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1  
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,

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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36 purpose, or have been impliedly repealed or  
37 superseded; replacing incorrect cross-references and  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.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
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

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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

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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.

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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

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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

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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

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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)



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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

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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.

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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

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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

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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

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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

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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

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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



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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.

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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

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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;

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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

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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

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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

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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

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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



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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:

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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-

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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:

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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

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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

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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

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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

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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:



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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)~~(o)~~ “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:

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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:

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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

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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

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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

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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.

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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

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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



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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 ~~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

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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

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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,

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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

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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

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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

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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

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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.



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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

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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

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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.

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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

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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

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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.

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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

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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



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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

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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.

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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

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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

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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

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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

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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.

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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



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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

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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

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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.

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- 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

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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

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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)~~(q)~~ "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.

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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

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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)~~(ee)~~ "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



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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

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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

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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

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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

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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

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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

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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.

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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



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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.

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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.

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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.—

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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

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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

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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

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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.

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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



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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

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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

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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

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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

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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)~~.

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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,

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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

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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.—



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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

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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

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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

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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

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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

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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.

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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.

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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~~



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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,

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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:

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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:

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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.

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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.

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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



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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

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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

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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

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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

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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

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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.

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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"

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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



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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

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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:

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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

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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.

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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,

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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

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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,

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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



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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:

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- 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

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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,

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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

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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

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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

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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

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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



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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)~~.

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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

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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

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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

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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

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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

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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.

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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



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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.

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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

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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

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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

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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

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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

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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 permit holder.

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

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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.



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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

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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

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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

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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

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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

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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~~

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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~~

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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



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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

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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.

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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.

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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

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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).

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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

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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

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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.



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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:

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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:

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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

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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.

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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

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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

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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)~~ "Assignment" means the making of any appointment or  
5568 engagement for prostitution or lewdness, or any act in



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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

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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:

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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

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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

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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."

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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

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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

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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:



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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.

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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.

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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

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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

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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.

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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

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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

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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



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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

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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

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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)(q)  
6117 ~~216.011(1)(e)~~.

6118

6119 The Governor shall designate the initial chair of the board of

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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

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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

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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

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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

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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



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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

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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:

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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

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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

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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

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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

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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

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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



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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

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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.

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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

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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

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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

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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

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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

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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



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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)

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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.

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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

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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

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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:

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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)~~.

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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

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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



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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

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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.

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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:

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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.

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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

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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.—

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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

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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



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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.

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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

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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

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7280 adjournment sine die of the session of the Legislature in which  
7281 enacted.