

285 (3)~~(1)~~ "Cabinet" means collectively the Attorney General,
286 the Chief Financial Officer, and the Commissioner of
287 Agriculture, as specified in s. 4, Art. IV of the State
288 Constitution.

289 (8)~~(2)~~ "Department" means the principal administrative unit
290 within the executive branch of state government.

19-01965-23

202332

291 (9)~~(3)~~ "Examining and licensing board" means a board
292 authorized to grant and revoke licenses to engage in regulated
293 occupations.

294 (11)~~(4)~~ "Head of the department" means the individual under
295 whom or the board under which direct administration of the
296 department is placed by statute. Where direct administration of
297 a department is placed under an officer or board appointed by
298 and serving at the pleasure of the Governor, that officer or
299 board remains subject to the Governor's supervision and
300 direction.

301 (12)~~(5)~~ "Secretary" means an individual who is appointed by
302 the Governor to head a department and who is not otherwise named
303 in the State Constitution.

304 (10)~~(6)~~ "Executive director" means the chief administrative
305 employee or officer of a department headed by a board or by the
306 Governor and the Cabinet.

307 (5)~~(8)~~ "Committee" or "task force" means an advisory body
308 created without specific statutory enactment for a time not to
309 exceed 1 year or created by specific statutory enactment for a
310 time not to exceed 3 years and appointed to study a specific
311 problem and recommend a solution or policy alternative with
312 respect to that problem. Its existence terminates upon the
313 completion of its assignment.

314 (6)~~(9)~~ "Coordinating council" means an interdepartmental
315 advisory body created by law to coordinate programs and
316 activities for which one department has primary responsibility
317 but in which one or more other departments have an interest.

318 (4)~~(10)~~ "Commission," unless otherwise required by the
319 State Constitution, means a body created by specific statutory

19-01965-23

202332

320 enactment within a department, the office of the Governor, or
321 the Executive Office of the Governor and exercising limited
322 quasi-legislative or quasi-judicial powers, or both,
323 independently of the head of the department or the Governor.

324 (1)~~(11)~~ "Agency," as the context requires, means an
325 official, officer, commission, authority, council, committee,
326 department, division, bureau, board, section, or another unit or
327 entity of government.

328 (2)~~(12)~~ "Board of trustees," except with reference to the
329 board created in chapter 253, means a board created by specific
330 statutory enactment and appointed to function adjunctively to a
331 department, the Governor, or the Executive Office of the
332 Governor to administer public property or a public program.

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

335 Section 9. Subsections (1), (4), and (5) of section 22.03,
336 Florida Statutes, are reordered and amended to read:

337 22.03 Definitions.—Unless otherwise clearly required by the
338 context, as used in ss. 22.01-22.10:

339 (5)~~(1)~~ "Unavailable" means either that a vacancy in office
340 exists or that the lawful incumbent of the office is absent or
341 unable to exercise the powers and discharge the duties of the
342 office.

343 (1)~~(4)~~ "Attack" means any attack or series of attacks by an
344 enemy of the United States causing, or which may cause,
345 substantial damage or injury to civilian property or persons in
346 the United States in any manner by sabotage or by the use of
347 bombs, missiles, shellfire, or atomic, radiological, chemical,
348 bacteriological, or biological means or other weapons or

19-01965-23

202332

349 processes.

350 (4)~~(5)~~ "Political subdivision" includes counties, cities,
351 towns, villages, townships, districts, authorities, and other
352 public corporations and entities whether organized and existing
353 under charter or general law.

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

356 Section 10. Section 23.21, Florida Statutes, is reordered
357 and amended to read:

358 23.21 Definitions.—For purposes of this part:

359 (2)~~(1)~~ "Department" means a principal administrative unit
360 within the executive branch of state government as defined in
361 chapter 20 and includes the State Board of Administration, the
362 Executive Office of the Governor, the Fish and Wildlife
363 Conservation Commission, the Florida Commission on Offender
364 Review, the Agency for Health Care Administration, the State
365 Board of Education, the Board of Governors of the State
366 University System, the Justice Administrative Commission, the
367 capital collateral regional counsel, and separate budget
368 entities placed for administrative purposes within a department.

369 (3)~~(2)~~ "Paperwork burden" means the resources expended by
370 the entity providing information. Resources may include the
371 time, effort, or financial expenditure associated with reviewing
372 the instructions; acquiring, installing, and using technology to
373 obtain, compile, or report the information; searching data
374 sources; completing and reviewing the collected information; or
375 transmitting the required information to the requesting
376 department.

377 (1)~~(3)~~ "Collect information" means the obtaining, causing

19-01965-23

202332__

378 to be obtained, soliciting, or requiring the disclosure to third
379 parties of facts or opinions by or for a department, regardless
380 of form or format, calling for answers to identical questions
381 posed to, or identical reporting or recordkeeping requirements
382 imposed on, 10 or more persons, other than departments or
383 employees of this state.

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

386 Section 11. Subsections (2), (4), and (5) of section
387 24.103, Florida Statutes, are reordered and amended to read:

388 24.103 Definitions.—As used in this act:

389 (5)~~(2)~~ "Secretary" means the secretary of the department.

390 (2)~~(4)~~ "Major procurement" means a procurement for a
391 contract for the printing of tickets for use in any lottery
392 game, consultation services for the startup of the lottery, any
393 goods or services involving the official recording for lottery
394 game play purposes of a player's selections in any lottery game
395 involving player selections, any goods or services involving the
396 receiving of a player's selection directly from a player in any
397 lottery game involving player selections, any goods or services
398 involving the drawing, determination, or generation of winners
399 in any lottery game, the security report services provided for
400 in this act, or any goods and services relating to marketing and
401 promotion which exceed a value of \$25,000.

402 (4)~~(5)~~ "Retailer" means a person who sells lottery tickets
403 on behalf of the department pursuant to a contract.

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

406 Section 12. Subsection (2) of section 28.2457, Florida

19-01965-23

202332

407 Statutes, is amended to read:

408 28.2457 Mandatory monetary assessments.—

409 ~~(2) The clerks of the circuit court must collaborate with~~
410 ~~the state courts through the Florida Courts Technology~~
411 ~~Commission to prepare a plan to procure or develop a statewide~~
412 ~~electronic solution that will accurately identify all~~
413 ~~assessments mandated by statute. The plan must, at a minimum,~~
414 ~~address operational, technological, and fiscal considerations~~
415 ~~related to implementation of the electronic solution. The clerks~~
416 ~~must submit the plan to the President of the Senate and the~~
417 ~~Speaker of the House of Representatives by January 1, 2022.~~

418 Reviser's note.—Amended to delete an obsolete provision; the
419 referenced plan was submitted on January 1, 2022.

420 Section 13. Paragraph (b) of subsection (3) of section
421 39.0016, Florida Statutes, is amended to read:

422 39.0016 Education of abused, neglected, and abandoned
423 children; agency agreements; children having or suspected of
424 having a disability.—

425 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

426 (b)1. Each district school superintendent or dependency
427 court must appoint a surrogate parent for a child known to the
428 department who has or is suspected of having a disability, as
429 defined in s. 1003.01(9) ~~1003.01(3)~~, when:

430 a. After reasonable efforts, no parent can be located; or

431 b. A court of competent jurisdiction over a child under
432 this chapter has determined that no person has the authority
433 under the Individuals with Disabilities Education Act, including
434 the parent or parents subject to the dependency action, or that
435 no person has the authority, willingness, or ability to serve as

19-01965-23

202332

436 the educational decisionmaker for the child without judicial
437 action.

438 2. A surrogate parent appointed by the district school
439 superintendent or the court must be at least 18 years old and
440 have no personal or professional interest that conflicts with
441 the interests of the student to be represented. Neither the
442 district school superintendent nor the court may appoint an
443 employee of the Department of Education, the local school
444 district, a community-based care provider, the Department of
445 Children and Families, or any other public or private agency
446 involved in the education or care of the child as appointment of
447 those persons is prohibited by federal law. This prohibition
448 includes group home staff and therapeutic foster parents.
449 However, a person who acts in a parental role to a child, such
450 as a foster parent or relative caregiver, is not prohibited from
451 serving as a surrogate parent if he or she is employed by such
452 agency, willing to serve, and knowledgeable about the child and
453 the exceptional student education process. The surrogate parent
454 may be a court-appointed guardian ad litem or a relative or
455 nonrelative adult who is involved in the child's life regardless
456 of whether that person has physical custody of the child. Each
457 person appointed as a surrogate parent must have the knowledge
458 and skills acquired by successfully completing training using
459 materials developed and approved by the Department of Education
460 to ensure adequate representation of the child.

461 3. If a guardian ad litem has been appointed for a child,
462 the district school superintendent must first consider the
463 child's guardian ad litem when appointing a surrogate parent.
464 The district school superintendent must accept the appointment

19-01965-23

202332__

465 of the court if he or she has not previously appointed a
466 surrogate parent. Similarly, the court must accept a surrogate
467 parent duly appointed by a district school superintendent.

468 4. A surrogate parent appointed by the district school
469 superintendent or the court must be accepted by any subsequent
470 school or school district without regard to where the child is
471 receiving residential care so that a single surrogate parent can
472 follow the education of the child during his or her entire time
473 in state custody. Nothing in this paragraph or in rule shall
474 limit or prohibit the continuance of a surrogate parent
475 appointment when the responsibility for the student's
476 educational placement moves among and between public and private
477 agencies.

478 5. For a child known to the department, the responsibility
479 to appoint a surrogate parent resides with both the district
480 school superintendent and the court with jurisdiction over the
481 child. If the court elects to appoint a surrogate parent, notice
482 shall be provided as soon as practicable to the child's school.
483 At any time the court determines that it is in the best
484 interests of a child to remove a surrogate parent, the court may
485 appoint a new surrogate parent for educational decisionmaking
486 purposes for that child.

487 6. The surrogate parent shall continue in the appointed
488 role until one of the following occurs:

489 a. The child is determined to no longer be eligible or in
490 need of special programs, except when termination of special
491 programs is being contested.

492 b. The child achieves permanency through adoption or legal
493 guardianship and is no longer in the custody of the department.

19-01965-23

202332

494 c. The parent who was previously unknown becomes known,
495 whose whereabouts were unknown is located, or who was
496 unavailable is determined by the court to be available.

497 d. The appointed surrogate no longer wishes to represent
498 the child or is unable to represent the child.

499 e. The superintendent of the school district in which the
500 child is attending school, the Department of Education contract
501 designee, or the court that appointed the surrogate determines
502 that the appointed surrogate parent no longer adequately
503 represents the child.

504 f. The child moves to a geographic location that is not
505 reasonably accessible to the appointed surrogate.

506 7. The appointment and termination of appointment of a
507 surrogate under this paragraph shall be entered as an order of
508 the court with a copy of the order provided to the child's
509 school as soon as practicable.

510 8. The person appointed as a surrogate parent under this
511 paragraph must:

512 a. Be acquainted with the child and become knowledgeable
513 about his or her disability and educational needs.

514 b. Represent the child in all matters relating to
515 identification, evaluation, and educational placement and the
516 provision of a free and appropriate education to the child.

517 c. Represent the interests and safeguard the rights of the
518 child in educational decisions that affect the child.

519 9. The responsibilities of the person appointed as a
520 surrogate parent shall not extend to the care, maintenance,
521 custody, residential placement, or any other area not
522 specifically related to the education of the child, unless the

19-01965-23

202332

523 same person is appointed by the court for such other purposes.

524 10. A person appointed as a surrogate parent shall enjoy
525 all of the procedural safeguards afforded a parent with respect
526 to the identification, evaluation, and educational placement of
527 a student with a disability or a student who is suspected of
528 having a disability.

529 11. A person appointed as a surrogate parent shall not be
530 held liable for actions taken in good faith on behalf of the
531 student in protecting the special education rights of the child.
532 Reviser's note.—Amended to conform to the reordering of
533 definitions in s. 1003.01 by this act.

534 Section 14. Paragraph (f) of subsection (3) of section
535 39.101, Florida Statutes, is amended to read:

536 39.101 Central abuse hotline.—The central abuse hotline is
537 the first step in the safety assessment and investigation
538 process.

539 (3) COLLECTION OF INFORMATION AND DATA.—The department
540 shall:

541 (f)1. Collect and analyze child-on-child sexual abuse
542 reports and include such information in the aggregate
543 statistical reports.

544 2. Collect and analyze, in separate statistical reports,
545 those reports of child abuse, sexual abuse, and juvenile sexual
546 abuse which are reported from or which occurred on or at:

- 547 a. School premises;
548 b. School transportation;
549 c. School-sponsored off-campus events;
550 d. A school readiness program provider determined to be
551 eligible under s. 1002.88;

19-01965-23

202332

552 e. A private prekindergarten provider or a public school
553 prekindergarten provider, as those terms are defined in s.
554 1002.51(7) and (8), respectively;

555 f. A public K-12 school as described in s. 1000.04;

556 g. A private school as defined in s. 1002.01;

557 h. A Florida College System institution or a state
558 university, as those terms are defined in s. 1000.21(5) and (8)
559 ~~1000.21(3) and (6)~~, respectively; or

560 i. A school, as defined in s. 1005.02.

561 Reviser's note.—Amended to conform to the reordering of
562 definitions in s. 1000.21 by this act.

563 Section 15. Paragraphs (d) and (e) of subsection (2) of
564 section 44.1011, Florida Statutes, are reordered and amended to
565 read:

566 44.1011 Definitions.—As used in this chapter:

567 (2) "Mediation" means a process whereby a neutral third
568 person called a mediator acts to encourage and facilitate the
569 resolution of a dispute between two or more parties. It is an
570 informal and nonadversarial process with the objective of
571 helping the disputing parties reach a mutually acceptable and
572 voluntary agreement. In mediation, decisionmaking authority
573 rests with the parties. The role of the mediator includes, but
574 is not limited to, assisting the parties in identifying issues,
575 fostering joint problem solving, and exploring settlement
576 alternatives. "Mediation" includes:

577 (e) ~~(d)~~ "Family mediation" which means mediation of family
578 matters, including married and unmarried persons, before and
579 after judgments involving dissolution of marriage; property
580 division; shared or sole parental responsibility; or child

19-01965-23

202332

581 support, custody, and visitation involving emotional or
582 financial considerations not usually present in other circuit
583 civil cases. Negotiations in family mediation are primarily
584 conducted by the parties. Counsel for each party may attend the
585 mediation conference and privately communicate with their
586 clients. However, presence of counsel is not required, and, in
587 the discretion of the mediator, and with the agreement of the
588 parties, mediation may proceed in the absence of counsel unless
589 otherwise ordered by the court.

590 (d)~~(e)~~ "Dependency or in need of services mediation," which
591 means mediation of dependency, child in need of services, or
592 family in need of services matters. Negotiations in dependency
593 or in need of services mediation are primarily conducted by the
594 parties. Counsel for each party may attend the mediation
595 conference and privately communicate with their clients.
596 However, presence of counsel is not required and, in the
597 discretion of the mediator and with the agreement of the
598 parties, mediation may proceed in the absence of counsel unless
599 otherwise ordered by the court.

600 Reviser's note.—Amended to place the definitions in paragraphs
601 (d) and (e) in alphabetical order.

602 Section 16. Section 45.011, Florida Statutes, is amended to
603 read:

604 45.011 Definitions.—In all statutes about practice and
605 procedure:

606 (1) "Bond with surety" means a bond with two good and
607 sufficient sureties, each with unencumbered property not subject
608 to any exemption afforded by law equal in value to the penal sum
609 of the bond or a bond with a licensed surety company as surety

19-01965-23

202332__

610 or a cash deposit conditioned as for a bond.

611 (2) "Defendant" means any party against whom relief as
 612 referenced in subsection (3) is sought.

613 (3) "Plaintiff" means any party seeking affirmative relief
 614 whether plaintiff, counterclaimant, cross-claimant; or third-
 615 party plaintiff, counterclaimant or cross-claimant.; ~~"defendant"~~
 616 ~~means any party against whom such relief is sought; "bond with~~
 617 ~~surety" means a bond with two good and sufficient sureties, each~~
 618 ~~with unencumbered property not subject to any exemption afforded~~
 619 ~~by law equal in value to the penal sum of the bond or a bond~~
 620 ~~with a licensed surety company as surety or a cash deposit~~
 621 ~~conditioned as for a bond.~~

622 Reviser's note.—Amended to place the definitions of the section
 623 in alphabetical order, to conform language in subsection
 624 (2) to the reordering of the definitions, and to improve
 625 the structure of the section.

626 Section 17. Subsections (21) and (22) of section 61.046,
 627 Florida Statutes, are reordered and amended to read:

628 61.046 Definitions.—As used in this chapter, the term:

629 (22)~~(21)~~ "Support order" means a judgment, decree, or
 630 order, whether temporary or final, issued by a court of
 631 competent jurisdiction or administrative agency for the support
 632 and maintenance of a child which provides for monetary support,
 633 health care, arrearages, or past support. When the child support
 634 obligation is being enforced by the Department of Revenue, the
 635 term "support order" also means a judgment, decree, or order,
 636 whether temporary or final, issued by a court of competent
 637 jurisdiction for the support and maintenance of a child and the
 638 spouse or former spouse of the obligor with whom the child is

19-01965-23

202332__

639 living which provides for monetary support, health care,
640 arrearages, or past support.

641 (21)~~(22)~~ "Support," unless otherwise specified, means:

642 (a) Child support and, when the child support obligation is
643 being enforced by the Department of Revenue, spousal support or
644 alimony for the spouse or former spouse of the obligor with whom
645 the child is living.

646 (b) Child support only in cases not being enforced by the
647 Department of Revenue.

648 Reviser's note.—Amended to place the definitions in subsections
649 (21) and (22) in alphabetical order.

650 Section 18. Subsections (1) through (13) and (15) through
651 (17) of section 83.43, Florida Statutes, are reordered and
652 amended to read:

653 83.43 Definitions.—As used in this part, the following
654 words and terms shall have the following meanings unless some
655 other meaning is plainly indicated:

656 (3)~~(1)~~ "Building, housing, and health codes" means any law,
657 ordinance, or governmental regulation concerning health, safety,
658 sanitation or fitness for habitation, or the construction,
659 maintenance, operation, occupancy, use, or appearance, of any
660 dwelling unit.

661 (5)~~(2)~~ "Dwelling unit" means:

662 (a) A structure or part of a structure that is rented for
663 use as a home, residence, or sleeping place by one person or by
664 two or more persons who maintain a common household.

665 (b) A mobile home rented by a tenant.

666 (c) A structure or part of a structure that is furnished,
667 with or without rent, as an incident of employment for use as a

19-01965-23

202332__

668 home, residence, or sleeping place by one or more persons.

669 (8)~~(3)~~ "Landlord" means the owner or lessor of a dwelling
670 unit.

671 (16)~~(4)~~ "Tenant" means any person entitled to occupy a
672 dwelling unit under a rental agreement.

673 (10)~~(5)~~ "Premises" means a dwelling unit and the structure
674 of which it is a part and a mobile home lot and the appurtenant
675 facilities and grounds, areas, facilities, and property held out
676 for the use of tenants generally.

677 (11)~~(6)~~ "Rent" means the periodic payments due the landlord
678 from the tenant for occupancy under a rental agreement and any
679 other payments due the landlord from the tenant as may be
680 designated as rent in a written rental agreement.

681 (12)~~(7)~~ "Rental agreement" means any written agreement,
682 including amendments or addenda, or oral agreement for a
683 duration of less than 1 year, providing for use and occupancy of
684 premises.

685 (7)~~(8)~~ "Good faith" means honesty in fact in the conduct or
686 transaction concerned.

687 (2)~~(9)~~ "Advance rent" means moneys paid to the landlord to
688 be applied to future rent payment periods, but does not include
689 rent paid in advance for a current rent payment period.

690 (17)~~(10)~~ "Transient occupancy" means occupancy when it is
691 the intention of the parties that the occupancy will be
692 temporary.

693 (4)~~(11)~~ "Deposit money" means any money held by the
694 landlord on behalf of the tenant, including, but not limited to,
695 damage deposits, security deposits, advance rent deposit, pet
696 deposit, or any contractual deposit agreed to between landlord

19-01965-23

202332__

697 and tenant either in writing or orally.

698 (13)~~(12)~~ "Security deposits" means any moneys held by the
699 landlord as security for the performance of the rental
700 agreement, including, but not limited to, monetary damage to the
701 landlord caused by the tenant's breach of lease prior to the
702 expiration thereof.

703 (9)~~(13)~~ "Legal holiday" means holidays observed by the
704 clerk of the court.

705 (1)~~(15)~~ "Active duty" shall have the same meaning as
706 provided in s. 250.01.

707 (15)~~(16)~~ "State active duty" shall have the same meaning as
708 provided in s. 250.01.

709 (6)~~(17)~~ "Early termination fee" means any charge, fee, or
710 forfeiture that is provided for in a written rental agreement
711 and is assessed to a tenant when a tenant elects to terminate
712 the rental agreement, as provided in the agreement, and vacates
713 a dwelling unit before the end of the rental agreement. An early
714 termination fee does not include:

715 (a) Unpaid rent and other accrued charges through the end
716 of the month in which the landlord retakes possession of the
717 dwelling unit.

718 (b) Charges for damages to the dwelling unit.

719 (c) Charges associated with a rental agreement settlement,
720 release, buyout, or accord and satisfaction agreement.

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

723 Section 19. Section 83.803, Florida Statutes, is reordered
724 and amended to read:

725 83.803 Definitions.—As used in ss. 83.801-83.809:

19-01965-23

202332__

726 (5)~~(1)~~ "Self-service storage facility" means any real
727 property designed and used for the purpose of renting or leasing
728 individual storage space to tenants who are to have access to
729 such space for the purpose of storing and removing personal
730 property. No individual storage space may be used for
731 residential purposes. A self-service storage facility is not a
732 "warehouse" as that term is used in chapter 677. If an owner
733 issues any warehouse receipt, bill of lading, or other document
734 of title for the personal property stored, the owner and the
735 tenant shall be subject to the provisions of chapter 677, and
736 the provisions of this act shall not apply.

737 (4)~~(2)~~ "Self-contained storage unit" means any unit not
738 less than 200 cubic feet in size, including, but not limited to,
739 a trailer, box, or other shipping container, which is leased by
740 a tenant primarily for use as storage space whether the unit is
741 located at a facility owned or operated by the owner or at
742 another location designated by the tenant.

743 (2)~~(3)~~ "Owner" means the owner, operator, lessor, or
744 sublessor of a self-service storage facility or self-contained
745 storage unit or his or her agent or any other person authorized
746 by him or her to manage the facility or to receive rent from a
747 tenant under a rental agreement.

748 (6)~~(4)~~ "Tenant" means a person or the person's sublessee,
749 successor, or assign entitled to the use of storage space at a
750 self-service storage facility or in a self-contained unit, under
751 a rental agreement, to the exclusion of others.

752 (3)~~(5)~~ "Rental agreement" means any agreement or lease
753 which establishes or modifies terms, conditions, rules, or any
754 other provisions concerning the use and occupancy of a self-

19-01965-23

202332

755 service storage facility or use of a self-contained storage
756 unit.

757 (1)~~(6)~~ "Last known address" means the street address or
758 post office box address provided by the tenant in the latest
759 rental agreement or in a subsequent written change-of-address
760 notice provided by hand delivery, first-class mail, or e-mail.
761 Reviser's note.—Amended to place the definitions of the section
762 in alphabetical order.

763 Section 20. Subsection (1) of section 90.5015, Florida
764 Statutes, is reordered and amended to read:

765 90.5015 Journalist's privilege.—

766 (1) DEFINITIONS.—For purposes of this section, the term:

767 (b)~~(a)~~ "Professional journalist" means a person regularly
768 engaged in collecting, photographing, recording, writing,
769 editing, reporting, or publishing news, for gain or livelihood,
770 who obtained the information sought while working as a salaried
771 employee of, or independent contractor for, a newspaper, news
772 journal, news agency, press association, wire service, radio or
773 television station, network, or news magazine. Book authors and
774 others who are not professional journalists, as defined in this
775 paragraph, are not included in the provisions of this section.

776 (a)~~(b)~~ "News" means information of public concern relating
777 to local, statewide, national, or worldwide issues or events.

778 Reviser's note.—Amended to place the definitions in subsection
779 (1) in alphabetical order.

780 Section 21. Subsection (1) of section 90.801, Florida
781 Statutes, is reordered and amended to read:

782 90.801 Hearsay; definitions; exceptions.—

783 (1) The following definitions apply under this chapter:

19-01965-23

202332__

784 (c)~~(a)~~ A "statement" is:

785 1. An oral or written assertion; or

786 2. Nonverbal conduct of a person if it is intended by the
787 person as an assertion.

788 (a)~~(b)~~ A "declarant" is a person who makes a statement.

789 (b)~~(c)~~ "Hearsay" is a statement, other than one made by the
790 declarant while testifying at the trial or hearing, offered in
791 evidence to prove the truth of the matter asserted.

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

793 (1) in alphabetical order.

794 Section 22. Subsection (6) of section 97.021, Florida
795 Statutes, is reordered and amended to read:

796 97.021 Definitions.—For the purposes of this code, except
797 where the context clearly indicates otherwise, the term:

798 (6) "Ballot" or "official ballot" when used in reference
799 to:

800 (b)~~(a)~~ "Marksense ballots" means that printed sheet of
801 paper, used in conjunction with an electronic or
802 electromechanical vote tabulation voting system, containing the
803 names of candidates, or a statement of proposed constitutional
804 amendments or other questions or propositions submitted to the
805 electorate at any election, on which sheet of paper an elector
806 casts his or her vote.

807 (a)~~(b)~~ "Electronic or electromechanical devices" means a
808 ballot that is voted by the process of electronically
809 designating, including by touchscreen, or marking with a marking
810 device for tabulation by automatic tabulating equipment or data
811 processing equipment.

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

19-01965-23

202332

813 (6) in alphabetical order.

814 Section 23. Subsection (3) of section 98.065, Florida
815 Statutes, is amended to read:

816 98.065 Registration list maintenance programs.—

817 (3) Address confirmation requests sent pursuant to
818 paragraph (2) (a) and mail sent pursuant to paragraph (2) (b) ~~(b)~~
819 must be addressed to the voter's address of legal residence, not
820 including voters temporarily residing outside the county and
821 registered in the precinct designated by the supervisor pursuant
822 to s. 101.045(1). If a request is returned as undeliverable, any
823 other notification sent to the voter pursuant to subsection (5)
824 or s. 98.0655 must be addressed to the voter's mailing address
825 on file, if any.

826 Reviser's note.—Amended to correct a cross-reference. The
827 reference to paragraph (b) was added by s. 8, ch. 2022-73,
828 Laws of Florida; subsection (3) does not contain
829 paragraphs. Paragraph (2) (b), which relates to identifying
830 change-of-address information from returned nonforwardable
831 return-if-undeliverable mail sent to registered voters in a
832 county, appears to be relevant.

833 Section 24. Subsection (1) of section 101.019, Florida
834 Statutes, is amended to read:

835 101.019 Ranked-choice voting prohibited.—

836 (1) A ranked-choice voting method that allows voters to
837 rank candidates for an office in order of preference and has
838 ballots cast to be tabulated in multiple rounds following the
839 elimination of a candidate until a single candidate attains a
840 majority may not be used in determining the election or
841 nomination of any candidate to any local, state, or federal

19-01965-23

202332

842 elective office in this state.

843 Reviser's note.—Amended to confirm an editorial insertion to
844 improve clarity.

845 Section 25. Subsections (2) and (3) of section 101.292,
846 Florida Statutes, are reordered and amended to read:

847 101.292 Definitions; ss. 101.292-101.295.—As used in ss.
848 101.292-101.295, the following terms shall have the following
849 meanings:

850 (3)~~(2)~~ "Voting equipment" means electronic or
851 electromechanical voting systems, voting devices, and automatic
852 tabulating equipment as defined in s. 101.5603, as well as
853 materials, parts, or other equipment necessary for the operation
854 and maintenance of such systems and devices, the individual or
855 combined retail value of which is in excess of the threshold
856 amount for CATEGORY TWO purchases provided in s. 287.017.

857 (2)~~(3)~~ "Purchase" means a contract for the purchase, lease,
858 rental, or other acquisition of voting equipment.

859 Reviser's note.—Amended to place the definitions in subsections
860 (2) and (3) in alphabetical order.

861 Section 26. Paragraph (a) of subsection (2) of section
862 101.69, Florida Statutes, is amended to read:

863 101.69 Voting in person; return of vote-by-mail ballot.—

864 (2) (a) The supervisor shall allow an elector who has
865 received a vote-by-mail ballot to physically return a voted
866 vote-by-mail ballot to the supervisor by placing the return mail
867 envelope containing his or her marked ballot in a secure ballot
868 intake station. Secure ballot intake stations shall be placed at
869 the main office of the supervisor, at each permanent branch
870 office of the supervisor which meets the criteria set forth in

19-01965-23

202332

871 s. 101.657(1) (a) for branch offices used for early voting and
872 which is open for at least the minimum number ~~amount~~ of hours
873 prescribed by s. 98.015(4), and at each early voting site.
874 Secure ballot intake stations may also be placed at any other
875 site that would otherwise qualify as an early voting site under
876 s. 101.657(1). Secure ballot intake stations must be
877 geographically located so as to provide all voters in the county
878 with an equal opportunity to cast a ballot, insofar as is
879 practicable. Except for secure ballot intake stations at an
880 office of the supervisor, a secure ballot intake station may
881 only be used during the county's early voting hours of operation
882 and must be monitored in person by an employee of the
883 supervisor's office. A secure ballot intake station at an office
884 of the supervisor must be continuously monitored in person by an
885 employee of the supervisor's office when the secure ballot
886 intake station is accessible for deposit of ballots.
887 Reviser's note.—Amended to confirm an editorial insertion to
888 improve clarity and an editorial substitution to conform to
889 context.
890 Section 27. Paragraph (a) of subsection (12) of section
891 106.08, Florida Statutes, is amended to read:
892 106.08 Contributions; limitations on.—
893 (12) (a)1. For purposes of this subsection, the term
894 "foreign national" means:
895 a. A foreign government;
896 b. A foreign political party;
897 c. A foreign corporation, partnership, association,
898 organization, or other combination of persons organized under
899 the laws of or having its principal place of business in a

19-01965-23

202332

900 foreign country;

901 d. A person with foreign citizenship; or

902 e. A person who is not a citizen or national of the United
903 States and is not lawfully admitted to the United States for
904 permanent residence.

905 2. The term does not include:

906 a. A person who is a dual citizen or dual national of the
907 United States and a foreign country.

908 b. A domestic subsidiary of a foreign corporation,
909 partnership, association, organization, or other combination of
910 persons organized under the laws of or having its principal
911 place of business in a foreign country if:

912 (I) The donations and disbursements used toward a
913 contribution or an expenditure are derived entirely from funds
914 generated by the subsidiary's operations in the United States;
915 and

916 (II) All decisions concerning donations and disbursements
917 used toward a contribution or an expenditure are made by
918 individuals who either hold United States citizenship or are
919 permanent residents of the United States. For purposes of this
920 sub-sub-subparagraph, decisions concerning donations and
921 disbursements do not include decisions regarding the
922 subsidiary's overall budget for contributions or expenditures in
923 connection with an election.

924 Reviser's note.—Amended to confirm an editorial insertion to
925 improve clarity.

926 Section 28. Paragraphs (k), (l), and (n) through (p) of
927 subsection (2) of section 110.123, Florida Statutes, are
928 reordered and amended to read:

19-01965-23

202332

929 110.123 State group insurance program.—

930 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the term:

931 (1)~~(k)~~ "State agency" or "agency" means any branch,
 932 department, or agency of state government. "State agency" or
 933 "agency" includes any state university and the Division of
 934 Rehabilitation and Liquidation for purposes of this section
 935 only.

936 (k)~~(l)~~ "Seasonal workers" has the same meaning as provided
 937 under 29 C.F.R. s. 500.20(s)(1).

938 (p)~~(n)~~ "State-contracted HMO" means any health maintenance
 939 organization under contract with the department to participate
 940 in the state group insurance program.

941 (n)~~(e)~~ "State group insurance program" or "programs" means
 942 the package of insurance plans offered to state officers and
 943 employees, retired state officers and employees, eligible former
 944 employees, and surviving spouses of deceased state officers,
 945 employees, and eligible former employees under this section,
 946 including the state group health insurance plan or plans, health
 947 maintenance organization plans, TRICARE supplemental insurance
 948 plans, and other plans required or authorized by law.

949 (o)~~(p)~~ "State officer" means any constitutional state
 950 officer, any elected state officer paid by state warrant, or any
 951 appointed state officer who is commissioned by the Governor and
 952 who is paid by state warrant.

953 Reviser's note.—Amended to place the definitions in subsection
 954 (2) in alphabetical order.

955 Section 29. Section 110.501, Florida Statutes, is reordered
 956 and amended to read:

957 110.501 Definitions.—As used in this act:

19-01965-23

202332__

958 (4)~~(1)~~ "Volunteer" means any person who, of his or her own
959 free will, provides goods or services, or conveys an interest in
960 or otherwise consents to the use of real property pursuant to
961 chapter 260, to any state department or agency, or nonprofit
962 organization, with no monetary or material compensation. A
963 person registered and serving in Older American Volunteer
964 Programs authorized by the Domestic Volunteer Service Act of
965 1973, as amended (Pub. L. No. 93-113), shall also be defined as
966 a volunteer and shall incur no civil liability as provided by s.
967 768.1355. A volunteer shall be eligible for payment of volunteer
968 benefits as specified in Pub. L. No. 93-113, this section, and
969 s. 430.204.

970 (3)~~(2)~~ "Regular-service volunteer" means any person engaged
971 in specific voluntary service activities on an ongoing or
972 continuous basis.

973 (2)~~(3)~~ "Occasional-service volunteer" means any person who
974 offers to provide a one-time or occasional voluntary service.

975 (1)~~(4)~~ "Material donor" means any person who provides
976 funds, materials, employment, or opportunities for clients of
977 state departments or agencies, without monetary or material
978 compensation.

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

981 Section 30. Subsection (2) of section 112.044, Florida
982 Statutes, is reordered and amended to read:

983 112.044 Public employers, employment agencies, labor
984 organizations; discrimination based on age prohibited;
985 exceptions; remedy.—

986 (2) DEFINITIONS.—For the purpose of this act:

19-01965-23

202332

987 (b)~~(a)~~ "Employer" means the state or any county,
988 municipality, or special district or any subdivision or agency
989 thereof. This definition shall not apply to any law enforcement
990 agency or firefighting agency in this state.

991 (c)~~(b)~~ "Employment agency" means any person, including any
992 agent thereof, regularly undertaking, with or without
993 compensation, to procure employees for an employer, including
994 state and local employment services receiving federal
995 assistance.

996 (a)~~(e)~~ "Employee" means an individual employed by any
997 employer.

998 Reviser's note.—Amended to place the definitions in subsection
999 (2) in alphabetical order.

1000 Section 31. Subsection (5) of section 112.0455, Florida
1001 Statutes, is reordered and amended to read:

1002 112.0455 Drug-Free Workplace Act.—

1003 (5) DEFINITIONS.—Except where the context otherwise
1004 requires, as used in this act:

1005 (c)~~(a)~~ "Drug" means alcohol, including distilled spirits,
1006 wine, malt beverages, and intoxicating liquors; amphetamines;
1007 cannabinoids; cocaine; phencyclidine (PCP); hallucinogens;
1008 methaqualone; opiates; barbiturates; benzodiazepines; synthetic
1009 narcotics; designer drugs; or a metabolite of any of the
1010 substances listed herein.

1011 (d)~~(b)~~ "Drug test" or "test" means any chemical,
1012 biological, or physical instrumental analysis administered for
1013 the purpose of determining the presence or absence of a drug or
1014 its metabolites.

1015 (h)~~(e)~~ "Initial drug test" means a sensitive, rapid, and

19-01965-23

202332__

1016 reliable procedure to identify negative and presumptive positive
1017 specimens. All initial tests must use an immunoassay procedure
1018 or an equivalent, or must use a more accurate scientifically
1019 accepted method approved by the Agency for Health Care
1020 Administration as more accurate technology becomes available in
1021 a cost-effective form.

1022 (b)~~(d)~~ "Confirmation test," "confirmed test," or "confirmed
1023 drug test" means a second analytical procedure used to identify
1024 the presence of a specific drug or metabolite in a specimen. The
1025 confirmation test must be different in scientific principle from
1026 that of the initial test procedure. This confirmation method
1027 must be capable of providing requisite specificity, sensitivity,
1028 and quantitative accuracy.

1029 (a)~~(e)~~ "Chain of custody" refers to the methodology of
1030 tracking specified materials or substances for the purpose of
1031 maintaining control and accountability from initial collection
1032 to final disposition for all such materials or substances and
1033 providing for accountability at each stage in handling, testing,
1034 storing specimens, and reporting of test results.

1035 (i)~~(f)~~ "Job applicant" means a person who has applied for a
1036 position with an employer and has been offered employment
1037 conditioned upon successfully passing a drug test.

1038 (e)~~(g)~~ "Employee" means a person who works for salary,
1039 wages, or other remuneration for an employer.

1040 (g)~~(h)~~ "Employer" means an agency within state government
1041 that employs individuals for salary, wages, or other
1042 remuneration.

1043 (j)~~(i)~~ "Prescription or nonprescription medication" means a
1044 drug or medication obtained pursuant to a prescription as

19-01965-23

202332__

1045 defined by s. 893.02 or a medication that is authorized pursuant
1046 to federal or state law for general distribution and use without
1047 a prescription in the treatment of human diseases, ailments, or
1048 injuries.

1049 (k)~~(j)~~ "Random testing" means a drug test conducted on
1050 employees who are selected through the use of a computer-
1051 generated random sample of an employer's employees.

1052 (l)~~(k)~~ "Reasonable suspicion drug testing" means drug
1053 testing based on a belief that an employee is using or has used
1054 drugs in violation of the employer's policy drawn from specific
1055 objective and articulable facts and reasonable inferences drawn
1056 from those facts in light of experience. Reasonable suspicion
1057 drug testing may not be required except upon the recommendation
1058 of a supervisor who is at least one level of supervision higher
1059 than the immediate supervisor of the employee in question. Among
1060 other things, such facts and inferences may be based upon:

1061 1. Observable phenomena while at work, such as direct
1062 observation of drug use or of the physical symptoms or
1063 manifestations of being under the influence of a drug.

1064 2. Abnormal conduct or erratic behavior while at work or a
1065 significant deterioration in work performance.

1066 3. A report of drug use, provided by a reliable and
1067 credible source, which has been independently corroborated.

1068 4. Evidence that an individual has tampered with a drug
1069 test during employment with the current employer.

1070 5. Information that an employee has caused, or contributed
1071 to, an accident while at work.

1072 6. Evidence that an employee has used, possessed, sold,
1073 solicited, or transferred drugs while working or while on the

19-01965-23

202332

1074 employer's premises or while operating the employer's vehicle,
1075 machinery, or equipment.

1076 (n)~~(l)~~ "Specimen" means a tissue, hair, or product of the
1077 human body capable of revealing the presence of drugs or their
1078 metabolites.

1079 (f)~~(m)~~ "Employee assistance program" means an established
1080 program for employee assessment, counseling, and possible
1081 referral to an alcohol and drug rehabilitation program.

1082 (m)~~(n)~~ "Special risk" means employees who are required as a
1083 condition of employment to be certified under chapter 633 or
1084 chapter 943.

1085 Reviser's note.—Amended to place the definitions in subsection
1086 (5) in alphabetical order.

1087 Section 32. Subsection (2) of section 112.061, Florida
1088 Statutes, is reordered and amended to read:

1089 112.061 Per diem and travel expenses of public officers,
1090 employees, and authorized persons; statewide travel management
1091 system.—

1092 (2) DEFINITIONS.—For the purposes of this section, the
1093 term, ~~the following words shall have the meanings indicated:~~

1094 (a) "Agency" or "public agency" means ~~any office,~~
1095 department, agency, division, subdivision, political
1096 subdivision, board, bureau, commission, authority, district,
1097 public body, body politic, county, city, town, village,
1098 municipality, or any other separate unit of government created
1099 pursuant to law.

1100 (b) "Agency head" or "head of the agency" means ~~the~~
1101 highest policymaking authority of a public agency, as herein
1102 defined.

19-01965-23

202332

1103 (j)~~(e)~~ "Officer" or "public officer" means ~~an~~ individual
1104 who in the performance of his or her official duties is vested
1105 by law with sovereign powers of government and who is either
1106 elected by the people, or commissioned by the Governor and has
1107 jurisdiction extending throughout the state, or any person
1108 lawfully serving instead of either of the foregoing two classes
1109 of individuals as initial designee or successor.

1110 (h)~~(d)~~ "Employee" or "public employee" means ~~an~~
1111 individual, whether commissioned or not, other than an officer
1112 or authorized person as defined herein, who is filling a regular
1113 or full-time authorized position and is responsible to an agency
1114 head.

1115 (c)~~(e)~~ "Authorized person" means: -

1116 1. A person other than a public officer or employee as
1117 defined herein, whether elected or commissioned or not, who is
1118 authorized by an agency head to incur travel expenses in the
1119 performance of official duties.

1120 2. A person who is called upon by an agency to contribute
1121 time and services as consultant or adviser.

1122 3. A person who is a candidate for an executive or
1123 professional position.

1124 (n)~~(f)~~ "Traveler" means ~~a~~ public officer, public employee,
1125 or authorized person, when performing authorized travel.

1126 (l)~~(g)~~ "Travel expense," "traveling expenses," "necessary
1127 expenses while traveling," "actual expenses while traveling," or
1128 words of similar nature mean ~~the~~ usual ordinary and incidental
1129 expenditures necessarily incurred by a traveler.

1130 (g)~~(h)~~ "Common carrier" means ~~train, bus, commercial~~
1131 airline operating scheduled flights, or rental cars of an

19-01965-23

202332__

1132 established rental car firm.

1133 (k)~~(i)~~ "Travel day" means ~~a~~ period of 24 hours consisting
1134 of four quarters of 6 hours each.

1135 (m)~~(j)~~ "Travel period" means ~~a~~ period of time between the
1136 time of departure and time of return.

1137 (d)~~(k)~~ "Class A travel" means ~~continuous~~ travel of 24
1138 hours or more away from official headquarters.

1139 (e)~~(l)~~ "Class B travel" means ~~continuous~~ travel of less
1140 than 24 hours which involves overnight absence from official
1141 headquarters.

1142 (f)~~(m)~~ "Class C travel" means ~~travel for short or day~~
1143 trips where the traveler is not away from his or her official
1144 headquarters overnight.

1145 (i)~~(n)~~ "Foreign travel" means ~~travel outside the United~~
1146 States.

1147 Reviser's note.—Amended to place the definitions in subsection

1148 (2) in alphabetical order and to conform to Florida
1149 Statutes style for defining terms.

1150 Section 33. Paragraphs (b) and (d) of subsection (1) of
1151 section 112.19, Florida Statutes, are reordered and amended to
1152 read:

1153 112.19 Law enforcement, correctional, and correctional
1154 probation officers; death benefits.—

1155 (1) As used in this section, the term:

1156 (d)~~(b)~~ "Law enforcement, correctional, or correctional
1157 probation officer" means any officer as defined in s. 943.10(14)
1158 or employee of the state or any political subdivision of the
1159 state, including any law enforcement officer, correctional
1160 officer, correctional probation officer, state attorney

19-01965-23

202332__

1161 investigator, public defender investigator, or criminal conflict
 1162 and civil regional counsel investigator, whose duties require
 1163 such officer or employee to investigate, pursue, apprehend,
 1164 arrest, transport, or maintain custody of persons who are
 1165 charged with, suspected of committing, or convicted of a crime;
 1166 and the term includes any member of a bomb disposal unit whose
 1167 primary responsibility is the location, handling, and disposal
 1168 of explosive devices. The term also includes any full-time
 1169 officer or employee of the state or any political subdivision of
 1170 the state, certified pursuant to chapter 943, whose duties
 1171 require such officer to serve process or to attend a session of
 1172 a circuit or county court as bailiff.

1173 (b)~~(d)~~ "Fresh pursuit" means the pursuit of a person who
 1174 has committed or is reasonably suspected of having committed a
 1175 felony, misdemeanor, traffic infraction, or violation of a
 1176 county or municipal ordinance. The term does not imply instant
 1177 pursuit, but pursuit without unreasonable delay.

