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|--------------|--|---|-----|-----------------|---------------------|----------------|
| Tab 1 | SB 280 by Bracy (CO-INTRODUCERS) Bradley ; (Similar to H 0527) Sentencing for Capital Felonies | | | | | |
| Tab 2 | SB 500 by Benacquisto ; (Identical to H 7013) Florida Statutes | | | | | |
| Tab 3 | SB 502 by Benacquisto ; (Identical to H 7015) Florida Statutes | | | | | |
| Tab 4 | SB 504 by Benacquisto ; (Similar to H 7017) Florida Statutes | | | | | |
| 429454 | A | S | RCS | RC, Benacquisto | Delete L.226 - 256. | 02/22 04:57 PM |
| Tab 5 | SB 506 by Benacquisto ; (Identical to H 7019) Florida Statutes | | | | | |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Benacquisto, Chair
Senator Thurston, Vice Chair

MEETING DATE: Wednesday, February 22, 2017

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Office Building

MEMBERS: Senator Benacquisto, Chair; Senator Thurston, Vice Chair; Senators Book, Bradley, Brandes, Braynon, Flores, Galvano, Latvala, Lee, Montford, and Simpson

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|-----------------------------|
| 1 | SB 280 Bracy (Similar H 527) | Sentencing for Capital Felonies; Requiring jury unanimity rather than a certain number of jurors for a sentencing recommendation of death, etc. CJ 02/06/2017 Favorable RC 02/22/2017 Favorable | Favorable Yeas 10 Nays 0 |
| 2 | SB 500 Benacquisto (Identical H 7013) | Florida Statutes; Adopting the Florida Statutes 2017 and designating the portions thereof that are to constitute the official law of the state, etc. RC 02/22/2017 Favorable | Favorable Yeas 10 Nays 0 |
| 3 | SB 502 Benacquisto (Identical H 7015) | Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded, etc. RC 02/22/2017 Favorable | Favorable Yeas 10 Nays 0 |
| 4 | SB 504 Benacquisto (Similar H 7017) | Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2017 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. RC 02/22/2017 Fav/CS | Fav/CS Yeas 10 Nays 0 |
| 5 | SB 506 Benacquisto (Identical H 7019) | Florida Statutes; Amending and repealing provisions to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority, etc. RC 02/22/2017 Favorable | Favorable Yeas 10 Nays 0 |

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 280

INTRODUCER: Senator Bracy

SUBJECT: Sentencing for Capital Felonies

DATE: February 21, 2017

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Cellon | Hrdlicka | CJ | Favorable |
| 2. | Cellon | Phelps | RC | Favorable |

I. Summary:

SB 280 amends the death penalty sentencing statutes to require jury unanimity in death penalty sentencing procedures.

In October 2016, the Florida Supreme Court determined in *Hurst v. State* that in order for the death penalty to be imposed the sentencing phase jury (if the jury was not waived) must vote unanimously for a death sentence.¹ The *Hurst v. State* ruling was applied to the 2016 death penalty sentencing statutes challenged in *Perry v. State*.²

Amending ss. 921.141 and 921.142, F.S., to require unanimity in the jury vote for death will satisfy the constitutional requirements announced by the court in the *Hurst* and *Perry* opinions.³

II. Present Situation:

2016 Death Penalty Sentencing Statute Enacted after *Hurst v. Florida*

Timothy Lee Hurst was convicted in Florida of first-degree murder for fatally stabbing his co-worker in 1998 with a box cutter.⁴ A jury recommended a sentence of death by a seven-to-five vote; thereafter, the trial court entered a sentence of death.⁵ Hurst challenged his sentence arguing before the U.S. Supreme Court that the jury was required to find specific aggravating factors and to issue a unanimous advisory death sentencing recommendation.⁶

¹ *Hurst v. State*, No. SC12-1947 (Fla., Oct. 14, 2016).

² *Perry v. State*, No. SC16-547 (Fla., Oct. 14, 2016); ch. 2016-13, L.O.F. (2016); s. 921.141, F.S. (2016).

³ *Supra*, fn.1 and fn.2.

⁴ *Hurst v. State*, 147 So.3d 435, 437 (Fla. 2014), *rev'd and remanded*, 136 S.Ct. 616 (U.S. 2016).

⁵ *Id.* at page 440.