1178 Reviser's note.—Amended to place the definitions in subsection
 1179 (1) in alphabetical order.

1180 Section 34. Section 112.26, Florida Statutes, is reordered
 1181 and amended to read:

1182 112.26 Definitions.—For the purposes of this part, ~~of~~
 1183 ~~chapter 112~~ the following words and phrases have the meanings
 1184 ascribed to them in this section:—

1185 (2)~~(1)~~ "Sending agency" means any department or agency of
 1186 the federal government or a state government which sends any
 1187 employee thereof to another government agency under this part.

1188 (1)~~(2)~~ "Receiving agency" means any department or agency of
 1189 the federal government or a state government which receives an

19-01965-23

202332

1190 employee of another government under this part.

1191 Reviser's note.—Amended to improve sentence structure, conform
1192 to Florida Statutes citation form, and place the
1193 definitions of the section in alphabetical order.

1194 Section 35. Paragraph (a) of subsection (7) of section
1195 112.3144, Florida Statutes, as amended by section 91 of chapter
1196 2022-157, Laws of Florida, is amended to read:

1197 112.3144 Full and public disclosure of financial
1198 interests.—

1199 (7) (a) Beginning January 1, 2023, a filer may not include
1200 in a filing to the commission a federal income tax return or a
1201 copy thereof; a social security number; a bank, mortgage, or
1202 brokerage account number; a debit, charge, or credit card
1203 number; a personal identification number; or a taxpayer
1204 identification number. If a filer includes such information in
1205 his or her filing, the information may be made available as part
1206 of the official records of the commission available for public
1207 inspection and copying unless redaction is requested by the
1208 filer. The commission is not liable for the release of social
1209 security numbers or bank account, debit, charge, or credit card
1210 numbers included in a filing to the commission if the filer has
1211 not requested redaction of such information.

1212 Reviser's note.—Amended to confirm an editorial insertion to
1213 improve clarity.

1214 Section 36. Effective July 1, 2023, paragraph (a) of
1215 subsection (7) of section 112.3144, Florida Statutes, as amended
1216 by section 92 of chapter 2022-157, Laws of Florida, effective
1217 July 1, 2023, is amended to read:

1218 112.3144 Full and public disclosure of financial

19-01965-23

202332

1219 interests.—

1220 (7) (a) Beginning January 1, 2022, a filer may not include
1221 in a filing to the commission a federal income tax return or a
1222 copy thereof; a social security number; a bank, mortgage, or
1223 brokerage account number; a debit, charge, or credit card
1224 number; a personal identification number; or a taxpayer
1225 identification number. If a filer includes such information in
1226 his or her filing, the information may be made available as part
1227 of the official records of the commission available for public
1228 inspection and copying unless redaction is requested by the
1229 filer. The commission is not liable for the release of social
1230 security numbers or bank account, debit, charge, or credit card
1231 numbers included in a filing to the commission if the filer has
1232 not requested redaction of such information.

1233 Reviser's note.—Amended, effective July 1, 2023, to confirm an
1234 editorial insertion in paragraph (7) (a), as amended by s.
1235 92, ch. 2022-157, Laws of Florida, effective July 1, 2023,
1236 to improve clarity.

1237 Section 37. Subsection (3) of section 112.3187, Florida
1238 Statutes, is reordered and amended to read:

1239 112.3187 Adverse action against employee for disclosing
1240 information of specified nature prohibited; employee remedy and
1241 relief.—

1242 (3) DEFINITIONS.—As used in this act, unless otherwise
1243 specified, the following words or terms shall have the meanings
1244 indicated:

1245 (b) ~~(a)~~ "Agency" means any state, regional, county, local,
1246 or municipal government entity, whether executive, judicial, or
1247 legislative; any official, officer, department, division,

19-01965-23

202332__

1248 bureau, commission, authority, or political subdivision therein;
1249 or any public school, community college, or state university.

1250 (c)~~(b)~~ "Employee" means a person who performs services for,
1251 and under the control and direction of, or contracts with, an
1252 agency or independent contractor for wages or other
1253 remuneration.

1254 (a)~~(e)~~ "Adverse personnel action" means the discharge,
1255 suspension, transfer, or demotion of any employee or the
1256 withholding of bonuses, the reduction in salary or benefits, or
1257 any other adverse action taken against an employee within the
1258 terms and conditions of employment by an agency or independent
1259 contractor.

1260 (e)~~(d)~~ "Independent contractor" means a person, other than
1261 an agency, engaged in any business and who enters into a
1262 contract, including a provider agreement, with an agency.

1263 (d)~~(e)~~ "Gross mismanagement" means a continuous pattern of
1264 managerial abuses, wrongful or arbitrary and capricious actions,
1265 or fraudulent or criminal conduct which may have a substantial
1266 adverse economic impact.

1267 Reviser's note.—Amended to place the definitions in subsection
1268 (3) in alphabetical order.

1269 Section 38. Subsections (1) through (5), (7), and (8) of
1270 section 112.352, Florida Statutes, are reordered and amended to
1271 read:

1272 112.352 Definitions.—The following words and phrases as
1273 used in this act shall have the following meaning unless a
1274 different meaning is required by the context:

1275 (3)~~(1)~~ "Funds" shall mean the special trust funds in the
1276 State Treasury created under each of the retirement laws covered

19-01965-23

202332

1277 by this act.

1278 (5)~~(2)~~ "Retired member" shall mean any person who had both
1279 attained age 65 and retired prior to January 1, 1966, and is
1280 receiving benefits under any of the following systems:

1281 (a) State and County Officers and Employees Retirement
1282 System, created by authority of chapter 122.

1283 (b) Supreme Court Justices, District Courts of Appeal
1284 Judges and Circuit Judges Retirement System, created by
1285 authority of former chapter 123.

1286 (c) Teachers' Retirement System of the state, created by
1287 authority of chapter 238; or

1288 (d) Highway Patrol Pension Trust Fund, created by authority
1289 of chapter 321.

1290 (4)~~(3)~~ "Joint annuitant" means any person named by a
1291 retired member under the applicable system to receive any
1292 retirement benefits due and payable from the system after the
1293 member's death.

1294 (8)~~(4)~~ "System" shall mean any of the retirement systems
1295 specified in subsection (5) ~~(2)~~.

1296 (7)~~(5)~~ "Social security benefit" shall mean the monthly
1297 primary insurance amount, computed in accordance with the Social
1298 Security Act from which is derived the monthly benefit amount,
1299 which the retired member is receiving, entitled to receive, or
1300 would be entitled to receive upon application to the Social
1301 Security Administration, without taking into account any earned
1302 income which would cause a reduction in such amount. For
1303 purposes of this act, the social security benefit of:

1304 (a) A retired member who is not insured under the Social
1305 Security Act shall be zero, and

19-01965-23

202332

1306 (b) A deceased retired member who was insured under the
1307 Social Security Act shall be the primary insurance amount from
1308 which is derived the monthly benefit amount which the member was
1309 receiving or entitled to receive in the month immediately
1310 preceding his or her date of death.

1311 (2)~~(7)~~ "Department" means the Department of Management
1312 Services.

1313 (1)~~(8)~~ "Base year" means the year in which a retired member
1314 actually retired from a system or the year in which the member
1315 attained age 65, if later.

1316 Reviser's note.—Amended to place the definitions of the section
1317 in alphabetical order and to conform a cross-reference.

1318 Section 39. Section 112.353, Florida Statutes, is amended
1319 to read:

1320 112.353 Purpose of act.—The purpose of this act is to
1321 provide a supplement to the monthly retirement benefits being
1322 paid to, or with respect to, retired members under the
1323 retirement systems specified in s. 112.352(5) ~~112.352(2)~~ and any
1324 permanently and totally disabled retired member who became thus
1325 disabled in the line of duty and while performing the duties
1326 incident to his or her employment, such supplement to be
1327 approximately equal to the excess of the increase in social
1328 security benefits that the retired member would have received
1329 had he or she been covered for maximum benefits under the Social
1330 Security Act at age 65 or at date of retirement, whichever is
1331 later, over the amount of increase he or she has previously
1332 received or is entitled to receive by virtue of coverage under
1333 the Social Security Act.

1334 Reviser's note.—Amended to conform to the reordering of

19-01965-23

202332

1335 definitions in s. 112.352 by this act.

1336 Section 40. Paragraphs (a), (b), and (d) through (g) of
1337 subsection (2) of section 112.361, Florida Statutes, are
1338 reordered and amended, and subsection (3) of that section is
1339 amended to read:

1340 112.361 Additional and updated supplemental retirement
1341 benefits.—

1342 (2) DEFINITIONS.—As used in this section, unless a
1343 different meaning is required by the context:

1344 (b)~~(a)~~ "Funds" means the special trust funds in the State
1345 Treasury created under each of the retirement laws covered by
1346 this section.

1347 (d)~~(b)~~ "Retired member" means any person:

1348 1. Who either:

1349 a. Had both attained age 65 and retired for reasons other
1350 than disability prior to January 1, 1968; or

1351 b. Had retired because of disability prior to January 1,
1352 1968, and who, if he or she had been covered under the Social
1353 Security Act, would have been eligible for disability benefits
1354 under Title II of the Social Security Act; and

1355 2. Who is receiving benefits under any of the following
1356 systems:

1357 a. State and County Officers and Employees Retirement
1358 System created by authority of chapter 122;

1359 b. Supreme Court Justices, District Courts of Appeal Judges
1360 and Circuit Judges Retirement System created by authority of
1361 former chapter 123;

1362 c. Teachers' Retirement System of the state created by
1363 authority of chapter 238; or

19-01965-23

202332

1364 d. Highway Patrol Pension Trust Fund created by authority
1365 of chapter 321.

1366

1367 In addition, "retired member" includes any state official or
1368 state employee who retired prior to January 1, 1958, and is
1369 receiving benefits by authority of s. 112.05.

1370 (g)~~(d)~~ "System" means any of the retirement systems
1371 specified in paragraph (d) ~~(b)~~, including that pursuant to s.
1372 112.05.

1373 (f)~~(e)~~ "Social security benefit" means the monthly primary
1374 insurance amount, computed in accordance with the Social
1375 Security Act, from which is derived the monthly benefit amount
1376 which the retired member is receiving, entitled to receive, or
1377 would be entitled to receive upon application to the Social
1378 Security Administration, without taking into account any earned
1379 income which would cause a reduction in such amount. For
1380 purposes of this section:

1381 1. The social security benefit of a retired member who is
1382 not insured under the Social Security Act shall be zero, and

1383 2. The social security benefit of a deceased retired member
1384 who was insured under the Social Security Act shall be the
1385 primary insurance amount from which is derived the monthly
1386 benefit amount which the member was receiving or entitled to
1387 receive in the month immediately preceding his or her date of
1388 death.

1389 (e)~~(f)~~ "Retirement benefit" means the monthly benefit which
1390 a retired member or joint annuitant is receiving from a system.

1391 (a)~~(g)~~ "Department" means the Department of Management
1392 Services.

19-01965-23

202332

1393 (3) PURPOSE OF SECTION.—The purpose of this section is to
1394 provide a supplement to the monthly retirement benefits being
1395 paid to, or with respect to, retired members under the
1396 retirement systems specified in paragraph (2) (d) ~~(2) (b)~~, such
1397 supplement to be approximately equal to the excess of the
1398 increase in social security benefits that the retired member
1399 would have received as a result of the 1967 amendments to the
1400 Social Security Act had he or she been covered for maximum
1401 benefits under the Social Security Act at age 65 or at date of
1402 retirement, whichever is later, over the amount of increase he
1403 or she has previously received or is entitled to receive as a
1404 result of the 1967 amendments to the Social Security Act by
1405 virtue of coverage under the Social Security Act.

1406 Reviser's note.—Amended to place the definitions in subsection

1407 (2) in alphabetical order and to conform cross-references.

1408 Section 41. Section 112.625, Florida Statutes, is reordered
1409 and amended to read:

1410 112.625 Definitions.—As used in this act:

1411 (8) ~~(1)~~ "Retirement system or plan" means any employee
1412 pension benefit plan supported in whole or in part by public
1413 funds, provided such plan is not:

1414 (a) An employee benefit plan described in s. 4(a) of the
1415 Employee Retirement Income Security Act of 1974, which is not
1416 exempt under s. 4(b) (1) of such act;

1417 (b) A plan which is unfunded and is maintained by an
1418 employer primarily for the purpose of providing deferred
1419 compensation for a select group of management or highly
1420 compensated employees;

1421 (c) A coverage agreement entered into pursuant to s. 218 of

19-01965-23

202332

1422 the Social Security Act;

1423 (d) An individual retirement account or an individual
1424 retirement annuity within the meaning of s. 408, or a retirement
1425 bond within the meaning of s. 409, of the Internal Revenue Code
1426 of 1954;

1427 (e) A plan described in s. 401(d) of the Internal Revenue
1428 Code of 1954; or

1429 (f) An individual account consisting of an annuity contract
1430 described in s. 403(b) of the Internal Revenue Code of 1954.

1431 (6)~~(2)~~ "Plan administrator" means the person so designated
1432 by the terms of the instrument or instruments, ordinance, or
1433 statute under which the plan is operated. If no plan
1434 administrator has been designated, the plan sponsor shall be
1435 considered the plan administrator.

1436 (2)~~(3)~~ "Enrolled actuary" means an actuary who is enrolled
1437 under Subtitle C of Title III of the Employee Retirement Income
1438 Security Act of 1974 and who is a member of the Society of
1439 Actuaries or the American Academy of Actuaries.

1440 (1)~~(4)~~ "Benefit increase" means a change or amendment in
1441 the plan design or benefit structure which results in increased
1442 benefits for plan members or beneficiaries.

1443 (3)~~(5)~~ "Governmental entity" means the state, for the
1444 Florida Retirement System, and the county, municipality, special
1445 district, or district school board which is the employer of the
1446 member of a local retirement system or plan.

1447 (5)~~(6)~~ "Pension or retirement benefit" means any benefit,
1448 including a disability benefit, paid to a member or beneficiary
1449 of a retirement system or plan as defined in subsection (8) ~~(1)~~.

1450 (9)~~(7)~~ "Statement value" means the value of assets in

19-01965-23

202332

1451 accordance with s. 302(c)(2) of the Employee Retirement Income
1452 Security Act of 1974 and as permitted under regulations
1453 prescribed by the Secretary of the Treasury as amended by Pub.
1454 L. No. 100-203, as such sections are in effect on August 16,
1455 2006. Assets for which a fair market value is not provided shall
1456 be excluded from the assets used in the determination of annual
1457 funding cost.

1458 (4)~~(8)~~ "Named fiduciary," "board," or "board of trustees"
1459 means the person or persons so designated by the terms of the
1460 instrument or instruments, ordinance, or statute under which the
1461 plan is operated.

1462 (7)~~(9)~~ "Plan sponsor" means the local governmental entity
1463 that has established or that may establish a local retirement
1464 system or plan.

1465 Reviser's note.—Amended to place the definitions of the section
1466 in alphabetical order and to conform a cross-reference.

1467 Section 42. Paragraphs (a), (b), (d), and (e) of subsection
1468 (2) of section 116.34, Florida Statutes, are reordered and
1469 amended to read:

1470 116.34 Facsimile signatures.—

1471 (2) DEFINITIONS.—As used in this section:

1472 (e)~~(a)~~ "Public security" means a bond, note, certificate of
1473 indebtedness, or other obligation for the payment of money,
1474 issued by this state or by any of its departments, agencies,
1475 public bodies, or other instrumentalities or by any of its
1476 political subdivisions.

1477 (d)~~(b)~~ "Instrument of payment" means a check, draft,
1478 warrant, or order for the payment, delivery, or transfer of
1479 funds.

19-01965-23

202332

1480 (a)~~(d)~~ "Authorized officer" means any official of this
1481 state or any of its departments, agencies, public bodies, or
1482 other instrumentalities or any of its political subdivisions
1483 whose signature to a public security, instrument of conveyance
1484 or instrument of payment is required or permitted.

1485 (b)~~(e)~~ "Facsimile signature" means a reproduction by
1486 engraving, imprinting, stamping, or other means of the manual
1487 signature of an authorized officer.

1488 Reviser's note.—Amended to place the definitions in subsection
1489 (2) in alphabetical order.

1490 Section 43. Paragraph (a) of subsection (52) and paragraph
1491 (a) of subsection (53) of section 121.021, Florida Statutes, are
1492 amended to read:

1493 121.021 Definitions.—The following words and phrases as
1494 used in this chapter have the respective meanings set forth
1495 unless a different meaning is plainly required by the context:

1496 (52) "Regularly established position" means:

1497 (a) With respect to a state employer, a position that is
1498 authorized and established pursuant to law and is compensated
1499 from a salaries and benefits appropriation pursuant to s.
1500 216.011(1)(rr) ~~216.011(1)(mm)~~, or an established position that
1501 is authorized pursuant to s. 216.262(1)(a) and (b) and is
1502 compensated from a salaries account as provided in s.
1503 216.011(1)(ss) ~~216.011(1)(nn)~~.

1504 (53) "Temporary position" means:

1505 (a) With respect to a state employer, a position that is
1506 compensated from an other personal services (OPS) account as
1507 provided in s. 216.011(1)(jj) ~~216.011(1)(dd)~~.

1508 Reviser's note.—Amended to conform cross-references to the

19-01965-23

202332

1509 reordering of definitions in s. 216.011(1) by this act.
1510 Section 44. Paragraph (c) of subsection (2) and subsection
1511 (8) of section 121.051, Florida Statutes, are amended to read:
1512 121.051 Participation in the system.—
1513 (2) OPTIONAL PARTICIPATION.—
1514 (c) Employees of public community colleges or charter
1515 technical career centers sponsored by public community colleges,
1516 designated in s. 1000.21(5) ~~1000.21(3)~~, who are members of the
1517 Regular Class of the Florida Retirement System and who comply
1518 with the criteria set forth in this paragraph and s. 1012.875
1519 may, in lieu of participating in the Florida Retirement System,
1520 elect to withdraw from the system altogether and participate in
1521 the State Community College System Optional Retirement Program
1522 provided by the employing agency under s. 1012.875.
1523 1.a. Through June 30, 2001, the cost to the employer for
1524 benefits under the optional retirement program equals the normal
1525 cost portion of the employer retirement contribution which would
1526 be required if the employee were a member of the pension plan's
1527 Regular Class, plus the portion of the contribution rate
1528 required by s. 112.363(8) which would otherwise be assigned to
1529 the Retiree Health Insurance Subsidy Trust Fund.
1530 b. Effective July 1, 2001, through June 30, 2011, each
1531 employer shall contribute on behalf of each member of the
1532 optional program an amount equal to 10.43 percent of the
1533 employee's gross monthly compensation. The employer shall deduct
1534 an amount for the administration of the program.
1535 c. Effective July 1, 2011, through June 30, 2012, each
1536 member shall contribute an amount equal to the employee
1537 contribution required under s. 121.71(3). The employer shall

19-01965-23

202332

1538 contribute on behalf of each program member an amount equal to
1539 the difference between 10.43 percent of the employee's gross
1540 monthly compensation and the employee's required contribution
1541 based on the employee's gross monthly compensation.

1542 d. Effective July 1, 2012, each member shall contribute an
1543 amount equal to the employee contribution required under s.
1544 121.71(3). The employer shall contribute on behalf of each
1545 program member an amount equal to the difference between 8.15
1546 percent of the employee's gross monthly compensation and the
1547 employee's required contribution based on the employee's gross
1548 monthly compensation.

1549 e. The employer shall contribute an additional amount to
1550 the Florida Retirement System Trust Fund equal to the unfunded
1551 actuarial accrued liability portion of the Regular Class
1552 contribution rate.

1553 2. The decision to participate in the optional retirement
1554 program is irrevocable as long as the employee holds a position
1555 eligible for participation, except as provided in subparagraph
1556 3. Any service creditable under the Florida Retirement System is
1557 retained after the member withdraws from the system; however,
1558 additional service credit in the system may not be earned while
1559 a member of the optional retirement program.

1560 3. An employee who has elected to participate in the
1561 optional retirement program shall have one opportunity, at the
1562 employee's discretion, to transfer from the optional retirement
1563 program to the pension plan of the Florida Retirement System or
1564 to the investment plan established under part II of this
1565 chapter, subject to the terms of the applicable optional
1566 retirement program contracts.

19-01965-23

202332

1567 a. If the employee chooses to move to the investment plan,
1568 any contributions, interest, and earnings creditable to the
1569 employee under the optional retirement program are retained by
1570 the employee in the optional retirement program, and the
1571 applicable provisions of s. 121.4501(4) govern the election.

1572 b. If the employee chooses to move to the pension plan of
1573 the Florida Retirement System, the employee shall receive
1574 service credit equal to his or her years of service under the
1575 optional retirement program.

1576 (I) The cost for such credit is the amount representing the
1577 present value of the employee's accumulated benefit obligation
1578 for the affected period of service. The cost shall be calculated
1579 as if the benefit commencement occurs on the first date the
1580 employee becomes eligible for unreduced benefits, using the
1581 discount rate and other relevant actuarial assumptions that were
1582 used to value the Florida Retirement System Pension Plan
1583 liabilities in the most recent actuarial valuation. The
1584 calculation must include any service already maintained under
1585 the pension plan in addition to the years under the optional
1586 retirement program. The present value of any service already
1587 maintained must be applied as a credit to total cost resulting
1588 from the calculation. The division must ensure that the transfer
1589 sum is prepared using a formula and methodology certified by an
1590 enrolled actuary.

1591 (II) The employee must transfer from his or her optional
1592 retirement program account and from other employee moneys as
1593 necessary, a sum representing the present value of the
1594 employee's accumulated benefit obligation immediately following
1595 the time of such movement, determined assuming that attained

19-01965-23

202332

1596 service equals the sum of service in the pension plan and
1597 service in the optional retirement program.

1598 4. Participation in the optional retirement program is
1599 limited to employees who satisfy the following eligibility
1600 criteria:

1601 a. The employee is otherwise eligible for membership or
1602 renewed membership in the Regular Class of the Florida
1603 Retirement System, as provided in s. 121.021(11) and (12) or s.
1604 121.122.

1605 b. The employee is employed in a full-time position
1606 classified in the Accounting Manual for Florida's College System
1607 as:

1608 (I) Instructional; or

1609 (II) Executive Management, Instructional Management, or
1610 Institutional Management and the community college determines
1611 that recruiting to fill a vacancy in the position is to be
1612 conducted in the national or regional market, and the duties and
1613 responsibilities of the position include the formulation,
1614 interpretation, or implementation of policies, or the
1615 performance of functions that are unique or specialized within
1616 higher education and that frequently support the mission of the
1617 community college.

1618 c. The employee is employed in a position not included in
1619 the Senior Management Service Class of the Florida Retirement
1620 System as described in s. 121.055.

1621 5. Members of the program are subject to the same
1622 reemployment limitations, renewed membership provisions, and
1623 forfeiture provisions applicable to regular members of the
1624 Florida Retirement System under ss. 121.091(9), 121.122, and

19-01965-23

202332

1625 121.091(5), respectively. A member who receives a program
1626 distribution funded by employer and required employee
1627 contributions is deemed to be retired from a state-administered
1628 retirement system if the member is subsequently employed with an
1629 employer that participates in the Florida Retirement System.

1630 6. Eligible community college employees are compulsory
1631 members of the Florida Retirement System until, pursuant to s.
1632 1012.875, a written election to withdraw from the system and
1633 participate in the optional retirement program is filed with the
1634 program administrator and received by the division.

1635 a. A community college employee whose program eligibility
1636 results from initial employment shall be enrolled in the
1637 optional retirement program retroactive to the first day of
1638 eligible employment. The employer and employee retirement
1639 contributions paid through the month of the employee plan change
1640 shall be transferred to the community college to the employee's
1641 optional program account, and, effective the first day of the
1642 next month, the employer shall pay the applicable contributions
1643 based upon subparagraph 1.

1644 b. A community college employee whose program eligibility
1645 is due to the subsequent designation of the employee's position
1646 as one of those specified in subparagraph 4., or due to the
1647 employee's appointment, promotion, transfer, or reclassification
1648 to a position specified in subparagraph 4., must be enrolled in
1649 the program on the first day of the first full calendar month
1650 that such change in status becomes effective. The employer and
1651 employee retirement contributions paid from the effective date
1652 through the month of the employee plan change must be
1653 transferred to the community college to the employee's optional

19-01965-23

202332

1654 program account, and, effective the first day of the next month,
1655 the employer shall pay the applicable contributions based upon
1656 subparagraph 1.

1657 7. Effective July 1, 2003, through December 31, 2008, any
1658 member of the optional retirement program who has service credit
1659 in the pension plan of the Florida Retirement System for the
1660 period between his or her first eligibility to transfer from the
1661 pension plan to the optional retirement program and the actual
1662 date of transfer may, during employment, transfer to the
1663 optional retirement program a sum representing the present value
1664 of the accumulated benefit obligation under the defined benefit
1665 retirement program for the period of service credit. Upon
1666 transfer, all service credit previously earned under the pension
1667 plan during this period is nullified for purposes of entitlement
1668 to a future benefit under the pension plan.

1669 (8) DIVISION OF REHABILITATION AND LIQUIDATION EMPLOYEES
1670 MEMBERSHIP.—Effective July 1, 1994, the regular receivership
1671 employees of the Division of Rehabilitation and Liquidation of
1672 the Department of Financial Services who are assigned to
1673 established positions and are subject to established rules and
1674 regulations regarding discipline, pay, classification, and time
1675 and attendance are hereby declared to be state employees within
1676 the meaning of this chapter and shall be compulsory members in
1677 compliance with this chapter, the provisions of s.
1678 216.011(1)(jj)2. ~~216.011(1)(dd)2.~~, notwithstanding. Employment
1679 performed before July 1, 1994, as such a receivership employee
1680 may be claimed as creditable retirement service upon payment by
1681 the employee or employer of contributions required in s.
1682 121.081(1), as applicable for the period claimed.

19-01965-23

202332

1683 Reviser's note.—Paragraph (2) (c) is amended to conform to the
1684 reordering of definitions in s. 1000.21 by this act.
1685 Subsection (8) is amended to conform to the reordering of
1686 definitions in s. 216.011(1) by this act.
1687 Section 45. Paragraph (b) of subsection (9) of section
1688 125.0104, Florida Statutes, is amended to read:
1689 125.0104 Tourist development tax; procedure for levying;
1690 authorized uses; referendum; enforcement.—
1691 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
1692 other powers and duties provided for agencies created for the
1693 purpose of tourism promotion by a county levying the tourist
1694 development tax, such agencies are authorized and empowered to:
1695 (b) Pay by advancement or reimbursement, or a combination
1696 thereof, the costs of per diem and incidental expenses of
1697 officers and employees of the agency and other authorized
1698 persons, for foreign travel at the current rates as specified in
1699 the federal publication "Standardized Regulations (Government
1700 Civilians, Foreign Areas)." The provisions of this paragraph
1701 shall apply for any officer or employee of the agency traveling
1702 in foreign countries for the purposes of promoting tourism and
1703 travel to the county, if such travel expenses are approved and
1704 certified by the agency head from whose funds the traveler is
1705 paid. As used in this paragraph, the term "authorized person"
1706 shall have the same meaning as provided in s. 112.061(2) (c)
1707 ~~112.061(2) (e)~~. With the exception of provisions concerning rates
1708 of payment for per diem, the provisions of s. 112.061 are
1709 applicable to the travel described in this paragraph. As used in
1710 this paragraph, "foreign travel" means all travel outside the
1711 United States. Persons traveling in foreign countries pursuant

19-01965-23

202332

1712 to this subsection shall not be entitled to reimbursements or
1713 advancements pursuant to s. 112.061(6)(a)2.

1714 Reviser's note.—Amended to conform to the reordering of
1715 definitions in s. 112.061(2) by this act.

1716 Section 46. Subsection (1) of section 125.488, Florida
1717 Statutes, is amended to read:

1718 125.488 Ordinances, regulations, and policies concerning
1719 temporary underground power panels.—

1720 (1) A county may not enact any ordinance, regulation, or
1721 policy that prevents or has the effect of preventing an electric
1722 utility, as defined in s. 366.02(4) ~~366.02(2)~~, from installing a
1723 temporary underground power panel if the temporary underground
1724 power panel meets the requirements of Article 590 of the
1725 National Electrical Code, 2020 edition, during the construction
1726 and installation of the temporary underground power panel. After
1727 the county has conducted an inspection of the temporary
1728 underground power panel, the county may not require a subsequent
1729 inspection of the temporary underground power panel as a
1730 condition of issuance of the certificate of occupancy.

1731 Reviser's note.—Amended to conform to the renumbering of s.
1732 366.04(2) as s. 366.04(4) by s. 27, ch. 2022-4, Laws of
1733 Florida.

1734 Section 47. Paragraph (k) of subsection (1) of section
1735 159.47, Florida Statutes, is amended to read:

1736 159.47 Powers of the authority.—

1737 (1) The authority is authorized and empowered:

1738 (k) To pay by advancement or reimbursement, or a
1739 combination thereof, the costs of per diem of members or
1740 employees of the authority and other authorized persons, for

19-01965-23

202332

1741 foreign travel at the current rates as specified in the federal
1742 publication "Standardized Regulations (Government Civilians,
1743 Foreign Areas)," and incidental expenses as provided in s.
1744 112.061. The provisions of this paragraph shall apply for any
1745 member or employee of the authority traveling in foreign
1746 countries for the purpose of promoting economic or industrial
1747 development of the county, if such travel expenses are approved
1748 and certified by the agency head from whose funds the traveler
1749 is paid. As used in this paragraph, the term "authorized person"
1750 has the same meaning as provided in s. 112.061(2)(c)
1751 ~~112.061(2)(e)~~. With the exception of provisions concerning rates
1752 of payment for per diem, the provisions of s. 112.061 are
1753 applicable to the travel described in this subsection. As used
1754 in this paragraph, "foreign travel" means all travel outside the
1755 United States. Persons traveling in foreign countries pursuant
1756 to this section shall not be entitled to reimbursements or
1757 advancements pursuant to s. 112.061(6)(a)2.

1758 Reviser's note.—Amended to conform to the reordering of
1759 definitions in s. 112.061(2) by this act.

1760 Section 48. Paragraph (b) of subsection (1) of section
1761 163.32051, Florida Statutes, is amended to read:

1762 163.32051 Floating solar facilities.—

1763 (1)

1764 (b) The Legislature finds that siting floating solar
1765 facilities on wastewater treatment ponds, abandoned limerock
1766 mine areas, stormwater treatment ponds, reclaimed water ponds,
1767 and other water storage reservoirs are beneficial uses of those
1768 areas for many reasons, including the fact that the water has a
1769 cooling effect on the solar panels, which can boost power

19-01965-23

202332__

1770 production, and the fact that the panels help decrease the
1771 amount of water lost to evaporation and the formation of harmful
1772 algal blooms.

1773 Reviser's note.—Amended to confirm an editorial insertion to
1774 improve clarity.

1775 Section 49. Subsection (1) of section 166.0484, Florida
1776 Statutes, is amended to read:

1777 166.0484 Ordinances, regulations, and policies concerning
1778 temporary underground power panels.—

1779 (1) A municipality may not enact any ordinance, regulation,
1780 or policy that prevents or has the effect of preventing an
1781 electric utility, as defined in s. 366.02(4) ~~366.02(2)~~, from
1782 installing a temporary underground power panel if the temporary
1783 underground power panel meets the requirements of Article 590 of
1784 the National Electrical Code, 2020 edition, during the
1785 construction and installation of the temporary underground power
1786 panel. After the municipality has conducted an inspection of the
1787 temporary underground power panel, the municipality may not
1788 require a subsequent inspection of the temporary underground
1789 power panel as a condition of issuance of the certificate of
1790 occupancy.

1791 Reviser's note.—Amended to conform to the renumbering of s.
1792 366.04(2) as s. 366.04(4) by s. 27, ch. 2022-4, Laws of
1793 Florida.

1794 Section 50. Paragraph (b) of subsection (2) of section
1795 175.261, Florida Statutes, is amended to read:

1796 175.261 Annual report to Division of Retirement; actuarial
1797 valuations.—For any municipality, special fire control district,
1798 chapter plan, local law municipality, local law special fire

19-01965-23

202332

1799 control district, or local law plan under this chapter, the
1800 board of trustees for every chapter plan and local law plan
1801 shall submit the following reports to the division:

1802 (2) With respect to local law plans:

1803 (b) In addition to annual reports provided under paragraph
1804 (a), an actuarial valuation of the retirement plan must be made
1805 at least once every 3 years, as provided in s. 112.63,
1806 commencing 3 years from the last actuarial valuation of the plan
1807 or system for existing plans, or commencing 3 years from
1808 issuance of the initial actuarial impact statement submitted
1809 under s. 112.63 for newly created plans. Such valuation shall be
1810 prepared by an enrolled actuary, subject to the following
1811 conditions:

1812 1. The assets shall be valued as provided in s. 112.625(9)
1813 ~~112.625(7)~~.

1814 2. The cost of the actuarial valuation must be paid by the
1815 individual firefighters' retirement fund or by the sponsoring
1816 municipality or special fire control district.

1817 3. A report of the valuation, including actuarial
1818 assumptions and type and basis of funding, shall be made to the
1819 division within 3 months after the date of valuation. If any
1820 benefits are insured with a commercial insurance company, the
1821 report must include a statement of the relationship of the
1822 retirement plan benefits to the insured benefits, the name of
1823 the insurer, the basis of premium rates, and the mortality
1824 table, interest rate, and method used in valuing the retirement
1825 benefits.

1826 Reviser's note.—Amended to conform to the reordering of
1827 definitions in s. 112.625 by this act.

19-01965-23

202332

1828 Section 51. Paragraph (b) of subsection (2) of section
1829 185.221, Florida Statutes, is amended to read:

1830 185.221 Annual report to Division of Retirement; actuarial
1831 valuations.—For any municipality, chapter plan, local law
1832 municipality, or local law plan under this chapter, the board of
1833 trustees for every chapter plan and local law plan shall submit
1834 the following reports to the division:

1835 (2) With respect to local law plans:

1836 (b) In addition to annual reports provided under paragraph
1837 (a), an actuarial valuation of the retirement plan must be made
1838 at least once every 3 years, as provided in s. 112.63,
1839 commencing 3 years from the last actuarial valuation of the plan
1840 or system for existing plans, or commencing 3 years from
1841 issuance of the initial actuarial impact statement submitted
1842 under s. 112.63 for newly created plans. Such valuation shall be
1843 prepared by an enrolled actuary, subject to the following
1844 conditions:

1845 1. The assets shall be valued as provided in s. 112.625(9)
1846 ~~112.625(7)~~.

1847 2. The cost of the actuarial valuation must be paid by the
1848 individual police officer's retirement trust fund or by the
1849 sponsoring municipality.

1850 3. A report of the valuation, including actuarial
1851 assumptions and type and basis of funding, shall be made to the
1852 division within 3 months after the date of the valuation. If any
1853 benefits are insured with a commercial insurance company, the
1854 report must include a statement of the relationship of the
1855 retirement plan benefits to the insured benefits, the name of
1856 the insurer, the basis of premium rates, and the mortality

19-01965-23

202332

1857 table, interest rate, and method used in valuing the retirement
1858 benefits.

1859 Reviser's note.—Amended to conform to the reordering of
1860 definitions in s. 112.625 by this act.

1861 Section 52. Paragraphs (a) and (c) of subsection (1) and
1862 subsections (2) through (4), (8), and (9) of section 205.022,
1863 Florida Statutes, are reordered and amended to read:

1864 205.022 Definitions.—When used in this chapter, the
1865 following terms and phrases shall have the meanings ascribed to
1866 them in this section, except when the context clearly indicates
1867 a different meaning:

1868 (1) "Business," "profession," and "occupation" do not
1869 include the customary religious, charitable, or educational
1870 activities of nonprofit religious, nonprofit charitable, and
1871 nonprofit educational institutions in this state, which
1872 institutions are more particularly defined and limited as
1873 follows:

1874 (c)~~(a)~~ "Religious institutions" means churches and
1875 ecclesiastical or denominational organizations or established
1876 physical places for worship in this state at which nonprofit
1877 religious services and activities are regularly conducted and
1878 carried on, and also means church cemeteries.

1879 (a)~~(e)~~ "Charitable institutions" means only nonprofit
1880 corporations operating physical facilities in this state at
1881 which are provided charitable services, a reasonable percentage
1882 of which are without cost to those unable to pay.

1883 (8)~~(2)~~ "Receipt" means the document that is issued by the
1884 local governing authority which bears the words "Local Business
1885 Tax Receipt" and evidences that the person in whose name the

19-01965-23

202332

1886 document is issued has complied with the provisions of this
1887 chapter relating to the business tax.

1888 (2)~~(3)~~ "Classification" means the method by which a
1889 business or group of businesses is identified by size or type,
1890 or both.

1891 (3)~~(4)~~ "Enterprise zone" means an area designated as an
1892 enterprise zone pursuant to s. 290.0065. This subsection expires
1893 on the date specified in s. 290.016 for the expiration of the
1894 Florida Enterprise Zone Act.

1895 (9)~~(8)~~ "Taxpayer" means any person liable for taxes imposed
1896 under the provisions of this chapter; any agent required to file
1897 and pay any taxes imposed hereunder; and the heirs, successors,
1898 assignees, and transferees of any such person or agent.

1899 (4)~~(9)~~ "Independent contractor" has the same meaning as
1900 provided in s. 440.02(18)(d)1.a. and b ~~440.02(15)(d)1.a. and b~~.

1901 Reviser's note.—Paragraphs (1)(a) and (c) and subsections (2)

1902 through (4), (8), and (9) are amended to place the
1903 definitions of the section in alphabetical order.

1904 Subsection (9) is further amended to conform to the
1905 reordering of definitions in s. 440.02 by this act.

1906 Section 53. Paragraph (a) of subsection (5) of section
1907 215.5551, Florida Statutes, is amended to read:

1908 215.5551 Reinsurance to Assist Policyholders program.—

1909 (5) INSURER QUALIFICATION.—

1910 (a) An insurer is not eligible to participate in the RAP
1911 program if the board receives a notice from the Commissioner of
1912 Insurance Regulation which certifies that the insurer is in an
1913 unsound financial condition no later than:

1914 1. June 15, 2022, for RAP insurers that participate during

19-01965-23

202332__

1915 the 2022-2023 contract year; or

1916 2. February 1, 2023, for RAP insurers subject to
1917 participation deferral under subsection (6) that ~~and~~ participate
1918 during the 2023-2024 contract year.

1919 Reviser's note.—Amended to confirm an editorial substitution to
1920 improve clarity and facilitate correct interpretation.

1921 Section 54. Subsection (1) of section 216.011, Florida
1922 Statutes, is reordered and amended, and paragraph (c) of
1923 subsection (3) of that section is amended to read:

1924 216.011 Definitions.—

1925 (1) For the purpose of fiscal affairs of the state,
1926 appropriations acts, legislative budgets, and approved budgets,
1927 each of the following terms has the meaning indicated:

1928 (b) ~~(a)~~ "Annual salary rate" means the monetary compensation
1929 authorized to be paid a position on an annualized basis. The
1930 term does not include moneys authorized for benefits associated
1931 with the position.

1932 (c) ~~(b)~~ "Appropriation" means a legal authorization to make
1933 expenditures for specific purposes within the amounts authorized
1934 by law.

1935 (d) ~~(e)~~ "Appropriations act" means the authorization of the
1936 Legislature, based upon legislative budgets or based upon
1937 legislative findings of the necessity for an authorization when
1938 no legislative budget is filed, for the expenditure of amounts
1939 of money by an agency, the judicial branch, or the legislative
1940 branch for stated purposes in the performance of the functions
1941 it is authorized by law to perform. The categories contained in
1942 the appropriations act include, but are not limited to:

1943 1. Data processing services.

19-01965-23

202332__

- 1944 2. Expenses.
- 1945 3. Fixed capital outlay.
- 1946 4. Food products.
- 1947 5. Grants and aids.
- 1948 6. Grants and aids to local governments and nonstate
- 1949 entities-fixed capital outlay.
- 1950 7. Lump-sum appropriations.
- 1951 8. Operating capital outlay.
- 1952 9. Other personal services.
- 1953 10. Salaries and benefits.
- 1954 11. Special categories.
- 1955 (e)~~(d)~~ "Authorized position" means a position included in
- 1956 an approved budget. In counting the number of authorized
- 1957 positions, part-time positions shall be converted to full-time
- 1958 equivalents.
- 1959 (f)~~(e)~~ "Baseline data" means indicators of a state agency's
- 1960 current performance level, pursuant to guidelines established by
- 1961 the Executive Office of the Governor, in consultation with
- 1962 legislative appropriations and appropriate substantive
- 1963 committees.
- 1964 (g)~~(f)~~ "Budget entity" means a unit or function at the
- 1965 lowest level to which funds are specifically appropriated in the
- 1966 appropriations act. "Budget entity" and "service" have the same
- 1967 meaning.
- 1968 (i)~~(g)~~ "Chairs of the legislative appropriations
- 1969 committees" means the chairs of the committees of the Senate and
- 1970 the House of Representatives responsible for producing the
- 1971 General Appropriations Act.
- 1972 (j)~~(h)~~ "Consultation" means communication to allow

19-01965-23

202332

1973 government officials and agencies to deliberate and to seek and
 1974 provide advice in an open and forthright manner.

1975 (k)~~(i)~~ "Continuing appropriation" means an appropriation
 1976 automatically renewed without further legislative action, period
 1977 after period, until altered or revoked by the Legislature.

1978 (l)~~(j)~~ "Data processing services" means the appropriation
 1979 category used to fund electronic data processing services
 1980 provided by state agencies or the judicial branch, which
 1981 services include, but are not limited to, systems design,
 1982 software development, or time-sharing by other governmental
 1983 units or budget entities.

1984 (m)~~(k)~~ "Disbursement" means the payment of an expenditure.

1985 (n)~~(l)~~ "Disincentive" means a sanction as described in s.
 1986 216.163.

1987 (o)~~(m)~~ "Expenditure" means the creation or incurring of a
 1988 legal obligation to disburse money.

1989 (p)~~(n)~~ "Expense" means the appropriation category used to
 1990 fund the usual, ordinary, and incidental expenditures by an
 1991 agency or the judicial branch, including such items as
 1992 commodities, supplies of a consumable nature, current
 1993 obligations, and fixed charges, and excluding expenditures
 1994 classified as operating capital outlay. Payments to other funds
 1995 or local, state, or federal agencies may be included in this
 1996 category.

1997 (q)~~(o)~~ "Fiscal year of the state" means a period of time
 1998 beginning July 1 and ending on the following June 30, both dates
 1999 inclusive.

2000 (r)~~(p)~~ "Fixed capital outlay" means the appropriation
 2001 category used to fund real property (land, buildings, including

19-01965-23

202332

2002 appurtenances, fixtures and fixed equipment, structures, etc.),
2003 including additions, replacements, major repairs, and
2004 renovations to real property which materially extend its useful
2005 life or materially improve or change its functional use and
2006 including furniture and equipment necessary to furnish and
2007 operate a new or improved facility, when appropriated by the
2008 Legislature in the fixed capital outlay appropriation category.

2009 (s)~~(e)~~ "Food products" means the appropriation category
2010 used to fund food consumed and purchased in state-run facilities
2011 that provide housing to individuals.

2012 (t)~~(r)~~ "Grants and aids" means the appropriation category
2013 used to fund contributions to units of government or nonstate
2014 entities to be used for one or more specified purposes or
2015 activities. Funds appropriated to units of government and
2016 nonprofit entities under this category may be advanced.

2017 (u)~~(s)~~ "Grants and aids to local governments and nonstate
2018 entities-fixed capital outlay" means the appropriation category
2019 used to fund:

2020 1. Grants to local units of governments or nonstate
2021 entities for the acquisition of real property (land, buildings,
2022 including appurtenances, fixtures and fixed equipment,
2023 structures, etc.); additions, replacements, major repairs, and
2024 renovations to real property which materially extend its useful
2025 life or materially improve or change its functional use; and
2026 operating capital outlay necessary to furnish and operate a new
2027 or improved facility; and

2028 2. Grants to local units of government for their respective
2029 infrastructure and growth management needs related to local
2030 government comprehensive plans.

19-01965-23

202332

2031

2032 Funds appropriated to local units of government and nonprofit
2033 organizations under this category may be advanced in part or in
2034 whole.

2035 (v)~~(t)~~ "Incentive" means a mechanism, as described in s.
2036 216.163, for recognizing the achievement of performance
2037 standards or for motivating performance that exceeds performance
2038 standards.

2039 (x)~~(u)~~ "Independent judgment" means an evaluation of actual
2040 needs made separately and apart from the legislative budget
2041 request of any other agency or of the judicial branch, or any
2042 assessments by the Governor. Such evaluation shall not be
2043 limited by revenue estimates of the Revenue Estimating
2044 Conference.

2045 (y)~~(v)~~ "Judicial branch" means all officers, employees, and
2046 offices of the Supreme Court, district courts of appeal, circuit
2047 courts, county courts, and the Judicial Qualifications
2048 Commission.

2049 (aa)~~(w)~~ "Legislative branch" means the various officers,
2050 committees, and other units of the legislative branch of state
2051 government.

2052 (bb)~~(*)~~ "Legislative budget instructions" means the annual
2053 set of instructions developed to assist agencies in submitting
2054 budget requests to the Legislature and to generate information
2055 necessary for budgetary decisionmaking. Such instructions may
2056 include program-based performance budget instructions.

2057 (cc)~~(y)~~ "Legislative budget request" means a request to the
2058 Legislature, filed pursuant to s. 216.023, or supplemental
2059 detailed requests filed with the Legislature, for the amounts of

19-01965-23

202332

2060 money such agency or branch believes will be needed in the
2061 performance of the functions that it is authorized, or which it
2062 is requesting authorization by law, to perform.

2063 (ee)~~(z)~~ "Long-range program plan" means a plan developed
2064 pursuant to s. 216.013.

2065 (ff)~~(aa)~~ "Lump-sum appropriation" means the appropriation
2066 category used to fund a specific activity or project which must
2067 be transferred to one or more appropriation categories for
2068 expenditure.

2069 (hh)~~(bb)~~ "Operating capital outlay" means the appropriation
2070 category used to fund equipment, fixtures, and other tangible
2071 personal property of a nonconsumable and nonexpendable nature
2072 under s. 273.025.

2073 (ii)~~(cc)~~ "Original approved budget" means the approved plan
2074 of operation of an agency or of the judicial branch consistent
2075 with the General Appropriations Act or special appropriations
2076 acts.

2077 (jj)~~(dd)~~ "Other personal services" means the appropriation
2078 category used to fund the compensation for services rendered by
2079 a person who is not filling an established position. This
2080 definition includes, but is not limited to, services of
2081 temporary employees, student or graduate assistants, persons on
2082 fellowships, part-time academic employees, board members, and
2083 consultants and other services specifically budgeted by each
2084 agency, or by the judicial branch, in this category. In
2085 distinguishing between payments to be made from salaries and
2086 benefits appropriations and other-personal-services
2087 appropriations:

2088 1. Those persons filling established positions shall be

19-01965-23

202332__

2089 paid from salaries and benefits appropriations and those persons
2090 performing services for a state agency or for the judicial
2091 branch, but who are not filling established positions, shall be
2092 paid from other-personal-services appropriations.

2093 2. Those persons paid from salaries and benefits
2094 appropriations shall be state officers or employees and shall be
2095 eligible for membership in a state retirement system and those
2096 paid from other-personal-services appropriations shall not be
2097 eligible for such membership.

2098 (kk)~~(ee)~~ "Outcome" means an indicator of the actual impact
2099 or public benefit of a program.

2100 (ll)~~(ff)~~ "Output" means the actual service or product
2101 delivered by a state agency.

2102 (gg) "Mandatory reserve" means the reduction of an
2103 appropriation by the Governor or the Legislative Budget
2104 Commission due to an anticipated deficit in a fund, pursuant to
2105 s. 216.221. Action may not be taken to restore a mandatory
2106 reserve either directly or indirectly.

2107 (h)~~(hh)~~ "Budget reserve" means the withholding, as
2108 authorized by the Legislature, of an appropriation, or portion
2109 thereof. The need for a budget reserve may exist until certain
2110 conditions set by the Legislature are met by the affected
2111 agency, or such need may exist due to financial or program
2112 changes that have occurred since, and were unforeseen at the
2113 time of, passage of the General Appropriations Act.

2114 (mm)~~(ii)~~ "Performance measure" means a quantitative or
2115 qualitative indicator used to assess state agency performance.

2116 (nn)~~(jj)~~ "Program" means a set of services and activities
2117 undertaken in accordance with a plan of action organized to

19-01965-23

202332

2118 realize identifiable goals and objectives based on legislative
2119 authorization.

2120 (oo)~~(kk)~~ "Program component" means an aggregation of
2121 generally related objectives which, because of their special
2122 character, related workload, and interrelated output, can
2123 logically be considered an entity for purposes of organization,
2124 management, accounting, reporting, and budgeting.

2125 (pp)~~(ll)~~ "Proviso" means language that qualifies or
2126 restricts a specific appropriation and which can be logically
2127 and directly related to the specific appropriation.

2128 (rr)~~(mm)~~ "Salaries and benefits" means the appropriation
2129 category used to fund the monetary or cash-equivalent
2130 compensation for work performed by state employees for a
2131 specific period of time. Benefits shall be as provided by law.

2132 (ss)~~(nn)~~ "Salary" means the cash compensation for services
2133 rendered for a specific period of time.

2134 (uu)~~(oo)~~ "Special category" means the appropriation
2135 category used to fund amounts appropriated for a specific need
2136 or classification of expenditures.

2137 (vv)~~(pp)~~ "Standard" means the level of performance of an
2138 outcome or output.

2139 (ww)~~(qq)~~ "State agency" or "agency" means any official,
2140 officer, commission, board, authority, council, committee, or
2141 department of the executive branch of state government. For
2142 purposes of this chapter and chapter 215, "state agency" or
2143 "agency" includes, but is not limited to, state attorneys,
2144 public defenders, criminal conflict and civil regional counsel,
2145 capital collateral regional counsel, the Justice Administrative
2146 Commission, the Florida Housing Finance Corporation, and the

19-01965-23

202332

2147 Florida Public Service Commission. Solely for the purposes of
2148 implementing s. 19(h), Art. III of the State Constitution, the
2149 terms "state agency" or "agency" include the judicial branch.

2150 (a)~~(rr)~~ "Activity" means a unit of work that has
2151 identifiable starting and ending points, consumes resources, and
2152 produces outputs.

2153 (qq)~~(ss)~~ "Qualified expenditure category" means the
2154 appropriations category used to fund specific activities and
2155 projects which must be transferred to one or more appropriation
2156 categories for expenditure upon recommendation by the Governor
2157 or Chief Justice, as appropriate, and subject to approval by the
2158 Legislative Budget Commission. The Legislature by law may
2159 provide that a specific portion of the funds appropriated in
2160 this category be transferred to one or more appropriation
2161 categories without approval by the commission and may provide
2162 that requirements or contingencies be satisfied prior to the
2163 transfer.

2164 (w)~~(tt)~~ "Incurred obligation" means a legal obligation for
2165 goods or services that have been contracted for, referred to as
2166 an encumbrance in the state's financial system, or received or
2167 incurred by the state and referred to as a payable in the
2168 state's financial system.

2169 (tt)~~(uu)~~ "Salary rate reserve" means the withholding of a
2170 portion of the annual salary rate for a specific purpose.

2171 (z)~~(vv)~~ "Lease or lease-purchase of equipment" means the
2172 appropriations category used to fund the lease or lease-purchase
2173 of equipment, fixtures, and other tangible personal property.

2174 (dd)~~(ww)~~ "Long-range financial outlook" means a document
2175 issued by the Legislative Budget Commission based on a 3-year

19-01965-23

202332

2176 forecast of revenues and expenditures.

2177 (3) For purposes of this chapter, the term:

2178 (c) "Statutorily authorized entity" means any entity
2179 primarily acting as an instrumentality of the state, any
2180 regulatory or governing body, or any other governmental or
2181 quasi-governmental organization that receives, disburses,
2182 expends, administers, awards, recommends expenditure of,
2183 handles, manages, or has custody or control of funds
2184 appropriated by the Legislature and:

2185 1. Is created, organized, or specifically authorized to be
2186 created or established by general law; or

2187 2. Assists a department, as defined in s. 20.03(8)
2188 ~~20.03(2)~~, or other unit of state government in providing
2189 programs or services on a statewide basis with a statewide
2190 service area or population.

2191 Reviser's note.—Subsection (1) is amended to place the
2192 definitions in alphabetical order. Paragraph (3)(c) is
2193 amended to conform to the reordering of definitions in s.
2194 20.03 by this act.

2195 Section 55. Paragraphs (b) through (e) of subsection (2),
2196 paragraph (c) of subsection (6), and paragraph (c) of subsection
2197 (8) of section 251.001, Florida Statutes, are amended to read:

2198 251.001 Florida State Guard Act.—

2199 (2) DEFINITIONS.—As used in this section:

2200 (b) The term "department" means the Department of Military
2201 Affairs.

2202 (c) The term "officer" means an officer commissioned by the
2203 Governor.

2204 (d) The term "organized guard" means an organized military

19-01965-23

202332__

2205 force that is authorized by law.

2206 (e) The term "warrant officer" means a technical specialist
2207 commissioned as a warrant officer by the Governor.

2208 (6) ACTIVATION OF THE FLORIDA STATE GUARD.—

2209 (c) The Florida State Guard shall be deactivated by the
2210 expiration of the order of activation or by a separate order by
2211 the Governor deactivating the Florida State Guard.

2212 (8) EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
2213 LIABILITY, AND WORKERS' COMPENSATION.—

2214 (c) While activated or in training, members of the Florida
2215 State Guard are considered volunteers for the state, as defined
2216 in s. 440.02(18)(d)6. ~~440.02(15)(d)6.~~, and are entitled to
2217 workers' compensation protections pursuant to chapter 440.

2218 Reviser's note.—Paragraphs (2)(b) through (e) are amended to

2219 confirm editorial insertions to conform to paragraph

2220 (2)(a), which begins with the words "The terms." Paragraph

2221 (6)(c) is amended to confirm an editorial insertion to

2222 improve clarity. Paragraph (8)(c) is amended to conform to
2223 the reordering of definitions in s. 440.02 by this act.

2224 Section 56. Paragraph (u) of subsection (2) of section

2225 252.35, Florida Statutes, is amended to read:

2226 252.35 Emergency management powers; Division of Emergency
2227 Management.—

2228 (2) The division is responsible for carrying out the
2229 provisions of ss. 252.31-252.90. In performing its duties, the
2230 division shall:

2231 (u) Acquire and maintain a supply of personal protective
2232 equipment owned by the state for use by state agencies and to
2233 assist local governments and the private sector, when determined

19-01965-23

202332

2234 to be necessary by the State Coordinating Officer, in meeting
2235 safety needs during a declared emergency. The division shall
2236 conduct regular inventories of the supply, which must include
2237 projections of the need for additional personal protective
2238 equipment, as assessed by each governmental agency, to maintain
2239 the supply and replace expired items. The division shall
2240 maintain and replace the equipment on a standardized schedule
2241 that recognizes equipment expiration and obsolescence. This
2242 paragraph is subject to appropriation. The ~~initial~~ inventory
2243 must be reported annually by December 31, ~~2021~~, to the Governor,
2244 the President of the Senate, the Speaker of the House of
2245 Representatives, and the Chief Justice of the Supreme Court ~~and,~~
2246 ~~thereafter, the inventory must be reported by each December 31~~
2247 ~~to those officers.~~

2248 Reviser's note.—Amended to delete obsolete language.

2249 Section 57. Subsections (11) and (12) of section 282.319,
2250 Florida Statutes, are amended to read:

2251 282.319 Florida Cybersecurity Advisory Council.—

2252 (11) ~~Beginning June 30, 2022, and~~ Each June 30 ~~thereafter,~~
2253 the council shall submit to the President of the Senate and the
2254 Speaker of the House of Representatives any legislative
2255 recommendations considered necessary by the council to address
2256 cybersecurity.

2257 (12) ~~Beginning December 1, 2022, and~~ Each December 1
2258 ~~thereafter,~~ the council shall submit to the Governor, the
2259 President of the Senate, and the Speaker of the House of
2260 Representatives a comprehensive report that includes data,
2261 trends, analysis, findings, and recommendations for state and
2262 local action regarding ransomware incidents. At a minimum, the

19-01965-23

202332

2263 report must include:

2264 (a) Descriptive statistics including the amount of ransom
2265 requested, the duration of the ransomware incident, and the
2266 overall monetary cost to taxpayers of the ransomware incident.

2267 (b) A detailed statistical analysis of the circumstances
2268 that led to the ransomware incident which does not include the
2269 name of the state agency, county, or municipality; network
2270 information; or system identifying information.

2271 (c) A detailed statistical analysis of the level of
2272 cybersecurity employee training and frequency of data backup for
2273 the state agency, county, or municipality that reported the
2274 ransomware incident.

2275 (d) Specific issues identified with current policies,
2276 procedures, rules, or statutes and recommendations to address
2277 such issues.

2278 (e) Any other recommendations to prevent ransomware
2279 incidents.

2280 Reviser's note.—Amended to delete obsolete language.

2281 Section 58. Subsection (20) of section 287.012, Florida
2282 Statutes, is amended to read:

2283 287.012 Definitions.—As used in this part, the term:

2284 (20) "Outsource" means the process of contracting with a
2285 vendor to provide a service as defined in s. 216.011(1)(g)
2286 ~~216.011(1)(f)~~, in whole or in part, or an activity as defined in
2287 s. 216.011(1)(a) ~~216.011(1)(rr)~~, while a state agency retains
2288 the responsibility and accountability for the service or
2289 activity and there is a transfer of management responsibility
2290 for the delivery of resources and the performance of those
2291 resources.

19-01965-23

202332

2292 Reviser's note.—Amended to conform to the reordering of
2293 definitions in s. 216.011(1) by this act.

2294 Section 59. Paragraph (c) of subsection (3) and subsection
2295 (18) of section 287.057, Florida Statutes, are amended to read:
2296 287.057 Procurement of commodities or contractual
2297 services.—

2298 (3) If the purchase price of commodities or contractual
2299 services exceeds the threshold amount provided in s. 287.017 for
2300 CATEGORY TWO, purchase of commodities or contractual services
2301 may not be made without receiving competitive sealed bids,
2302 competitive sealed proposals, or competitive sealed replies
2303 unless:

2304 (c) Commodities or contractual services available only from
2305 a single source may be excepted from the competitive-
2306 solicitation requirements. If an agency believes that
2307 commodities or contractual services are available only from a
2308 single source, the agency shall electronically post a
2309 description of the commodities or contractual services sought
2310 for at least 15 business days. The description must include a
2311 request that prospective vendors provide information regarding
2312 their ability to supply the commodities or contractual services
2313 described. If it is determined in writing by the agency, after
2314 reviewing any information received from prospective vendors that
2315 the commodities or contractual services are available only from
2316 a single source, the agency shall provide notice of its intended
2317 decision to enter a single-source purchase contract in the
2318 manner specified in s. 120.57(3). Each agency shall report all
2319 such actions to the department on a quarterly basis in a manner
2320 and form prescribed by the department, and the department shall

19-01965-23

202332

2321 report such information to the Governor, the President of the
2322 Senate, and the Speaker of the House of Representatives no later
2323 than ~~January 1, 2022, and~~ each January 1 ~~thereafter~~.

2324 (18) Any person who supervises contract administrators or
2325 contract or grant managers that meet criteria for certification
2326 in subsection (15) shall annually complete public procurement
2327 training for supervisors within 12 months after appointment to
2328 the supervisory position. The department is responsible for
2329 establishing and disseminating the training course content
2330 required for supervisors ~~and training shall commence no later~~
2331 ~~than July 1, 2022~~.

2332 Reviser's note.—Amended to delete obsolete language.

2333 Section 60. Paragraph (c) of subsection (2) of section
2334 288.101, Florida Statutes, is amended to read:

2335 288.101 Florida Job Growth Grant Fund.—

2336 (2) The department and Enterprise Florida, Inc., may
2337 identify projects, solicit proposals, and make funding
2338 recommendations to the Governor, who is authorized to approve:

2339 (c) Workforce training grants to support programs at state
2340 colleges and state technical centers that provide participants
2341 with transferable, sustainable workforce skills applicable to
2342 more than a single employer, and for equipment associated with
2343 these programs. The department shall work with CareerSource
2344 Florida, Inc., to ensure programs are offered to the public
2345 based on criteria established by the state college or state
2346 technical center and do not exclude applicants who are
2347 unemployed or underemployed.

2348 Reviser's note.—Amended to confirm an editorial insertion to
2349 conform to the full name of CareerSource Florida, Inc.

19-01965-23

202332

2350 Section 61. Paragraph (b) of subsection (2) and paragraph
2351 (h) of subsection (10) of section 288.9625, Florida Statutes,
2352 are amended to read:

2353 288.9625 Institute for Commercialization of Florida
2354 Technology.—

2355 (2) The purpose of the institute is to assist, without any
2356 financial support or specific appropriations from the state, in
2357 the commercialization of products developed by the research and
2358 development activities of an innovation business, including, but
2359 not limited to, those defined in s. 288.1089. The institute
2360 shall fulfill its purpose in the best interests of the state.

2361 The institute:

2362 (b) Is not an agency within the meaning of s. 20.03(1)
2363 ~~20.03(11)~~;

2364 (10) The private fund manager:

2365 (h) Is not an agency within the meaning of s. 20.03(1)
2366 ~~20.03(11)~~.

2367 Reviser's note.—Amended to conform to the reordering of
2368 definitions in s. 20.03 by this act.

2369 Section 62. Subsection (8) of section 290.007, Florida
2370 Statutes, is amended to read:

2371 290.007 State incentives available in enterprise zones.—The
2372 following incentives are provided by the state to encourage the
2373 revitalization of enterprise zones:

2374 (8) Notwithstanding any law to the contrary, the Public
2375 Service Commission may allow public utilities and
2376 telecommunications companies to grant discounts of up to 50
2377 percent on tariffed rates for services to small businesses
2378 located in an enterprise zone designated pursuant to s.

19-01965-23

202332

2379 290.0065. Such discounts may be granted for a period not to
 2380 exceed 5 years. For purposes of this subsection, the term
 2381 "public utility" has the same meaning as in s. 366.02(8)
 2382 ~~366.02(1)~~ and the term "telecommunications company" has the same
 2383 meaning as in s. 364.02(13).

2384 Reviser's note.—Amended to conform to the reordering of
 2385 definitions in s. 366.02 by s. 27, ch. 2022-4, Laws of
 2386 Florida.

2387 Section 63. Subsection (2) of section 295.0185, Florida
 2388 Statutes, is amended to read:

2389 295.0185 Children of deceased or disabled military
 2390 personnel who die or become disabled in Operation Enduring
 2391 Freedom or Operation Iraqi Freedom; educational opportunity.—

2392 (2) Sections 295.03-295.05 and 1009.40 shall apply.

2393 Reviser's note.—Amended to confirm an editorial insertion to
 2394 conform to usage in this chapter.

2395 Section 64. Subsection (7) of section 295.061, Florida
 2396 Statutes, is amended to read:

2397 295.061 Active duty servicemembers; death benefits.—

2398 (7) Benefits provided under subsection (2) or subsection
 2399 (3) shall be paid from the General Revenue Fund. ~~Beginning in~~
 2400 ~~the 2019-2020 fiscal year and continuing~~ Each fiscal year
 2401 ~~thereafter~~, a sum sufficient to pay such benefits is
 2402 appropriated from the General Revenue Fund to the Department of
 2403 Financial Services for the purposes of paying such benefits.

2404 Reviser's note.—Amended to delete obsolete language.

2405 Section 65. Subsection (10) of section 322.051, Florida
 2406 Statutes, is amended to read:

2407 322.051 Identification cards.—

19-01965-23

202332__

2408 (10) Notwithstanding any other provision of this section or
2409 s. 322.21 to the contrary, the department shall issue an
2410 identification card at no charge to a person who is 80 years of
2411 age or ~~of~~ older and whose driving privilege is denied due to
2412 failure to pass a vision test administered pursuant to s.
2413 322.18(5).

2414 Reviser's note.—Amended to confirm an editorial substitution to
2415 conform to context.

2416 Section 66. Paragraph (f) of subsection (1) of section
2417 322.21, Florida Statutes, is amended to read:

2418 322.21 License fees; procedure for handling and collecting
2419 fees.—

2420 (1) Except as otherwise provided herein, the fee for:

2421 (f) An original, renewal, or replacement identification
2422 card issued pursuant to s. 322.051 is \$25.

2423 1. An applicant who meets any of the following criteria is
2424 exempt from the fee under this paragraph for an original,
2425 renewal, or replacement identification card:

2426 a. The applicant presents a valid Florida voter's
2427 registration card to the department and attests that he or she
2428 is experiencing a financial hardship.

2429 b. The applicant presents evidence satisfactory to the
2430 department that he or she is homeless as defined in s.
2431 414.0252(7).

2432 c. The applicant presents evidence satisfactory to the
2433 department that his or her annual income is at or below 100
2434 percent of the federal poverty level.

2435 d. The applicant is a juvenile offender who is in the
2436 custody or under the supervision of the Department of Juvenile

19-01965-23

202332

2437 Justice, who is receiving services pursuant to s. 985.461, and
2438 whose identification card is issued by the department's mobile
2439 issuing units.

2440 2. Pursuant to s. 322.051(10), an applicant who is 80 years
2441 of age or ~~of~~ older and whose driving privilege is denied due to
2442 failure to pass a vision test administered pursuant to s.
2443 322.18(5) is exempt from the fee under this paragraph for an
2444 original identification card.

2445 3. Funds collected from fees for original, renewal, or
2446 replacement identification cards shall be distributed as
2447 follows:

2448 a. For an original identification card issued pursuant to
2449 s. 322.051, the fee shall be deposited into the General Revenue
2450 Fund.

2451 b. For a renewal identification card issued pursuant to s.
2452 322.051, \$6 shall be deposited into the Highway Safety Operating
2453 Trust Fund, and \$19 shall be deposited into the General Revenue
2454 Fund.

2455 c. For a replacement identification card issued pursuant to
2456 s. 322.051, \$9 shall be deposited into the Highway Safety
2457 Operating Trust Fund, and \$16 shall be deposited into the
2458 General Revenue Fund. Beginning July 1, 2015, or upon completion
2459 of the transition of the driver license issuance services, if
2460 the replacement identification card is issued by the tax
2461 collector, the tax collector shall retain the \$9 that would
2462 otherwise be deposited into the Highway Safety Operating Trust
2463 Fund and the remaining revenues shall be deposited into the
2464 General Revenue Fund.

2465 Reviser's note.—Amended to confirm an editorial substitution to

19-01965-23

202332

2466 conform to context.

2467 Section 67. Paragraph (c) of subsection (1) of section
2468 327.371, Florida Statutes, is amended to read:

2469 327.371 Human-powered vessels regulated.—

2470 (1) A person may operate a human-powered vessel within the
2471 boundaries of the marked channel of the Florida Intracoastal
2472 Waterway as defined in s. 327.02:

2473 (c) When participating in practices or competitions for
2474 interscholastic, intercollegiate, intramural, or club rowing
2475 teams affiliated with an educational institution identified in
2476 s. 1000.21, s. 1002.01(2), s. 1003.01(17) ~~1003.01(2)~~, s.
2477 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
2478 the marked channel is not suitable for such practice or
2479 competition. The teams must use their best efforts to make use
2480 of the adjacent area outside of the marked channel. The
2481 commission must be notified in writing of the details of any
2482 such competition, and the notification must include, but need
2483 not be limited to, the date, time, and location of the
2484 competition.

2485 Reviser's note.—Amended to conform to the reordering of
2486 definitions in s. 1003.01 by this act.

2487 Section 68. Subsection (1) of section 327.4108, Florida
2488 Statutes, is amended to read:

2489 327.4108 Anchoring of vessels in anchoring limitation
2490 areas.—

2491 (1) The following densely populated urban areas, which have
2492 narrow state waterways, residential docking facilities, and
2493 significant recreational boating traffic, are designated as and
2494 shall be considered to be grandfathered-in anchoring limitation

19-01965-23

202332__

2495 areas, within which a person may not anchor a vessel at any time
2496 during the period between one-half hour after sunset and one-
2497 half hour before sunrise, except as provided in subsections (4)
2498 and (5) ~~(3)~~ and ~~(4)~~:

2499 (a) The section of Middle River lying between Northeast
2500 21st Court and the Intracoastal Waterway in Broward County.

2501 (b) Sunset Lake in Miami-Dade County.

2502 (c) The sections of Biscayne Bay in Miami-Dade County lying
2503 between:

2504 1. Rivo Alto Island and Di Lido Island.

2505 2. San Marino Island and San Marco Island.

2506 3. San Marco Island and Biscayne Island.

2507 Reviser's note.—Amended to confirm an editorial substitution to
2508 conform to the redesignation of subsections by s. 1, ch.
2509 2021-192, Laws of Florida.

2510 Section 69. Subsections (18) through (21) of section
2511 331.303, Florida Statutes, are reordered and amended to read:

2512 331.303 Definitions.—

2513 (19) ~~(18)~~ "Spaceport territory" means the geographical area
2514 designated in s. 331.304 and as amended or changed in accordance
2515 with s. 331.329.

2516 (20) ~~(19)~~ "Spaceport user" means any person who uses the
2517 facilities or services of any spaceport; and, for the purposes
2518 of any exemptions or rights granted under this act, the
2519 spaceport user shall be deemed a spaceport user only during the
2520 time period in which the person has in effect a contract,
2521 memorandum of understanding, or agreement with the spaceport,
2522 and such rights and exemptions shall be granted with respect to
2523 transactions relating only to spaceport projects.

19-01965-23

202332__

2524 (21)~~(20)~~ "Travel expenses" means the actual, necessary, and
 2525 reasonable costs of transportation, meals, lodging, and
 2526 incidental expenses normally incurred by a traveler, which costs
 2527 are defined and prescribed by rules adopted by Space Florida,
 2528 subject to approval by the Chief Financial Officer.

2529 (18)~~(21)~~ "Spaceport discretionary capacity improvement
 2530 projects" means capacity improvements that enhance space
 2531 transportation capacity at spaceports that have had one or more
 2532 orbital or suborbital flights during the previous calendar year
 2533 or have an agreement in writing for installation of one or more
 2534 regularly scheduled orbital or suborbital flights upon the
 2535 commitment of funds for stipulated spaceport capital
 2536 improvements.

2537 Reviser's note.—Amended to place the definitions in subsections
 2538 (18) through (21) in alphabetical order.

2539 Section 70. Subsection (1) of section 331.3101, Florida
 2540 Statutes, is amended to read:

2541 331.3101 Space Florida; travel and entertainment expenses.—

2542 (1) Notwithstanding the provisions of s. 112.061, Space
 2543 Florida shall adopt rules by which it may make expenditures by
 2544 advancement or reimbursement, or a combination thereof, to Space
 2545 Florida officers and employees; reimburse business clients,
 2546 guests, and authorized persons as defined in s. 112.061(2)(c)
 2547 ~~112.061(2)(e)~~; and make direct payments to third-party vendors:

2548 (a) For travel expenses of such business clients, guests,
 2549 and authorized persons incurred by Space Florida in connection
 2550 with the performance of its statutory duties, and for travel
 2551 expenses incurred by state officials and state employees while
 2552 accompanying such business clients, guests, or authorized

19-01965-23

202332__

2553 persons or when authorized by the board or its designee.

2554 (b) For entertainment expenses of such guests, business
2555 clients, and authorized persons incurred by Space Florida in
2556 connection with the performance of its statutory duties, and for
2557 entertainment expenses incurred for Space Florida officials and
2558 employees when such expenses are incurred while in the physical
2559 presence of such business clients, guests, or authorized
2560 persons.

2561 Reviser's note.—Amended to conform to the reordering of
2562 definitions in s. 112.061(2) by this act.

2563 Section 71. Subsection (5) of section 332.0075, Florida
2564 Statutes, is amended to read:

2565 332.0075 Commercial service airports; transparency and
2566 accountability; penalty.—

2567 (5) (a) ~~Beginning November 1, 2021, and~~ Each November 1
2568 ~~thereafter~~, the governing body of each commercial service
2569 airport shall submit the following information to the
2570 department:

- 2571 1. Its approved budget for the current fiscal year.
- 2572 2. Any financial reports submitted to the Federal Aviation
2573 Administration during the previous calendar year.
- 2574 3. A link to its website.
- 2575 4. A statement, verified as provided in s. 92.525, that it
2576 has complied with part III of chapter 112, chapter 287, and this
2577 section.

2578 (b) The department shall review the information submitted
2579 by the governing body of the commercial service airport and
2580 posted on the airport's website to determine the accuracy of
2581 such information. ~~Beginning January 15, 2022, and~~ Each January

19-01965-23

202332

2582 15 ~~thereafter~~, the department shall submit to the Governor, the
2583 President of the Senate, and the Speaker of the House of
2584 Representatives a report summarizing commercial service airport
2585 compliance with this section.

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

2587 Section 72. Section 337.023, Florida Statutes, is amended
2588 to read:

2589 337.023 Sale of building; acceptance of replacement
2590 building.—Notwithstanding the provisions of s. 216.292(4)(c)
2591 ~~216.292(2)(b)2.~~, if the department sells a building, the
2592 department may accept the construction of a replacement
2593 building, in response to a request for proposals, totally or
2594 partially in lieu of cash, and may do so without a specific
2595 legislative appropriation. Such action is subject to the
2596 approval of the Executive Office of the Governor, and is subject
2597 to the notice, review, and objection procedures under s.
2598 216.177. The replacement building shall be consistent with the
2599 current and projected needs of the department as agreed upon by
2600 the department and the Department of Management Services.

2601 Reviser's note.—Amended to correct a cross-reference to conform
2602 to the location of the referenced subject matter at the
2603 time s. 337.023 was created by s. 51, ch. 97-278, Laws of
2604 Florida. Section 216.292(4)(b), Florida Statutes 1997,
2605 related to a request for transfer of excess funds when the
2606 appropriated money for the named fixed capital outlay
2607 project was found to be more than needed to complete the
2608 project. That language is currently found at s.
2609 216.292(4)(c).

2610 Section 73. Paragraph (c) of subsection (1) of section

19-01965-23

202332__

2611 348.0305, Florida Statutes, is amended to read:

2612 348.0305 Ethics requirements.—

2613 (1) Notwithstanding any other provision of law to the
 2614 contrary, members and employees of the agency are subject to
 2615 part III of chapter 112. As used in this section, the term:

2616 (c) "Lobbyist" means a person who is employed and receives
 2617 payment, or who contracts for economic consideration, to lobby
 2618 or a person who is principally employed for governmental affairs
 2619 by another person or entity to lobby on behalf of such person or
 2620 entity. The term does not include a person who:

2621 1. Represents a client in a judicial proceeding or in a
 2622 formal administrative proceeding before the agency.

2623 2. Is an officer or employee of any governmental entity
 2624 acting in the normal course of his or her duties.

2625 3. Consults under contract with the agency and communicates
 2626 with the agency regarding issues related to the scope of
 2627 services in his or her contract.

2628 4. Is an expert witness who is retained or employed by an
 2629 employer, principal, or client to provide only scientific,
 2630 technical, or other specialized information provided in agenda
 2631 materials or testimony only in public hearings, provided the
 2632 expert identifies such employer, principal, or client at such
 2633 hearing.

2634 5. Seeks to procure a contract that is less than \$20,000 or
 2635 a contract pursuant to s. 287.056.

2636 Reviser's note.—Amended to improve clarity.

2637 Section 74. Subsection (5) of section 373.0363, Florida
 2638 Statutes, is amended to read:

2639 373.0363 Southern Water Use Caution Area Recovery

19-01965-23

202332

2640 Strategy.—

2641 (5) As part of the consolidated annual report required
2642 pursuant to s. 373.036(7), the district may include:

2643 (a) A summary of the conditions of the Southern Water Use
2644 Caution Area, including the status of the components of the
2645 West-Central Florida Water Restoration Action Plan.

2646 (b) An annual accounting of the expenditure of funds. The
2647 accounting must, at a minimum, provide details of expenditures
2648 separately by plan component and any subparts of a plan
2649 component, and include specific information about amount and use
2650 of funds from federal, state, and local government sources. In
2651 detailing the use of these funds, the district shall indicate
2652 those funds that are designated to meet requirements for
2653 matching funds.

2654 Reviser's note.—Amended to improve clarity.

2655 Section 75. Paragraph (b) of subsection (2) of section
2656 377.814, Florida Statutes, is amended to read:

2657 377.814 Municipal Solid Waste-to-Energy Program.—

2658 (2) DEFINITIONS.—For purposes of this section, the term:

2659 (b) "Municipal solid waste-to-energy facility" means a
2660 publicly owned facility that uses an enclosed device using
2661 controlled combustion to thermally break down solid waste to an
2662 ash residue that contains little or no combustible material and
2663 that produces electricity, steam, or other energy as a result.
2664 The term does not include facilities that primarily burn fuels
2665 other than solid waste even if such facilities also burn some
2666 solid waste as a fuel supplement. The term also does not include
2667 facilities that primarily burn vegetative, agricultural, or
2668 silvicultural wastes, bagasse, clean dry wood, methane or other

19-01965-23

202332

2669 landfill gas, wood fuel derived from construction or demolition
2670 debris, or waste tires, alone or in combination with fossil
2671 fuels.

2672 Reviser's note.—Amended to confirm an editorial insertion to
2673 improve clarity.

2674 Section 76. Paragraph (d) of subsection (2) of section
2675 379.2273, Florida Statutes, is amended to read:

2676 379.2273 Florida Red Tide Mitigation and Technology
2677 Development Initiative; Initiative Technology Advisory Council.—

2678 (2) The Florida Red Tide Mitigation and Technology
2679 Development Initiative is established as a partnership between
2680 the Fish and Wildlife Research Institute within the commission
2681 and Mote Marine Laboratory.

2682 (d) ~~Beginning January 15, 2021, and~~ Each January 15
2683 ~~thereafter~~ until its expiration, the initiative shall submit a
2684 report that contains an overview of its accomplishments to date
2685 and priorities for subsequent years to the Governor, the
2686 President of the Senate, the Speaker of the House of
2687 Representatives, the Secretary of Environmental Protection, and
2688 the executive director of the Fish and Wildlife Conservation
2689 Commission.

2690 Reviser's note.—Amended to delete obsolete language.

2691 Section 77. Paragraph (c) of subsection (1) of section
2692 381.00319, Florida Statutes, is amended to read:

2693 381.00319 Prohibition on COVID-19 vaccination mandates for
2694 students.—

2695 (1) For purposes of this section, the term:

2696 (c) "Parent" has the same meaning as in s. 1000.21(6)
2697 ~~1000.21(5)~~.

19-01965-23

202332

2698 Reviser's note.—Amended to conform to the reordering of
2699 definitions in s. 1000.21 by this act.
2700 Section 78. Paragraph (e) of subsection (4) of section
2701 381.0065, Florida Statutes, is amended to read:
2702 381.0065 Onsite sewage treatment and disposal systems;
2703 regulation.—
2704 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
2705 construct, repair, modify, abandon, or operate an onsite sewage
2706 treatment and disposal system without first obtaining a permit
2707 approved by the department. The department may issue permits to
2708 carry out this section, except that the issuance of a permit for
2709 work seaward of the coastal construction control line
2710 established under s. 161.053 shall be contingent upon receipt of
2711 any required coastal construction control line permit from the
2712 department. A construction permit is valid for 18 months after
2713 the date of issuance and may be extended by the department for
2714 one 90-day period under rules adopted by the department. A
2715 repair permit is valid for 90 days after the date of issuance.
2716 An operating permit must be obtained before the use of any
2717 aerobic treatment unit or if the establishment generates
2718 commercial waste. Buildings or establishments that use an
2719 aerobic treatment unit or generate commercial waste shall be
2720 inspected by the department at least annually to assure
2721 compliance with the terms of the operating permit. The operating
2722 permit for a commercial wastewater system is valid for 1 year
2723 after the date of issuance and must be renewed annually. The
2724 operating permit for an aerobic treatment unit is valid for 2
2725 years after the date of issuance and must be renewed every 2
2726 years. If all information pertaining to the siting, location,

19-01965-23

202332

2727 and installation conditions or repair of an onsite sewage
2728 treatment and disposal system remains the same, a construction
2729 or repair permit for the onsite sewage treatment and disposal
2730 system may be transferred to another person, if the transferee
2731 files, within 60 days after the transfer of ownership, an
2732 amended application providing all corrected information and
2733 proof of ownership of the property. A fee is not associated with
2734 the processing of this supplemental information. A person may
2735 not contract to construct, modify, alter, repair, service,
2736 abandon, or maintain any portion of an onsite sewage treatment
2737 and disposal system without being registered under part III of
2738 chapter 489. A property owner who personally performs
2739 construction, maintenance, or repairs to a system serving his or
2740 her own owner-occupied single-family residence is exempt from
2741 registration requirements for performing such construction,
2742 maintenance, or repairs on that residence, but is subject to all
2743 permitting requirements. A municipality or political subdivision
2744 of the state may not issue a building or plumbing permit for any
2745 building that requires the use of an onsite sewage treatment and
2746 disposal system unless the owner or builder has received a
2747 construction permit for such system from the department. A
2748 building or structure may not be occupied and a municipality,
2749 political subdivision, or any state or federal agency may not
2750 authorize occupancy until the department approves the final
2751 installation of the onsite sewage treatment and disposal system.
2752 A municipality or political subdivision of the state may not
2753 approve any change in occupancy or tenancy of a building that
2754 uses an onsite sewage treatment and disposal system until the
2755 department has reviewed the use of the system with the proposed

19-01965-23

202332

2756 change, approved the change, and amended the operating permit.

2757 (e) The department shall adopt rules relating to the
2758 location of onsite sewage treatment and disposal systems,
2759 including establishing setback distances, to prevent groundwater
2760 contamination and surface water contamination and to preserve
2761 the public health. ~~The rulemaking process for such rules must be
2762 completed by July 1, 2022, and the department shall notify the
2763 Division of Law Revision of the date such rules take effect.~~ The
2764 rules must consider conventional and enhanced nutrient-reducing
2765 onsite sewage treatment and disposal system designs, impaired or
2766 degraded water bodies, domestic wastewater and drinking water
2767 infrastructure, potable water sources, nonpotable wells,
2768 stormwater infrastructure, the onsite sewage treatment and
2769 disposal system remediation plans developed pursuant to s.
2770 403.067(7)(a)9.b., nutrient pollution, and the recommendations
2771 of the onsite sewage treatment and disposal systems technical
2772 advisory committee established pursuant to s. 381.00652. The
2773 rules must also allow a person to apply for and receive a
2774 variance from a rule requirement upon demonstration that the
2775 requirement would cause an undue hardship and granting the
2776 variance would not cause or contribute to the exceedance of a
2777 total maximum daily load.

2778 Reviser's note.—Amended to confirm the deletion of obsolete
2779 language to conform to the Department of Environmental
2780 Protection's notification to the Division of Law Revision
2781 that the rules became effective June 21, 2022.

2782 Section 79. Paragraph (k) of subsection (3) of section
2783 383.145, Florida Statutes, is amended to read:

2784 383.145 Newborn and infant hearing screening.—

19-01965-23

202332

2785 (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE
2786 COVERAGE; REFERRAL FOR ONGOING SERVICES.—

2787 (k) The initial procedure for screening the hearing of the
2788 newborn or infant and any medically necessary follow-up
2789 reevaluations leading to diagnosis shall be a covered benefit
2790 for Medicaid patients covered by a fee-for-service program. For
2791 Medicaid patients enrolled in HMOs, providers shall be
2792 reimbursed directly by the Medicaid Program Office at the
2793 Medicaid rate. This service may not be considered a covered
2794 service for the purposes of establishing the payment rate for
2795 Medicaid HMOs. All health insurance policies and health
2796 maintenance organizations as provided under ss. 627.6416,
2797 627.6579, and 641.31(30), except for supplemental policies that
2798 only provide coverage for specific diseases, hospital indemnity,
2799 or Medicare supplement, or to the supplemental policies ~~polices~~,
2800 shall compensate providers for the covered benefit at the
2801 contracted rate. Nonhospital-based providers are eligible to
2802 bill Medicaid for the professional and technical component of
2803 each procedure code.

2804 Reviser's note.—Amended to confirm an editorial substitution to
2805 conform to context.

2806 Section 80. Section 394.4573, Florida Statutes, is amended
2807 to read:

2808 394.4573 Coordinated system of care; annual assessment;
2809 essential elements; measures of performance; system improvement
2810 grants; reports.—On or before December 1 of each year, the
2811 department shall submit to the Governor, the President of the
2812 Senate, and the Speaker of the House of Representatives an
2813 assessment of the behavioral health services in this state. The

19-01965-23

202332

2814 assessment shall consider, at a minimum, the extent to which
2815 designated receiving systems function as no-wrong-door models,
2816 the availability of treatment and recovery services that use
2817 recovery-oriented and peer-involved approaches, the availability
2818 of less-restrictive services, and the use of evidence-informed
2819 practices. The assessment shall also consider the availability
2820 of and access to coordinated specialty care programs and
2821 identify any gaps in the availability of and access to such
2822 programs in the state. The department's assessment shall
2823 consider, at a minimum, the needs assessments conducted by the
2824 managing entities pursuant to s. 394.9082(5). ~~Beginning in 2017,~~
2825 The department shall compile and include in the report all plans
2826 submitted by managing entities pursuant to s. 394.9082(8) and
2827 the department's evaluation of each plan.

2828 (1) As used in this section:

2829 (a) "Care coordination" means the implementation of
2830 deliberate and planned organizational relationships and service
2831 procedures that improve the effectiveness and efficiency of the
2832 behavioral health system by engaging in purposeful interactions
2833 with individuals who are not yet effectively connected with
2834 services to ensure service linkage. Examples of care
2835 coordination activities include development of referral
2836 agreements, shared protocols, and information exchange
2837 procedures. The purpose of care coordination is to enhance the
2838 delivery of treatment services and recovery supports and to
2839 improve outcomes among priority populations.

2840 (b) "Case management" means those direct services provided
2841 to a client in order to assess his or her needs, plan or arrange
2842 services, coordinate service providers, link the service system

19-01965-23

202332

2843 to a client, monitor service delivery, and evaluate patient
2844 outcomes to ensure the client is receiving the appropriate
2845 services.

2846 (c) "Coordinated system of care" means the full array of
2847 behavioral and related services in a region or community offered
2848 by all service providers, whether participating under contract
2849 with the managing entity or by another method of community
2850 partnership or mutual agreement.

2851 (d) "No-wrong-door model" means a model for the delivery of
2852 acute care services to persons who have mental health or
2853 substance use disorders, or both, which optimizes access to
2854 care, regardless of the entry point to the behavioral health
2855 care system.

2856 (2) The essential elements of a coordinated system of care
2857 include:

2858 (a) Community interventions, such as prevention, primary
2859 care for behavioral health needs, therapeutic and supportive
2860 services, crisis response services, and diversion programs.

2861 (b) A designated receiving system that consists of one or
2862 more facilities serving a defined geographic area and
2863 responsible for assessment and evaluation, both voluntary and
2864 involuntary, and treatment or triage of patients who have a
2865 mental health or substance use disorder, or co-occurring
2866 disorders.

2867 1. A county or several counties shall plan the designated
2868 receiving system using a process that includes the managing
2869 entity and is open to participation by individuals with
2870 behavioral health needs and their families, service providers,
2871 law enforcement agencies, and other parties. The county or

19-01965-23

202332

2872 counties, in collaboration with the managing entity, shall
2873 document the designated receiving system through written
2874 memoranda of agreement or other binding arrangements. The county
2875 or counties and the managing entity shall complete the plan and
2876 implement the designated receiving system by July 1, 2017, and
2877 the county or counties and the managing entity shall review and
2878 update, as necessary, the designated receiving system at least
2879 once every 3 years.

2880 2. To the extent permitted by available resources, the
2881 designated receiving system shall function as a no-wrong-door
2882 model. The designated receiving system may be organized in any
2883 manner which functions as a no-wrong-door model that responds to
2884 individual needs and integrates services among various
2885 providers. Such models include, but are not limited to:

2886 a. A central receiving system that consists of a designated
2887 central receiving facility that serves as a single entry point
2888 for persons with mental health or substance use disorders, or
2889 co-occurring disorders. The central receiving facility shall be
2890 capable of assessment, evaluation, and triage or treatment or
2891 stabilization of persons with mental health or substance use
2892 disorders, or co-occurring disorders.

2893 b. A coordinated receiving system that consists of multiple
2894 entry points that are linked by shared data systems, formal
2895 referral agreements, and cooperative arrangements for care
2896 coordination and case management. Each entry point shall be a
2897 designated receiving facility and shall, within existing
2898 resources, provide or arrange for necessary services following
2899 an initial assessment and evaluation.