⁶ *Id.* at page 446.

On the opening day of the 2016 Legislative Session, the U.S. Supreme Court handed down its opinion in *Hurst v. Florida*.⁷

The *Hurst v. Florida* court ruled that “the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death.”⁸ Until the *Hurst v. Florida* opinion was issued, Florida’s capital sentencing scheme had withstood challenges based on the 8th, 14th, and 6th Amendments.⁹

In an effort to comply with the U.S. Supreme Court’s opinion, the Legislature passed HB 7101 which became law on March 7, 2016.¹⁰ The new law created the following requirements for Florida’s death penalty sentencing scheme:

- The jury is required to identify each aggravating factor found to exist by a unanimous vote in order for a defendant to be eligible for a sentence of death;
- The jury is required to determine whether the aggravating factors outweigh the mitigating circumstances in reaching its sentencing recommendation;
- If at least ten of the twelve members of the jury determine that the defendant should be sentenced to death, the jury’s recommendation is a sentence of death; if fewer than ten members of the jury determine that the defendant should be sentenced to death, the jury is required to recommend a sentence of life imprisonment without the possibility of parole;
- The judge is permitted to impose a sentence of life imprisonment without the possibility of parole even if the jury recommends a sentence of death;
- The judge may not “override” the jury’s recommendation of a sentence of life imprisonment by imposing a sentence of death; and
- The prosecutor is required to provide notice to the defendant and file notice with the court when the state is seeking the death penalty. The notice must contain a list of the aggravating factors the state intends to prove.¹¹

2016 Death Penalty Statute Found Unconstitutional - The U.S. Supreme Court’s *Hurst v. Florida* Case as Applied by the Florida Supreme Court in *Hurst v. State*

The U.S. Supreme Court remanded Timothy Hurst’s case to the Florida Supreme Court. The state court issued its opinion in October 2016.¹²

Upon applying the *Hurst v. Florida* ruling to the state Hurst case, the Florida Supreme Court found the state’s 2012 statutory death penalty sentencing procedures to be unconstitutional.¹³

⁷ *Hurst v. Florida*, 136 S.Ct. 616 (U.S. 2016); 577 U.S. ____ (2016).

⁸ *Id.* at 619.

⁹ Cruel or unusual punishment, due process, and right to jury trial. *Proffitt v. Florida*, 428 U.S. 242 (1976); *Spaziano v. Florida*, 468 U.S. 447 (1984); *Hildwin v. Florida*, 490 U.S. 638 (1989).

¹⁰ Chapter 2016-13, L.O.F. (2016).

¹¹ Sections 782.04, 921.141, and 921.142, F.S. (2016).

¹² *Hurst v. State*, No. SC12-1947 (Fla., Oct. 14, 2016).

¹³ *Id.* Because *Hurst* was sentenced in 2012, the 2012 sentencing procedures statute, not the new 2016 statute, was applicable in his case on remand from the U.S. Supreme Court. The *Hurst v. State* opinion sets forth the current constitutional requirements for death penalty proceedings in Florida. The *Hurst* requirements have been applied by the Court beginning with the *Perry v. State* case which was decided on the same day as the *Hurst v. State* case. See *Perry*, *supra* fn. 2. (Note that in the *Hurst* case, the court found that Hurst was not entitled to an automatic life sentence. This is because the death penalty itself remains viable – it is only the application of the death penalty sentencing procedures that was addressed by the U.S.

The Florida Supreme Court's opinion in *Hurst v. State* was based on the Sixth Amendment, the Eighth Amendment, Florida's constitutional right to a trial by jury, and Florida jurisprudence as well.¹⁴

Specifically, the court stated: “[W]e hold that the [U.S.] Supreme Court’s decision in *Hurst v. Florida* requires that all the critical findings necessary before the trial court may consider imposing a sentence of death must be found unanimously by the jury.”¹⁵ The court explained all the “critical findings” that must be found unanimously by the jury as:

- The existence of each aggravating factor that has been proven beyond a reasonable doubt;
- The finding that the aggravating factors are sufficient; and
- The finding that the aggravating factors outweigh the mitigating circumstances.