2900 c. A tiered receiving system that consists of multiple

19-01965-23

202332

2901 entry points, some of which offer only specialized or limited
2902 services. Each service provider shall be classified according to
2903 its capabilities as either a designated receiving facility or
2904 another type of service provider, such as a triage center, a
2905 licensed detoxification facility, or an access center. All
2906 participating service providers shall, within existing
2907 resources, be linked by methods to share data, formal referral
2908 agreements, and cooperative arrangements for care coordination
2909 and case management.

2910
2911 An accurate inventory of the participating service providers
2912 which specifies the capabilities and limitations of each
2913 provider and its ability to accept patients under the designated
2914 receiving system agreements and the transportation plan
2915 developed pursuant to this section shall be maintained and made
2916 available at all times to all first responders in the service
2917 area.

2918 (c) Transportation in accordance with a plan developed
2919 under s. 394.462.

2920 (d) Crisis services, including mobile response teams,
2921 crisis stabilization units, addiction receiving facilities, and
2922 detoxification facilities.

2923 (e) Case management. Each case manager or person directly
2924 supervising a case manager who provides Medicaid-funded targeted
2925 case management services shall hold a valid certification from a
2926 department-approved credentialing entity as defined in s.
2927 397.311(10) by July 1, 2017, and, thereafter, within 6 months
2928 after hire.

2929 (f) Care coordination that involves coordination with other

19-01965-23

202332

2930 local systems and entities, public and private, which are
2931 involved with the individual, such as primary care, child
2932 welfare, behavioral health care, and criminal and juvenile
2933 justice organizations.

2934 (g) Outpatient services.

2935 (h) Residential services.

2936 (i) Hospital inpatient care.

2937 (j) Aftercare and other postdischarge services.

2938 (k) Medication-assisted treatment and medication
2939 management.

2940 (l) Recovery support, including, but not limited to, the
2941 use of peer specialists to assist in the individual's recovery
2942 from a substance use disorder or mental illness; support for
2943 competitive employment, educational attainment, independent
2944 living skills development, family support and education,
2945 wellness management, and self-care; and assistance in obtaining
2946 housing that meets the individual's needs. Such housing may
2947 include mental health residential treatment facilities, limited
2948 mental health assisted living facilities, adult family care
2949 homes, and supportive housing. Housing provided using state
2950 funds must provide a safe and decent environment free from abuse
2951 and neglect.

2952 (m) Care plans shall assign specific responsibility for
2953 initial and ongoing evaluation of the supervision and support
2954 needs of the individual and the identification of housing that
2955 meets such needs. For purposes of this paragraph, the term
2956 "supervision" means oversight of and assistance with compliance
2957 with the clinical aspects of an individual's care plan.

2958 (n) Coordinated specialty care programs.

19-01965-23

202332

2959 (3) Subject to a specific appropriation by the Legislature,
 2960 the department may award system improvement grants to managing
 2961 entities based on a detailed plan to enhance services in
 2962 accordance with the no-wrong-door model as defined in subsection
 2963 (1) and to address specific needs identified in the assessment
 2964 prepared by the department pursuant to this section. Such a
 2965 grant must be awarded through a performance-based contract that
 2966 links payments to the documented and measurable achievement of
 2967 system improvements.

2968 Reviser's note.—Amended to delete obsolete language.

2969 Section 81. Paragraph (d) of subsection (5) of section
 2970 394.459, Florida Statutes, is amended to read:

2971 394.459 Rights of patients.—

2972 (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

2973 (d) If a patient's right to communicate with outside
 2974 persons; receive, send, or mail sealed, unopened correspondence;
 2975 or receive visitors is restricted by the facility, written
 2976 notice of such restriction and the reasons for the restriction
 2977 shall be served on the patient, the patient's attorney, and the
 2978 patient's guardian, guardian advocate, or representative. ‡ A
 2979 qualified professional must document any restriction within 24
 2980 hours, and such restriction shall be recorded on the patient's
 2981 clinical record with the reasons therefor. The restriction of a
 2982 patient's right to communicate or to receive visitors shall be
 2983 reviewed at least every 3 days. The right to communicate or
 2984 receive visitors shall not be restricted as a means of
 2985 punishment. Nothing in this paragraph shall be construed to
 2986 limit the provisions of paragraph (e).

2987 Reviser's note.—Amended to improve sentence structure.

19-01965-23

202332

2988 Section 82. Subsection (1) of section 394.9086, Florida
 2989 Statutes, is amended to read:

2990 394.9086 Commission on Mental Health and Substance Abuse.—

2991 (1) CREATION.—The Commission on Mental Health and Substance
 2992 Abuse, a commission as defined in s. 20.03(4) ~~20.03(10)~~, is
 2993 created adjunct to the department. The department shall provide
 2994 administrative and staff support services relating to the
 2995 functions of the commission.

2996 Reviser's note.—Amended to conform to the reordering of
 2997 definitions in s. 20.03 by this act.

2998 Section 83. Subsection (2) and paragraph (d) of subsection
 2999 (3) of section 395.1041, Florida Statutes, are amended to read:

3000 395.1041 Access to and ensurance of emergency services;
 3001 transfers; patient rights; diversion programs; reports of
 3002 controlled substance overdoses.—

3003 (2) INVENTORY OF HOSPITAL EMERGENCY SERVICES.—The agency
 3004 shall establish and maintain an inventory of hospitals with
 3005 emergency services. The inventory shall list all services within
 3006 the service capability of the hospital, and such services shall
 3007 appear on the face of the hospital license. Each hospital having
 3008 emergency services shall notify the agency of its service
 3009 capability in the manner and form prescribed by the agency. The
 3010 agency shall use the inventory to assist emergency medical
 3011 services providers and others in locating appropriate emergency
 3012 medical care. The inventory shall also be made available to the
 3013 general public. ~~On or before August 1, 1992, the agency shall~~
 3014 ~~request that each hospital identify the services which are~~
 3015 ~~within its service capability. On or before November 1, 1992,~~
 3016 ~~the agency shall notify each hospital of the service capability~~

19-01965-23

202332

3017 ~~to be included in the inventory. The hospital has 15 days from~~
3018 ~~the date of receipt to respond to the notice. By December 1,~~
3019 ~~1992, the agency shall publish a final inventory.~~ Each hospital
3020 shall reaffirm its service capability when its license is
3021 renewed and shall notify the agency of the addition of a new
3022 service or the termination of a service prior to a change in its
3023 service capability.

3024 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
3025 FACILITY OR HEALTH CARE PERSONNEL.—

3026 (d)1. Every hospital shall ensure the provision of services
3027 within the service capability of the hospital, at all times,
3028 either directly or indirectly through an arrangement with
3029 another hospital, through an arrangement with one or more
3030 physicians, or as otherwise made through prior arrangements. A
3031 hospital may enter into an agreement with another hospital for
3032 purposes of meeting its service capability requirement, and
3033 appropriate compensation or other reasonable conditions may be
3034 negotiated for these backup services.

3035 2. If any arrangement requires the provision of emergency
3036 medical transportation, such arrangement must be made in
3037 consultation with the applicable provider and may not require
3038 the emergency medical service provider to provide transportation
3039 that is outside the routine service area of that provider or in
3040 a manner that impairs the ability of the emergency medical
3041 service provider to timely respond to prehospital emergency
3042 calls.

3043 3. A hospital shall not be required to ensure service
3044 capability at all times as required in subparagraph 1. if, prior
3045 to the receiving of any patient needing such service capability,

19-01965-23

202332

3046 such hospital has demonstrated to the agency that it lacks the
3047 ability to ensure such capability and it has exhausted all
3048 reasonable efforts to ensure such capability through backup
3049 arrangements. In reviewing a hospital's demonstration of lack of
3050 ability to ensure service capability, the agency shall consider
3051 factors relevant to the particular case, including the
3052 following:

3053 a. Number and proximity of hospitals with the same service
3054 capability.

3055 b. Number, type, credentials, and privileges of
3056 specialists.

3057 c. Frequency of procedures.

3058 d. Size of hospital.

3059 4. The agency shall publish proposed rules implementing a
3060 reasonable exemption procedure ~~by November 1, 1992. Subparagraph~~
3061 ~~1. shall become effective upon the effective date of said rules~~
3062 ~~or January 31, 1993, whichever is earlier. For a period not to~~
3063 ~~exceed 1 year from the effective date of subparagraph 1., a~~
3064 ~~hospital requesting an exemption shall be deemed to be exempt~~
3065 ~~from offering the service until the agency initially acts to~~
3066 ~~deny or grant the original request. The agency has 45 days from~~
3067 ~~the date of receipt of the request to approve or deny the~~
3068 ~~request. After the first year from the effective date of~~
3069 ~~subparagraph 1., if the agency fails to initially act within the~~
3070 ~~time period, the hospital is deemed to be exempt from offering~~
3071 ~~the service until the agency initially acts to deny the request.~~
3072 Reviser's note.—Amended to delete obsolete language.

3073 Section 84. Subsection (5) of section 395.1065, Florida
3074 Statutes, is amended to read:

19-01965-23

202332

3075 395.1065 Criminal and administrative penalties;
3076 moratorium.—

3077 (5) The agency shall impose a fine of \$500 for each
3078 instance of the facility's failure to provide the information
3079 required by rules adopted pursuant to s. 395.1055(1)(g)
3080 ~~395.1055(1)(f)~~.

3081 Reviser's note.—Amended to correct an erroneous cross-reference
3082 in the amendment by s. 15, ch. 2022-5, Laws of Florida.
3083 Section 85. Paragraph (r) of subsection (1) of section
3084 400.141, Florida Statutes, is amended to read:

3085 400.141 Administration and management of nursing home
3086 facilities.—

3087 (1) Every licensed facility shall comply with all
3088 applicable standards and rules of the agency and shall:

3089 (r) Maintain in the medical record for each resident a
3090 daily chart of direct care services provided to the resident.
3091 The direct care staff caring for the resident must complete this
3092 record by the end of his or her shift. This record must indicate
3093 assistance with activities of daily living, assistance with
3094 eating, and assistance with drinking, and must record each
3095 offering of nutrition and hydration for those residents whose
3096 plan of care or assessment indicates a risk for malnutrition or
3097 dehydration.

3098 Reviser's note.—Amended to confirm the editorial reinsertion of
3099 the word "and," which was deleted as part of the amendment
3100 by s. 5, ch. 2022-61, Laws of Florida, for clarity.

3101 Section 86. Subsection (20) of section 401.23, Florida
3102 Statutes, is amended to read:

3103 401.23 Definitions.—As used in this part, the term:

19-01965-23

202332__

3104 (20) "Physician" means a practitioner who is licensed under
3105 the provisions of chapter 458 or chapter 459. For the purpose of
3106 providing medical direction ~~subsection (14)~~ for the treatment of
3107 patients immediately before or during transportation to a United
3108 States Department of Veterans Affairs medical facility,
3109 "physician" also means a practitioner employed by the United
3110 States Department of Veterans Affairs.

3111 Reviser's note.—Amended to confirm an editorial deletion to
3112 correct an apparent coding error in s. 1, ch. 2022-35, Laws
3113 of Florida.

3114 Section 87. Paragraph (c) of subsection (3) of section
3115 409.1465, Florida Statutes, is amended to read:

3116 409.1465 Grants to address the needs of fathers.—

3117 (3) The department shall prioritize applicants for a grant
3118 specified under subsection (2) based on:

3119 (c) Applicant involvement, current and historical,
3120 ~~involvement~~ in the community being served.

3121 Reviser's note.—Amended to improve clarity.

3122 Section 88. Paragraph (b) of subsection (7) of section
3123 409.147, Florida Statutes, is amended to read:

3124 409.147 Children's initiatives.—

3125 (7) CHILDREN'S INITIATIVE CORPORATION.—

3126 (b) The Ounce ~~of Prevention~~ must provide technical
3127 assistance to the corporation to facilitate achievement of the
3128 plans created under subsection (6).

3129 Reviser's note.—Amended to confirm an editorial deletion to
3130 conform to paragraph (3) (b) of this section, which defines
3131 the term "Ounce" as meaning the Ounce of Prevention Fund of
3132 Florida, Inc.

19-01965-23

202332

3133 Section 89. Subsection (2) of section 409.1664, Florida
3134 Statutes, is amended to read:

3135 409.1664 Adoption benefits for qualifying adoptive
3136 employees of state agencies, veterans, servicemembers, and law
3137 enforcement officers.—

3138 (2) A qualifying adoptive employee, veteran, or
3139 servicemember who adopts a child within the child welfare system
3140 who is difficult to place as described in s. 409.166(2)(d)2. is
3141 eligible to receive a lump-sum monetary benefit in the amount of
3142 \$10,000 per such child, subject to applicable taxes. A law
3143 enforcement officer who adopts a child within the child welfare
3144 system who is difficult to place as ~~has special needs~~ described
3145 in s. 409.166(2)(d)2. ~~409.166(2)(a)2.~~ is eligible to receive a
3146 lump-sum monetary benefit in the amount of \$25,000 per such
3147 child, subject to applicable taxes. A qualifying adoptive
3148 employee, veteran, or servicemember who adopts a child within
3149 the child welfare system who is not difficult to place as
3150 described in s. 409.166(2)(d)2. is eligible to receive a lump-
3151 sum monetary benefit in the amount of \$5,000 per such child,
3152 subject to applicable taxes. A law enforcement officer who
3153 adopts a child within the child welfare system who is not
3154 difficult to place as ~~does not have special needs~~ described in
3155 s. 409.166(2)(d)2. ~~409.166(2)(a)2.~~ is eligible to receive a
3156 lump-sum monetary benefit in the amount of \$10,000 per each such
3157 child, subject to applicable taxes. A qualifying adoptive
3158 employee of a charter school or the Florida Virtual School may
3159 retroactively apply for the monetary benefit provided in this
3160 subsection if such employee was employed by a charter school or
3161 the Florida Virtual School when he or she adopted a child within

19-01965-23

202332__

3162 the child welfare system pursuant to chapter 63 on or after July
3163 1, 2015. A veteran or servicemember may apply for the monetary
3164 benefit provided in this subsection if he or she is domiciled in
3165 this state and adopts a child within the child welfare system
3166 pursuant to chapter 63 on or after July 1, 2020. A law
3167 enforcement officer may apply for the monetary benefit provided
3168 in this subsection if he or she is domiciled in this state and
3169 adopts a child within the child welfare system pursuant to
3170 chapter 63 on or after July 1, 2022.

3171 (a) Benefits paid to a qualifying adoptive employee who is
3172 a part-time employee must be prorated based on the qualifying
3173 adoptive employee's full-time equivalency at the time of
3174 applying for the benefits.

3175 (b) Monetary benefits awarded under this subsection are
3176 limited to one award per adopted child within the child welfare
3177 system.

3178 (c) The payment of a lump-sum monetary benefit for adopting
3179 a child within the child welfare system under this section is
3180 subject to a specific appropriation to the department for such
3181 purpose.

3182 Reviser's note.—Amended to confirm editorial substitutions

3183 required to compile amendments by s. 3, ch. 2022-23, Laws
3184 of Florida, and s. 5, ch. 2022-55, Laws of Florida.

3185 Section 90. Subsections (3) and (4) of section 409.2557,
3186 Florida Statutes, are amended to read:

3187 409.2557 State agency for administering child support
3188 enforcement program.—

3189 (3) ~~SPECIFIC RULEMAKING AUTHORITY.~~—The department has the
3190 authority to adopt rules pursuant to ss. 120.536(1) and 120.54

19-01965-23

202332

3191 to implement all laws administered by the department in its
3192 capacity as the Title IV-D agency for this state including, but
3193 not limited to, the following:

3194 (a) Background screening of department employees and
3195 applicants, including criminal records checks;

3196 (b) Confidentiality and retention of department records;
3197 access to records; record requests;

3198 (c) Department trust funds;

3199 (d) Federal funding procedures;

3200 (e) Agreements with law enforcement and other state
3201 agencies; National Crime Information Center (NCIC) access;
3202 Parent Locator Service access;

3203 (f) Written agreements entered into between the department
3204 and support obligors in establishment, enforcement, and
3205 modification proceedings;

3206 (g) Procurement of services by the department, pilot
3207 programs, and demonstration projects;

3208 (h) Management of cases by the department involving any
3209 documentation or procedures required by federal or state law,
3210 including, but not limited to, cooperation; review and
3211 adjustment; audits; interstate actions; diligent efforts for
3212 service of process;

3213 (i) Department procedures for orders for genetic testing;
3214 subpoenas to establish, enforce, or modify orders; increasing
3215 the amount of monthly obligations to secure delinquent support;
3216 suspending or denying driver and professional licenses and
3217 certificates; fishing and hunting license suspensions;
3218 suspending vehicle and vessel registrations; screening
3219 applicants for new or renewal licenses, registrations, or

19-01965-23

202332

3220 certificates; income deduction; credit reporting and accessing;
3221 tax refund intercepts; passport denials; liens; financial
3222 institution data matches; expedited procedures; medical support;
3223 and all other responsibilities of the department as required by
3224 state or federal law;

3225 (j) Collection and disbursement of support and alimony
3226 payments by the department as required by federal law;
3227 collection of genetic testing costs and other costs awarded by
3228 the court;

3229 (k) Report information to and receive information from
3230 other agencies and entities;

3231 (l) Provide location services, including accessing from and
3232 reporting to federal and state agencies;

3233 (m) Privatizing location, establishment, enforcement,
3234 modification, and other functions;

3235 (n) State case registry;

3236 (o) State disbursement unit;

3237 (p) Administrative proceedings to establish paternity or
3238 establish paternity and child support, orders to appear for
3239 genetic testing, and administrative proceedings to establish
3240 child support obligations; and

3241 (q) All other responsibilities of the department as
3242 required by state or federal law.

3243 (4) The department shall establish on its website a
3244 dedicated web page that provides information to obligors who
3245 have difficulty paying child support due to economic hardship.
3246 There must be a link to such web page on the main child support
3247 web page. The web page must be in plain language and include, at
3248 a minimum, information on how an obligor can modify a child

19-01965-23

202332__

3249 support order, information on how to access services from
3250 CareerSource Florida, Inc., and the organizations awarded grants
3251 under s. 409.25996, and a link to the website for CareerSource
3252 Florida, Inc.

3253 Reviser's note.—Subsection (3) is amended to conform to the fact
3254 that all other subsections in s. 409.2557 do not have
3255 subsection catchlines. Subsection (4) is amended to confirm
3256 the editorial insertion of the word "Inc." to conform to
3257 the full name of the corporation.

3258 Section 91. Paragraph (c) of subsection (9) of section
3259 409.2564, Florida Statutes, is amended to read:

3260 409.2564 Actions for support.—

3261 (9)

3262 (c) All written notices provided to an obligor regarding
3263 delinquent support must include information on how the obligor
3264 can access the web page required under s. 409.2557(4) and how to
3265 access services through CareerSource Florida, Inc., and the
3266 organizations that are awarded grants under s. 409.25996.

3267 Reviser's note.—Amended to confirm the editorial insertion of
3268 the word "Inc." to conform to the full name of the
3269 corporation.

3270 Section 92. Paragraph (a) of subsection (5) of section
3271 409.912, Florida Statutes, is amended to read:

3272 409.912 Cost-effective purchasing of health care.—The
3273 agency shall purchase goods and services for Medicaid recipients
3274 in the most cost-effective manner consistent with the delivery
3275 of quality medical care. To ensure that medical services are
3276 effectively utilized, the agency may, in any case, require a
3277 confirmation or second physician's opinion of the correct

19-01965-23

202332

3278 diagnosis for purposes of authorizing future services under the
3279 Medicaid program. This section does not restrict access to
3280 emergency services or poststabilization care services as defined
3281 in 42 C.F.R. s. 438.114. Such confirmation or second opinion
3282 shall be rendered in a manner approved by the agency. The agency
3283 shall maximize the use of prepaid per capita and prepaid
3284 aggregate fixed-sum basis services when appropriate and other
3285 alternative service delivery and reimbursement methodologies,
3286 including competitive bidding pursuant to s. 287.057, designed
3287 to facilitate the cost-effective purchase of a case-managed
3288 continuum of care. The agency shall also require providers to
3289 minimize the exposure of recipients to the need for acute
3290 inpatient, custodial, and other institutional care and the
3291 inappropriate or unnecessary use of high-cost services. The
3292 agency shall contract with a vendor to monitor and evaluate the
3293 clinical practice patterns of providers in order to identify
3294 trends that are outside the normal practice patterns of a
3295 provider's professional peers or the national guidelines of a
3296 provider's professional association. The vendor must be able to
3297 provide information and counseling to a provider whose practice
3298 patterns are outside the norms, in consultation with the agency,
3299 to improve patient care and reduce inappropriate utilization.
3300 The agency may mandate prior authorization, drug therapy
3301 management, or disease management participation for certain
3302 populations of Medicaid beneficiaries, certain drug classes, or
3303 particular drugs to prevent fraud, abuse, overuse, and possible
3304 dangerous drug interactions. The Pharmaceutical and Therapeutics
3305 Committee shall make recommendations to the agency on drugs for
3306 which prior authorization is required. The agency shall inform

19-01965-23

202332

3307 the Pharmaceutical and Therapeutics Committee of its decisions
3308 regarding drugs subject to prior authorization. The agency is
3309 authorized to limit the entities it contracts with or enrolls as
3310 Medicaid providers by developing a provider network through
3311 provider credentialing. The agency may competitively bid single-
3312 source-provider contracts if procurement of goods or services
3313 results in demonstrated cost savings to the state without
3314 limiting access to care. The agency may limit its network based
3315 on the assessment of beneficiary access to care, provider
3316 availability, provider quality standards, time and distance
3317 standards for access to care, the cultural competence of the
3318 provider network, demographic characteristics of Medicaid
3319 beneficiaries, practice and provider-to-beneficiary standards,
3320 appointment wait times, beneficiary use of services, provider
3321 turnover, provider profiling, provider licensure history,
3322 previous program integrity investigations and findings, peer
3323 review, provider Medicaid policy and billing compliance records,
3324 clinical and medical record audits, and other factors. Providers
3325 are not entitled to enrollment in the Medicaid provider network.
3326 The agency shall determine instances in which allowing Medicaid
3327 beneficiaries to purchase durable medical equipment and other
3328 goods is less expensive to the Medicaid program than long-term
3329 rental of the equipment or goods. The agency may establish rules
3330 to facilitate purchases in lieu of long-term rentals in order to
3331 protect against fraud and abuse in the Medicaid program as
3332 defined in s. 409.913. The agency may seek federal waivers
3333 necessary to administer these policies.

3334 (5) (a) The agency shall implement a Medicaid prescribed-
3335 drug spending-control program that includes the following

19-01965-23

202332__

3336 components:

3337 1. A Medicaid preferred drug list, which shall be a listing
3338 of cost-effective therapeutic options recommended by the
3339 Medicaid Pharmacy and Therapeutics Committee established
3340 pursuant to s. 409.91195 and adopted by the agency for each
3341 therapeutic class on the preferred drug list. At the discretion
3342 of the committee, and when feasible, the preferred drug list
3343 should include at least two products in a therapeutic class. The
3344 agency may post the preferred drug list and updates to the list
3345 on an Internet website without following the rulemaking
3346 procedures of chapter 120. Antiretroviral agents are excluded
3347 from the preferred drug list. The agency shall also limit the
3348 amount of a prescribed drug dispensed to no more than a 34-day
3349 supply unless the drug products' smallest marketed package is
3350 greater than a 34-day supply, or the drug is determined by the
3351 agency to be a maintenance drug in which case a 100-day maximum
3352 supply may be authorized. The agency may seek any federal
3353 waivers necessary to implement these cost-control programs and
3354 to continue participation in the federal Medicaid rebate
3355 program, or alternatively to negotiate state-only manufacturer
3356 rebates. The agency may adopt rules to administer this
3357 subparagraph. The agency shall continue to provide unlimited
3358 contraceptive drugs and items. The agency must establish
3359 procedures to ensure that:

3360 a. There is a response to a request for prior authorization
3361 by telephone or other telecommunication device within 24 hours
3362 after receipt of a request for prior authorization; and

3363 b. A 72-hour supply of the drug prescribed is provided in
3364 an emergency or when the agency does not provide a response

19-01965-23

202332__

3365 within 24 hours as required by sub-subparagraph a.

3366 2. A provider of prescribed drugs is reimbursed in an
3367 amount not to exceed the lesser of the actual acquisition cost
3368 based on the Centers for Medicare and Medicaid Services National
3369 Average Drug Acquisition Cost pricing files plus a professional
3370 dispensing fee, the wholesale acquisition cost plus a
3371 professional dispensing fee, the state maximum allowable cost
3372 plus a professional dispensing fee, or the usual and customary
3373 charge billed by the provider.

3374 3. The agency shall develop and implement a process for
3375 managing the drug therapies of Medicaid recipients who are using
3376 significant numbers of prescribed drugs each month. The
3377 management process may include, but is not limited to,
3378 comprehensive, physician-directed medical-record reviews, claims
3379 analyses, and case evaluations to determine the medical
3380 necessity and appropriateness of a patient's treatment plan and
3381 drug therapies. The agency may contract with a private
3382 organization to provide drug-program-management services. The
3383 Medicaid drug benefit management program shall include
3384 initiatives to manage drug therapies for HIV/AIDS patients,
3385 patients using 20 or more unique prescriptions in a 180-day
3386 period, and the top 1,000 patients in annual spending. The
3387 agency shall enroll any Medicaid recipient in the drug benefit
3388 management program if he or she meets the specifications of this
3389 provision and is not enrolled in a Medicaid health maintenance
3390 organization.

3391 4. The agency may limit the size of its pharmacy network
3392 based on need, competitive bidding, price negotiations,
3393 credentialing, or similar criteria. The agency shall give

19-01965-23

202332__

3394 special consideration to rural areas in determining the size and
3395 location of pharmacies included in the Medicaid pharmacy
3396 network. A pharmacy credentialing process may include criteria
3397 such as a pharmacy's full-service status, location, size,
3398 patient educational programs, patient consultation, disease
3399 management services, and other characteristics. The agency may
3400 impose a moratorium on Medicaid pharmacy enrollment if it is
3401 determined that it has a sufficient number of Medicaid-
3402 participating providers. The agency must allow dispensing
3403 practitioners to participate as a part of the Medicaid pharmacy
3404 network regardless of the practitioner's proximity to any other
3405 entity that is dispensing prescription drugs under the Medicaid
3406 program. A dispensing practitioner must meet all credentialing
3407 requirements applicable to his or her practice, as determined by
3408 the agency.

3409 5. The agency shall develop and implement a program that
3410 requires Medicaid practitioners who issue written prescriptions
3411 for medicinal drugs to use a counterfeit-proof prescription pad
3412 for Medicaid prescriptions. The agency shall require the use of
3413 standardized counterfeit-proof prescription pads by prescribers
3414 who issue written prescriptions for Medicaid recipients. The
3415 agency may implement the program in targeted geographic areas or
3416 statewide.

3417 6. The agency may enter into arrangements that require
3418 manufacturers of generic drugs prescribed to Medicaid recipients
3419 to provide rebates of at least 15.1 percent of the average
3420 manufacturer price for the manufacturer's generic products.
3421 These arrangements shall require that if a generic-drug
3422 manufacturer pays federal rebates for Medicaid-reimbursed drugs

19-01965-23

202332

3423 at a level below 15.1 percent, the manufacturer must provide a
3424 supplemental rebate to the state in an amount necessary to
3425 achieve a 15.1-percent rebate level.

3426 7. The agency may establish a preferred drug list as
3427 described in this subsection, and, pursuant to the establishment
3428 of such preferred drug list, negotiate supplemental rebates from
3429 manufacturers that are in addition to those required by Title
3430 XIX of the Social Security Act and at no less than 14 percent of
3431 the average manufacturer price as defined in 42 U.S.C. s. 1936
3432 on the last day of a quarter unless the federal or supplemental
3433 rebate, or both, equals or exceeds 29 percent. There is no upper
3434 limit on the supplemental rebates the agency may negotiate. The
3435 agency may determine that specific products, brand-name or
3436 generic, are competitive at lower rebate percentages. Agreement
3437 to pay the minimum supplemental rebate percentage guarantees a
3438 manufacturer that the Medicaid Pharmaceutical and Therapeutics
3439 Committee will consider a product for inclusion on the preferred
3440 drug list. However, a pharmaceutical manufacturer is not
3441 guaranteed placement on the preferred drug list by simply paying
3442 the minimum supplemental rebate. Agency decisions will be made
3443 on the clinical efficacy of a drug and recommendations of the
3444 Medicaid Pharmaceutical and Therapeutics Committee, as well as
3445 the price of competing products minus federal and state rebates.
3446 The agency may contract with an outside agency or contractor to
3447 conduct negotiations for supplemental rebates. For the purposes
3448 of this section, the term "supplemental rebates" means cash
3449 rebates. Value-added programs as a substitution for supplemental
3450 rebates are prohibited. The agency may seek any federal waivers
3451 to implement this initiative.

19-01965-23

202332

3452 8.a. The agency may implement a Medicaid behavioral drug
3453 management system. The agency may contract with a vendor that
3454 has experience in operating behavioral drug management systems
3455 to implement this program. The agency may seek federal waivers
3456 to implement this program.

3457 b. The agency, in conjunction with the Department of
3458 Children and Families, may implement the Medicaid behavioral
3459 drug management system that is designed to improve the quality
3460 of care and behavioral health prescribing practices based on
3461 best practice guidelines, improve patient adherence to
3462 medication plans, reduce clinical risk, and lower prescribed
3463 drug costs and the rate of inappropriate spending on Medicaid
3464 behavioral drugs. The program may include the following
3465 elements:

3466 (I) Provide for the development and adoption of best
3467 practice guidelines for behavioral health-related drugs such as
3468 antipsychotics, antidepressants, and medications for treating
3469 bipolar disorders and other behavioral conditions; translate
3470 them into practice; review behavioral health prescribers and
3471 compare their prescribing patterns to a number of indicators
3472 that are based on national standards; and determine deviations
3473 from best practice guidelines.

3474 (II) Implement processes for providing feedback to and
3475 educating prescribers using best practice educational materials
3476 and peer-to-peer consultation.

3477 (III) Assess Medicaid beneficiaries who are outliers in
3478 their use of behavioral health drugs with regard to the numbers
3479 and types of drugs taken, drug dosages, combination drug
3480 therapies, and other indicators of improper use of behavioral

19-01965-23

202332

3481 health drugs.

3482 (IV) Alert prescribers to patients who fail to refill
3483 prescriptions in a timely fashion, are prescribed multiple same-
3484 class behavioral health drugs, and may have other potential
3485 medication problems.

3486 (V) Track spending trends for behavioral health drugs and
3487 deviation from best practice guidelines.

3488 (VI) Use educational and technological approaches to
3489 promote best practices, educate consumers, and train prescribers
3490 in the use of practice guidelines.

3491 (VII) Disseminate electronic and published materials.

3492 (VIII) Hold statewide and regional conferences.

3493 (IX) Implement a disease management program with a model
3494 quality-based medication component for severely mentally ill
3495 individuals and emotionally disturbed children who are high
3496 users of care.

3497 9. The agency shall implement a Medicaid prescription drug
3498 management system.

3499 a. The agency may contract with a vendor that has
3500 experience in operating prescription drug management systems in
3501 order to implement this system. Any management system that is
3502 implemented in accordance with this subparagraph must rely on
3503 cooperation between physicians and pharmacists to determine
3504 appropriate practice patterns and clinical guidelines to improve
3505 the prescribing, dispensing, and use of drugs in the Medicaid
3506 program. The agency may seek federal waivers to implement this
3507 program.

3508 b. The drug management system must be designed to improve
3509 the quality of care and prescribing practices based on best

19-01965-23

202332

3510 practice guidelines, improve patient adherence to medication
3511 plans, reduce clinical risk, and lower prescribed drug costs and
3512 the rate of inappropriate spending on Medicaid prescription
3513 drugs. The program must:

3514 (I) Provide for the adoption of best practice guidelines
3515 for the prescribing and use of drugs in the Medicaid program,
3516 including translating best practice guidelines into practice;
3517 reviewing prescriber patterns and comparing them to indicators
3518 that are based on national standards and practice patterns of
3519 clinical peers in their community, statewide, and nationally;
3520 and determine deviations from best practice guidelines.

3521 (II) Implement processes for providing feedback to and
3522 educating prescribers using best practice educational materials
3523 and peer-to-peer consultation.

3524 (III) Assess Medicaid recipients who are outliers in their
3525 use of a single or multiple prescription drugs with regard to
3526 the numbers and types of drugs taken, drug dosages, combination
3527 drug therapies, and other indicators of improper use of
3528 prescription drugs.

3529 (IV) Alert prescribers to recipients who fail to refill
3530 prescriptions in a timely fashion, are prescribed multiple drugs
3531 that may be redundant or contraindicated, or may have other
3532 potential medication problems.

3533 10. The agency may contract for drug rebate administration,
3534 including, but not limited to, calculating rebate amounts,
3535 invoicing manufacturers, negotiating disputes with
3536 manufacturers, and maintaining a database of rebate collections.

3537 11. The agency may specify the preferred daily dosing form
3538 or strength for the purpose of promoting best practices with

19-01965-23

202332

3539 regard to the prescribing of certain drugs as specified in the
3540 General Appropriations Act and ensuring cost-effective
3541 prescribing practices.

3542 12. The agency may require prior authorization for
3543 Medicaid-covered prescribed drugs. The agency may prior-
3544 authorize the use of a product:

- 3545 a. For an indication not approved in labeling;
- 3546 b. To comply with certain clinical guidelines; or
- 3547 c. If the product has the potential for overuse, misuse, or
3548 abuse.

3549

3550 The agency may require the prescribing professional to provide
3551 information about the rationale and supporting medical evidence
3552 for the use of a drug. The agency shall post prior
3553 authorization, step-edit criteria and protocol, and updates to
3554 the list of drugs that are subject to prior authorization on the
3555 agency's Internet website within 21 days after the prior
3556 authorization and step-edit criteria and protocol and updates
3557 are approved by the agency. For purposes of this subparagraph,
3558 the term "step-edit" means an automatic electronic review of
3559 certain medications subject to prior authorization.

3560 13. The agency, in conjunction with the Pharmaceutical and
3561 Therapeutics Committee, may require age-related prior
3562 authorizations for certain prescribed drugs. The agency may
3563 preauthorize the use of a drug for a recipient who may not meet
3564 the age requirement or may exceed the length of therapy for use
3565 of this product as recommended by the manufacturer and approved
3566 by the Food and Drug Administration. Prior authorization may
3567 require the prescribing professional to provide information

19-01965-23

202332

3568 about the rationale and supporting medical evidence for the use
3569 of a drug.

3570 14. The agency shall implement a step-therapy prior
3571 authorization approval process for medications excluded from the
3572 preferred drug list. Medications listed on the preferred drug
3573 list must be used within the previous 12 months before the
3574 alternative medications that are not listed. The step-therapy
3575 prior authorization may require the prescriber to use the
3576 medications of a similar drug class or for a similar medical
3577 indication unless contraindicated in the Food and Drug
3578 Administration labeling. The trial period between the specified
3579 steps may vary according to the medical indication. The step-
3580 therapy approval process shall be developed in accordance with
3581 the committee as stated in s. 409.91195(7) and (8). A drug
3582 product may be approved without meeting the step-therapy prior
3583 authorization criteria if the prescribing physician provides the
3584 agency with additional written medical or clinical documentation
3585 that the product is medically necessary because:

3586 a. There is not a drug on the preferred drug list to treat
3587 the disease or medical condition which is an acceptable clinical
3588 alternative;

3589 b. The alternatives have been ineffective in the treatment
3590 of the beneficiary's disease;

3591 c. The drug product or medication of a similar drug class
3592 is prescribed for the treatment of schizophrenia or schizotypal
3593 or delusional disorders; prior authorization has been granted
3594 previously for the prescribed drug; and the medication was
3595 dispensed to the patient during the previous 12 months; or

3596 d. Based on historical ~~historie~~ evidence and known

19-01965-23

202332

3597 characteristics of the patient and the drug, the drug is likely
3598 to be ineffective, or the number of doses have been ineffective.

3599

3600 The agency shall work with the physician to determine the best
3601 alternative for the patient. The agency may adopt rules waiving
3602 the requirements for written clinical documentation for specific
3603 drugs in limited clinical situations.

3604 15. The agency shall implement a return and reuse program
3605 for drugs dispensed by pharmacies to institutional recipients,
3606 which includes payment of a \$5 restocking fee for the
3607 implementation and operation of the program. The return and
3608 reuse program shall be implemented electronically and in a
3609 manner that promotes efficiency. The program must permit a
3610 pharmacy to exclude drugs from the program if it is not
3611 practical or cost-effective for the drug to be included and must
3612 provide for the return to inventory of drugs that cannot be
3613 credited or returned in a cost-effective manner. The agency
3614 shall determine if the program has reduced the amount of
3615 Medicaid prescription drugs which are destroyed on an annual
3616 basis and if there are additional ways to ensure more
3617 prescription drugs are not destroyed which could safely be
3618 reused.

3619 Reviser's note.—Amended to confirm an editorial substitution to
3620 conform to context.

3621 Section 93. Subsection (1) of section 414.1251, Florida
3622 Statutes, is amended to read:

3623 414.1251 Learnfare program.—

3624 (1) The department shall reduce the temporary cash
3625 assistance for a participant's eligible dependent child or for

19-01965-23

202332

3626 an eligible teenage participant who has not been exempted from
3627 education participation requirements, if the eligible dependent
3628 child or eligible teenage participant has been identified either
3629 as a habitual truant, pursuant to s. 1003.01(12) ~~1003.01(8)~~, or
3630 as a dropout, pursuant to s. 1003.01(8) ~~1003.01(9)~~. For a
3631 student who has been identified as a habitual truant, the
3632 temporary cash assistance must be reinstated after a subsequent
3633 grading period in which the child's attendance has substantially
3634 improved. For a student who has been identified as a dropout,
3635 the temporary cash assistance must be reinstated after the
3636 student enrolls in a public school, receives a high school
3637 diploma or its equivalency, enrolls in preparation for the high
3638 school equivalency examination, or enrolls in other educational
3639 activities approved by the district school board. Good cause
3640 exemptions from the rule of unexcused absences include the
3641 following:

3642 (a) The student is expelled from school and alternative
3643 schooling is not available.

3644 (b) No licensed day care is available for a child of teen
3645 parents subject to Learnfare.

3646 (c) Prohibitive transportation problems exist (e.g., to and
3647 from day care).

3648
3649 Within 10 days after sanction notification, the participant
3650 parent of a dependent child or the teenage participant may file
3651 an internal fair hearings process review procedure appeal, and
3652 no sanction shall be imposed until the appeal is resolved.

3653 Reviser's note.—Amended to conform to the reordering of
3654 definitions in s. 1003.01 by this act.

19-01965-23

202332

3655 Section 94. Subsection (14) of section 415.102, Florida
3656 Statutes, is amended to read:

3657 415.102 Definitions of terms used in ss. 415.101-415.113.—
3658 As used in ss. 415.101-415.113, the term:

3659 (14) "Intimidation" means the communication by word or act
3660 to a vulnerable adult that such ~~that~~ person will be deprived of
3661 food, nutrition, clothing, shelter, supervision, medicine,
3662 medical services, money, or financial support or will suffer
3663 physical violence.

3664 Reviser's note.—Amended to improve clarity.

3665 Section 95. Subsections (4) through (41) of section 440.02,
3666 Florida Statutes, are reordered and amended to read:

3667 440.02 Definitions.—When used in this chapter, unless the
3668 context clearly requires otherwise, the following terms shall
3669 have the following meanings:

3670 (5)~~(4)~~ "Carrier" means any person or fund authorized under
3671 s. 440.38 to insure under this chapter and includes a self-
3672 insurer, and a commercial self-insurance fund authorized under
3673 s. 624.462.

3674 (6)~~(5)~~ "Casual" as used in this section refers only to
3675 employments for work that is anticipated to be completed in 10
3676 working days or less, without regard to the number of persons
3677 employed, and at a total labor cost of less than \$500.

3678 (7)~~(6)~~ "Child" includes a posthumous child, a child legally
3679 adopted prior to the injury of the employee, and a stepchild or
3680 acknowledged child born out of wedlock dependent upon the
3681 deceased, but does not include married children unless wholly
3682 dependent on the employee. "Grandchild" means a child as above
3683 defined of a child as above defined. "Brother" and "sister"

19-01965-23

202332

3684 include stepbrothers and stepsisters, half brothers and half
3685 sisters, and brothers and sisters by adoption, but does not
3686 include married brothers or married sisters unless wholly
3687 dependent on the employee. "Child," "grandchild," "brother," and
3688 "sister" include only persons who at the time of the death of
3689 the deceased employees are under 18 years of age, or under 22
3690 years of age if a full-time student in an accredited educational
3691 institution.

3692 (8)~~(7)~~ "Compensation" means the money allowance payable to
3693 an employee or to his or her dependents as provided for in this
3694 chapter.

3695 (10)~~(8)~~ "Construction industry" means for-profit activities
3696 involving any building, clearing, filling, excavation, or
3697 substantial improvement in the size or use of any structure or
3698 the appearance of any land. However, "construction" does not
3699 mean a homeowner's act of construction or the result of a
3700 construction upon his or her own premises, provided such
3701 premises are not intended to be sold, resold, or leased by the
3702 owner within 1 year after the commencement of construction. The
3703 division may, by rule, establish codes and definitions thereof
3704 that meet the criteria of the term "construction industry" as
3705 set forth in this section.

3706 (11)~~(9)~~ "Corporate officer" or "officer of a corporation"
3707 means any person who fills an office provided for in the
3708 corporate charter or articles of incorporation filed with the
3709 Division of Corporations of the Department of State or as
3710 authorized or required under part I of chapter 607. The term
3711 "officer of a corporation" includes a member owning at least 10
3712 percent of a limited liability company as defined in and

19-01965-23

202332

3713 organized pursuant to chapter 605.

3714 (12)~~(10)~~ "Date of maximum medical improvement" means the
3715 date after which further recovery from, or lasting improvement
3716 to, an injury or disease can no longer reasonably be
3717 anticipated, based upon reasonable medical probability.

3718 (13)~~(11)~~ "Death" as a basis for a right to compensation
3719 means only death resulting from an injury.

3720 (14)~~(12)~~ "Department" means the Department of Financial
3721 Services; the term does not include the Financial Services
3722 Commission or any office of the commission.

3723 (15)~~(13)~~ "Disability" means incapacity because of the
3724 injury to earn in the same or any other employment the wages
3725 which the employee was receiving at the time of the injury.

3726 (16)~~(14)~~ "Division" means the Division of Workers'
3727 Compensation of the Department of Financial Services.

3728 (18)~~(15)~~ (a) "Employee" means any person who receives
3729 remuneration from an employer for the performance of any work or
3730 service while engaged in any employment under any appointment or
3731 contract for hire or apprenticeship, express or implied, oral or
3732 written, whether lawfully or unlawfully employed, and includes,
3733 but is not limited to, aliens and minors.

3734 (b) "Employee" includes any person who is an officer of a
3735 corporation and who performs services for remuneration for such
3736 corporation within this state, whether or not such services are
3737 continuous.

3738 1. Any officer of a corporation may elect to be exempt from
3739 this chapter by filing notice of the election with the
3740 department as provided in s. 440.05.

3741 2. As to officers of a corporation who are engaged in the

19-01965-23

202332__

3742 construction industry, no more than three officers of a
3743 corporation or of any group of affiliated corporations may elect
3744 to be exempt from this chapter by filing a notice of the
3745 election with the department as provided in s. 440.05. Officers
3746 must be shareholders, each owning at least 10 percent of the
3747 stock of such corporation and listed as an officer of such
3748 corporation with the Division of Corporations of the Department
3749 of State, in order to elect exemptions under this chapter. For
3750 purposes of this subparagraph, the term "affiliated" means and
3751 includes one or more corporations or entities, any one of which
3752 is a corporation engaged in the construction industry, under the
3753 same or substantially the same control of a group of business
3754 entities which are connected or associated so that one entity
3755 controls or has the power to control each of the other business
3756 entities. The term "affiliated" includes, but is not limited to,
3757 the officers, directors, executives, shareholders active in
3758 management, employees, and agents of the affiliated corporation.
3759 The ownership by one business entity of a controlling interest
3760 in another business entity or a pooling of equipment or income
3761 among business entities shall be prima facie evidence that one
3762 business is affiliated with the other.

3763 3. An officer of a corporation who elects to be exempt from
3764 this chapter by filing a notice of the election with the
3765 department as provided in s. 440.05 is not an employee.

3766
3767 Services are presumed to have been rendered to the corporation
3768 if the officer is compensated by other than dividends upon
3769 shares of stock of the corporation which the officer owns.

3770 (c) "Employee" includes:

19-01965-23

202332

3771 1. A sole proprietor or a partner who is not engaged in the
3772 construction industry, devotes full time to the proprietorship
3773 or partnership, and elects to be included in the definition of
3774 employee by filing notice thereof as provided in s. 440.05.

3775 2. All persons who are being paid by a construction
3776 contractor as a subcontractor, unless the subcontractor has
3777 validly elected an exemption as permitted by this chapter, or
3778 has otherwise secured the payment of compensation coverage as a
3779 subcontractor, consistent with s. 440.10, for work performed by
3780 or as a subcontractor.

3781 3. An independent contractor working or performing services
3782 in the construction industry.

3783 4. A sole proprietor who engages in the construction
3784 industry and a partner or partnership that is engaged in the
3785 construction industry.

3786 (d) "Employee" does not include:

3787 1. An independent contractor who is not engaged in the
3788 construction industry.

3789 a. In order to meet the definition of independent
3790 contractor, at least four of the following criteria must be met:

3791 (I) The independent contractor maintains a separate
3792 business with his or her own work facility, truck, equipment,
3793 materials, or similar accommodations;

3794 (II) The independent contractor holds or has applied for a
3795 federal employer identification number, unless the independent
3796 contractor is a sole proprietor who is not required to obtain a
3797 federal employer identification number under state or federal
3798 regulations;

3799 (III) The independent contractor receives compensation for

19-01965-23

202332

3800 services rendered or work performed and such compensation is
3801 paid to a business rather than to an individual;

3802 (IV) The independent contractor holds one or more bank
3803 accounts in the name of the business entity for purposes of
3804 paying business expenses or other expenses related to services
3805 rendered or work performed for compensation;

3806 (V) The independent contractor performs work or is able to
3807 perform work for any entity in addition to or besides the
3808 employer at his or her own election without the necessity of
3809 completing an employment application or process; or

3810 (VI) The independent contractor receives compensation for
3811 work or services rendered on a competitive-bid basis or
3812 completion of a task or a set of tasks as defined by a
3813 contractual agreement, unless such contractual agreement
3814 expressly states that an employment relationship exists.

3815 b. If four of the criteria listed in sub-subparagraph a. do
3816 not exist, an individual may still be presumed to be an
3817 independent contractor and not an employee based on full
3818 consideration of the nature of the individual situation with
3819 regard to satisfying any of the following conditions:

3820 (I) The independent contractor performs or agrees to
3821 perform specific services or work for a specific amount of money
3822 and controls the means of performing the services or work.

3823 (II) The independent contractor incurs the principal
3824 expenses related to the service or work that he or she performs
3825 or agrees to perform.

3826 (III) The independent contractor is responsible for the
3827 satisfactory completion of the work or services that he or she
3828 performs or agrees to perform.

19-01965-23

202332

3829 (IV) The independent contractor receives compensation for
3830 work or services performed for a commission or on a per-job
3831 basis and not on any other basis.

3832 (V) The independent contractor may realize a profit or
3833 suffer a loss in connection with performing work or services.

3834 (VI) The independent contractor has continuing or recurring
3835 business liabilities or obligations.

3836 (VII) The success or failure of the independent
3837 contractor's business depends on the relationship of business
3838 receipts to expenditures.

3839 c. Notwithstanding anything to the contrary in this
3840 subparagraph, an individual claiming to be an independent
3841 contractor has the burden of proving that he or she is an
3842 independent contractor for purposes of this chapter.

3843 2. A real estate licensee, if that person agrees, in
3844 writing, to perform for remuneration solely by way of
3845 commission.

3846 3. Bands, orchestras, and musical and theatrical
3847 performers, including disk jockeys, performing in licensed
3848 premises as defined in chapter 562, if a written contract
3849 evidencing an independent contractor relationship is entered
3850 into before the commencement of such entertainment.

3851 4. An owner-operator of a motor vehicle who transports
3852 property under a written contract with a motor carrier which
3853 evidences a relationship by which the owner-operator assumes the
3854 responsibility of an employer for the performance of the
3855 contract, if the owner-operator is required to furnish motor
3856 vehicle equipment as identified in the written contract and the
3857 principal costs incidental to the performance of the contract,

19-01965-23

202332

3858 including, but not limited to, fuel and repairs, provided a
3859 motor carrier's advance of costs to the owner-operator when a
3860 written contract evidences the owner-operator's obligation to
3861 reimburse such advance shall be treated as the owner-operator
3862 furnishing such cost and the owner-operator is not paid by the
3863 hour or on some other time-measured basis.

3864 5. A person whose employment is both casual and not in the
3865 course of the trade, business, profession, or occupation of the
3866 employer.

3867 6. A volunteer, except a volunteer worker for the state or
3868 a county, municipality, or other governmental entity. A person
3869 who does not receive monetary remuneration for services is
3870 presumed to be a volunteer unless there is substantial evidence
3871 that a valuable consideration was intended by both employer and
3872 employee. For purposes of this chapter, the term "volunteer"
3873 includes, but is not limited to:

3874 a. Persons who serve in private nonprofit agencies and who
3875 receive no compensation other than expenses in an amount less
3876 than or equivalent to the standard mileage and per diem expenses
3877 provided to salaried employees in the same agency or, if such
3878 agency does not have salaried employees who receive mileage and
3879 per diem, then such volunteers who receive no compensation other
3880 than expenses in an amount less than or equivalent to the
3881 customary mileage and per diem paid to salaried workers in the
3882 community as determined by the department; and

3883 b. Volunteers participating in federal programs established
3884 under Pub. L. No. 93-113.

3885 7. Unless otherwise prohibited by this chapter, any officer
3886 of a corporation who elects to be exempt from this chapter. Such

19-01965-23

202332

3887 officer is not an employee for any reason under this chapter
3888 until the notice of revocation of election filed pursuant to s.
3889 440.05 is effective.

3890 8. An officer of a corporation that is engaged in the
3891 construction industry who elects to be exempt from the
3892 provisions of this chapter, as otherwise permitted by this
3893 chapter. Such officer is not an employee for any reason until
3894 the notice of revocation of election filed pursuant to s. 440.05
3895 is effective.

3896 9. An exercise rider who does not work for a single horse
3897 farm or breeder, and who is compensated for riding on a case-by-
3898 case basis, provided a written contract is entered into prior to
3899 the commencement of such activity which evidences that an
3900 employee/employer relationship does not exist.

3901 10. A taxicab, limousine, or other passenger vehicle-for-
3902 hire driver who operates said vehicles pursuant to a written
3903 agreement with a company which provides any dispatch, marketing,
3904 insurance, communications, or other services under which the
3905 driver and any fees or charges paid by the driver to the company
3906 for such services are not conditioned upon, or expressed as a
3907 proportion of, fare revenues.

3908 11. A person who performs services as a sports official for
3909 an entity sponsoring an interscholastic sports event or for a
3910 public entity or private, nonprofit organization that sponsors
3911 an amateur sports event. For purposes of this subparagraph, such
3912 a person is an independent contractor. For purposes of this
3913 subparagraph, the term "sports official" means any person who is
3914 a neutral participant in a sports event, including, but not
3915 limited to, umpires, referees, judges, linespersons,

19-01965-23

202332

3916 scorekeepers, or timekeepers. This subparagraph does not apply
3917 to any person employed by a district school board who serves as
3918 a sports official as required by the employing school board or
3919 who serves as a sports official as part of his or her
3920 responsibilities during normal school hours.

3921 12. Medicaid-enrolled clients under chapter 393 who are
3922 excluded from the definition of employment under s.
3923 443.1216(4) (d) and served by Adult Day Training Services under
3924 the Home and Community-Based or the Family and Supported Living
3925 Medicaid Waiver program in a sheltered workshop setting licensed
3926 by the United States Department of Labor for the purpose of
3927 training and earning less than the federal hourly minimum wage.

3928 13. Medicaid-enrolled clients under chapter 393 who are
3929 excluded from the definition of employment under s.
3930 443.1216(4) (d) and served by Adult Day Training Services under
3931 the Family and Supported Living Medicaid Waiver program in a
3932 sheltered workshop setting licensed by the United States
3933 Department of Labor for the purpose of training and earning less
3934 than the federal hourly minimum wage.

3935 (19)~~(16)~~(a) "Employer" means the state and all political
3936 subdivisions thereof, all public and quasi-public corporations
3937 therein, every person carrying on any employment, and the legal
3938 representative of a deceased person or the receiver or trustees
3939 of any person. The term also includes employee leasing
3940 companies, as defined in s. 468.520(5), and employment agencies
3941 that provide their own employees to other persons. If the
3942 employer is a corporation, parties in actual control of the
3943 corporation, including, but not limited to, the president,
3944 officers who exercise broad corporate powers, directors, and all

19-01965-23

202332__

3945 shareholders who directly or indirectly own a controlling
3946 interest in the corporation, are considered the employer for the
3947 purposes of ss. 440.105, 440.106, and 440.107.

3948 (b) A homeowner shall not be considered the employer of
3949 persons hired by the homeowner to carry out construction on the
3950 homeowner's own premises if those premises are not intended for
3951 immediate lease, sale, or resale.

3952 (c) Facilities serving individuals under subparagraph
3953 (18) (d) 12. ~~(15) (d) 12.~~ shall be considered agents of the Agency
3954 for Health Care Administration as it relates to providing Adult
3955 Day Training Services under the Home and Community-Based
3956 Medicaid Waiver program and not employers or third parties for
3957 the purpose of limiting or denying Medicaid benefits.

3958 (20) ~~(17)~~ (a) "Employment," subject to the other provisions
3959 of this chapter, means any service performed by an employee for
3960 the person employing him or her.

3961 (b) "Employment" includes:

3962 1. Employment by the state and all political subdivisions
3963 thereof and all public and quasi-public corporations therein,
3964 including officers elected at the polls.

3965 2. All private employments in which four or more employees
3966 are employed by the same employer or, with respect to the
3967 construction industry, all private employment in which one or
3968 more employees are employed by the same employer.

3969 3. Volunteer firefighters responding to or assisting with
3970 fire or medical emergencies whether or not the firefighters are
3971 on duty.

3972 (c) "Employment" does not include service performed by or
3973 as:

19-01965-23

202332__

- 3974 1. Domestic servants in private homes.
- 3975 2. Agricultural labor performed on a farm in the employ of
3976 a bona fide farmer, or association of farmers, that employs 5 or
3977 fewer regular employees and that employs fewer than 12 other
3978 employees at one time for seasonal agricultural labor that is
3979 completed in less than 30 days, provided such seasonal
3980 employment does not exceed 45 days in the same calendar year.
3981 The term "farm" includes stock, dairy, poultry, fruit, fur-
3982 bearing animals, fish, and truck farms, ranches, nurseries, and
3983 orchards. The term "agricultural labor" includes field foremen,
3984 timekeepers, checkers, and other farm labor supervisory
3985 personnel.
- 3986 3. Professional athletes, such as professional boxers,
3987 wrestlers, baseball, football, basketball, hockey, polo, tennis,
3988 jai alai, and similar players, and motorsports teams competing
3989 in a motor racing event as defined in s. 549.08.
- 3990 4. Labor under a sentence of a court to perform community
3991 services as provided in s. 316.193.
- 3992 5. State prisoners or county inmates, except those
3993 performing services for private employers or those enumerated in
3994 s. 948.036(1).
- 3995 (27)~~(18)~~ "Misconduct" includes, but is not limited to, the
3996 following, which shall not be construed in pari materia with
3997 each other:
- 3998 (a) Conduct evincing such willful or wanton disregard of an
3999 employer's interests as is found in deliberate violation or
4000 disregard of standards of behavior which the employer has the
4001 right to expect of the employee; or
- 4002 (b) Carelessness or negligence of such a degree or

19-01965-23

202332

4003 recurrence as to manifest culpability, wrongful intent, or evil
4004 design, or to show an intentional and substantial disregard of
4005 an employer's interests or of the employee's duties and
4006 obligations to the employer.

4007 (23)~~(19)~~ "Injury" means personal injury or death by
4008 accident arising out of and in the course of employment, and
4009 such diseases or infection as naturally or unavoidably result
4010 from such injury. Damage to dentures, eyeglasses, prosthetic
4011 devices, and artificial limbs may be included in this definition
4012 only when the damage is shown to be part of, or in conjunction
4013 with, an accident. This damage must specifically occur as the
4014 result of an accident in the normal course of employment.

4015 (29)~~(20)~~ "Parent" includes stepparents and parents by
4016 adoption, parents-in-law, and any persons who for more than 3
4017 years prior to the death of the deceased employee stood in the
4018 place of a parent to him or her and were dependent on the
4019 injured employee.

4020 (30)~~(21)~~ "Partner" means any person who is a member of a
4021 partnership that is formed by two or more persons to carry on as
4022 co-owners of a business with the understanding that there will
4023 be a proportional sharing of the profits and losses between
4024 them. For the purposes of this chapter, a partner is a person
4025 who participates fully in the management of the partnership and
4026 who is personally liable for its debts.

4027 (31)~~(22)~~ "Permanent impairment" means any anatomic or
4028 functional abnormality or loss determined as a percentage of the
4029 body as a whole, existing after the date of maximum medical
4030 improvement, which results from the injury.

4031 (32)~~(23)~~ "Person" means individual, partnership,

19-01965-23

202332

4032 association, or corporation, including any public service
4033 corporation.

4034 (33)~~(24)~~ "Self-insurer" means:

4035 (a) Any employer who has secured payment of compensation
4036 pursuant to s. 440.38(1)(b) or (6) as an individual self-
4037 insurer;

4038 (b) Any employer who has secured payment of compensation
4039 through a group self-insurance fund under s. 624.4621;

4040 (c) Any group self-insurance fund established under s.
4041 624.4621;

4042 (d) A public utility as defined in s. 364.02 or s. 366.02
4043 that has assumed by contract the liabilities of contractors or
4044 subcontractors pursuant to s. 624.46225; or

4045 (e) Any local government self-insurance fund established
4046 under s. 624.4622.

4047 (35)~~(25)~~ "Sole proprietor" means a natural person who owns
4048 a form of business in which that person owns all the assets of
4049 the business and is solely liable for all the debts of the
4050 business.

4051 (37)~~(26)~~ "Spouse" includes only a spouse substantially
4052 dependent for financial support upon the decedent and living
4053 with the decedent at the time of the decedent's injury and
4054 death, or substantially dependent upon the decedent for
4055 financial support and living apart at that time for justifiable
4056 cause.

4057 (39)~~(27)~~ "Time of injury" means the time of the occurrence
4058 of the accident resulting in the injury.

4059 (40)~~(28)~~ "Wages" means the money rate at which the service
4060 rendered is recompensed under the contract of hiring in force at

19-01965-23

202332

4061 the time of the injury and includes only the wages earned and
4062 reported for federal income tax purposes on the job where the
4063 employee is injured and any other concurrent employment where he
4064 or she is also subject to workers' compensation coverage and
4065 benefits, together with the reasonable value of housing
4066 furnished to the employee by the employer which is the permanent
4067 year-round residence of the employee, and gratuities to the
4068 extent reported to the employer in writing as taxable income
4069 received in the course of employment from others than the
4070 employer and employer contributions for health insurance for the
4071 employee or the employee's dependents. However, housing
4072 furnished to migrant workers shall be included in wages unless
4073 provided after the time of injury. In employment in which an
4074 employee receives consideration for housing, the reasonable
4075 value of such housing compensation shall be the actual cost to
4076 the employer or based upon the Fair Market Rent Survey
4077 promulgated pursuant to s. 8 of the Housing and Urban
4078 Development Act of 1974, whichever is less. However, if employer
4079 contributions for housing or health insurance are continued
4080 after the time of the injury, the contributions are not "wages"
4081 for the purpose of calculating an employee's average weekly
4082 wage.

4083 (41)~~(29)~~ "Weekly compensation rate" means and refers to the
4084 amount of compensation payable for a period of 7 consecutive
4085 calendar days, including any Saturdays, Sundays, holidays, and
4086 other nonworking days which fall within such period of 7
4087 consecutive calendar days. When Saturdays, Sundays, holidays, or
4088 other nonworking days immediately follow the first 7 calendar
4089 days of disability or occur at the end of a period of disability

19-01965-23

202332

4090 as the last day or days of such period, such nonworking days
4091 constitute a part of the period of disability with respect to
4092 which compensation is payable.

4093 (9)~~(30)~~ "Construction design professional" means an
4094 architect, professional engineer, landscape architect, or
4095 surveyor and mapper, or any corporation, professional or
4096 general, that has a certificate to practice in the construction
4097 design field from the Department of Business and Professional
4098 Regulation.

4099 (22)~~(31)~~ "Individual self-insurer" means any employer who
4100 has secured payment of compensation pursuant to s. 440.38(1)(b)
4101 as an individual self-insurer.

4102 (17)~~(32)~~ "Domestic individual self-insurer" means an
4103 individual self-insurer:

4104 (a) Which is a corporation formed under the laws of this
4105 state;

4106 (b) Who is an individual who is a resident of this state or
4107 whose primary place of business is located in this state; or

4108 (c) Which is a partnership whose principals are residents
4109 of this state or whose primary place of business is located in
4110 this state.

4111 (21)~~(33)~~ "Foreign individual self-insurer" means an
4112 individual self-insurer:

4113 (a) Which is a corporation formed under the laws of any
4114 state, district, territory, or commonwealth of the United States
4115 other than this state;

4116 (b) Who is an individual who is not a resident of this
4117 state and whose primary place of business is not located in this
4118 state; or

19-01965-23

202332__

4119 (c) Which is a partnership whose principals are not
4120 residents of this state and whose primary place of business is
4121 not located in this state.

4122 (25)~~(34)~~ "Insolvent member" means an individual self-
4123 insurer which is a member of the Florida Self-Insurers Guaranty
4124 Association, Incorporated, or which was a member and has
4125 withdrawn pursuant to s. 440.385(1)(b), and which has been found
4126 insolvent, as defined in subparagraph (24)(a)1. ~~(35)(a)1.~~,
4127 subparagraph (24)(a)2. ~~(35)(a)2.~~, or subparagraph (24)(a)3.
4128 ~~(35)(a)3.~~, by a court of competent jurisdiction in this or any
4129 other state, or meets the definition of subparagraph (24)(a)4.
4130 ~~(35)(a)4.~~

4131 (24)~~(35)~~ "Insolvency" or "insolvent" means:

4132 (a) With respect to an individual self-insurer:

4133 1. That all assets of the individual self-insurer, if made
4134 immediately available, would not be sufficient to meet all the
4135 individual self-insurer's liabilities;

4136 2. That the individual self-insurer is unable to pay its
4137 debts as they become due in the usual course of business;

4138 3. That the individual self-insurer has substantially
4139 ceased or suspended the payment of compensation to its employees
4140 as required in this chapter; or

4141 4. That the individual self-insurer has sought protection
4142 under the United States Bankruptcy Code or has been brought
4143 under the jurisdiction of a court of bankruptcy as a debtor
4144 pursuant to the United States Bankruptcy Code.

4145 (b) With respect to an employee claiming insolvency
4146 pursuant to s. 440.25(5), a person is insolvent who:

4147 1. Has ceased to pay his or her debts in the ordinary

19-01965-23

202332

4148 course of business and cannot pay his or her debts as they
4149 become due; or

4150 2. Has been adjudicated insolvent pursuant to the federal
4151 bankruptcy law.

4152 (4)~~(36)~~ "Arising out of" pertains to occupational
4153 causation. An accidental injury or death arises out of
4154 employment if work performed in the course and scope of
4155 employment is the major contributing cause of the injury or
4156 death.

4157 (34)~~(37)~~ "Soft-tissue injury" means an injury that produces
4158 damage to the soft tissues, rather than to the skeletal tissues
4159 or soft organs.

4160 (26)~~(38)~~ "Insurer" means a group self-insurers' fund
4161 authorized by s. 624.4621, an individual self-insurer authorized
4162 by s. 440.38, a commercial self-insurance fund authorized by s.
4163 624.462, an assessable mutual insurer authorized by s. 628.6011,
4164 and an insurer licensed to write workers' compensation and
4165 employer's liability insurance in this state. The term
4166 "carrier," as used in this chapter, means an insurer as defined
4167 in this subsection.

4168 (38)~~(39)~~ "Statement," for the purposes of ss. 440.105 and
4169 440.106, shall include the exact fraud statement language in s.
4170 440.105(7). This requirement includes, but is not limited to,
4171 any notice, representation, statement, proof of injury, bill for
4172 services, diagnosis, prescription, hospital or doctor record, X
4173 ray, test result, or other evidence of loss, injury, or expense.

4174 (36)~~(40)~~ "Specificity" means information on the petition
4175 for benefits sufficient to put the employer or carrier on notice
4176 of the exact statutory classification and outstanding time

19-01965-23

202332

4177 period of benefits being requested and includes a detailed
 4178 explanation of any benefits received that should be increased,
 4179 decreased, changed, or otherwise modified. If the petition is
 4180 for medical benefits, the information shall include specific
 4181 details as to why such benefits are being requested, why such
 4182 benefits are medically necessary, and why current treatment, if
 4183 any, is not sufficient. Any petition requesting alternate or
 4184 other medical care, including, but not limited to, petitions
 4185 requesting psychiatric or psychological treatment, must
 4186 specifically identify the physician, as defined in s. 440.13(1),
 4187 who is recommending such treatment. A copy of a report from such
 4188 physician making the recommendation for alternate or other
 4189 medical care shall also be attached to the petition. A judge of
 4190 compensation claims shall not order such treatment if a
 4191 physician is not recommending such treatment.

4192 (28)~~(41)~~ "Office of Insurance Regulation" means the Office
 4193 of Insurance Regulation of the Financial Services Commission.
 4194 Reviser's note.—Amended to place the definitions of the section
 4195 in alphabetical order and to conform cross-references.

4196 Section 96. Subsection (4) of section 440.14, Florida
 4197 Statutes, is amended to read:

4198 440.14 Determination of pay.—

4199 (4) Upon termination of the employee or upon termination of
 4200 the payment of fringe benefits of any employee who is collecting
 4201 indemnity benefits pursuant to s. 440.15(2) or (3), the employer
 4202 shall within 7 days of such termination file a corrected 13-week
 4203 wage statement reflecting the wages paid and the fringe benefits
 4204 that had been paid to the injured employee, as provided in s.
 4205 440.02(40) ~~440.02(28)~~.

19-01965-23

202332__

4206 Reviser's note.—Amended to conform to the reordering of
4207 definitions in s. 440.02 by this act.

4208 Section 97. Subsection (3) of section 440.151, Florida
4209 Statutes, is amended to read:

4210 440.151 Occupational diseases.—

4211 (3) Except as otherwise provided in this section,
4212 "disablement" means disability as described in s. 440.02(15)
4213 ~~440.02(13)~~.

4214 Reviser's note.—Amended to conform to the reordering of
4215 definitions in s. 440.02 by this act.

4216 Section 98. Paragraph (a) of subsection (1) of section
4217 440.385, Florida Statutes, is amended to read:

4218 440.385 Florida Self-Insurers Guaranty Association,
4219 Incorporated.—

4220 (1) CREATION OF ASSOCIATION.—

4221 (a) There is created a nonprofit corporation to be known as
4222 the "Florida Self-Insurers Guaranty Association, Incorporated,"
4223 hereinafter referred to as "the association." Upon incorporation
4224 of the association, all individual self-insurers as defined in
4225 ss. 440.02(33)(a) ~~440.02(24)(a)~~ and 440.38(1)(b), other than
4226 individual self-insurers which are public utilities or
4227 governmental entities, shall be members of the association as a
4228 condition of their authority to individually self-insure in this
4229 state. The association shall perform its functions under a plan
4230 of operation as established and approved under subsection (5)
4231 and shall exercise its powers and duties through a board of
4232 directors as established under subsection (2). The association
4233 shall have those powers granted or permitted corporations not
4234 for profit, as provided in chapter 617. The activities of the

19-01965-23

202332

4235 association shall be subject to review by the department. The
4236 department shall have oversight responsibility as set forth in
4237 this section. The association is specifically authorized to
4238 enter into agreements with this state to perform specified
4239 services.

4240 Reviser's note.—Amended to conform to the reordering of
4241 definitions in s. 440.02 by this act.

4242 Section 99. Subsection (2) of section 440.525, Florida
4243 Statutes, is amended to read:

4244 440.525 Examination and investigation of carriers and
4245 claims-handling entities.—

4246 (2) An examination may cover any period of the carrier's,
4247 third-party administrator's, servicing agent's, or other claims-
4248 handling entity's operations since the last previous
4249 examination. An investigation based upon a reasonable belief by
4250 the department that a material violation of this chapter has
4251 occurred may cover any time period, but may not predate the last
4252 examination by more than 5 years. The department may by rule
4253 establish procedures, standards, and protocols for examinations
4254 and investigations. If the department finds any violation of
4255 this chapter, it may impose administrative penalties pursuant to
4256 this chapter. If the department finds any self-insurer in
4257 violation of this chapter, it may take action pursuant to s.
4258 440.38(3). Examinations or investigations by the department may
4259 address, but are not limited to addressing, patterns or
4260 practices of unreasonable delay in claims handling; timeliness
4261 and accuracy of payments and reports under ss. 440.13, 440.16,
4262 and 440.185; or patterns or practices of harassment, coercion,
4263 or intimidation of claimants. The department may also specify by

19-01965-23

202332

4264 rule the documentation to be maintained for each claim file.
4265 Reviser's note.—Amended to improve clarity.

4266 Section 100. Subsection (5) of section 455.32, Florida
4267 Statutes, is amended to read:

4268 455.32 Management Privatization Act.—

4269 (5) Any such corporation may hire staff as necessary to
4270 carry out its functions. Such staff are not public employees for
4271 the purposes of chapter 110 or chapter 112, except that the
4272 board of directors and the employees of the corporation are
4273 subject to the provisions of s. 112.061 and part III of chapter
4274 112. The provisions of s. 768.28 apply to each such corporation,
4275 which is deemed to be a corporation primarily acting as an
4276 instrumentality of the state but which is not an agency within
4277 the meaning of s. 20.03(1) ~~20.03(11)~~.

4278 Reviser's note.—Amended to conform to the reordering of
4279 definitions in s. 20.03 by this act.

4280 Section 101. Paragraph (a) of subsection (2) of section
4281 456.048, Florida Statutes, is amended to read:

4282 456.048 Financial responsibility requirements for certain
4283 health care practitioners.—

4284 (2) The board or department may grant exemptions upon
4285 application by practitioners meeting any of the following
4286 criteria:

4287 (a) Any person licensed under chapter 457, s. 458.3475, s.
4288 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
4289 chapter 467 who practices exclusively as an officer, employee,
4290 or agent of the Federal Government or of the state or its
4291 agencies or its subdivisions. For the purposes of this
4292 subsection, an agent of the state, its agencies, or its

19-01965-23

202332

4293 subdivisions is a person who is eligible for coverage under any
4294 self-insurance or insurance program authorized by the provisions
4295 of s. 768.28(16) or who is a volunteer under s. 110.501(4)
4296 ~~110.501(1)~~.

4297 Reviser's note.—Amended to conform to the reordering of
4298 definitions in s. 110.501 by this act.

4299 Section 102. Subsection (17) of section 456.076, Florida
4300 Statutes, is amended to read:

4301 456.076 Impaired practitioner programs.—

4302 (17) A consultant may disclose to a referral or
4303 participant, or to the legal representative of the referral or
4304 participant, the documents, records, or other information from
4305 the consultant's file, including information received by the
4306 consultant from other sources; information on the terms required
4307 for the referral's or participant's monitoring contract, the
4308 referral's or participant's progress or inability to progress,
4309 or the referral's or participant's discharge or termination;
4310 information supporting the conclusion of material noncompliance;
4311 or any other information required by law. The consultant must
4312 disclose to the department, upon the department's request,
4313 whether an applicant for a multistate license under s. 464.0095
4314 is participating in a treatment program and must report to the
4315 department when a nurse holding a multistate license under s.
4316 464.0095 enters a treatment program. A nurse holding a
4317 multistate license pursuant to s. 464.0095 must report to the
4318 department within 2 business days after entering a treatment
4319 program pursuant to this section. If a consultant discloses
4320 information to the department in accordance with this chapter
4321 ~~part~~, a referral or participant, or his or her legal

19-01965-23

202332

4322 representative, may obtain a complete copy of the consultant's
4323 file from the consultant or the department under s. 456.073.
4324 Reviser's note.—Amended to conform to the arrangement of chapter
4325 456, which is not divided into parts.

4326 Section 103. Paragraphs (f) through (h) of subsection (5)
4327 of section 468.603, Florida Statutes, are reordered and amended
4328 to read:

4329 468.603 Definitions.—As used in this part:

4330 (5) "Categories of building code inspectors" include the
4331 following:

4332 (h)~~(f)~~ "Residential inspector" means a person who is
4333 qualified to inspect and determine that one-family, two-family,
4334 or three-family residences not exceeding two habitable stories
4335 above no more than one uninhabitable story and accessory use
4336 structures in connection therewith are constructed in accordance
4337 with the provisions of the governing building, plumbing,
4338 mechanical, accessibility, and electrical codes.

4339 (f)~~(g)~~ "Plumbing inspector" means a person who is qualified
4340 to inspect and determine that the plumbing installations and
4341 systems for buildings and structures are in compliance with the
4342 provisions of the governing plumbing code.

4343 (g)~~(h)~~ "Residential electrical inspector" means a person
4344 who is qualified to inspect and determine the electrical safety
4345 of one and two family dwellings and accessory structures by
4346 inspecting for compliance with the applicable provisions of the
4347 governing electrical code.

4348 Reviser's note.—Amended to place the definitions of subsection
4349 (5) in alphabetical order.

4350 Section 104. Subsection (3) of section 471.038, Florida

19-01965-23

202332__

4351 Statutes, is amended to read:

4352 471.038 Florida Engineers Management Corporation.—

4353 (3) The Florida Engineers Management Corporation is created
4354 to provide administrative, investigative, and prosecutorial
4355 services to the board in accordance with the provisions of
4356 chapter 455 and this chapter. The management corporation may
4357 hire staff as necessary to carry out its functions. Such staff
4358 are not public employees for the purposes of chapter 110 or
4359 chapter 112, except that the board of directors and the staff
4360 are subject to the provisions of s. 112.061. The provisions of
4361 s. 768.28 apply to the management corporation, which is deemed
4362 to be a corporation primarily acting as an instrumentality of
4363 the state, but which is not an agency within the meaning of s.
4364 20.03(1) ~~20.03(11)~~. The management corporation shall:

4365 (a) Be a Florida corporation not for profit, incorporated
4366 under the provisions of chapter 617.

4367 (b) Provide administrative, investigative, and
4368 prosecutorial services to the board in accordance with the
4369 provisions of chapter 455, this chapter, and the contract
4370 required by this section.

4371 (c) Receive, hold, and administer property and make only
4372 prudent expenditures directly related to the responsibilities of
4373 the board, and in accordance with the contract required by this
4374 section.

4375 (d) Be approved by the board, and the department, to
4376 operate for the benefit of the board and in the best interest of
4377 the state.

4378 (e) Operate under a fiscal year that begins on July 1 of
4379 each year and ends on June 30 of the following year.

19-01965-23

202332

4380 (f) Have a seven-member board of directors, five of whom
4381 are to be appointed by the board and must be registrants
4382 regulated by the board and two of whom are to be appointed by
4383 the secretary and must be laypersons not regulated by the board.
4384 All appointments shall be for 4-year terms. No member shall
4385 serve more than two consecutive terms. Failure to attend three
4386 consecutive meetings shall be deemed a resignation from the
4387 board, and the vacancy shall be filled by a new appointment.

4388 (g) Select its officers in accordance with its bylaws. The
4389 members of the board of directors who were appointed by the
4390 board may be removed by the board.

4391 (h) Select the president of the management corporation, who
4392 shall also serve as executive director to the board, subject to
4393 approval of the board.

4394 (i) Use a portion of the interest derived from the
4395 management corporation account to offset the costs associated
4396 with the use of credit cards for payment of fees by applicants
4397 or licensees.

4398 (j) Operate under a written contract with the department
4399 which is approved by the board. The contract must provide for,
4400 but is not limited to:

4401 1. Submission by the management corporation of an annual
4402 budget that complies with board rules for approval by the board
4403 and the department.

4404 2. Annual certification by the board and the department
4405 that the management corporation is complying with the terms of
4406 the contract in a manner consistent with the goals and purposes
4407 of the board and in the best interest of the state. This
4408 certification must be reported in the board's minutes. The

19-01965-23

202332__

4409 contract must also provide for methods and mechanisms to resolve
4410 any situation in which the certification process determines
4411 noncompliance.

4412 3. Funding of the management corporation through
4413 appropriations allocated to the regulation of professional
4414 engineers from the Professional Regulation Trust Fund.

4415 4. The reversion to the board, or the state if the board
4416 ceases to exist, of moneys, records, data, and property held in
4417 trust by the management corporation for the benefit of the
4418 board, if the management corporation is no longer approved to
4419 operate for the board or the board ceases to exist. All records
4420 and data in a computerized database shall be returned to the
4421 department in a form that is compatible with the computerized
4422 database of the department.

4423 5. The securing and maintaining by the management
4424 corporation, during the term of the contract and for all acts
4425 performed during the term of the contract, of all liability
4426 insurance coverages in an amount to be approved by the board to
4427 defend, indemnify, and hold harmless the management corporation
4428 and its officers and employees, the department and its
4429 employees, and the state against all claims arising from state
4430 and federal laws. Such insurance coverage must be with insurers
4431 qualified and doing business in the state. The management
4432 corporation must provide proof of insurance to the department.
4433 The department and its employees and the state are exempt from
4434 and are not liable for any sum of money which represents a
4435 deductible, which sums shall be the sole responsibility of the
4436 management corporation. Violation of this subparagraph shall be
4437 grounds for terminating the contract.

19-01965-23

202332__

4438 6. Payment by the management corporation, out of its
4439 allocated budget, to the department of all costs of
4440 representation by the board counsel, including salary and
4441 benefits, travel, and any other compensation traditionally paid
4442 by the department to other board counsel.

4443 7. Payment by the management corporation, out of its
4444 allocated budget, to the department of all costs incurred by the
4445 management corporation or the board for the Division of
4446 Administrative Hearings of the Department of Management Services
4447 and any other cost for utilization of these state services.

4448 8. Payment by the management corporation, out of its
4449 allocated budget, to the department of reasonable costs
4450 associated with the contract monitor.

4451 (k) Provide for an annual financial audit of its financial
4452 accounts and records by an independent certified public
4453 accountant. The annual audit report shall include a management
4454 letter in accordance with s. 11.45 and a detailed supplemental
4455 schedule of expenditures for each expenditure category. The
4456 annual audit report must be submitted to the board, the
4457 department, and the Auditor General for review.

4458 (l) Provide for persons not employed by the corporation who
4459 are charged with the responsibility of receiving and depositing
4460 fee and fine revenues to have a faithful performance bond in
4461 such an amount and according to such terms as shall be
4462 determined in the contract.

4463 (m) Submit to the secretary, the board, and the
4464 Legislature, on or before October 1 of each year, a report on
4465 the status of the corporation which includes, but is not limited
4466 to, information concerning the programs and funds that have been

19-01965-23

202332__

4467 transferred to the corporation. The report must include: the
4468 number of license applications received; the number approved and
4469 denied and the number of licenses issued; the number of
4470 examinations administered and the number of applicants who
4471 passed or failed the examination; the number of complaints
4472 received; the number determined to be legally sufficient; the
4473 number dismissed; the number determined to have probable cause;
4474 the number of administrative complaints issued and the status of
4475 the complaints; and the number and nature of disciplinary
4476 actions taken by the board.

4477 (n) Develop and submit to the department, performance
4478 standards and measurable outcomes for the board to adopt by rule
4479 in order to facilitate efficient and cost-effective regulation.
4480 Reviser's note.—Amended to conform to the reordering of
4481 definitions in s. 20.03 by this act.

4482 Section 105. Subsection (9) of section 491.003, Florida
4483 Statutes, is amended to read:

4484 491.003 Definitions.—As used in this chapter:

4485 (9) The term "practice of marriage and family therapy"
4486 means the use of scientific and applied marriage and family
4487 theories, methods, and procedures for the purpose of describing,
4488 evaluating, and modifying marital, family, and individual
4489 behavior, within the context of marital and family systems,
4490 including the context of marital formation and dissolution, and
4491 is based on marriage and family systems theory, marriage and
4492 family development, human development, normal and abnormal
4493 behavior, psychopathology, human sexuality, and
4494 psychotherapeutic and marriage and family therapy theories and
4495 techniques. The practice of marriage and family therapy includes

19-01965-23

202332

4496 methods of a psychological nature used to evaluate, assess,
4497 diagnose, treat, and prevent emotional and mental disorders or
4498 dysfunctions (whether cognitive, affective, or behavioral),
4499 sexual dysfunction, behavioral disorders, alcoholism, and
4500 substance abuse. The practice of marriage and family therapy
4501 includes, but is not limited to, marriage and family therapy,
4502 psychotherapy, including behavioral family therapy,
4503 hypnotherapy, and sex therapy. The practice of marriage and
4504 family therapy also includes counseling, behavior modification,
4505 consultation, client-centered advocacy, crisis intervention, and
4506 the provision of needed information and education to clients,
4507 when using methods of a psychological nature to evaluate,
4508 assess, diagnose, treat, and prevent emotional and mental
4509 disorders and dysfunctions (whether cognitive, affective, or
4510 behavioral), sexual dysfunction, behavioral disorders,
4511 alcoholism, or substance abuse. The practice of marriage and
4512 family therapy may also include clinical research into more
4513 effective psychotherapeutic modalities for the treatment and
4514 prevention of such conditions.

4515 (a) Marriage and family therapy may be rendered to
4516 individuals, including individuals affected by termination of
4517 marriage, to couples, whether married or unmarried, to families,
4518 or to groups.

4519 (b) The use of specific methods, techniques, or modalities
4520 within the practice of marriage and family therapy is restricted
4521 to marriage and family therapists appropriately trained in the
4522 use of such methods, techniques, or modalities.

4523 (c) The terms "diagnose" and "treat," as used in this
4524 chapter, when considered in isolation or in conjunction with the

19-01965-23

202332__

4525 rules of the board, may not be construed to permit the
4526 performance of any act that marriage and family therapists are
4527 not educated and trained to perform, including, but not limited
4528 to, admitting persons to hospitals for treatment of the
4529 foregoing conditions, treating persons in hospitals without
4530 medical supervision, prescribing medicinal drugs as defined in
4531 chapter 465, authorizing clinical laboratory procedures or
4532 radiological procedures or the use of electroconvulsive therapy.
4533 In addition, this definition may not be construed to permit any
4534 person licensed, provisionally licensed, registered, or
4535 certified pursuant to this chapter to describe or label any
4536 test, report, or procedure as "psychological," except to relate
4537 specifically to the definition of practice authorized in this
4538 subsection.

4539 (d) The definition of "marriage and family therapy"
4540 contained in this subsection includes all services offered
4541 directly to the general public or through organizations, whether
4542 public or private, and applies whether payment is requested or
4543 received for services rendered.

4544 Reviser's note.—Amended to confirm an editorial insertion to
4545 improve clarity.

4546 Section 106. Subsection (6) of section 491.0045, Florida
4547 Statutes, is amended to read:

4548 491.0045 Intern registration; requirements.—

4549 (6) ~~A registration issued on or before March 31, 2017,~~
4550 ~~expires March 31, 2022, and may not be renewed or reissued.~~ Any
4551 registration issued after March 31, 2017, expires 60 months
4552 after the date it is issued. The board may make a one-time
4553 exception to the requirements of this subsection in emergency or

19-01965-23

202332

4554 hardship cases, as defined by board rule, if the candidate has
4555 passed the theory and practice examination described in s.
4556 491.005(1)(d), (3)(d), and (4)(d).

4557 Reviser's note.—Amended to delete obsolete language.

4558 Section 107. Paragraph (s) of subsection (1) of section
4559 491.009, Florida Statutes, is amended to read:

4560 491.009 Discipline.—

4561 (1) The following acts constitute grounds for denial of a
4562 license or disciplinary action, as specified in s. 456.072(2) or
4563 s. 491.017:

4564 (s) Delegating professional responsibilities to a person
4565 who ~~whom~~ the licensee, registered intern, or certificateholder
4566 knows or has reason to know is not qualified by training or
4567 experience to perform such responsibilities.

4568 Reviser's note.—Amended to confirm an editorial substitution to
4569 conform to context.

4570 Section 108. Paragraph (i) of subsection (1) of section
4571 497.260, Florida Statutes, is amended to read:

4572 497.260 Cemeteries; exemption; investigation and
4573 mediation.—

4574 (1) The provisions of this chapter relating to cemeteries
4575 and all rules adopted pursuant thereto shall apply to all
4576 cemeteries except for:

4577 (i) A columbarium consisting of 5 acres or less which is
4578 located on the main campus of a state university as defined in
4579 s. 1000.21(8) ~~1000.21(6)~~. The university or university direct-
4580 support organization, as defined in s. 1004.28(1), which
4581 establishes the columbarium shall ensure that the columbarium is
4582 constructed and perpetually kept and maintained in a manner

19-01965-23

202332

4583 consistent with subsection (2) and the intent of this chapter.
4584 Reviser's note.—Amended to conform to the reordering of
4585 definitions in s. 1000.21 by this act.

4586 Section 109. Subsections (20) through (23) and (26) through
4587 (38) of section 550.002, Florida Statutes, are reordered and
4588 amended to read:

4589 550.002 Definitions.—As used in this chapter, the term:

4590 (21)~~(20)~~ "Operating day" means a continuous period of 24
4591 hours starting with the beginning of the first performance of a
4592 race or game, even though the operating day may start during one
4593 calendar day and extend past midnight except that no jai alai
4594 game may commence after 1:30 a.m.

4595 (22)~~(21)~~ "Pari-mutuel" or "pari-mutuel wagering" means a
4596 system of betting on races or games in which the winners divide
4597 the total amount bet, after deducting management expenses and
4598 taxes, in proportion to the sums they have wagered individually
4599 and with regard to the odds assigned to particular outcomes.

4600 (23)~~(22)~~ "Pari-mutuel facility" means the grounds or
4601 property of a cardroom, racetrack, fronton, or other facility
4602 used by a licensed permitholder.

4603 (26)~~(23)~~ "Permitholder" or "permittee" means a holder of a
4604 permit to conduct pari-mutuel wagering in this state as
4605 authorized in this chapter.

4606 (27)~~(26)~~ "Post time" means the time set for the arrival at
4607 the starting point of the horses in a race or the beginning of a
4608 game in jai alai.

4609 (28)~~(27)~~ "Purse" means the cash portion of the prize for
4610 which a race or game is contested.

4611 (29)~~(28)~~ "Quarter horse" means a breed of horse developed

19-01965-23

202332

4612 in the western United States which is capable of high speed for
4613 a short distance and used in quarter horse racing registered
4614 with the American Quarter Horse Association.

4615 (30)~~(29)~~ "Regular wagering" means contributions to pari-
4616 mutuel pools involving wagering on a single entry in a single
4617 race, or a single jai alai player or team in a single game, such
4618 as the win pool, the place pool, or the show pool.

4619 (31)~~(30)~~ "Same class of races, games, or permit" means,
4620 with respect to a jai alai permitholder, jai alai games or other
4621 jai alai permitholders; with respect to a greyhound
4622 permitholder, other greyhound permitholders conducting pari-
4623 mutuel wagering; with respect to a thoroughbred permitholder,
4624 thoroughbred races or other thoroughbred permitholders; with
4625 respect to a harness permitholder, harness races or other
4626 harness permitholders; with respect to a quarter horse
4627 permitholder, quarter horse races or other quarter horse
4628 permitholders.

4629 (32)~~(31)~~ "Simulcasting" means broadcasting events occurring
4630 live at an in-state location to an out-of-state location, or
4631 receiving at an in-state location events occurring live at an
4632 out-of-state location, by the transmittal, retransmittal,
4633 reception, and rebroadcast of television or radio signals by
4634 wire, cable, satellite, microwave, or other electrical or
4635 electronic means for receiving or rebroadcasting the events.

4636 (33)~~(32)~~ "Standardbred horse" means a pacing or trotting
4637 horse that is used in harness racing and that has been
4638 registered as a standardbred by the United States Trotting
4639 Association or by a foreign registry whose stud book is
4640 recognized by the United States Trotting Association.

19-01965-23

202332

4641 (34)~~(33)~~ "Takeout" means the percentage of the pari-mutuel
4642 pools deducted by the permitholder prior to the distribution of
4643 the pool.

4644 (35)~~(34)~~ "Thoroughbred" means a purebred horse whose
4645 ancestry can be traced back to one of three foundation sires and
4646 whose pedigree is registered in the American Stud Book or in a
4647 foreign stud book that is recognized by the Jockey Club and the
4648 International Stud Book Committee.

4649 (36)~~(35)~~ "Totalisator" means the computer system used to
4650 accumulate wagers, record sales, calculate payoffs, and display
4651 wagering data on a display device that is located at a pari-
4652 mutuel facility.

4653 (37)~~(36)~~ "Ultimate equitable owner" means a natural person
4654 who, directly or indirectly, owns or controls 5 percent or more
4655 of an ownership interest in a corporation, foreign corporation,
4656 or alien business organization, regardless of whether such
4657 person owns or controls such ownership through one or more
4658 natural persons or one or more proxies, powers of attorney,
4659 nominees, corporations, associations, partnerships, trusts,
4660 joint stock companies, or other entities or devices, or any
4661 combination thereof.

4662 (38)~~(37)~~ "Year," for purposes of determining a full
4663 schedule of live racing, means the state fiscal year.

4664 (20)~~(38)~~ "Net pool pricing" means a method of calculating
4665 prices awarded to winning wagers relative to the contribution,
4666 net of takeouts, to a pool by each participating jurisdiction
4667 or, as applicable, site.

4668 Reviser's note.—Amended to place the definitions of subsections
4669 (20) through (23) and (26) through (38) in alphabetical

19-01965-23

202332

4670 order.

4671 Section 110. Paragraph (b) of subsection (1) of section
4672 550.01215, Florida Statutes, is amended to read:

4673 550.01215 License application; periods of operation;
4674 license fees; bond.—

4675 (1) Each permitholder shall annually, during the period
4676 between December 15 and January 4, file in writing with the
4677 commission its application for an operating license for a pari-
4678 mutuel facility for the conduct of pari-mutuel wagering during
4679 the next state fiscal year, including intertrack and simulcast
4680 race wagering. Each application for live performances must
4681 specify the number, dates, and starting times of all live
4682 performances that the permitholder intends to conduct. It must
4683 also specify which performances will be conducted as charity or
4684 scholarship performances.

4685 (b)1. A greyhound permitholder may not conduct live racing.
4686 A jai alai permitholder, harness horse racing permitholder, or
4687 quarter horse racing permitholder may elect not to conduct live
4688 racing or games. A thoroughbred permitholder must conduct live
4689 racing. A greyhound permitholder, jai alai permitholder, harness
4690 horse racing permitholder, or quarter horse racing permitholder
4691 that does not conduct live racing or games retains its permit;
4692 is a pari-mutuel facility as defined in s. 550.002(23)
4693 ~~550.002(22)~~; if such permitholder has been issued a slot machine
4694 license, the facility where such permit is located remains an
4695 eligible facility as defined in s. 551.102(4), continues to be
4696 eligible for a slot machine license pursuant to s. 551.104(3),
4697 and is exempt from ss. 551.104(4)(c) and (10) and 551.114(2); is
4698 eligible, but not required, to be a guest track and, if the

19-01965-23

202332

4699 permitholder is a harness horse racing permitholder, to be a
4700 host track for purposes of intertrack wagering and simulcasting
4701 pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and
4702 remains eligible for a cardroom license.

4703 2. A permitholder or licensee may not conduct live
4704 greyhound racing or dogracing in connection with any wager for
4705 money or any other thing of value in the state. The commission
4706 may deny, suspend, or revoke any permit or license under this
4707 chapter if a permitholder or licensee conducts live greyhound
4708 racing or dogracing in violation of this subparagraph. In
4709 addition to, or in lieu of, denial, suspension, or revocation of
4710 such permit or license, the commission may impose a civil
4711 penalty of up to \$5,000 against the permitholder or licensee for
4712 a violation of this subparagraph. All penalties imposed and
4713 collected must be deposited with the Chief Financial Officer to
4714 the credit of the General Revenue Fund.

4715 Reviser's note.—Amended to conform to the reordering of
4716 definitions in s. 550.002 by this act.

4717 Section 111. Paragraph (b) of subsection (7) of section
4718 550.2625, Florida Statutes, is amended to read:

4719 550.2625 Horseracing; minimum purse requirement, Florida
4720 breeders' and owners' awards.—

4721 (7)

4722 (b) The commission shall deposit these collections to the
4723 credit of the General Inspection Trust Fund in a special account
4724 to be known as the "Florida Appaloosa Racing Promotion Account."
4725 The Department of Agriculture and Consumer Services shall
4726 administer the funds and adopt suitable and reasonable rules for
4727 the administration thereof. The moneys in the Florida Appaloosa

19-01965-23

202332

4728 Racing Promotion Account shall be allocated solely for
4729 supplementing and augmenting purses and prizes and for the
4730 general promotion of owning and breeding of racing Appaloosas in
4731 this state. ~~and~~ The moneys may not be used to defray any
4732 expense of the Department of Agriculture and Consumer Services
4733 in the administration of this chapter.

4734 Reviser's note.—Amended to improve sentence structure.

4735 Section 112. Subsection (1) of section 553.895, Florida
4736 Statutes, is amended to read:

4737 553.895 Firesafety.—

4738 (1) Any transient public lodging establishment, as defined
4739 in chapter 509 and used primarily for transient occupancy as
4740 defined in s. 83.43(17) ~~83.43(10)~~, or any timeshare unit of a
4741 timeshare plan as defined in chapters 718 and 721, which is of
4742 three stories or more and for which the construction contract
4743 has been let after September 30, 1983, with interior corridors
4744 which do not have direct access from the guest area to exterior
4745 means of egress and on buildings over 75 feet in height that
4746 have direct access from the guest area to exterior means of
4747 egress and for which the construction contract has been let
4748 after September 30, 1983, shall be equipped with an automatic
4749 sprinkler system installed in compliance with the provisions
4750 prescribed in the National Fire Protection Association
4751 publication NFPA No. 13 (1985), "Standards for the Installation
4752 of Sprinkler Systems." Each guest room and each timeshare unit
4753 shall be equipped with an approved listed single-station smoke
4754 detector meeting the minimum requirements of NFPA 74 (1984)
4755 "Standards for the Installation, Maintenance and Use of
4756 Household Fire Warning Equipment," powered from the building

19-01965-23

202332__

4757 electrical service, notwithstanding the number of stories in the
4758 structure, if the contract for construction is let after
4759 September 30, 1983. Single-station smoke detectors shall not be
4760 required when guest rooms or timeshare units contain smoke
4761 detectors connected to a central alarm system which also alarms
4762 locally.

4763 Reviser's note.—Amended to conform to the reordering of
4764 definitions in s. 83.43 by this act.

4765 Section 113. Paragraph (c) of subsection (1) of section
4766 560.141, Florida Statutes, is amended to read:

4767 560.141 License application.—

4768 (1) To apply for a license as a money services business
4769 under this chapter, the applicant must submit:

4770 (c) Fingerprints for each person listed in subparagraph
4771 (a)3. for live-scan processing in accordance with rules adopted
4772 by the commission.

4773 1. The fingerprints may be submitted through a third-party
4774 vendor authorized by the Department of Law Enforcement to
4775 provide live-scan fingerprinting.

4776 2. The Department of Law Enforcement must conduct the state
4777 criminal history background check, and a federal criminal
4778 history background check must be conducted through the Federal
4779 Bureau of Investigation.

4780 3. All fingerprints submitted to the Department of Law
4781 Enforcement must be submitted electronically and entered into
4782 the statewide automated fingerprint identification system
4783 established in s. 943.05(2)(b) and available for use in
4784 accordance with s. 943.05(2)(g) and (h). The office shall pay an
4785 annual fee to the Department of Law Enforcement to participate

19-01965-23

202332__

4786 in the system and shall inform the Department of Law Enforcement
4787 of any person whose fingerprints no longer must be retained.

4788 4. The costs of fingerprint processing, including the cost
4789 of retaining the fingerprints, shall be borne by the person
4790 subject to the background check.

4791 5. The office shall review the results of the state and
4792 federal criminal history background checks and determine whether
4793 the applicant meets licensure requirements.

4794 6. For purposes of this paragraph, fingerprints are not
4795 required to be submitted if the applicant is a publicly traded
4796 corporation or is exempted from this chapter under s.
4797 560.104(1).

4798 ~~7. Licensees initially approved before October 1, 2013, who~~
4799 ~~are seeking renewal must submit fingerprints for each person~~
4800 ~~listed in subparagraph (a)3. for live-scan processing pursuant~~
4801 ~~to this paragraph. Such fingerprints must be submitted before~~
4802 ~~renewing a license that is scheduled to expire between April 30,~~
4803 ~~2014, and December 31, 2015.~~

4804 Reviser's note.—Amended to delete an obsolete provision.

4805 Section 114. Section 624.36, Florida Statutes, is amended
4806 to read:

4807 624.36 Availability of description of specified behavioral
4808 health care benefits on department website ~~Coverage of and~~
4809 ~~access to behavioral health care services; complaints;~~
4810 ~~reporting.—~~

4811 ~~(1) By January 31, 2022, the department shall submit a~~
4812 ~~report to the Governor, the President of the Senate, and the~~
4813 ~~Speaker of the House of Representatives relating to the~~
4814 ~~disposition of complaints received from insureds and subscribers~~

19-01965-23

202332

4815 ~~of insurers or health maintenance organizations regulated by the~~
4816 ~~office relating to the access to and affordability of behavioral~~
4817 ~~health care services and benefits during the prior calendar~~
4818 ~~year. At a minimum, the report must include all of the following~~
4819 ~~information:~~

4820 ~~(a) The total number of complaints received.~~

4821 ~~(b) The nature of the complaints, including, but not~~
4822 ~~limited to, concerns related to access to in-network providers~~
4823 ~~or facilities; access to inpatient or outpatient services;~~
4824 ~~availability of specialists; affordability of services;~~
4825 ~~equivalency of behavioral health care benefits with respect to~~
4826 ~~medical and surgical benefits; quality of care; and denial of~~
4827 ~~services, including the types of services denied and the stated~~
4828 ~~reason for the denials.~~

4829 ~~(c) The disposition of the complaints.~~

4830 ~~(d) Any recommendations made by the department to the~~
4831 ~~Legislature for ensuring the access to and affordability of~~
4832 ~~behavioral health care services to insureds and subscribers.~~

4833 ~~(2) The department shall make available on its website a~~
4834 ~~description of behavioral health care benefits required to be~~
4835 ~~made available pursuant to s. 627.668 and federal law for~~
4836 ~~individual and group policies and contracts.~~

4837 Reviser's note.—Amended to delete an obsolete provision; the
4838 referenced plan was submitted to the recipients on January
4839 21, 2022.

4840 Section 115. Paragraph (h) of subsection (1) of section
4841 626.321, Florida Statutes, is amended to read:

4842 626.321 Limited licenses and registration.—

4843 (1) The department shall issue to a qualified applicant a

19-01965-23

202332

4844 license as agent authorized to transact a limited class of
4845 business in any of the following categories of limited lines
4846 insurance:

4847 (h) *Portable electronics insurance.*—License for property
4848 insurance or inland marine insurance that covers only loss,
4849 theft, mechanical failure, malfunction, or damage for portable
4850 electronics.

4851 1. The license may be issued only to:

4852 a. Employees or authorized representatives of a licensed
4853 general lines agent; or

4854 b. The lead business location of a retail vendor that sells
4855 portable electronics insurance. The lead business location must
4856 have a contractual relationship with a general lines agent.

4857 2. Employees or authorized representatives of a licensee
4858 under subparagraph 1. may sell or offer for sale portable
4859 electronics coverage without being subject to licensure as an
4860 insurance agent if:

4861 a. Such insurance is sold or offered for sale at a licensed
4862 location or at one of the licensee's branch locations if the
4863 branch location is appointed by the licensed lead business
4864 location or its appointing insurers;

4865 b. The insurer issuing the insurance directly supervises or
4866 appoints a general lines agent to supervise the sale of such
4867 insurance, including the development of a training program for
4868 the employees and authorized representatives of vendors that are
4869 directly engaged in the activity of selling or offering the
4870 insurance; and

4871 c. At each location where the insurance is offered,
4872 brochures or other written materials that provide the

19-01965-23

202332

4873 information required by this subparagraph are made available to
4874 all prospective customers. The brochures or written materials
4875 may include information regarding portable electronics
4876 insurance, service warranty agreements, or other incidental
4877 services or benefits offered by a licensee.

4878 3. Individuals not licensed to sell portable electronics
4879 insurance may not be paid commissions based on the sale of such
4880 coverage. However, a licensee who uses a compensation plan for
4881 employees and authorized representatives which includes
4882 supplemental compensation for the sale of noninsurance products,
4883 in addition to a regular salary or hourly wages, may include
4884 incidental compensation for the sale of portable electronics
4885 insurance as a component of the overall compensation plan.

4886 4. Brochures or other written materials related to portable
4887 electronics insurance must:

4888 a. Disclose that such insurance may duplicate coverage
4889 already provided by a customer's homeowners insurance policy,
4890 renters insurance policy, or other source of coverage;

4891 b. State that enrollment in insurance coverage is not
4892 required in order to purchase or lease portable electronics or
4893 services;

4894 c. Summarize the material terms of the insurance coverage,
4895 including the identity of the insurer, the identity of the
4896 supervising entity, the amount of any applicable deductible and
4897 how it is to be paid, the benefits of coverage, and key terms
4898 and conditions of coverage, such as whether portable electronics
4899 may be repaired or replaced with similar make and model
4900 reconditioned or nonoriginal manufacturer parts or equipment;

4901 d. Summarize the process for filing a claim, including a

19-01965-23

202332

4902 description of how to return portable electronics and the
4903 maximum fee applicable if the customer fails to comply with
4904 equipment return requirements; and

4905 e. State that an enrolled customer may cancel coverage at
4906 any time and that the person paying the premium will receive a
4907 refund of any unearned premium.

4908 5. A licensed and appointed general lines agent is not
4909 required to obtain a portable electronics insurance license to
4910 offer or sell portable electronics insurance at locations
4911 already licensed as an insurance agency, but may apply for a
4912 portable electronics insurance license for branch locations not
4913 otherwise licensed to sell insurance.

4914 6. A portable electronics license authorizes the sale of
4915 individual policies or certificates under a group or master
4916 insurance policy. The license also authorizes the sale of
4917 service warranty agreements covering only portable electronics
4918 to the same extent as if licensed under s. 634.419 or s.
4919 634.420.

4920 7. A licensee may bill and collect the premium for the
4921 purchase of portable electronics insurance provided that:

4922 a. If the insurance is included with the purchase or lease
4923 of portable electronics or related services, the licensee
4924 clearly and conspicuously discloses that insurance coverage is
4925 included with the purchase. Disclosure of the stand-alone cost
4926 of the premium for same or similar insurance must be made on the
4927 customer's bill and in any marketing materials made available at
4928 the point of sale. If the insurance is not included, the charge
4929 to the customer for the insurance must be separately itemized on
4930 the customer's bill.

19-01965-23

202332

4931 b. Premiums are incidental to other fees collected, are
4932 maintained in a manner that is readily identifiable, and are
4933 accounted for and remitted to the insurer or supervising entity
4934 within 60 days of receipt. Licensees are not required to
4935 maintain such funds in a segregated account.

4936 c. All funds received by a licensee from an enrolled
4937 customer for the sale of the insurance are considered funds held
4938 in trust by the licensee in a fiduciary capacity for the benefit
4939 of the insurer. Licensees may receive compensation for billing
4940 and collection services.

4941 8. Notwithstanding any other provision of law, the terms
4942 for the termination or modification of coverage under a policy
4943 of portable electronics insurance are those set forth in the
4944 policy.

4945 9. Notice or correspondence required by the policy, or
4946 otherwise required by law, may be provided by electronic means
4947 if the insurer or licensee maintains proof that the notice or
4948 correspondence was sent. Such notice or correspondence may be
4949 sent on behalf of the insurer or licensee by the general lines
4950 agent appointed by the insurer to supervise the administration
4951 of the program. For purposes of this subparagraph, an enrolled
4952 customer's provision of an electronic mail address to the
4953 insurer or licensee is deemed to be consent to receive notices
4954 and correspondence by electronic means if a conspicuously
4955 located disclosure is provided to the customer indicating the
4956 same.

4957 10. The fingerprinting ~~fingerprints~~ requirements in s.
4958 626.171(4) do not apply to licenses issued to qualified entities
4959 under this paragraph.

19-01965-23

202332

4960 11. A branch location that sells portable electronics
4961 insurance may, in lieu of obtaining an appointment from an
4962 insurer or warranty association, obtain a single appointment
4963 from the associated lead business location licensee and pay the
4964 prescribed appointment fee under s. 624.501 if the lead business
4965 location has a single appointment from each insurer or warranty
4966 association represented and such appointment applies to the lead
4967 business location and all of its branch locations. Branch
4968 location appointments shall be renewed 24 months after the
4969 initial appointment date of the lead business location and every
4970 24 months thereafter. Notwithstanding s. 624.501, the renewal
4971 fee applicable to such branch location appointments is \$30 per
4972 appointment.

4973 12. For purposes of this paragraph:

4974 a. "Branch location" means any physical location in this
4975 state at which a licensee offers its products or services for
4976 sale.

4977 b. "Portable electronics" means personal, self-contained,
4978 easily carried by an individual, battery-operated electronic
4979 communication, viewing, listening, recording, gaming, computing
4980 or global positioning devices, including cell or satellite
4981 phones, pagers, personal global positioning satellite units,
4982 portable computers, portable audio listening, video viewing or
4983 recording devices, digital cameras, video camcorders, portable
4984 gaming systems, docking stations, automatic answering devices,
4985 and other similar devices and their accessories, and service
4986 related to the use of such devices.

4987 c. "Portable electronics transaction" means the sale or
4988 lease of portable electronics or a related service, including

19-01965-23

202332

4989 portable electronics insurance.

4990 Reviser's note.—Amended to confirm an editorial substitution to
4991 conform to context.

4992 Section 116. Subsections (2), (5), and (6) of section
4993 626.9891, Florida Statutes, are amended to read:

4994 626.9891 Insurer anti-fraud investigative units; reporting
4995 requirements; penalties for noncompliance.—

4996 (2) ~~By December 31, 2017,~~ Every insurer admitted to do
4997 business in this state shall:

4998 (a)1. Establish and maintain a designated anti-fraud unit
4999 or division within the company to investigate and report
5000 possible fraudulent insurance acts by insureds or by persons
5001 making claims for services or repairs against policies held by
5002 insureds; or

5003 2. Contract with others to investigate and report possible
5004 fraudulent insurance acts by insureds or by persons making
5005 claims for services or repairs against policies held by
5006 insureds.

5007 (b) Adopt an anti-fraud plan.

5008 (c) Designate at least one employee with primary
5009 responsibility for implementing the requirements of this
5010 section.

5011 (d) Electronically file with the Division of Investigative
5012 and Forensic Services of the department, and annually
5013 thereafter, a detailed description of the designated anti-fraud
5014 unit or division or a copy of the contract executed under
5015 subparagraph (a)2., as applicable, a copy of the anti-fraud
5016 plan, and the name of the employee designated under paragraph

5017 (c).

19-01965-23

202332__

5018
5019 An insurer must include the additional cost incurred in creating
5020 a distinct unit or division, hiring additional employees, or
5021 contracting with another entity to fulfill the requirements of
5022 this section, as an administrative expense for ratemaking
5023 purposes.

5024 (5) Each insurer is required to report data related to
5025 fraud for each identified line of business written by the
5026 insurer during the prior calendar year. The data shall be
5027 reported to the department annually by March 1, ~~2019, and~~
5028 ~~annually thereafter,~~ and must include, at a minimum:

5029 (a) The number of policies in effect;

5030 (b) The amount of premiums written for policies;

5031 (c) The number of claims received;

5032 (d) The number of claims referred to the anti-fraud
5033 investigative unit;

5034 (e) The number of other insurance fraud matters referred to
5035 the anti-fraud investigative unit that were not claim related;

5036 (f) The number of claims investigated or accepted by the
5037 anti-fraud investigative unit;

5038 (g) The number of other insurance fraud matters
5039 investigated or accepted by the anti-fraud investigative unit
5040 that were not claim related;

5041 (h) The number of cases referred to the Division of
5042 Investigative and Forensic Services;

5043 (i) The number of cases referred to other law enforcement
5044 agencies;

5045 (j) The number of cases referred to other entities; and

5046 (k) The estimated dollar amount or range of damages on

19-01965-23

202332

5047 cases referred to the Division of Investigative and Forensic
5048 Services or other agencies.

5049 (6) In addition to providing information required under
5050 subsections (2), (4), and (5), each insurer writing workers'
5051 compensation insurance shall also report the following
5052 information to the department, annually, on or before March 1~~7~~
5053 ~~2019, and annually thereafter:~~

5054 (a) The estimated dollar amount of losses attributable to
5055 workers' compensation fraud delineated by the type of fraud,
5056 including claimant, employer, provider, agent, or other type.

5057 (b) The estimated dollar amount of recoveries attributable
5058 to workers' compensation fraud delineated by the type of fraud,
5059 including claimant, employer, provider, agent, or other type.

5060 (c) The number of cases referred to the Division of
5061 Investigative and Forensic Services, delineated by the type of
5062 fraud, including claimant, employer, provider, agent, or other
5063 type.

5064 Reviser's note.—Amended to delete obsolete language.

5065 Section 117. Subsection (1) of section 695.031, Florida
5066 Statutes, is amended to read:

5067 695.031 Affidavits and acknowledgments by members of armed
5068 forces and their spouses.—

5069 (1) In addition to the manner, form and proof of
5070 acknowledgment of instruments as now provided by law, any person
5071 serving in or with the Armed Forces of the United States,
5072 including the Army, Navy, Air Force, Marine Corps, Space Force,
5073 Coast Guard, or any component or any arm or service of any
5074 thereof, ~~including any female auxiliary of any thereof,~~ and any
5075 person whose duties require his or her presence with the Armed

19-01965-23

202332

5076 Forces of the United States, as herein designated, or otherwise
5077 designated by law or military or naval command, may acknowledge
5078 any instrument, wherever located, either within or without the
5079 state, or without the United States, before any commissioned
5080 officer in active service of the Armed Forces of the United
5081 States, as herein designated, or otherwise designated by law, or
5082 military or naval command, or order, with the rank of second
5083 lieutenant or higher in the Army, Air Force, Space Force, or
5084 Marine Corps, or of any component or any arm or service of any
5085 thereof, ~~including any female auxiliary of any thereof,~~ or
5086 ensign or higher in the Navy or United States Coast Guard, or of
5087 any component or any arm or service of either thereof, ~~including~~
5088 ~~any female auxiliary of any thereof.~~

5089 Reviser's note.—Amended to delete obsolete language to conform
5090 to the fact that female auxiliary forces no longer exist.
5091 Section 118. Subsections (1) through (4) of section
5092 705.101, Florida Statutes, are reordered and amended to read:

5093 705.101 Definitions.—As used in this chapter:

5094 (3)~~(1)~~ "Local government" means the board of county
5095 commissioners of a county or the commission or council of any
5096 municipality in the county.

5097 (4)~~(2)~~ "Lost property" means all tangible personal property
5098 which does not have an identifiable owner and which has been
5099 mislaid on public property, upon a public conveyance, on
5100 premises used at the time for business purposes, or in parks,
5101 places of amusement, public recreation areas, or other places
5102 open to the public in a substantially operable, functioning
5103 condition or which has an apparent intrinsic value to the
5104 rightful owner.

19-01965-23

202332

5105 (1)~~(3)~~ "Abandoned property" means all tangible personal
5106 property that does not have an identifiable owner and that has
5107 been disposed on public property in a wrecked, inoperative, or
5108 partially dismantled condition or has no apparent intrinsic
5109 value to the rightful owner. The term includes derelict vessels
5110 as defined in s. 823.11 and vessels declared a public nuisance
5111 pursuant to s. 327.73(1)(aa).

5112 (2)~~(4)~~ "Law enforcement officer" means any person who is
5113 elected, appointed, or employed full time by any sheriff, any
5114 municipality, or the state or any political subdivision thereof;
5115 who is vested with authority to bear arms and make arrests; and
5116 whose primary responsibility is the prevention and detection of
5117 crime or the enforcement of the penal, criminal, traffic, or
5118 highway laws of the state. This definition includes all
5119 certified supervisory and command personnel whose duties
5120 include, in whole or in part, the supervision, training,
5121 guidance, and management responsibilities of full-time law
5122 enforcement officers or auxiliary law enforcement officers but
5123 does not include support personnel employed by the employing
5124 agency.

5125 Reviser's note.—Amended to place the definitions of the section
5126 in alphabetical order.

5127 Section 119. Paragraph (d) of subsection (1) of section
5128 718.501, Florida Statutes, is amended to read:

5129 718.501 Authority, responsibility, and duties of Division
5130 of Florida Condominiums, Timeshares, and Mobile Homes.—

5131 (1) The division may enforce and ensure compliance with
5132 this chapter and rules relating to the development,
5133 construction, sale, lease, ownership, operation, and management

19-01965-23

202332

5134 of residential condominium units and complaints related to the
5135 procedural completion of milestone inspections under s. 553.899.
5136 In performing its duties, the division has complete jurisdiction
5137 to investigate complaints and enforce compliance with respect to
5138 associations that are still under developer control or the
5139 control of a bulk assignee or bulk buyer pursuant to part VII of
5140 this chapter and complaints against developers, bulk assignees,
5141 or bulk buyers involving improper turnover or failure to
5142 turnover, pursuant to s. 718.301. However, after turnover has
5143 occurred, the division has jurisdiction to investigate
5144 complaints related only to financial issues, elections, and the
5145 maintenance of and unit owner access to association records
5146 under s. 718.111(12), and the procedural completion of
5147 structural integrity reserve studies under s. 718.112(2)(g).

5148 (d) Notwithstanding any remedies available to unit owners
5149 and associations, if the division has reasonable cause to
5150 believe that a violation of any provision of this chapter or
5151 related rule has occurred, the division may institute
5152 enforcement proceedings in its own name against any developer,
5153 bulk assignee, bulk buyer, association, officer, or member of
5154 the board of administration, or its assignees or agents, as
5155 follows:

5156 1. The division may permit a person whose conduct or
5157 actions may be under investigation to waive formal proceedings
5158 and enter into a consent proceeding whereby orders, rules, or
5159 letters of censure or warning, whether formal or informal, may
5160 be entered against the person.

5161 2. The division may issue an order requiring the developer,
5162 bulk assignee, bulk buyer, association, developer-designated

19-01965-23

202332__

5163 officer, or developer-designated member of the board of
5164 administration, developer-designated assignees or agents, bulk
5165 assignee-designated assignees or agents, bulk buyer-designated
5166 assignees or agents, community association manager, or community
5167 association management firm to cease and desist from the
5168 unlawful practice and take such affirmative action as in the
5169 judgment of the division carry out the purposes of this chapter.
5170 If the division finds that a developer, bulk assignee, bulk
5171 buyer, association, officer, or member of the board of
5172 administration, or its assignees or agents, is violating or is
5173 about to violate any provision of this chapter, any rule adopted
5174 or order issued by the division, or any written agreement
5175 entered into with the division, and presents an immediate danger
5176 to the public requiring an immediate final order, it may issue
5177 an emergency cease and desist order reciting with particularity
5178 the facts underlying such findings. The emergency cease and
5179 desist order is effective for 90 days. If the division begins
5180 nonemergency cease and desist proceedings, the emergency cease
5181 and desist order remains effective until the conclusion of the
5182 proceedings under ss. 120.569 and 120.57.

5183 3. If a developer, bulk assignee, or bulk buyer fails to
5184 pay any restitution determined by the division to be owed, plus
5185 any accrued interest at the highest rate permitted by law,
5186 within 30 days after expiration of any appellate time period of
5187 a final order requiring payment of restitution or the conclusion
5188 of any appeal thereof, whichever is later, the division must
5189 bring an action in circuit or county court on behalf of any
5190 association, class of unit owners, lessees, or purchasers for
5191 restitution, declaratory relief, injunctive relief, or any other

19-01965-23

202332

5192 available remedy. The division may also temporarily revoke its
5193 acceptance of the filing for the developer to which the
5194 restitution relates until payment of restitution is made.

5195 4. The division may petition the court for appointment of a
5196 receiver or conservator. If appointed, the receiver or
5197 conservator may take action to implement the court order to
5198 ensure the performance of the order and to remedy any breach
5199 thereof. In addition to all other means provided by law for the
5200 enforcement of an injunction or temporary restraining order, the
5201 circuit court may impound or sequester the property of a party
5202 defendant, including books, papers, documents, and related
5203 records, and allow the examination and use of the property by
5204 the division and a court-appointed receiver or conservator.

5205 5. The division may apply to the circuit court for an order
5206 of restitution whereby the defendant in an action brought under
5207 subparagraph 4. is ordered to make restitution of those sums
5208 shown by the division to have been obtained by the defendant in
5209 violation of this chapter. At the option of the court, such
5210 restitution is payable to the conservator or receiver appointed
5211 under subparagraph 4. or directly to the persons whose funds or
5212 assets were obtained in violation of this chapter.

5213 6. The division may impose a civil penalty against a
5214 developer, bulk assignee, or bulk buyer, or association, or its
5215 assignee or agent, for any violation of this chapter or related
5216 rule. The division may impose a civil penalty individually
5217 against an officer or board member who willfully and knowingly
5218 violates this chapter, an adopted rule, or a final order of the
5219 division; may order the removal of such individual as an officer
5220 or from the board of administration or as an officer of the

19-01965-23

202332__

5221 association; and may prohibit such individual from serving as an
5222 officer or on the board of a community association for a period
5223 of time. The term "willfully and knowingly" means that the
5224 division informed the officer or board member that his or her
5225 action or intended action violates this chapter, a rule adopted
5226 under this chapter, or a final order of the division and that
5227 the officer or board member refused to comply with the
5228 requirements of this chapter, a rule adopted under this chapter,
5229 or a final order of the division. The division, before
5230 initiating formal agency action under chapter 120, must afford
5231 the officer or board member an opportunity to voluntarily
5232 comply, and an officer or board member who complies within 10
5233 days is not subject to a civil penalty. A penalty may be imposed
5234 on the basis of each day of continuing violation, but the
5235 penalty for any offense may not exceed \$5,000. The division
5236 shall adopt, by rule, penalty guidelines applicable to possible
5237 violations or to categories of violations of this chapter or
5238 rules adopted by the division. The guidelines must specify a
5239 meaningful range of civil penalties for each such violation of
5240 the statute and rules and must be based upon the harm caused by
5241 the violation, upon the repetition of the violation, and upon
5242 such other factors deemed relevant by the division. For example,
5243 the division may consider whether the violations were committed
5244 by a developer, bulk assignee, or bulk buyer, or owner-
5245 controlled association, the size of the association, and other
5246 factors. The guidelines must designate the possible mitigating
5247 or aggravating circumstances that justify a departure from the
5248 range of penalties provided by the rules. It is the legislative
5249 intent that minor violations be distinguished from those which

19-01965-23

202332

5250 endanger the health, safety, or welfare of the condominium
5251 residents or other persons and that such guidelines provide
5252 reasonable and meaningful notice to the public of likely
5253 penalties that may be imposed for proscribed conduct. This
5254 subsection does not limit the ability of the division to
5255 informally dispose of administrative actions or complaints by
5256 stipulation, agreed settlement, or consent order. All amounts
5257 collected shall be deposited with the Chief Financial Officer to
5258 the credit of the Division of Florida Condominiums, Timeshares,
5259 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
5260 bulk buyer fails to pay the civil penalty and the amount deemed
5261 to be owed to the association, the division shall issue an order
5262 directing that such developer, bulk assignee, or bulk buyer
5263 cease and desist from further operation until such time as the
5264 civil penalty is paid or may pursue enforcement of the penalty
5265 in a court of competent jurisdiction. If an association fails to
5266 pay the civil penalty, the division shall pursue enforcement in
5267 a court of competent jurisdiction, and the order imposing the
5268 civil penalty or the cease and desist order is not effective
5269 until 20 days after the date of such order. Any action commenced
5270 by the division shall be brought in the county in which the
5271 division has its executive offices or in the county where the
5272 violation occurred.

5273 7. If a unit owner presents the division with proof that
5274 the unit owner has requested access to official records in
5275 writing by certified mail, and that after 10 days the unit owner
5276 again made the same request for access to official records in
5277 writing by certified mail, and that more than 10 days has
5278 elapsed since the second request and the association has still

19-01965-23

202332

5279 failed or refused to provide access to official records as
 5280 required by this chapter, the division shall issue a subpoena
 5281 requiring production of the requested records where the records
 5282 are kept pursuant to s. 718.112.

5283 8. In addition to subparagraph 6., the division may seek
 5284 the imposition of a civil penalty through the circuit court for
 5285 any violation for which the division may issue a notice to show
 5286 cause under paragraph (r). The civil penalty shall be at least
 5287 \$500 but no more than \$5,000 for each violation. The court may
 5288 also award to the prevailing party court costs and reasonable
 5289 attorney fees and, if the division prevails, may also award
 5290 reasonable costs of investigation.

5291 Reviser's note.—Amended to confirm an editorial insertion to
 5292 improve clarity and for consistency with the rest of the
 5293 sentence.

5294 Section 120. Paragraph (d) of subsection (1) of section
 5295 719.501, Florida Statutes, is amended to read:

5296 719.501 Powers and duties of Division of Florida
 5297 Condominiums, Timeshares, and Mobile Homes.—

5298 (1) The Division of Florida Condominiums, Timeshares, and
 5299 Mobile Homes of the Department of Business and Professional
 5300 Regulation, referred to as the "division" in this part, in
 5301 addition to other powers and duties prescribed by chapter 718,
 5302 has the power to enforce and ensure compliance with this chapter
 5303 and adopted rules relating to the development, construction,
 5304 sale, lease, ownership, operation, and management of residential
 5305 cooperative units; complaints related to the procedural
 5306 completion of the structural integrity reserve studies under s.
 5307 719.106(1)(k); and complaints related to the procedural

19-01965-23

202332

5308 completion of milestone inspections under s. 553.899. In
5309 performing its duties, the division shall have the following
5310 powers and duties:

5311 (d) Notwithstanding any remedies available to unit owners
5312 and associations, if the division has reasonable cause to
5313 believe that a violation of any provision of this chapter or
5314 related rule has occurred, the division may institute
5315 enforcement proceedings in its own name against a developer,
5316 association, officer, or member of the board, or its assignees
5317 or agents, as follows:

5318 1. The division may permit a person whose conduct or
5319 actions may be under investigation to waive formal proceedings
5320 and enter into a consent proceeding whereby orders, rules, or
5321 letters of censure or warning, whether formal or informal, may
5322 be entered against the person.

5323 2. The division may issue an order requiring the developer,
5324 association, officer, or member of the board, or its assignees
5325 or agents, to cease and desist from the unlawful practice and
5326 take such affirmative action as in the judgment of the division
5327 will carry out the purposes of this chapter. Such affirmative
5328 action may include, but is not limited to, an order requiring a
5329 developer to pay moneys determined to be owed to a condominium
5330 association.

5331 3. The division may bring an action in circuit court on
5332 behalf of a class of unit owners, lessees, or purchasers for
5333 declaratory relief, injunctive relief, or restitution.

5334 4. The division may impose a civil penalty against a
5335 developer or association, or its assignees or agents, for any
5336 violation of this chapter or related rule. The division may

19-01965-23

202332__

5337 impose a civil penalty individually against any officer or board
5338 member who willfully and knowingly violates a provision of this
5339 chapter, a rule adopted pursuant to this chapter, or a final
5340 order of the division. The term "willfully and knowingly" means
5341 that the division informed the officer or board member that his
5342 or her action or intended action violates this chapter, a rule
5343 adopted under this chapter, or a final order of the division,
5344 and that the officer or board member refused to comply with the
5345 requirements of this chapter, a rule adopted under this chapter,
5346 or a final order of the division. The division, prior to
5347 initiating formal agency action under chapter 120, shall afford
5348 the officer or board member an opportunity to voluntarily comply
5349 with this chapter, a rule adopted under this chapter, or a final
5350 order of the division. An officer or board member who complies
5351 within 10 days is not subject to a civil penalty. A penalty may
5352 be imposed on the basis of each day of continuing violation, but
5353 in no event shall the penalty for any offense exceed \$5,000. ~~By~~
5354 ~~January 1, 1998,~~ The division shall adopt, by rule, penalty
5355 guidelines applicable to possible violations or to categories of
5356 violations of this chapter or rules adopted by the division. The
5357 guidelines must specify a meaningful range of civil penalties
5358 for each such violation of the statute and rules and must be
5359 based upon the harm caused by the violation, upon the repetition
5360 of the violation, and upon such other factors deemed relevant by
5361 the division. For example, the division may consider whether the
5362 violations were committed by a developer or owner-controlled
5363 association, the size of the association, and other factors. The
5364 guidelines must designate the possible mitigating or aggravating
5365 circumstances that justify a departure from the range of

19-01965-23

202332

5366 penalties provided by the rules. It is the legislative intent
5367 that minor violations be distinguished from those which endanger
5368 the health, safety, or welfare of the cooperative residents or
5369 other persons and that such guidelines provide reasonable and
5370 meaningful notice to the public of likely penalties that may be
5371 imposed for proscribed conduct. This subsection does not limit
5372 the ability of the division to informally dispose of
5373 administrative actions or complaints by stipulation, agreed
5374 settlement, or consent order. All amounts collected shall be
5375 deposited with the Chief Financial Officer to the credit of the
5376 Division of Florida Condominiums, Timeshares, and Mobile Homes
5377 Trust Fund. If a developer fails to pay the civil penalty, the
5378 division shall thereupon issue an order directing that such
5379 developer cease and desist from further operation until such
5380 time as the civil penalty is paid or may pursue enforcement of
5381 the penalty in a court of competent jurisdiction. If an
5382 association fails to pay the civil penalty, the division shall
5383 thereupon pursue enforcement in a court of competent
5384 jurisdiction, and the order imposing the civil penalty or the
5385 cease and desist order shall not become effective until 20 days
5386 after the date of such order. Any action commenced by the
5387 division shall be brought in the county in which the division
5388 has its executive offices or in the county where the violation
5389 occurred.

5390 Reviser's note.—Amended to delete obsolete language and to
5391 confirm an editorial insertion to improve clarity and for
5392 consistency with the rest of the sentence.

5393 Section 121. Paragraph (b) of subsection (2) of section
5394 720.304, Florida Statutes, is amended to read:

19-01965-23

202332

5395 720.304 Right of owners to peaceably assemble; display of
5396 flag; SLAPP suits prohibited.—

5397 (2)

5398 (b) Any homeowner may erect a freestanding flagpole no more
5399 than 20 feet high on any portion of the homeowner's real
5400 property, regardless of any covenants, restrictions, bylaws,
5401 rules, or requirements of the association, if the flagpole does
5402 not obstruct sightlines at intersections and is not erected
5403 within or upon an easement. The homeowner may further display in
5404 a respectful manner from that flagpole, regardless of any
5405 covenants, restrictions, bylaws, rules, or requirements of the
5406 association, one official United States flag, not larger than 4
5407 1/2 feet by 6 feet, and may additionally display one official
5408 flag of the State of Florida or the United States Army, Navy,
5409 Air Force, Marines, Space Force, or Coast Guard, or a POW-MIA
5410 flag. Such additional flag must be equal in size to or smaller
5411 than the United States flag. The flagpole and display are
5412 subject to all building codes, zoning setbacks, and other
5413 applicable governmental regulations, including, but not limited
5414 to, noise and lighting ordinances in the county or municipality
5415 in which the flagpole is erected and all setback and locational
5416 criteria contained in the governing documents.

5417 Reviser's note.—Amended to confirm an editorial insertion to
5418 conform to the amendment by s. 19, ch. 2022-183, Laws of
5419 Florida, which added Space Force to the list of United
5420 States entities for which homeowners may display an
5421 official flag in paragraph (2) (a).

5422 Section 122. Paragraphs (b) and (c) of subsection (1) of
5423 section 741.313, Florida Statutes, are amended to read:

19-01965-23

202332__

5424 741.313 Unlawful action against employees seeking
5425 protection.—

5426 (1) As used in this section, the term:

5427 (b) "Employee" has the same meaning as in s. 440.02(18)
5428 ~~440.02(15)~~.

5429 (c) "Employer" has the same meaning as in s. 440.02(19)
5430 ~~440.02(16)~~.

5431 Reviser's note.—Amended to conform to the reordering of
5432 definitions in s. 440.02 by this act.

5433 Section 123. Paragraphs (b) and (c) of subsection (3) of
5434 section 744.2111, Florida Statutes, are amended to read:

5435 744.2111 Confidentiality.—

5436 (3) This section does not prohibit the department from
5437 providing such information:

5438 (b) To any other regulatory agency in the performance of
5439 its official duties and responsibilities;

5440 (c) To the clerk of the circuit court under s. 744.368; or
5441 Reviser's note.—Amended to confirm an editorial insertion to
5442 improve clarity.

5443 Section 124. Paragraph (e) of subsection (3) of section
5444 766.105, Florida Statutes, is amended to read:

5445 766.105 Florida Patient's Compensation Fund.—

5446 (3) THE FUND.—

5447 (e) *Fund accounting and audit*.—

5448 1. Money shall be withdrawn from the fund only upon a
5449 voucher as authorized by the Chief Financial Officer or his or
5450 her designee.

5451 2. All books, records, and audits of the fund shall be open
5452 for reasonable inspection to the general public, except that a

19-01965-23

202332

5453 claim file in possession of the fund, fund members, and their
5454 insurers is confidential and exempt from the provisions of s.
5455 119.07(1) and s. 24(a), Art. I of the State Constitution until
5456 termination of litigation or settlement of the claim, although
5457 medical records and other portions of the claim file may remain
5458 confidential and exempt as otherwise provided by law. Any book,
5459 record, document, audit, or asset acquired by, prepared for, or
5460 paid for by the fund is subject to the authority of the Chief
5461 Financial Officer or his or her designee, who ~~which~~ shall be
5462 responsible therefor.

5463 3. Persons authorized to receive deposits, issue vouchers,
5464 or withdraw or otherwise disburse any fund moneys shall post a
5465 blanket fidelity bond in an amount reasonably sufficient to
5466 protect fund assets. The cost of such bond shall be paid from
5467 the fund.

5468 4. Annually, the fund shall furnish, upon request, audited
5469 financial reports to any fund participant and to the Office of
5470 Insurance Regulation and the Joint Legislative Auditing
5471 Committee. The reports shall be prepared in accordance with
5472 accepted accounting procedures and shall include income and such
5473 other information as may be required by the Office of Insurance
5474 Regulation or the Joint Legislative Auditing Committee.

5475 5. Any money held in the fund shall be invested in
5476 interest-bearing investments. However, in no case may any such
5477 money be invested in the stock of any insurer participating in
5478 the Joint Underwriting Association authorized by s. 627.351(4)
5479 or in the parent company of, or company owning a controlling
5480 interest in, such insurer. All income derived from such
5481 investments shall be credited to the fund.

19-01965-23

202332

5482 6. Any health care provider participating in the fund may
5483 withdraw from such participation only at the end of a fiscal
5484 year; however, such health care provider shall remain subject to
5485 any assessment or any refund pertaining to any year in which
5486 such member participated in the fund.

5487 Reviser's note.—Amended to confirm an editorial substitution to
5488 conform to context.

5489 Section 125. Paragraph (f) of subsection (10) of section
5490 768.28, Florida Statutes, is amended to read:

5491 768.28 Waiver of sovereign immunity in tort actions;
5492 recovery limits; civil liability for damages caused during a
5493 riot; limitation on attorney fees; statute of limitations;
5494 exclusions; indemnification; risk management programs.—

5495 (10)

5496 (f) For purposes of this section, any nonprofit independent
5497 college or university located and chartered in this state which
5498 owns or operates an accredited medical school, or any of its
5499 employees or agents, and which has agreed in an affiliation
5500 agreement or other contract to provide, or permit its employees
5501 or agents to provide, patient services as agents of a teaching
5502 hospital, is considered an agent of the teaching hospital while
5503 acting within the scope of and pursuant to guidelines
5504 established in the affiliation agreement or other contract. To
5505 the extent allowed by law, the contract must provide for the
5506 indemnification of the teaching hospital, up to the limits set
5507 out in this chapter, by the agent for any liability incurred
5508 which was caused by the negligence of the college or university
5509 or its employees or agents. The contract must also provide that
5510 those limited portions of the college, university, or medical

19-01965-23

202332__

5511 school which are directly providing services pursuant to the
5512 contract and which are considered an agent of the teaching
5513 hospital for purposes of this section are deemed to be acting on
5514 behalf of a public agency as defined in s. 119.011(2).

5515 1. For purposes of this paragraph, the term:

5516 a. "Employee or agent" means an officer, employee, agent,
5517 or servant of a nonprofit independent college or university
5518 located and chartered in this state which owns or operates an
5519 accredited medical school, including, but not limited to, the
5520 faculty of the medical school, any health care practitioner or
5521 licensee as defined in s. 456.001 for which the college or
5522 university is vicariously liable, and the staff or
5523 administrators of the medical school.

5524 b. "Patient services" means ~~mean~~:

5525 (I) Comprehensive health care services as defined in s.
5526 641.19, including any related administrative service, provided
5527 to patients in a teaching hospital;

5528 (II) Training and supervision of interns, residents, and
5529 fellows providing patient services in a teaching hospital; or

5530 (III) Training and supervision of medical students in a
5531 teaching hospital.

5532 c. "Teaching hospital" means a teaching hospital as defined
5533 in s. 408.07 which is owned or operated by the state, a county
5534 or municipality, a public health trust, a special taxing
5535 district, a governmental entity having health care
5536 responsibilities, or a not-for-profit entity that operates such
5537 facility as an agent of the state, or a political subdivision of
5538 the state, under a lease or other contract.

5539 2. The teaching hospital or the medical school, or its

19-01965-23

202332__

5540 employees or agents, must provide notice to each patient, or the
5541 patient's legal representative, that the college or university
5542 that owns or operates the medical school and the employees or
5543 agents of that college or university are acting as agents of the
5544 teaching hospital and that the exclusive remedy for injury or
5545 damage suffered as the result of any act or omission of the
5546 teaching hospital, the college or university that owns or
5547 operates the medical school, or the employees or agents of the
5548 college or university, while acting within the scope of duties
5549 pursuant to the affiliation agreement or other contract with a
5550 teaching hospital, is by commencement of an action pursuant to
5551 the provisions of this section. This notice requirement may be
5552 met by posting the notice in a place conspicuous to all persons.

5553 3. This paragraph does not designate any employee providing
5554 contracted patient services in a teaching hospital as an
5555 employee or agent of the state for purposes of chapter 440.

5556 Reviser's note.—Amended to conform to context.

5557 Section 126. Paragraphs (a), (b), and (d) of subsection (1)
5558 of section 796.07, Florida Statutes, are reordered and amended
5559 to read:

5560 796.07 Prohibiting prostitution and related acts.—

5561 (1) As used in this section:

5562 (b)~~(a)~~ "Female genitals" includes the labia minora, labia
5563 majora, clitoris, vulva, hymen, and vagina.

5564 (d)~~(b)~~ "Prostitution" means the giving or receiving of the
5565 body for sexual activity for hire but excludes sexual activity
5566 between spouses.

5567 (a)~~(d)~~ "Assignation" means the making of any appointment or
5568 engagement for prostitution or lewdness, or any act in

19-01965-23

202332

5569 furtherance of such appointment or engagement.

5570 Reviser's note.—Amended to place the definitions in subsection

5571 (1) in alphabetical order.

5572 Section 127. Subsection (2) of section 815.062, Florida
5573 Statutes, is amended to read:

5574 815.062 Offenses against governmental entities.—

5575 (2) A person who willfully, knowingly, and without
5576 authorization introduces a computer contaminant that gains
5577 unauthorized access to, encrypts, modifies, or otherwise renders
5578 unavailable data, programs, or supporting documentation residing
5579 or existing within a computer, computer system, computer
5580 network, or electronic device owned or operated by a
5581 governmental entity and demands a ransom to prevent the
5582 publication of or to restore access to the data, programs, or
5583 supporting documentation or to otherwise remediate the impact of
5584 the computer contaminant commits a felony of the first degree,
5585 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5586 Reviser's note.—Amended to confirm an editorial insertion to
5587 improve clarity.

5588 Section 128. Section 907.044, Florida Statutes, is amended
5589 to read:

5590 907.044 Annual study of pretrial release program
5591 effectiveness and cost efficiency.—The Office of Program Policy
5592 Analysis and Government Accountability shall conduct an annual
5593 study to evaluate the effectiveness and cost efficiency of
5594 pretrial release programs in this state. The study's scope shall
5595 include, but need not be limited to, gathering information
5596 pertaining to the funding sources of each pretrial release
5597 program, the nature of criminal convictions of defendants

19-01965-23

202332__

5598 accepted into the programs, the number of failed court
 5599 appearances by defendants accepted into each program, and the
 5600 number of warrants issued subsequently for ~~by~~ defendants in each
 5601 program, as well as the program's compliance with the provisions
 5602 of this section. OPPAGA shall submit a report to the President
 5603 of the Senate and the Speaker of the House of Representatives by
 5604 January 1 of each year.

5605 Reviser's note.—Amended to conform to context.

5606 Section 129. Subsection (13) of section 943.10, Florida
 5607 Statutes, is amended to read:

5608 943.10 Definitions; ss. 943.085-943.255.—The following
 5609 words and phrases as used in ss. 943.085-943.255 are defined as
 5610 follows:

5611 (13) "Head of the department" means the Governor and
 5612 Cabinet, as provided for in ss. 20.201 and 20.03(11) ~~20.03(4)~~.

5613 Reviser's note.—Amended to conform to the reordering of
 5614 definitions in s. 20.03 by this act.

5615 Section 130. Subsection (6) of section 943.13, Florida
 5616 Statutes, is amended to read:

5617 943.13 Officers' minimum qualifications for employment or
 5618 appointment.—On or after October 1, 1984, any person employed or
 5619 appointed as a full-time, part-time, or auxiliary law
 5620 enforcement officer or correctional officer; on or after October
 5621 1, 1986, any person employed as a full-time, part-time, or
 5622 auxiliary correctional probation officer; and on or after
 5623 October 1, 1986, any person employed as a full-time, part-time,
 5624 or auxiliary correctional officer by a private entity under
 5625 contract to the Department of Corrections, to a county
 5626 commission, or to the Department of Management Services shall:

19-01965-23

202332

5627 (6)~~(a)~~ Have passed a physical examination by a licensed
5628 physician, physician assistant, or licensed advanced practice
5629 registered nurse, based on specifications established by the
5630 commission. In order to be eligible for the presumption set
5631 forth in s. 112.18 while employed with an employing agency, a
5632 law enforcement officer, correctional officer, or correctional
5633 probation officer must have successfully passed the physical
5634 examination required by this subsection upon entering into
5635 service as a law enforcement officer, correctional officer, or
5636 correctional probation officer with the employing agency, which
5637 examination must have failed to reveal any evidence of
5638 tuberculosis, heart disease, or hypertension. A law enforcement
5639 officer, correctional officer, or correctional probation officer
5640 may not use a physical examination from a former employing
5641 agency for purposes of claiming the presumption set forth in s.
5642 112.18 against the current employing agency.

5643 ~~(b)~~ The employing agency must maintain records of the
5644 physical examination for at least 5 years after the employee's
5645 separation from the employing agency. If the employing agency
5646 fails to maintain the records of the physical examination for
5647 the 5-year period after the employee's separation, it is
5648 presumed that the employee has met the requirements of this
5649 subsection ~~paragraph (a)~~.

5650 Reviser's note.—Amended to confirm the editorial deletion of
5651 paragraph designators incident to compiling the 2022
5652 Florida Statutes; the language in paragraph (b) is a
5653 continuation of that in paragraph (a) and does not connect
5654 directly to the section's introductory paragraph. An
5655 editorial substitution is confirmed to conform to the

19-01965-23

202332

5656 deletion of paragraph subunits.

5657 Section 131. Subsection (2) of section 946.502, Florida
5658 Statutes, is amended to read:

5659 946.502 Legislative intent with respect to operation of
5660 correctional work programs.—

5661 (2) It is further the intent of the Legislature that, once
5662 one such nonprofit corporation is organized, no other nonprofit
5663 corporation be organized for the purpose of carrying out this
5664 part. In carrying out this part, the corporation is not an
5665 “agency” within the meaning of s. 20.03(1) ~~20.03(11)~~.

5666 Reviser’s note.—Amended to conform to the reordering of
5667 definitions in s. 20.03 by this act.

5668 Section 132. Paragraphs (b) and (c) of subsection (1) of
5669 section 951.23, Florida Statutes, are reordered and amended to
5670 read:

5671 951.23 County and municipal detention facilities;
5672 definitions; administration; standards and requirements.—

5673 (1) DEFINITIONS.—As used in this section, the term:

5674 (c) ~~(b)~~ “County residential probation center” means a
5675 county-operated facility housing offenders serving misdemeanor
5676 sentences or first-time felony sentences. Such facilities shall
5677 provide or contract for the provision of the programs
5678 established under s. 951.231.

5679 (b) ~~(e)~~ “County prisoner” means a person who is detained in
5680 a county detention facility by reason of being charged with or
5681 convicted of either felony or misdemeanor.

5682 Reviser’s note.—Amended to place the definitions in subsection

5683 (1) in alphabetical order.

5684 Section 133. Subsection (2) of section 960.0021, Florida

19-01965-23

202332__

5685 Statutes, is amended to read:

5686 960.0021 Legislative intent; advisement to victims.-

5687 (2) The courts may fulfill their obligation to advise crime
5688 victims by doing one of the following:

5689 (a) Making the following announcement at any arraignment,
5690 sentencing, or case-management proceeding:

5691

5692 "If you are the victim of a crime with a case pending
5693 before this court, you are advised that you have the
5694 right, upon request:

5695 1. To be informed.

5696 2. To be present.

5697 3. To be heard at all stages of criminal
5698 proceedings.

5699 4. To receive advance notification, when
5700 possible, of judicial proceedings and notification of
5701 scheduling changes, pursuant to section 960.001,
5702 Florida Statutes.

5703 5. To seek crimes compensation and restitution.

5704 6. To consult with the state attorney's office in
5705 certain felony cases regarding the disposition of the
5706 case.

5707 7. To make an oral or written victim impact
5708 statement at the time of sentencing of a defendant.

5709

5710 For further information regarding additional rights
5711 afforded to victims of crime, you may contact the
5712 state attorney's office or obtain a listing of your
5713 rights from the Clerk of Court."

19-01965-23

202332

5714 ~~or~~

5715 (b) Displaying prominently on the courtroom doors posters
 5716 giving notification of the existence and general provisions of
 5717 this chapter. The Department of Legal Affairs shall provide the
 5718 courts with the posters specified by this paragraph.

5719 Reviser's note.—Amended to improve subsection structure.

5720 Section 134. Paragraph (b) of subsection (1) of section
 5721 961.06, Florida Statutes, is amended to read:

5722 961.06 Compensation for wrongful incarceration.—

5723 (1) Except as otherwise provided in this act and subject to
 5724 the limitations and procedures prescribed in this section, a
 5725 person who is found to be entitled to compensation under the
 5726 provisions of this act is entitled to:

5727 (b) A waiver of tuition and fees for up to 120 hours of
 5728 instruction at any career center established under s. 1001.44,
 5729 any Florida College System institution as defined in s.
 5730 1000.21(5) ~~1000.21(3)~~, or any state university as defined in s.
 5731 1000.21(8) ~~1000.21(6)~~, if the wrongfully incarcerated person
 5732 meets and maintains the regular admission requirements of such
 5733 career center, Florida College System institution, or state
 5734 university; remains registered at such educational institution;
 5735 and makes satisfactory academic progress as defined by the
 5736 educational institution in which the claimant is enrolled;

5737
 5738 The total compensation awarded under paragraphs (a), (c), and
 5739 (d) may not exceed \$2 million. No further award for attorney's
 5740 fees, lobbying fees, costs, or other similar expenses shall be
 5741 made by the state.

5742 Reviser's note.—Amended to conform to the reordering of

19-01965-23

202332

5743 definitions in s. 1000.21 by this act.

5744 Section 135. Paragraphs (a) and (b) of subsection (2) of
5745 section 985.26, Florida Statutes, are amended to read:

5746 985.26 Length of detention.—

5747 (2) (a) 1. A court may order a child to be placed on
5748 supervised release detention care for any time period until an
5749 adjudicatory hearing is completed. However, if a child has
5750 served 60 days on supervised release detention care, the court
5751 must conduct a hearing within 15 days after the 60th day, to
5752 determine the need for continued supervised release detention
5753 care. At the hearing, and upon good cause being shown that the
5754 nature of the charge requires additional time for the
5755 prosecution or defense of the case or that the totality of the
5756 circumstances, including the preservation of public safety,
5757 warrants an extension, the court may order the child to remain
5758 on supervised release detention care until the adjudicatory
5759 hearing is completed.

5760 2. Except as provided in paragraph (b) or paragraph (c), a
5761 child may not be held in secure detention care under a special
5762 detention order for more than 21 days unless an adjudicatory
5763 hearing for the case has been commenced in good faith by the
5764 court.

5765 3. This section does not prohibit a court from
5766 transitioning a child to and from secure detention care and
5767 supervised release detention care, including electronic
5768 monitoring, when the court finds such a placement necessary, or
5769 no longer necessary, to preserve public safety or to ensure the
5770 child's safety, appearance in court, or compliance with a court
5771 order. Each period of secure detention care or supervised

19-01965-23

202332

5772 release detention care counts toward the time limitations in
5773 this subsection whether served consecutively or
5774 nonconsecutively.

5775 (b) Upon good cause being shown that the nature of the
5776 charge requires additional time for the prosecution or defense
5777 of the case or that the totality of the circumstances, including
5778 the preservation of public safety, warrants an extension, the
5779 court may extend the length of secure detention care for up to
5780 an additional 21 days if the child is charged with an offense
5781 which, if committed by an adult, would be a capital felony, a
5782 life felony, a felony of the first degree or the second degree,
5783 or a felony of the third degree involving violence against any
5784 individual. The court may continue to extend the period of
5785 secure detention care in increments of up to 21 days each by
5786 conducting a hearing before the expiration of the current period
5787 to determine the need for continued secure detention of the
5788 child. At the hearing, the court must make the required findings
5789 in writing to extend the period of secure detention. If the
5790 court extends the time period for secure detention care, it
5791 shall ensure an adjudicatory hearing for the case commences as
5792 soon as is reasonably possible considering the totality of the
5793 circumstances. The court shall prioritize the efficient
5794 disposition of cases in which the child has served 60 or more
5795 days in secure detention care.

5796 Reviser's note.—Amended to confirm editorial insertions to
5797 improve clarity.

5798 Section 136. Subsections (2), (3), (5), (6), and (8) of
5799 section 1000.21, Florida Statutes, are reordered and amended to
5800 read:

19-01965-23

202332

5801 1000.21 Systemwide definitions.—As used in the Florida
5802 Early Learning-20 Education Code:

5803 (3)~~(2)~~ “Commissioner” is the Commissioner of Education.
5804 (5)~~(3)~~ “Florida College System institution” except as
5805 otherwise specifically provided, includes all of the following
5806 public postsecondary educational institutions in the Florida
5807 College System and any branch campuses, centers, or other
5808 affiliates of the institution:

5809 (a) Eastern Florida State College, which serves Brevard
5810 County.

5811 (b) Broward College, which serves Broward County.

5812 (c) College of Central Florida, which serves Citrus, Levy,
5813 and Marion Counties.

5814 (d) Chipola College, which serves Calhoun, Holmes, Jackson,
5815 Liberty, and Washington Counties.

5816 (e) Daytona State College, which serves Flagler and Volusia
5817 Counties.

5818 (f) Florida SouthWestern State College, which serves
5819 Charlotte, Collier, Glades, Hendry, and Lee Counties.

5820 (g) Florida State College at Jacksonville, which serves
5821 Duval and Nassau Counties.

5822 (h) The College of the Florida Keys, which serves Monroe
5823 County.

5824 (i) Gulf Coast State College, which serves Bay, Franklin,
5825 and Gulf Counties.

5826 (j) Hillsborough Community College, which serves
5827 Hillsborough County.

5828 (k) Indian River State College, which serves Indian River,
5829 Martin, Okeechobee, and St. Lucie Counties.

19-01965-23

202332

- 5830 (l) Florida Gateway College, which serves Baker, Columbia,
5831 Dixie, Gilchrist, and Union Counties.
- 5832 (m) Lake-Sumter State College, which serves Lake and Sumter
5833 Counties.
- 5834 (n) State College of Florida, Manatee-Sarasota, which
5835 serves Manatee and Sarasota Counties.
- 5836 (o) Miami Dade College, which serves Miami-Dade County.
- 5837 (p) North Florida College, which serves Hamilton,
5838 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
- 5839 (q) Northwest Florida State College, which serves Okaloosa
5840 and Walton Counties.
- 5841 (r) Palm Beach State College, which serves Palm Beach
5842 County.
- 5843 (s) Pasco-Hernando State College, which serves Hernando and
5844 Pasco Counties.
- 5845 (t) Pensacola State College, which serves Escambia and
5846 Santa Rosa Counties.
- 5847 (u) Polk State College, which serves Polk County.
- 5848 (v) St. Johns River State College, which serves Clay,
5849 Putnam, and St. Johns Counties.
- 5850 (w) St. Petersburg College, which serves Pinellas County.
- 5851 (x) Santa Fe College, which serves Alachua and Bradford
5852 Counties.
- 5853 (y) Seminole State College of Florida, which serves
5854 Seminole County.
- 5855 (z) South Florida State College, which serves DeSoto,
5856 Hardee, and Highlands Counties.
- 5857 (aa) Tallahassee Community College, which serves Gadsden,
5858 Leon, and Wakulla Counties.

19-01965-23

202332__

5859 (bb) Valencia College, which serves Orange and Osceola
 5860 Counties.

5861 (6)~~(5)~~ "Parent" is either or both parents of a student, any
 5862 guardian of a student, any person in a parental relationship to
 5863 a student, or any person exercising supervisory authority over a
 5864 student in place of the parent.

5865 (8)~~(6)~~ "State university," except as otherwise specifically
 5866 provided, includes the following institutions and any branch
 5867 campuses, centers, or other affiliates of the institution:

- 5868 (a) The University of Florida.
- 5869 (b) The Florida State University.
- 5870 (c) The Florida Agricultural and Mechanical University.
- 5871 (d) The University of South Florida.
- 5872 (e) The Florida Atlantic University.
- 5873 (f) The University of West Florida.
- 5874 (g) The University of Central Florida.
- 5875 (h) The University of North Florida.
- 5876 (i) The Florida International University.
- 5877 (j) The Florida Gulf Coast University.
- 5878 (k) New College of Florida.
- 5879 (l) The Florida Polytechnic University.

5880 (2)~~(8)~~ "Board of Governors" is the Board of Governors of
 5881 the State University System.
 5882 Reviser's note.—Amended to place the definitions of the section
 5883 in alphabetical order.

5884 Section 137. Subsection (7) of section 1001.11, Florida
 5885 Statutes, is amended to read:

5886 1001.11 Commissioner of Education; other duties.—

5887 (7) The commissioner shall make prominently available on

19-01965-23

202332

5888 the department's website the following: links to the Internet-
5889 based clearinghouse for professional development regarding
5890 physical education; the school wellness and physical education
5891 policies and other resources required under s. 1003.453; and
5892 other Internet sites that provide professional development for
5893 elementary teachers of physical education as defined in s.
5894 1003.01(15) ~~1003.01(16)~~. These links must provide elementary
5895 teachers with information concerning current physical education
5896 and nutrition philosophy and best practices that result in
5897 student participation in physical activities that promote
5898 lifelong physical and mental well-being.

5899 Reviser's note.—Amended to conform to the reordering of
5900 definitions in s. 1003.01 by this act.

5901 Section 138. Subsection (2) of section 1001.60, Florida
5902 Statutes, is amended to read:

5903 1001.60 Florida College System.—

5904 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida
5905 College System comprised of the Florida College System
5906 institutions identified in s. 1000.21(5) ~~1000.21(3)~~. A Florida
5907 College System institution may not offer graduate degree
5908 programs.

5909 (a) The programs and services offered by Florida College
5910 System institutions in providing associate and baccalaureate
5911 degrees shall be delivered in a cost-effective manner that
5912 demonstrates substantial savings to the student and to the state
5913 over the cost of providing the degree at a state university.

5914 (b)1. With the approval of its district board of trustees,
5915 a Florida College System institution may change the
5916 institution's name set forth in s. 1000.21(5) ~~1000.21(3)~~ and use

19-01965-23

202332__

5917 the designation "college" or "state college" if it has been
5918 authorized to grant baccalaureate degrees pursuant to s. 1007.33
5919 and has been accredited as a baccalaureate-degree-granting
5920 institution by the Commission on Colleges of the Southern
5921 Association of Colleges and Schools.

5922 2. With the approval of its district board of trustees, a
5923 Florida College System institution that does not meet the
5924 criteria in subparagraph 1. may request approval from the State
5925 Board of Education to change the institution's name set forth in
5926 s. 1000.21(5) ~~1000.21(3)~~ and use the designation "college." The
5927 State Board of Education may approve the request if the Florida
5928 College System institution enters into an agreement with the
5929 State Board of Education to do the following:

5930 a. Maintain as its primary mission responsibility for
5931 responding to community needs for postsecondary academic
5932 education and career degree education as prescribed in s.
5933 1004.65(5).

5934 b. Maintain an open-door admissions policy for associate-
5935 level degree programs and workforce education programs.

5936 c. Continue to provide outreach to underserved populations.

5937 d. Continue to provide remedial education.

5938 e. Comply with all provisions of the statewide articulation
5939 agreement that relate to 2-year and 4-year public degree-
5940 granting institutions as adopted by the State Board of Education
5941 pursuant to s. 1007.23.

5942 (c) A district board of trustees that approves a change to
5943 the name of an institution under paragraph (b) must seek
5944 statutory codification of such name change in s. 1000.21(5)
5945 ~~1000.21(3)~~ during the next regular legislative session.

19-01965-23

202332

5946 (d) A Florida College System institution may not use the
5947 designation "university."

5948 Reviser's note.—Amended to conform to the reordering of
5949 definitions in s. 1000.21 by this act.

5950 Section 139. Section 1002.01, Florida Statutes, is amended
5951 to read:

5952 1002.01 Definitions.—

5953 (1) A "home education program" means the sequentially
5954 progressive instruction of a student directed by his or her
5955 parent in order to satisfy the attendance requirements of ss.
5956 1002.41, 1003.01(16) ~~1003.01(13)~~, and 1003.21(1).

5957 (2) A "private school" is a nonpublic school defined as an
5958 individual, association, copartnership, or corporation, or
5959 department, division, or section of such organizations, that
5960 designates itself as an educational center that includes
5961 kindergarten or a higher grade or as an elementary, secondary,
5962 business, technical, or trade school below college level or any
5963 organization that provides instructional services that meet the
5964 intent of s. 1003.01(16) ~~1003.01(13)~~ or that gives preemployment
5965 or supplementary training in technology or in fields of trade or
5966 industry or that offers academic, literary, or career training
5967 below college level, or any combination of the above, including
5968 an institution that performs the functions of the above schools
5969 through correspondence or extension, except those licensed under
5970 the provisions of chapter 1005. A private school may be a
5971 parochial, religious, denominational, for-profit, or nonprofit
5972 school. This definition does not include home education programs
5973 conducted in accordance with s. 1002.41.

5974 Reviser's note.—Amended to conform to the reordering of

19-01965-23

202332

5975 definitions in s. 1003.01 by this act.

5976 Section 140. Paragraph (b) of subsection (2) of section
5977 1002.20, Florida Statutes, is amended to read:

5978 1002.20 K-12 student and parent rights.—Parents of public
5979 school students must receive accurate and timely information
5980 regarding their child's academic progress and must be informed
5981 of ways they can help their child to succeed in school. K-12
5982 students and their parents are afforded numerous statutory
5983 rights including, but not limited to, the following:

5984 (2) ATTENDANCE.—

5985 (b) *Regular school attendance.*—Parents of students who have
5986 attained the age of 6 years by February 1 of any school year but
5987 who have not attained the age of 16 years must comply with the
5988 compulsory school attendance laws. Parents have the option to
5989 comply with the school attendance laws by attendance of the
5990 student in a public school; a parochial, religious, or
5991 denominational school; a private school; a home education
5992 program; or a private tutoring program, in accordance with the
5993 provisions of s. 1003.01(16) ~~1003.01(13)~~.

5994 Reviser's note.—Amended to conform to the reordering of
5995 definitions in s. 1003.01 by this act.

5996 Section 141. Paragraph (d) of subsection (3) of section
5997 1002.3105, Florida Statutes, is amended to read:

5998 1002.3105 Academically Challenging Curriculum to Enhance
5999 Learning (ACCEL) options.—

6000 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
6001 student eligibility requirements, principals and school
6002 districts must consider, at a minimum:

6003 (d) Recommendations from one or more of the student's

19-01965-23

202332__

6004 teachers in core-curricula courses as defined in s.

6005 1003.01(5)(a)-(e) ~~1003.01(14)(a)-(e)~~.

6006 Reviser's note.—Amended to conform to the reordering of
6007 definitions in s. 1003.01 by this act.

6008 Section 142. Paragraph (a) of subsection (20) and paragraph
6009 (a) of subsection (21) of section 1002.33, Florida Statutes, are
6010 amended to read:

6011 1002.33 Charter schools.—

6012 (20) SERVICES.—

6013 (a)1. A sponsor shall provide certain administrative and
6014 educational services to charter schools. These services shall
6015 include contract management services; full-time equivalent and
6016 data reporting services; exceptional student education
6017 administration services; services related to eligibility and
6018 reporting duties required to ensure that school lunch services
6019 under the National School Lunch Program, consistent with the
6020 needs of the charter school, are provided by the sponsor at the
6021 request of the charter school, that any funds due to the charter
6022 school under the National School Lunch Program be paid to the
6023 charter school as soon as the charter school begins serving food
6024 under the National School Lunch Program, and that the charter
6025 school is paid at the same time and in the same manner under the
6026 National School Lunch Program as other public schools serviced
6027 by the sponsor or the school district; test administration
6028 services, including payment of the costs of state-required or
6029 district-required student assessments; processing of teacher
6030 certificate data services; and information services, including
6031 equal access to the sponsor's student information systems that
6032 are used by public schools in the district in which the charter

19-01965-23

202332__

6033 school is located or by schools in the sponsor's portfolio of
6034 charter schools if the sponsor is not a school district. Student
6035 performance data for each student in a charter school,
6036 including, but not limited to, FCAT scores, standardized test
6037 scores, previous public school student report cards, and student
6038 performance measures, shall be provided by the sponsor to a
6039 charter school in the same manner provided to other public
6040 schools in the district or by schools in the sponsor's portfolio
6041 of charter schools if the sponsor is not a school district.

6042 2. A sponsor may withhold an administrative fee for the
6043 provision of such services which shall be a percentage of the
6044 available funds defined in paragraph (17)(b) calculated based on
6045 weighted full-time equivalent students. If the charter school
6046 serves 75 percent or more exceptional education students as
6047 defined in s. 1003.01(9) ~~1003.01(3)~~, the percentage shall be
6048 calculated based on unweighted full-time equivalent students.
6049 The administrative fee shall be calculated as follows:

6050 a. Up to 5 percent for:

6051 (I) Enrollment of up to and including 250 students in a
6052 charter school as defined in this section.

6053 (II) Enrollment of up to and including 500 students within
6054 a charter school system which meets all of the following:

6055 (A) Includes conversion charter schools and nonconversion
6056 charter schools.

6057 (B) Has all of its schools located in the same county.

6058 (C) Has a total enrollment exceeding the total enrollment
6059 of at least one school district in this state.

6060 (D) Has the same governing board for all of its schools.

6061 (E) Does not contract with a for-profit service provider

19-01965-23

202332

6062 for management of school operations.

6063 (III) Enrollment of up to and including 250 students in a
6064 virtual charter school.

6065 b. Up to 2 percent for enrollment of up to and including
6066 250 students in a high-performing charter school as defined in
6067 s. 1002.331.

6068 c. Up to 2 percent for enrollment of up to and including
6069 250 students in an exceptional student education center that
6070 meets the requirements of the rules adopted by the State Board
6071 of Education pursuant to s. 1008.3415(3).

6072 3. A sponsor may not charge charter schools any additional
6073 fees or surcharges for administrative and educational services
6074 in addition to the maximum percentage of administrative fees
6075 withheld pursuant to this paragraph. A sponsor may not charge or
6076 withhold any administrative fee against a charter school for any
6077 funds specifically allocated by the Legislature for teacher
6078 compensation.

6079 4. A sponsor shall provide to the department by September
6080 15 of each year the total amount of funding withheld from
6081 charter schools pursuant to this subsection for the prior fiscal
6082 year. The department must include the information in the report
6083 required under sub-sub-subparagraph (5)(b)1.k.(III).

6084 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

6085 (a) The Department of Education shall provide information
6086 to the public, directly and through sponsors, on how to form and
6087 operate a charter school and how to enroll in a charter school
6088 once it is created. This information shall include the standard
6089 application form, standard charter and virtual charter
6090 contracts, standard evaluation instrument, and standard charter

19-01965-23

202332

6091 and virtual charter renewal contracts, which shall include the
6092 information specified in subsection (7) and shall be developed
6093 by consulting and negotiating with both sponsors and charter
6094 schools before implementation. The charter and virtual charter
6095 contracts and charter renewal and virtual charter renewal
6096 contracts shall be used by charter school sponsors.

6097 Reviser's note.—Paragraph (20) (a) is amended to conform to the
6098 reordering of definitions in s. 1003.01 by this act.

6099 Paragraph (21) (a) is amended to confirm an editorial
6100 insertion to improve clarity and to conform to context.

6101 Section 143. Paragraph (a) of subsection (2) of section
6102 1002.37, Florida Statutes, is amended to read:

6103 1002.37 The Florida Virtual School.—

6104 (2) The Florida Virtual School shall be governed by a board
6105 of trustees comprised of seven members appointed by the Governor
6106 to 4-year staggered terms. The board of trustees shall be a
6107 public agency entitled to sovereign immunity pursuant to s.
6108 768.28, and board members shall be public officers who shall
6109 bear fiduciary responsibility for the Florida Virtual School.
6110 The board of trustees shall have the following powers and
6111 duties:

6112 (a)1. The board of trustees shall meet at least 4 times
6113 each year, upon the call of the chair, or at the request of a
6114 majority of the membership.

6115 2. The fiscal year for the Florida Virtual School shall be
6116 the state fiscal year as provided in s. 216.011(1)(g)
6117 ~~216.011(1)(e)~~.

6118
6119 The Governor shall designate the initial chair of the board of

19-01965-23

202332__

6120 trustees to serve a term of 4 years. Members of the board of
6121 trustees shall serve without compensation, but may be reimbursed
6122 for per diem and travel expenses pursuant to s. 112.061. The
6123 board of trustees shall be a body corporate with all the powers
6124 of a body corporate and such authority as is needed for the
6125 proper operation and improvement of the Florida Virtual School.
6126 The board of trustees is specifically authorized to adopt rules,
6127 policies, and procedures, consistent with law and rules of the
6128 State Board of Education related to governance, personnel,
6129 budget and finance, administration, programs, curriculum and
6130 instruction, travel and purchasing, technology, students,
6131 contracts and grants, and property as necessary for optimal,
6132 efficient operation of the Florida Virtual School. Tangible
6133 personal property owned by the board of trustees shall be
6134 subject to the provisions of chapter 273.

6135 Reviser's note.—Amended to conform to the reordering of
6136 definitions in s. 216.011(1).

6137 Section 144. Paragraph (b) of subsection (4) and paragraph
6138 (b) of subsection (10) of section 1002.394, Florida Statutes,
6139 are amended to read:

6140 1002.394 The Family Empowerment Scholarship Program.—

6141 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

6142 (b) Program funds awarded to a student with a disability
6143 determined eligible pursuant to paragraph (3) (b) may be used for
6144 the following purposes:

6145 1. Instructional materials, including digital devices,
6146 digital periphery devices, and assistive technology devices that
6147 allow a student to access instruction or instructional content
6148 and training on the use of and maintenance agreements for these

19-01965-23

202332

6149 devices.

6150 2. Curriculum as defined in subsection (2).

6151 3. Specialized services by approved providers or by a
6152 hospital in this state which are selected by the parent. These
6153 specialized services may include, but are not limited to:

6154 a. Applied behavior analysis services as provided in ss.
6155 627.6686 and 641.31098.

6156 b. Services provided by speech-language pathologists as
6157 defined in s. 468.1125(8).

6158 c. Occupational therapy as defined in s. 468.203.

6159 d. Services provided by physical therapists as defined in
6160 s. 486.021(8).

6161 e. Services provided by listening and spoken language
6162 specialists and an appropriate acoustical environment for a
6163 child who has a hearing impairment, including deafness, and who
6164 has received an implant or assistive hearing device.

6165 4. Tuition or fees associated with full-time or part-time
6166 enrollment in a home education program, an eligible private
6167 school, an eligible postsecondary educational institution or a
6168 program offered by the postsecondary educational institution, a
6169 private tutoring program authorized under s. 1002.43, a virtual
6170 program offered by a department-approved private online provider
6171 that meets the provider qualifications specified in s.
6172 1002.45(2)(a), the Florida Virtual School as a private paying
6173 student, or an approved online course offered pursuant to s.
6174 1003.499 or s. 1004.0961.

6175 5. Fees for nationally standardized, norm-referenced
6176 achievement tests, Advanced Placement Examinations, industry
6177 certification examinations, assessments related to postsecondary

19-01965-23

202332

6178 education, or other assessments.

6179 6. Contributions to the Stanley G. Tate Florida Prepaid
6180 College Program pursuant to s. 1009.98 or the Florida College
6181 Savings Program pursuant to s. 1009.981 for the benefit of the
6182 eligible student.

6183 7. Contracted services provided by a public school or
6184 school district, including classes. A student who receives
6185 services under a contract under this paragraph is not considered
6186 enrolled in a public school for eligibility purposes as
6187 specified in subsection (6).

6188 8. Tuition and fees for part-time tutoring services
6189 provided by a person who holds a valid Florida educator's
6190 certificate pursuant to s. 1012.56, a person who holds an
6191 adjunct teaching certificate pursuant to s. 1012.57, a person
6192 who has a bachelor's degree or a graduate degree in the subject
6193 area in which instruction is given, a person who has
6194 demonstrated a mastery of subject area knowledge pursuant to s.
6195 1012.56(5), or a person certified by a nationally or
6196 internationally recognized research-based training program as
6197 approved by the department. As used in this paragraph, the term
6198 "part-time tutoring services" does not qualify as regular school
6199 attendance as defined in s. 1003.01(16)(e) ~~1003.01(13)(e)~~.

6200 9. Fees for specialized summer education programs.

6201 10. Fees for specialized after-school education programs.

6202 11. Transition services provided by job coaches.

6203 12. Fees for an annual evaluation of educational progress
6204 by a state-certified teacher under s. 1002.41(1)(f), if this
6205 option is chosen for a home education student.

6206 13. Tuition and fees associated with programs offered by

19-01965-23

202332

6207 Voluntary Prekindergarten Education Program providers approved
6208 pursuant to s. 1002.55 and school readiness providers approved
6209 pursuant to s. 1002.88.

6210 14. Fees for services provided at a center that is a member
6211 of the Professional Association of Therapeutic Horsemanship
6212 International.

6213 15. Fees for services provided by a therapist who is
6214 certified by the Certification Board for Music Therapists or
6215 credentialed by the Art Therapy Credentials Board, Inc.

6216 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
6217 PARTICIPATION.—

6218 (b) A parent who applies for program participation under
6219 paragraph (3) (b) is exercising his or her parental option to
6220 determine the appropriate placement or the services that best
6221 meet the needs of his or her child and must:

6222 1. Apply to an eligible nonprofit scholarship-funding
6223 organization to participate in the program by a date set by the
6224 organization. The request must be communicated directly to the
6225 organization in a manner that creates a written or electronic
6226 record of the request and the date of receipt of the request.

6227 2. Sign an agreement with the organization and annually
6228 submit a sworn compliance statement to the organization to
6229 satisfy or maintain program eligibility, including eligibility
6230 to receive and spend program payments by:

6231 a. Affirming that the student is enrolled in a program that
6232 meets regular school attendance requirements as provided in s.
6233 1003.01(16) (b), (c), or (d) ~~1003.01(13) (b), (c), or (d)~~.

6234 b. Affirming that the program funds are used only for
6235 authorized purposes serving the student's educational needs, as

19-01965-23

202332

6236 described in paragraph (4) (b); that any prepaid college plan or
6237 college savings plan funds contributed pursuant to subparagraph
6238 (4) (b) 6. will not be transferred to another beneficiary while
6239 the plan contains funds contributed pursuant to this section;
6240 and that they will not receive a payment, refund, or rebate of
6241 any funds provided under this section.

6242 c. Affirming that the parent is responsible for all
6243 eligible expenses in excess of the amount of the scholarship and
6244 for the education of his or her student by, as applicable:

6245 (I) Requiring the student to take an assessment in
6246 accordance with paragraph (9) (c);

6247 (II) Providing an annual evaluation in accordance with s.
6248 1002.41 (1) (f); or

6249 (III) Requiring the child to take any preassessments and
6250 postassessments selected by the provider if the child is 4 years
6251 of age and is enrolled in a program provided by an eligible
6252 Voluntary Prekindergarten Education Program provider. A student
6253 with disabilities for whom the physician or psychologist who
6254 issued the diagnosis or the IEP team determines that a
6255 preassessment and postassessment is not appropriate is exempt
6256 from this requirement. A participating provider shall report a
6257 student's scores to the parent.

6258 d. Affirming that the student remains in good standing with
6259 the provider or school if those options are selected by the
6260 parent.

6261 e. Enrolling his or her child in a program from a Voluntary
6262 Prekindergarten Education Program provider authorized under s.
6263 1002.55, a school readiness provider authorized under s.
6264 1002.88, or an eligible private school if either option is

19-01965-23

202332__

6265 selected by the parent.

6266 f. Renewing participation in the program each year. A
6267 student whose participation in the program is not renewed may
6268 continue to spend scholarship funds that are in his or her
6269 account from prior years unless the account must be closed
6270 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
6271 the student's IEP, a student who was previously eligible for
6272 participation in the program shall remain eligible to apply for
6273 renewal. However, for a high-risk child to continue to
6274 participate in the program in the school year after he or she
6275 reaches 6 years of age, the child's application for renewal of
6276 program participation must contain documentation that the child
6277 has a disability defined in paragraph (2)(d) other than high-
6278 risk status.

6279 g. Procuring the services necessary to educate the student.
6280 If a parent does not procure the necessary educational services
6281 for the student and the student's account has been inactive for
6282 2 consecutive fiscal years, the student is ineligible for
6283 additional scholarship payments until the scholarship-funding
6284 organization verifies that expenditures from the account have
6285 occurred. When the student receives a scholarship, the district
6286 school board is not obligated to provide the student with a free
6287 appropriate public education. For purposes of s. 1003.57 and the
6288 Individuals with Disabilities in Education Act, a participating
6289 student has only those rights that apply to all other
6290 unilaterally parentally placed students, except that, when
6291 requested by the parent, school district personnel must develop
6292 an IEP or matrix level of services.

6293 Reviser's note.—Amended to conform to the reordering of

19-01965-23

202332

6294 definitions in s. 1003.01 by this act.

6295 Section 145. Subsection (7) of section 1002.42, Florida
6296 Statutes, is amended to read:

6297 1002.42 Private schools.—

6298 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
6299 private, parochial, religious, or denominational school
6300 satisfies the attendance requirements of ss. 1003.01(16)
6301 ~~1003.01(13)~~ and 1003.21(1).

6302 Reviser's note.—Amended to conform to the reordering of
6303 definitions in s. 1003.01 by this act.

6304 Section 146. Subsection (1) of section 1002.43, Florida
6305 Statutes, is amended to read:

6306 1002.43 Private tutoring programs.—

6307 (1) Regular school attendance as defined in s. 1003.01(16)
6308 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
6309 program if the person tutoring the student meets the following
6310 requirements:

6311 (a) Holds a valid Florida certificate to teach the subjects
6312 or grades in which instruction is given.

6313 (b) Keeps all records and makes all reports required by the
6314 state and district school board and makes regular reports on the
6315 attendance of students in accordance with the provisions of s.
6316 1003.23(2).

6317 (c) Requires students to be in actual attendance for the
6318 minimum length of time prescribed by s. 1011.60(2).

6319 Reviser's note.—Amended to conform to the reordering of
6320 definitions in s. 1003.01 by this act.

6321 Section 147. Subsection (2) of section 1002.455, Florida
6322 Statutes, is amended to read:

19-01965-23

202332__

6323 1002.455 Student eligibility for K-12 virtual instruction.—
 6324 All students, including home education and private school
 6325 students, are eligible to participate in any of the following
 6326 virtual instruction options:

6327 (2) Part-time or full-time virtual charter school
 6328 instruction authorized pursuant to s. 1002.45(1)(c)5. to
 6329 students within the school district or to students in other
 6330 school districts throughout the state pursuant to s. 1002.31;
 6331 however, the school district enrolling the full-time equivalent
 6332 virtual student shall comply with the enrollment requirements
 6333 established under ~~to~~ s. 1002.45(1)(e)4.

6334 Reviser's note.—Amended to confirm an editorial deletion to
 6335 conform to the immediately preceding context.

6336 Section 148. Section 1003.01, Florida Statutes, is
 6337 reordered and amended to read:

6338 1003.01 Definitions.—As used in this chapter, the term:

6339 (7)~~(1)~~ "District school board" means the members who are
 6340 elected by the voters of a school district created and existing
 6341 pursuant to s. 4, Art. IX of the State Constitution to operate
 6342 and control public K-12 education within the school district.

6343 (17)~~(2)~~ "School" means an organization of students for
 6344 instructional purposes on an elementary, middle or junior high
 6345 school, secondary or high school, or other public school level
 6346 authorized under rules of the State Board of Education.

6347 (9)~~(3)~~ (a) "Exceptional student" means any student who has
 6348 been determined eligible for a special program in accordance
 6349 with rules of the State Board of Education. The term includes
 6350 students who are gifted and students with disabilities who have
 6351 an intellectual disability; autism spectrum disorder; a speech

19-01965-23

202332

6352 impairment; a language impairment; an orthopedic impairment; an
6353 other health impairment; traumatic brain injury; a visual
6354 impairment; an emotional or behavioral disability; or a specific
6355 learning disability, including, but not limited to, dyslexia,
6356 dyscalculia, or developmental aphasia; students who are deaf or
6357 hard of hearing or dual sensory impaired; students who are
6358 hospitalized or homebound; children with developmental delays
6359 ages birth through 9 years or through the student's completion
6360 of grade 2, whichever occurs first, or children, ages birth
6361 through 2 years, with established conditions that are identified
6362 in State Board of Education rules pursuant to s. 1003.21(1)(e).

6363 (b) "Special education services" means specially designed
6364 instruction and such related services as are necessary for an
6365 exceptional student to benefit from education. Such services may
6366 include: transportation; diagnostic and evaluation services;
6367 social services; physical and occupational therapy; speech and
6368 language pathology services; job placement; orientation and
6369 mobility training; braillists, typists, and readers for the
6370 blind; interpreters and auditory amplification; services
6371 provided by a certified listening and spoken language
6372 specialist; rehabilitation counseling; transition services;
6373 mental health services; guidance and career counseling;
6374 specified materials, assistive technology devices, and other
6375 specialized equipment; and other such services as approved by
6376 rules of the state board.

6377 (2)~~(4)~~ "Career education" means education that provides
6378 instruction for the following purposes:

6379 (a) At the elementary, middle, and high school levels,
6380 exploratory courses designed to give students initial exposure

19-01965-23

202332

6381 to a broad range of occupations to assist them in preparing
6382 their academic and occupational plans, and practical arts
6383 courses that provide generic skills that may apply to many
6384 occupations but are not designed to prepare students for entry
6385 into a specific occupation. Career education provided before
6386 high school completion must be designed to strengthen both
6387 occupational awareness and academic skills integrated throughout
6388 all academic instruction.

6389 (b) At the secondary school level, job-preparatory
6390 instruction in the competencies that prepare students for
6391 effective entry into an occupation, including diversified
6392 cooperative education, work experience, and job-entry programs
6393 that coordinate directed study and on-the-job training.

6394 (c) At the postsecondary education level, courses of study
6395 that provide competencies needed for entry into specific
6396 occupations or for advancement within an occupation.

6397 (13) ~~(5)~~

6398 (b) ~~(a)~~ "Suspension," also referred to as out-of-school
6399 suspension, means the temporary removal of a student from all
6400 classes of instruction on public school grounds and all other
6401 school-sponsored activities, except as authorized by the
6402 principal or the principal's designee, for a period not to
6403 exceed 10 school days and remanding of the student to the
6404 custody of the student's parent with specific homework
6405 assignments for the student to complete.

6406 (a) ~~(b)~~ "In-school suspension" means the temporary removal
6407 of a student from the student's regular school program and
6408 placement in an alternative program, such as that provided in s.
6409 1003.53, under the supervision of district school board

19-01965-23

202332__

6410 personnel, for a period not to exceed 10 school days.

6411 (10)~~(6)~~ "Expulsion" means the removal of the right and
6412 obligation of a student to attend a public school under
6413 conditions set by the district school board, and for a period of
6414 time not to exceed the remainder of the term or school year and
6415 1 additional year of attendance. Expulsions may be imposed with
6416 or without continuing educational services and shall be reported
6417 accordingly.

6418 (6)~~(7)~~ "Corporal punishment" means the moderate use of
6419 physical force or physical contact by a teacher or principal as
6420 may be necessary to maintain discipline or to enforce school
6421 rule. However, the term "corporal punishment" does not include
6422 the use of such reasonable force by a teacher or principal as
6423 may be necessary for self-protection or to protect other
6424 students from disruptive students.

6425 (12)~~(8)~~ "Habitual truant" means a student who has 15
6426 unexcused absences within 90 calendar days with or without the
6427 knowledge or consent of the student's parent, is subject to
6428 compulsory school attendance under s. 1003.21(1) and (2)(a), and
6429 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
6430 the criteria for any other exemption specified by law or rules
6431 of the State Board of Education. Such a student must have been
6432 the subject of the activities specified in ss. 1003.26 and
6433 1003.27(3), without resultant successful remediation of the
6434 truancy problem before being dealt with as a child in need of
6435 services according to the provisions of chapter 984.

6436 (8)~~(9)~~ "Dropout" means a student who meets any one or more
6437 of the following criteria:

6438 (a) The student has voluntarily removed himself or herself

19-01965-23

202332__

6439 from the school system before graduation for reasons that
6440 include, but are not limited to, marriage, or the student has
6441 withdrawn from school because he or she has failed the statewide
6442 student assessment test and thereby does not receive any of the
6443 certificates of completion;

6444 (b) The student has not met the relevant attendance
6445 requirements of the school district pursuant to State Board of
6446 Education rules, or the student was expected to attend a school
6447 but did not enter as expected for unknown reasons, or the
6448 student's whereabouts are unknown;

6449 (c) The student has withdrawn from school, but has not
6450 transferred to another public or private school or enrolled in
6451 any career, adult, home education, or alternative educational
6452 program;

6453 (d) The student has withdrawn from school due to hardship,
6454 unless such withdrawal has been granted under the provisions of
6455 s. 322.091, court action, expulsion, medical reasons, or
6456 pregnancy; or

6457 (e) The student is not eligible to attend school because of
6458 reaching the maximum age for an exceptional student program in
6459 accordance with the district's policy.

6460
6461 The State Board of Education may adopt rules to implement the
6462 provisions of this subsection.

6463 (1)~~(10)~~ "Alternative measures for students with special
6464 needs" or "special programs" means measures designed to meet the
6465 special needs of a student that cannot be met by regular school
6466 curricula.

6467 (14)~~(11)~~(a) "Juvenile justice education programs or

19-01965-23

202332

6468 schools" means programs or schools operating for the purpose of
6469 providing educational services to youth in Department of
6470 Juvenile Justice programs, for a school year composed of 250
6471 days of instruction, or the equivalent expressed in hours as
6472 specified in State Board of Education rule, distributed over 12
6473 months. If the period of operation is expressed in hours, the
6474 State Board of Education must review the calculation annually.
6475 The use of the equivalent expressed in hours is only applicable
6476 to nonresidential programs. At the request of the provider, a
6477 district school board may decrease the minimum number of days of
6478 instruction by up to 10 days for teacher planning for
6479 residential programs and up to 20 days or equivalent hours as
6480 specified in the State Board of Education rule for teacher
6481 planning for nonresidential programs, subject to the approval of
6482 the Department of Juvenile Justice and the Department of
6483 Education.

6484 (b) "Juvenile justice provider" means the Department of
6485 Juvenile Justice, the sheriff, or a private, public, or other
6486 governmental organization under contract with the Department of
6487 Juvenile Justice or the sheriff that provides treatment, care
6488 and custody, or educational programs for youth in juvenile
6489 justice intervention, detention, or commitment programs.

6490 (4)~~(12)~~ "Children and youths who are experiencing
6491 homelessness," for programs authorized under subtitle B,
6492 Education for Homeless Children and Youths, of Title VII of the
6493 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
6494 seq., means children and youths who lack a fixed, regular, and
6495 adequate nighttime residence, and includes:

6496 (a) Children and youths sharing the housing of other

19-01965-23

202332

6497 persons due to loss of housing, economic hardship, or a similar
 6498 reason; ~~are~~ living in motels, hotels, travel trailer parks, or
 6499 camping grounds due to the lack of alternative adequate
 6500 accommodations; ~~are~~ living in emergency or transitional
 6501 shelters; or ~~are~~ abandoned in hospitals.

6502 (b) Children and youths having ~~who have~~ a primary nighttime
 6503 residence that is a public or private place not designed for or
 6504 ordinarily used as a regular sleeping accommodation for human
 6505 beings.

6506 (c) Children and youths living in cars, parks, public
 6507 spaces, abandoned buildings, bus or train stations, or similar
 6508 settings.

6509 (d) Migratory children living in circumstances described in
 6510 paragraphs (a)-(c).

6511 (16) ~~(13)~~ "Regular school attendance" means the actual
 6512 attendance of a student during the school day as defined by law
 6513 and rules of the State Board of Education. Regular attendance
 6514 within the intent of s. 1003.21 may be achieved by attendance
 6515 in:

6516 (a) A public school supported by public funds;

6517 (b) A parochial, religious, or denominational school;

6518 (c) A private school supported in whole or in part by
 6519 tuition charges or by endowments or gifts;

6520 (d) A home education program that meets the requirements of
 6521 chapter 1002; or

6522 (e) A private tutoring program that meets the requirements
 6523 of chapter 1002.

6524 (5) ~~(14)~~ "Core-curricula courses" means:

6525 (a) Courses in language arts/reading, mathematics, social

19-01965-23

202332__

6526 studies, and science in prekindergarten through grade 3,
6527 excluding extracurricular courses pursuant to subsection (11)
6528 ~~(15)~~;

6529 (b) Courses in grades 4 through 8 in subjects that are
6530 measured by state assessment at any grade level and courses
6531 required for middle school promotion, excluding extracurricular
6532 courses pursuant to subsection (11) ~~(15)~~;

6533 (c) Courses in grades 9 through 12 in subjects that are
6534 measured by state assessment at any grade level and courses that
6535 are specifically identified by name in statute as required for
6536 high school graduation and that are not measured by state
6537 assessment, excluding extracurricular courses pursuant to
6538 subsection (11) ~~(15)~~;

6539 (d) Exceptional student education courses; and

6540 (e) English for Speakers of Other Languages courses.

6541
6542 The term is limited in meaning and used for the sole purpose of
6543 designating classes that are subject to the maximum class size
6544 requirements established in s. 1, Art. IX of the State
6545 Constitution. This term does not include courses offered under
6546 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
6547 1003.499.

6548 (11)~~(15)~~ "Extracurricular courses" means all courses that
6549 are not defined as "core-curricula courses," which may include,
6550 but are not limited to, physical education, fine arts,
6551 performing fine arts, career education, and courses that may
6552 result in college credit. The term is limited in meaning and
6553 used for the sole purpose of designating classes that are not
6554 subject to the maximum class size requirements established in s.

19-01965-23

202332__

6555 1, Art. IX of the State Constitution.

6556 (15)~~(16)~~ "Physical education" means the development or
6557 maintenance of skills related to strength, agility, flexibility,
6558 movement, and stamina, including dance; the development of
6559 knowledge and skills regarding teamwork and fair play; the
6560 development of knowledge and skills regarding nutrition and
6561 physical fitness as part of a healthy lifestyle; and the
6562 development of positive attitudes regarding sound nutrition and
6563 physical activity as a component of personal well-being.

6564 (3)~~(17)~~ "Certified unaccompanied homeless youth" means a
6565 youth certified as an unaccompanied homeless youth pursuant to
6566 s. 743.067.

6567 Reviser's note.—This section is amended to place the definitions
6568 of the section in alphabetical order and to conform cross-
6569 references. Current paragraph (3)(b) is amended to delete
6570 an unnecessary punctuation mark. Current paragraph (12)(a)
6571 is amended to confirm editorial deletions, and current
6572 paragraph (12)(b) is amended to confirm an editorial
6573 substitution, to conform to context.

6574 Section 149. Subsection (6) of section 1003.03, Florida
6575 Statutes, is amended to read:

6576 1003.03 Maximum class size.—

6577 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(5)
6578 ~~1003.01(14)~~, the Department of Education shall identify from the
6579 Course Code Directory the core-curricula courses for the purpose
6580 of satisfying the maximum class size requirement in this
6581 section. The department may adopt rules to implement this
6582 subsection, if necessary.

6583 Reviser's note.—Amended to conform to the reordering of

19-01965-23

202332

6584 definitions in s. 1003.01 by this act.

6585 Section 150. Subsection (4) of section 1003.21, Florida
6586 Statutes, is amended to read:

6587 1003.21 School attendance.—

6588 (4) Before admitting a child to kindergarten, the principal
6589 shall require evidence that the child has attained the age at
6590 which he or she should be admitted in accordance with the
6591 provisions of subparagraph (1) (a)2. The district school
6592 superintendent may require evidence of the age of any child who
6593 is being enrolled in public school and who the district school
6594 superintendent believes to be within the limits of compulsory
6595 attendance as provided for by law; however, the district school
6596 superintendent may not require evidence from any child who meets
6597 regular attendance requirements by attending a school or program
6598 listed in s. 1003.01(16)(b)-(e) ~~1003.01(13)(b)-(e)~~. If the first
6599 prescribed evidence is not available, the next evidence
6600 obtainable in the order set forth below shall be accepted:

6601 (a) A duly attested transcript of the child's birth record
6602 filed according to law with a public officer charged with the
6603 duty of recording births;

6604 (b) A duly attested transcript of a certificate of baptism
6605 showing the date of birth and place of baptism of the child,
6606 accompanied by an affidavit sworn to by the parent;

6607 (c) An insurance policy on the child's life that has been
6608 in force for at least 2 years;

6609 (d) A bona fide contemporary religious record of the
6610 child's birth accompanied by an affidavit sworn to by the
6611 parent;

6612 (e) A passport or certificate of arrival in the United

19-01965-23

202332

6613 States showing the age of the child;

6614 (f) A transcript of record of age shown in the child's
6615 school record of at least 4 years prior to application, stating
6616 date of birth; or

6617 (g) If none of these evidences can be produced, an
6618 affidavit of age sworn to by the parent, accompanied by a
6619 certificate of age signed by a public health officer or by a
6620 public school physician, or, if these are not available in the
6621 county, by a licensed practicing physician designated by the
6622 district school board, which states that the health officer or
6623 physician has examined the child and believes that the age as
6624 stated in the affidavit is substantially correct. Children and
6625 youths who are experiencing homelessness and children who are
6626 known to the department, as defined in s. 39.0016, shall be
6627 given temporary exemption from this section for 30 school days.
6628 Reviser's note.—Amended to conform to the reordering of
6629 definitions in s. 1003.01 by this act.

6630 Section 151. Paragraph (f) of subsection (1) of section
6631 1003.26, Florida Statutes, is amended to read:

6632 1003.26 Enforcement of school attendance.—The Legislature
6633 finds that poor academic performance is associated with
6634 nonattendance and that school districts must take an active role
6635 in promoting and enforcing attendance as a means of improving
6636 student performance. It is the policy of the state that each
6637 district school superintendent be responsible for enforcing
6638 school attendance of all students subject to the compulsory
6639 school age in the school district and supporting enforcement of
6640 school attendance by local law enforcement agencies. The
6641 responsibility includes recommending policies and procedures to

19-01965-23

202332__

6642 the district school board that require public schools to respond
6643 in a timely manner to every unexcused absence, and every absence
6644 for which the reason is unknown, of students enrolled in the
6645 schools. District school board policies shall require the parent
6646 of a student to justify each absence of the student, and that
6647 justification will be evaluated based on adopted district school
6648 board policies that define excused and unexcused absences. The
6649 policies must provide that public schools track excused and
6650 unexcused absences and contact the home in the case of an
6651 unexcused absence from school, or an absence from school for
6652 which the reason is unknown, to prevent the development of
6653 patterns of nonattendance. The Legislature finds that early
6654 intervention in school attendance is the most effective way of
6655 producing good attendance habits that will lead to improved
6656 student learning and achievement. Each public school shall
6657 implement the following steps to promote and enforce regular
6658 school attendance:

6659 (1) CONTACT, REFER, AND ENFORCE.—

6660 (f)1. If the parent of a child who has been identified as
6661 exhibiting a pattern of nonattendance enrolls the child in a
6662 home education program pursuant to chapter 1002, the district
6663 school superintendent shall provide the parent a copy of s.
6664 1002.41 and the accountability requirements of this paragraph.
6665 The district school superintendent shall also refer the parent
6666 to a home education review committee composed of the district
6667 contact for home education programs and at least two home
6668 educators selected by the parent from a district list of all
6669 home educators who have conducted a home education program for
6670 at least 3 years and who have indicated a willingness to serve

19-01965-23

202332

6671 on the committee. The home education review committee shall
6672 review the portfolio of the student, as defined by s. 1002.41,
6673 every 30 days during the district's regular school terms until
6674 the committee is satisfied that the home education program is in
6675 compliance with s. 1002.41(1)(d). The first portfolio review
6676 must occur within the first 30 calendar days of the
6677 establishment of the program. The provisions of subparagraph 2.
6678 do not apply once the committee determines the home education
6679 program is in compliance with s. 1002.41(1)(d).

6680 2. If the parent fails to provide a portfolio to the
6681 committee, the committee shall notify the district school
6682 superintendent. The district school superintendent shall then
6683 terminate the home education program and require the parent to
6684 enroll the child in an attendance option that meets the
6685 definition of "regular school attendance" under s.
6686 1003.01(16)(a), (b), (c), or (e) ~~1003.01(13)(a), (b), (c), or~~
6687 ~~(e)~~, within 3 days. Upon termination of a home education program
6688 pursuant to this subparagraph, the parent shall not be eligible
6689 to reenroll the child in a home education program for 180
6690 calendar days. Failure of a parent to enroll the child in an
6691 attendance option as required by this subparagraph after
6692 termination of the home education program pursuant to this
6693 subparagraph shall constitute noncompliance with the compulsory
6694 attendance requirements of s. 1003.21 and may result in criminal
6695 prosecution under s. 1003.27(2). Nothing contained herein shall
6696 restrict the ability of the district school superintendent, or
6697 the ability of his or her designee, to review the portfolio
6698 pursuant to s. 1002.41(1)(e).

6699 Reviser's note.—Amended to conform to the reordering of

19-01965-23

202332

6700 definitions in s. 1003.01 by this act.

6701 Section 152. Paragraph (b) of subsection (1) of section
6702 1003.4282, Florida Statutes, is amended to read:

6703 1003.4282 Requirements for a standard high school diploma.—

6704 (1) TWENTY-FOUR CREDITS REQUIRED.—

6705 (b) The required credits may be earned through equivalent,
6706 applied, or integrated courses or career education courses as
6707 defined in s. 1003.01(2) ~~1003.01(4)~~, including work-related
6708 internships approved by the State Board of Education and
6709 identified in the course code directory. However, any must-pass
6710 assessment requirements must be met. An equivalent course is one
6711 or more courses identified by content-area experts as being a
6712 match to the core curricular content of another course, based
6713 upon review of the Next Generation Sunshine State Standards for
6714 that subject. An applied course aligns with Next Generation
6715 Sunshine State Standards and includes real-world applications of
6716 a career and technical education standard used in business or
6717 industry. An integrated course includes content from several
6718 courses within a content area or across content areas.

6719 Reviser's note.—Amended to conform to the reordering of
6720 definitions in s. 1003.01 by this act.

6721 Section 153. Paragraph (h) of subsection (6) of section
6722 1003.485, Florida Statutes, is amended to read:

6723 1003.485 The New Worlds Reading Initiative.—

6724 (6) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT
6725 OBLIGATIONS.—

6726 (h) School districts and partnering nonprofit organizations
6727 shall raise awareness of the initiative, including information
6728 on eligibility and video training modules under paragraph

19-01965-23

202332

6729 (4) (e), through, at least, the following:

6730 1. The student handbook and the read-at-home plan under s.
6731 1008.25(5)(d) ~~1008.25(5)(e)~~.

6732 2. A parent or curriculum night or separate initiative
6733 awareness event at each elementary school.

6734 3. Partnering with the county library to host awareness
6735 events, which should coincide with other initiatives such as
6736 library card drives, family library nights, summer access
6737 events, and other family engagement programming.

6738 Reviser's note.—Amended to correct a cross-reference to conform
6739 to the redesignation of s. 1008.25(5)(c) as s.

6740 1008.25(5)(d) by s. 66, ch. 2021-10, Laws of Florida.

6741 Section 154. Subsection (4) of section 1003.52, Florida
6742 Statutes, is amended to read:

6743 1003.52 Educational services in Department of Juvenile
6744 Justice programs.—

6745 (4) Educational services shall be provided at times of the
6746 day most appropriate for the juvenile justice program. School
6747 programming in juvenile justice detention, prevention, day
6748 treatment, and residential programs shall be made available by
6749 the local school district during the juvenile justice school
6750 year, as provided in s. 1003.01(14) ~~1003.01(11)~~. In addition,
6751 students in juvenile justice education programs shall have
6752 access to courses offered pursuant to ss. 1002.37, 1002.45, and
6753 1003.498. The Department of Education and the school districts
6754 shall adopt policies necessary to provide such access.

6755 Reviser's note.—Amended to conform to the reordering of
6756 definitions in s. 1003.01 by this act.

6757 Section 155. Paragraphs (c), (d), and (f) of subsection (1)

19-01965-23

202332

6758 of section 1003.573, Florida Statutes, are amended to read:

6759 1003.573 Seclusion and restraint of students with
6760 disabilities in public schools.—

6761 (1) DEFINITIONS.—As used in this section, the term:

6762 (d)~~(e)~~ "Restraint" means the use of a mechanical or
6763 physical restraint.

6764 1. "Mechanical restraint" means the use of a device that
6765 restricts a student's freedom of movement. The term does not
6766 include the use of devices prescribed or recommended by physical
6767 or behavioral health professionals when used for indicated
6768 purposes.

6769 2. "Physical restraint" means the use of manual restraint
6770 techniques that involve significant physical force applied by a
6771 teacher or other staff member to restrict the movement of all or
6772 part of a student's body. The term does not include briefly
6773 holding a student in order to calm or comfort the student or
6774 physically escorting a student to a safe location.

6775 (c)~~(d)~~ "Positive behavior interventions and supports" means
6776 the use of behavioral interventions to prevent dangerous
6777 behaviors that may cause serious physical harm to the student or
6778 others.

6779 (f) "Student" means a child with an individual education
6780 plan enrolled in grades kindergarten through 12 in a school, as
6781 defined in s. 1003.01(17) ~~1003.01(2)~~, or the Florida School for
6782 the Deaf and Blind. The term does not include students in
6783 prekindergarten, students who reside in residential care
6784 facilities under s. 1003.58, or students participating in a
6785 Department of Juvenile Justice education program under s.
6786 1003.52.

19-01965-23

202332__

6787 Reviser's note.—Paragraphs (c) and (d) are amended to place the
6788 definitions in those paragraphs in alphabetical order.

6789 Paragraph (f) is amended to conform to the reordering of
6790 definitions in s. 1003.01 by this act.

6791 Section 156. Section 1003.575, Florida Statutes, is amended
6792 to read:

6793 1003.575 Assistive technology devices; findings;
6794 interagency agreements.—Accessibility, utilization, and
6795 coordination of appropriate assistive technology devices and
6796 services are essential as a young person with disabilities moves
6797 from early intervention to preschool, from preschool to school,
6798 from one school to another, from school to employment or
6799 independent living, and from school to home and community. If an
6800 individual education plan team makes a recommendation in
6801 accordance with State Board of Education rule for a student with
6802 a disability, as defined in s. 1003.01(9) ~~1003.01(3)~~, to receive
6803 an assistive technology assessment, that assessment must be
6804 completed within 60 school days after the team's recommendation.
6805 To ensure that an assistive technology device issued to a young
6806 person as part of his or her individualized family support plan,
6807 individual support plan, individualized plan for employment, or
6808 individual education plan remains with the individual through
6809 such transitions, the following agencies shall enter into
6810 interagency agreements, as appropriate, to ensure the
6811 transaction of assistive technology devices:

6812 (1) The Early Steps Program in the Division of Children's
6813 Medical Services of the Department of Health.

6814 (2) The Division of Blind Services, the Bureau of
6815 Exceptional Education and Student Services, the Office of

19-01965-23

202332

6816 Independent Education and Parental Choice, and the Division of
6817 Vocational Rehabilitation of the Department of Education.

6818 (3) The Voluntary Prekindergarten Education Program
6819 administered by the Department of Education and the Office of
6820 Early Learning.

6821
6822 Interagency agreements entered into pursuant to this section
6823 shall provide a framework for ensuring that young persons with
6824 disabilities and their families, educators, and employers are
6825 informed about the utilization and coordination of assistive
6826 technology devices and services that may assist in meeting
6827 transition needs, and shall establish a mechanism by which a
6828 young person or his or her parent may request that an assistive
6829 technology device remain with the young person as he or she
6830 moves through the continuum from home to school to postschool.

6831 Reviser's note.—Amended to conform to the reordering of
6832 definitions in s. 1003.01 by this act.

6833 Section 157. Subsection (11) of section 1004.22, Florida
6834 Statutes, is amended to read:

6835 1004.22 Divisions of sponsored research at state
6836 universities.—

6837 (11) The divisions of sponsored research may pay, by
6838 advancement or reimbursement, or a combination thereof, the
6839 costs of per diem of university employees and of other
6840 authorized persons, as defined in s. 112.061(2)(c)
6841 ~~112.061(2)(e)~~, for foreign travel up to the current rates as
6842 stated in the grant and contract terms and may also pay
6843 incidental expenses as authorized by s. 112.061(8). This
6844 subsection applies to any university employee traveling in

19-01965-23

202332

6845 foreign countries for sponsored programs of the university, if
6846 such travel expenses are approved in the terms of the contract
6847 or grant. The provisions of s. 112.061, other than those
6848 relating to per diem, apply to the travel described in this
6849 subsection. As used in this subsection, "foreign travel" means
6850 any travel outside the United States and its territories and
6851 possessions and Canada. Persons traveling in foreign countries
6852 pursuant to this section shall not be entitled to reimbursements
6853 or advancements pursuant to s. 112.061(6)(a)2. for such travel.
6854 Reviser's note.—Amended to conform to the reordering of
6855 definitions in s. 112.061(2) by this act.

6856 Section 158. Subsection (7) of section 1004.43, Florida
6857 Statutes, is amended to read:

6858 1004.43 H. Lee Moffitt Cancer Center and Research
6859 Institute.—There is established the H. Lee Moffitt Cancer Center
6860 and Research Institute, a statewide resource for basic and
6861 clinical research and multidisciplinary approaches to patient
6862 care.

6863 (7) In carrying out the provisions of this section, the
6864 not-for-profit corporation and its subsidiaries are not
6865 "agencies" within the meaning of s. 20.03(1) ~~20.03(11)~~.

6866 Reviser's note.—Amended to conform to the reordering of
6867 definitions in s. 20.03 by this act.

6868 Section 159. Paragraph (b) of subsection (2) of section
6869 1004.447, Florida Statutes, is amended to read:

6870 1004.447 Florida Institute for Human and Machine Cognition,
6871 Inc.—

6872 (2) The corporation and any authorized and approved
6873 subsidiary:

19-01965-23

202332

6874 (b) Is not an agency within the meaning of s. 20.03(1)
6875 ~~20.03(11)~~.

6876 Reviser's note.—Amended to conform to the reordering of
6877 definitions in s. 20.03 by this act.

6878 Section 160. Subsection (3) of section 1004.648, Florida
6879 Statutes, is amended to read:

6880 1004.648 Florida Energy Systems Consortium.—

6881 (3) The consortium shall consist of the state universities
6882 as identified under s. 1000.21(8) ~~1000.21(6)~~.

6883 Reviser's note.—Amended to conform to the reordering of
6884 definitions in s. 1000.21 by this act.

6885 Section 161. Paragraph (d) of subsection (2) of section
6886 1004.6496, Florida Statutes, is amended to read:

6887 1004.6496 Hamilton Center for Classical and Civic
6888 Education.—

6889 (2) The goals of the center are to:

6890 (d) Provide programming and training related to civic
6891 education and the values of open inquiry and civil discourse to
6892 support the Early Learning-20 education ~~K-20~~ system.

6893 Reviser's note.—Amended to conform to ch. 2021-10, Laws of
6894 Florida, which changed references to the K-20 education
6895 system to the Early Learning-20 education system.

6896 Section 162. Paragraph (a) of subsection (2) of section
6897 1004.65, Florida Statutes, is amended to read:

6898 1004.65 Florida College System institutions; governance,
6899 mission, and responsibilities.—

6900 (2) Each Florida College System institution district shall:

6901 (a) Consist of the county or counties served by the Florida
6902 College System institution pursuant to s. 1000.21(5) ~~1000.21(3)~~.

19-01965-23

202332__

6903 Reviser's note.—Amended to conform to the reordering of
6904 definitions in s. 1000.21 by this act.

6905 Section 163. Subsection (1) of section 1004.79, Florida
6906 Statutes, is amended to read:

6907 1004.79 Incubator facilities for small business concerns.—

6908 (1) Each Florida College System institution established
6909 pursuant to s. 1000.21(5) ~~1000.21(3)~~ may provide incubator
6910 facilities to eligible small business concerns. As used in this
6911 section, "small business concern" shall be defined as an
6912 independently owned and operated business concern incorporated
6913 in Florida which is not an affiliate or a subsidiary of a
6914 business dominant in its field of operation, and which employs
6915 25 or fewer full-time employees. "Incubator facility" shall be
6916 defined as a facility in which small business concerns share
6917 common space, equipment, and support personnel and through which
6918 such concerns have access to professional consultants for advice
6919 related to the technical and business aspects of conducting a
6920 commercial enterprise. The Florida College System institution
6921 board of trustees shall authorize concerns for inclusion in the
6922 incubator facility.

6923 Reviser's note.—Amended to conform to the reordering of
6924 definitions in s. 1000.21 by this act.

6925 Section 164. Paragraphs (b) and (c) of subsection (1) of
6926 section 1006.0626, Florida Statutes, are amended to read:

6927 1006.0626 Care of students with epilepsy or seizure
6928 disorders.—

6929 (1) As used in this section, the term:

6930 (b) "Medical professional" means a physician licensed under
6931 chapter 458 or chapter 459, a physician assistant licensed under

19-01965-23

202332__

6932 chapter 458 or chapter 459, or an advanced practice ~~practiced~~
6933 registered nurse licensed under s. 464.012 who provides epilepsy
6934 or seizure disorder care to the student.

6935 (c) "School" has the same meaning as in s. 1003.01(17)
6936 ~~1003.01(2)~~.

6937 Reviser's note.—Paragraph (1)(b) is amended to confirm an
6938 editorial substitution to conform to context. Paragraph
6939 (1)(c) is amended to conform to the reordering of
6940 definitions in s. 1003.01 by this act.

6941 Section 165. Paragraph (d) of subsection (2) and paragraph
6942 (b) of subsection (6) of section 1006.07, Florida Statutes, are
6943 amended to read:

6944 1006.07 District school board duties relating to student
6945 discipline and school safety.—The district school board shall
6946 provide for the proper accounting for all students, for the
6947 attendance and control of students at school, and for proper
6948 attention to health, safety, and other matters relating to the
6949 welfare of students, including:

6950 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
6951 conduct for elementary schools and a code of student conduct for
6952 middle and high schools and distribute the appropriate code to
6953 all teachers, school personnel, students, and parents, at the
6954 beginning of every school year. Each code shall be organized and
6955 written in language that is understandable to students and
6956 parents and shall be discussed at the beginning of every school
6957 year in student classes, school advisory council meetings, and
6958 parent and teacher association or organization meetings. Each
6959 code shall be based on the rules governing student conduct and
6960 discipline adopted by the district school board and shall be

19-01965-23

202332

6961 made available in the student handbook or similar publication.

6962 Each code shall include, but is not limited to:

6963 (d)1. An explanation of the responsibilities of each
6964 student with regard to appropriate dress, respect for self and
6965 others, and the role that appropriate dress and respect for self
6966 and others has on an orderly learning environment. Each district
6967 school board shall adopt a dress code policy that prohibits a
6968 student, while on the grounds of a public school during the
6969 regular school day, from wearing clothing that exposes underwear
6970 or body parts in an indecent or vulgar manner or that disrupts
6971 the orderly learning environment.

6972 2. Any student who violates the dress policy described in
6973 subparagraph 1. is subject to the following disciplinary
6974 actions:

6975 a. For a first offense, a student shall be given a verbal
6976 warning and the school principal shall call the student's parent
6977 or guardian.

6978 b. For a second offense, the student is ineligible to
6979 participate in any extracurricular activity for a period of time
6980 not to exceed 5 days and the school principal shall meet with
6981 the student's parent or guardian.

6982 c. For a third or subsequent offense, a student shall
6983 receive an in-school suspension pursuant to s. 1003.01(13)
6984 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
6985 ineligible to participate in any extracurricular activity for a
6986 period not to exceed 30 days, and the school principal shall
6987 call the student's parent or guardian and send the parent or
6988 guardian a written letter regarding the student's in-school
6989 suspension and ineligibility to participate in extracurricular

19-01965-23

202332

6990 activities.

6991 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
6992 school superintendent shall establish policies and procedures
6993 for the prevention of violence on school grounds, including the
6994 assessment of and intervention with individuals whose behavior
6995 poses a threat to the safety of the school community.

6996 (b) *Mental health coordinator*.—Each district school board
6997 shall identify a mental health coordinator for the district. The
6998 mental health coordinator shall serve as the district's primary
6999 point of contact regarding the district's coordination,
7000 communication, and implementation of student mental health
7001 policies, procedures, responsibilities, and reporting,
7002 including:

7003 1. Coordinating with the Office of Safe Schools,
7004 established pursuant to s. 1001.212.

7005 2. Maintaining records and reports regarding student mental
7006 health as it relates to school safety and the mental health
7007 assistance allocation under s. 1011.62(13) ~~1011.62(14)~~.

7008 3. Facilitating the implementation of school district
7009 policies relating to the respective duties and responsibilities
7010 of the school district, the superintendent, and district school
7011 principals.

7012 4. Coordinating with the school safety specialist on the
7013 staffing and training of threat assessment teams and
7014 facilitating referrals to mental health services, as
7015 appropriate, for students and their families.

7016 5. Coordinating with the school safety specialist on the
7017 training and resources for students and school district staff
7018 relating to youth mental health awareness and assistance.

19-01965-23

202332

7019 6. Reviewing annually the school district's policies and
7020 procedures related to student mental health for compliance with
7021 state law and alignment with current best practices and making
7022 ~~make~~ recommendations, as needed, for amending such policies and
7023 procedures to the superintendent and the district school board.

7024 Reviser's note.—Paragraph (2) (d) is amended to conform to the
7025 reordering of definitions in s. 1003.01 by this act.

7026 Subparagraph (6) (b)2. is amended to conform to the
7027 redesignation of s. 1011.62(14) as s. 1011.62(13) by s. 54,
7028 ch. 2022-154, Laws of Florida. Subparagraph (6) (b)6. is
7029 amended to confirm an editorial substitution to conform to
7030 context.

7031 Section 166. Subsection (1) of section 1006.1493, Florida
7032 Statutes, is amended to read:

7033 1006.1493 Florida Safe Schools Assessment Tool.—

7034 (1) The department, through the Office of Safe Schools
7035 pursuant to s. 1001.212, shall contract with a security
7036 consulting firm that specializes in the development of risk
7037 assessment software solutions and has experience in conducting
7038 security assessments of public facilities to develop, update,
7039 and implement a risk assessment tool, which shall be known as
7040 the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must
7041 be the primary physical site security assessment tool as revised
7042 and required by the Office of Safe Schools which is used by
7043 school officials at each school district and public school site
7044 in the state in conducting security assessments.

7045 Reviser's note.—Amended to improve clarity.

7046 Section 167. Paragraph (e) of subsection (2) of section
7047 1006.28, Florida Statutes, is amended to read:

19-01965-23

202332

7048 1006.28 Duties of district school board, district school
7049 superintendent; and school principal regarding K-12
7050 instructional materials.—

7051 (2) DISTRICT SCHOOL BOARD.—The district school board has
7052 the constitutional duty and responsibility to select and provide
7053 adequate instructional materials for all students in accordance
7054 with the requirements of this part. The district school board
7055 also has the following specific duties and responsibilities:

7056 (e) *Public participation*.—Publish on its website, in a
7057 searchable format prescribed by the department, a list of all
7058 instructional materials, including those used to provide
7059 instruction required by s. 1003.42. Each district school board
7060 must:

7061 1. Provide access to all materials, excluding teacher
7062 editions, in accordance with s. 1006.283(2)(b)8.a. before the
7063 district school board takes any official action on such
7064 materials. This process must include reasonable safeguards
7065 against the unauthorized use, reproduction, and distribution of
7066 instructional materials considered for adoption.

7067 2. Select, approve, adopt, or purchase all materials as a
7068 separate line item on the agenda and ~~must~~ provide a reasonable
7069 opportunity for public comment. The use of materials described
7070 in this paragraph may not be selected, approved, or adopted as
7071 part of a consent agenda.

7072 3. Annually, beginning June 30, 2023, submit to the
7073 Commissioner of Education a report that identifies:

7074 a. Each material for which the school district received an
7075 objection pursuant to subparagraph (a)2. for the school year and
7076 the specific objections thereto.

19-01965-23

202332

7077 b. Each material that was removed or discontinued as a
7078 result of an objection.

7079 c. The grade level and course for which a removed or
7080 discontinued material was used, as applicable.

7081
7082 The department shall publish and regularly update a list of
7083 materials that were removed or discontinued as a result of an
7084 objection and disseminate the list to school districts for
7085 consideration in their selection procedures.

7086 Reviser's note.—Amended to confirm an editorial deletion to
7087 conform to context.

7088 Section 168. Paragraph (a) of subsection (5) of section
7089 1006.73, Florida Statutes, is amended to read:

7090 1006.73 Florida Postsecondary Academic Library Network.—
7091 (5) REPORTING.—

7092 (a) By ~~Beginning~~ December 31, ~~2021,~~ and each year
7093 ~~thereafter~~, the host entity shall submit a report to the
7094 Chancellors of the State University System and the Florida
7095 College System regarding the implementation and operation of all
7096 components described in this section, including, but not limited
7097 to, all of the following:

7098 1. Usage information collected under paragraph (2) (c).

7099 2. Information and associated costs relating to the
7100 services and functions of the program.

7101 3. The implementation and operation of the automated
7102 library services.

7103 4. The number and value of grants awarded under paragraph
7104 (4) (d) and the distribution of those funds.

7105 5. The number and types of courses placed in the Student

19-01965-23

202332__

7106 Open Access Resources Repository.

7107 6. Information on the utilization of the Student Open
7108 Access Resources Repository and utilization of open educational
7109 resources in course sections, by Florida College System
7110 institution and state university.

7111 Reviser's note.—Amended to delete obsolete language.

7112 Section 169. Paragraph (b) of subsection (1) of section
7113 1007.33, Florida Statutes, is amended to read:

7114 1007.33 Site-determined baccalaureate degree access.—

7115 (1)

7116 (b) For purposes of this section, the term "district"
7117 refers to the county or counties served by a Florida College
7118 System institution pursuant to s. 1000.21(5) ~~1000.21(3)~~.

7119 Reviser's note.—Amended to conform to the reordering of
7120 definitions in s. 1000.21 by this act.

7121 Section 170. Subsection (5) of section 1008.24, Florida
7122 Statutes, is amended to read:

7123 1008.24 Test administration and security; public records
7124 exemption.—

7125 (5) Exceptional students with disabilities, as defined in
7126 s. 1003.01(9) ~~1003.01(3)~~, shall have access to testing sites.
7127 The Department of Education and each school district shall adopt
7128 policies that are necessary to ensure such access.

7129 Reviser's note.—Amended to conform to the reordering of
7130 definitions in s. 1003.01 by this act.

7131 Section 171. Paragraph (b) of subsection (2) of section
7132 1008.47, Florida Statutes, is amended to read:

7133 1008.47 Postsecondary education institution accreditation.—

7134 (2) ACCREDITATION.—

19-01965-23

202332

7135 (b) Once a public postsecondary institution is required to
7136 seek and obtain accreditation from an agency or association
7137 identified pursuant to paragraph (a), the institution shall seek
7138 accreditation from a regional accrediting agency or association
7139 and provide quarterly reports of its progress to the Board of
7140 Governors or State Board of Education, as applicable. If each
7141 regional accreditation agency or association identified pursuant
7142 to paragraph (a) has refused to grant candidacy status to an
7143 institution, the institution shall seek and obtain accreditation
7144 from any accrediting agency or association that is different
7145 from ~~than~~ its current accrediting agency or association and is
7146 recognized by the database created and maintained by the United
7147 States Department of Education. If a public postsecondary
7148 institution is not granted candidacy status before its next
7149 reaffirmation or fifth-year review date, the institution may
7150 remain with its current accrediting agency or association.
7151 Reviser's note.—Amended to confirm an editorial substitution to
7152 improve clarity.

7153 Section 172. Paragraph (c) of subsection (1) of section
7154 1009.21, Florida Statutes, is amended to read:

7155 1009.21 Determination of resident status for tuition
7156 purposes.—Students shall be classified as residents or
7157 nonresidents for the purpose of assessing tuition in
7158 postsecondary educational programs offered by charter technical
7159 career centers or career centers operated by school districts,
7160 in Florida College System institutions, and in state
7161 universities.

7162 (1) As used in this section, the term:

7163 (c) "Institution of higher education" means any charter

19-01965-23

202332

7164 technical career center as defined in s. 1002.34, career center
 7165 operated by a school district as defined in s. 1001.44, Florida
 7166 College System institution as defined in s. 1000.21(5)
 7167 ~~1000.21(3)~~, or state university as defined in s. 1000.21(8)
 7168 ~~1000.21(6)~~.

7169 Reviser's note.—Amended to conform to the reordering of
 7170 definitions in s. 1000.21 by this act.

7171 Section 173. Subsection (6) of section 1009.286, Florida
 7172 Statutes, is amended to read:

7173 1009.286 Additional student payment for hours exceeding
 7174 baccalaureate degree program completion requirements at state
 7175 universities.—

7176 (6) For purposes of this section, the term "state
 7177 university" includes the institutions identified in s.
 7178 1000.21(8) ~~1000.21(6)~~ and the term "Florida College System
 7179 institution" includes the institutions identified in s.
 7180 1000.21(5) ~~1000.21(3)~~.

7181 Reviser's note.—Amended to conform to the reordering of
 7182 definitions in s. 1000.21 by this act.

7183 Section 174. Paragraph (c) of subsection (5) of section
 7184 1009.89, Florida Statutes, is amended to read:

7185 1009.89 The William L. Boyd, IV, Effective Access to
 7186 Student Education grants.—

7187 (5)

7188 (c) By September 1 of each year, institutions receiving
 7189 funding as provided in the General Appropriations Act must
 7190 submit an Effective Access to Student Education Grant Program
 7191 Accountability Report to the Department of Education, in a
 7192 format prescribed by the department. The report must use the

19-01965-23

202332

7193 most recently available information on Florida resident students
7194 and include, at a minimum, the following performance metrics, by
7195 institution:

7196 1. Access rate based upon percentage of Pell Grant-eligible
7197 ~~Pell-eligible~~ students.

7198 2. Affordability rate based upon average student loan debt;
7199 federal, state, and institutional financial assistance; and
7200 average tuition and fees.

7201 3. Graduation rate.

7202 4. Retention rate.

7203 5. Postgraduate employment or continuing education rate.

7204

7205 The department shall recommend minimum performance standards
7206 that institutions must meet to remain eligible to receive grants
7207 pursuant to this section. Each eligible institution shall post
7208 prominently on its website, by October 1 of each year, its
7209 performance on these metrics, as reported to the department.

7210 Reviser's note.—Amended to confirm an editorial insertion to

7211 conform to the complete name of the federal grant offered
7212 to undergraduate students from low-income households.

7213 Section 175. Paragraph (c) of subsection (1) of section
7214 1009.895, Florida Statutes, is amended to read:

7215 1009.895 Open Door Grant Program.—

7216 (1) As used in this section, the term:

7217 (c) "Institution" means school district postsecondary
7218 technical career centers under s. 1001.44, Florida College
7219 System institutions under s. 1000.21(5) ~~1000.21(3)~~, charter
7220 technical career centers under s. 1002.34, and school districts
7221 with eligible integrated education and training programs.

19-01965-23

202332__

7222 Reviser's note.—Amended to conform to the reordering of
7223 definitions in s. 1000.21 by this act.

7224 Section 176. Paragraph (b) of subsection (2) and paragraph
7225 (c) of subsection (6) of section 1012.2315, Florida Statutes,
7226 are amended to read:

7227 1012.2315 Assignment of teachers.—

7228 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

7229 (b)1. A school district may assign an individual newly
7230 hired as instructional personnel to a school that has earned a
7231 grade of "F" in the previous year or any combination of three
7232 consecutive grades of "D" or "F" in the previous 3 years
7233 pursuant to s. 1008.34 if the individual:

7234 a. Has received an effective rating or highly effective
7235 rating in the immediate prior year's performance evaluation
7236 pursuant to s. 1012.34;

7237 b. Has successfully completed or is enrolled in a teacher
7238 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
7239 1012.56, or a teacher preparation program specified in State
7240 Board of Education rule, is provided with high quality mentoring
7241 during the first 2 years of employment, holds a certificate
7242 issued pursuant to s. 1012.56, and holds a probationary contract
7243 pursuant to s. 1012.335(2) (a); or

7244 c. Holds a probationary contract pursuant to s.
7245 1012.335(2) (a), holds a certificate issued pursuant to s.
7246 1012.56, and has successful teaching experience, and if, in the
7247 judgment of the school principal, students would benefit from
7248 the placement of that individual.

7249 2. As used in this paragraph, the term "mentoring" includes
7250 the use of student achievement data combined with at least

19-01965-23

202332

7251 monthly observations to improve the educator's effectiveness in
7252 improving student outcomes. Mentoring may be provided by a
7253 school district, a teacher preparation program approved pursuant
7254 to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher
7255 preparation program specified in State Board of Education rule.
7256

7257 Each school district shall annually certify to the Commissioner
7258 of Education that the requirements in this subsection have been
7259 met. If the commissioner determines that a school district is
7260 not in compliance with this subsection, the State Board of
7261 Education shall be notified and shall take action pursuant to s.
7262 1008.32 in the next regularly scheduled meeting to require
7263 compliance.

7264 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
7265 EVALUATIONS.—

7266 (c) For a student enrolling in an extracurricular course as
7267 defined in s. 1003.01(11) ~~1003.01(15)~~, a parent may choose to
7268 have the student taught by a teacher who received a performance
7269 evaluation of "needs improvement" or "unsatisfactory" in the
7270 preceding school year if the student and the student's parent
7271 receive an explanation of the impact of teacher effectiveness on
7272 student learning and the principal receives written consent from
7273 the parent.

7274 Reviser's note.—Paragraph (2) (b) is amended to improve clarity.

7275 Paragraph (6) (c) is amended to conform to the reordering of
7276 definitions in s. 1003.01 by this act.

7277 Section 177. Except as otherwise expressly provided in this
7278 act and except for this section, which shall take effect July 1,
7279 2023, this act shall take effect on the 60th day after

19-01965-23

202332__

7280 adjournment sine die of the session of the Legislature in which
7281 enacted.