Further, the court stated: “We also hold...that in order for the trial court to impose a sentence of death, *the jury’s recommended sentence of death must be unanimous.*”¹⁶

The Application of *Hurst v. State* in *Perry v. State*

The same day the Florida Supreme Court decided the *Hurst v. State* case, setting forth the constitutional requirements for death penalty sentencing procedures, the court also issued the *Perry v. State* opinion.¹⁷

In *Perry*, the court considered the question of whether the 2016 death penalty sentencing statutes (referred to by the court as “the Act”) could constitutionally apply to cases in which the underlying crime was committed prior to the effective date of the statutes.¹⁸

The court concluded that the 2016 statutes could not constitutionally be applied in pending prosecutions “because the Act requires that only ten jurors, rather than all twelve, recommend a final sentence of death for death to be imposed.”¹⁹

The remaining “critical finding” provisions of the Act in s. 921.141(2), F.S., (2016), were found to pass constitutional muster as construed by the court.²⁰

Supreme Court in *Hurst v. Florida*. Timothy Hurst’s case was remanded by the Florida Supreme Court to the trial court for a new penalty phase proceeding. *Supra* fn. 1.)

¹⁴ *Id.* at pages 35 and 37.

¹⁵ *Id.* at page 4.

¹⁶ *Id.* (emphasis added).

¹⁷ *Perry v. State*, No. SC16-547 (Fla., Oct. 14, 2016).

¹⁸ *Id.* at page 8; ch. 2016-13, L.O.F. (2016), effective March 7, 2016.

¹⁹ *Id.* But see *Patrick Albert Evans v. State*, No. SC16-1946 and *Juan Rosario*, No. SC16-2133, slip opinion page 7; (Fla., Feb. 20, 2017) in which the court decided that pending death penalty trials can go forward under *Hurst* and *Perry* but only if there is a unanimous jury recommendation of death.

²⁰ *Id.* at page 20. These provisions are: jury unanimity in finding the existence of each aggravating factor that has been proven beyond a reasonable doubt; the finding that the aggravating factors are sufficient; and the finding that the aggravating factors outweigh the mitigating circumstances.

The Effect of *Hurst* and *Perry* on Pending Death Penalty Trials and Sentencing Phases

As of January 15, 2017, state attorneys reported a total of 313 pending death penalty cases of which 66 were ready for trial across the twenty judicial circuits.²¹

Because the sentencing phase procedure in place was at least partially unconstitutional due to the lack of jury unanimity in a final recommendation for death, cases in which the state was seeking the death penalty essentially ground to a halt.

In Clearwater, for example, one trial court determined that a trial could proceed if the court modified the jury instructions to incorporate the requirements of the *Hurst* and *Perry* opinions. The defendant sought expedited review of the trial court's decision to proceed and obtained a stay of the case.²² Meanwhile, a trial court in Ocala postponed the penalty phase of a double-murder case, apparently until there are new sentencing phase procedures in place.²³ A Pensacola prosecutor recently dismissed a murder charge against an inmate accused of beating his cellmate to death. According to news reports, the state will seek a new indictment in the case after the "Legislature's review of the death penalty."²⁴

On February 20, 2017, the Florida Supreme Court clarified its *Hurst* and *Perry* decisions in the pending *Evans* and *Rosario* cases. The court ruled that trial courts can proceed with death penalty cases because the unconstitutional provision of the 2016 statutes that requires only a 10-2 jury vote for death is essentially severable from the remaining constitutional provisions.

Going forward with trials will mean that trial courts will be expected to create jury instructions and verdict forms that require a unanimous vote in order for the death penalty to be imposed.

III. Effect of Proposed Changes:

The Florida Supreme Court decided in October 2016 that without jury unanimity in a final recommendation of death, the death sentence could not constitutionally be imposed in pending cases.²⁵

²¹ Data on file with Criminal Justice Committee staff.

²² The defendant, Patrick Albert Evans, obtained a stay of the trial proceedings from the Florida Supreme Court. *Patrick Albert Evans v. State*, Case No. SC16-1946 (Fla., Oct. 28, 2017); see also *Juan Rosario v. State*, Case No. SC16-2133 (Fla., December 14, 2016), consolidated with the *Evans* case. On February 20, 2017, the court clarified its *Hurst* and *Perry* decisions, holding that death penalty trials may be held but there must be a unanimous vote for the death sentence in order for death to be imposed.

²³ *Sentencing delayed after double-murder conviction*, Nicky Gorny, Ocala Star Banner, <http://www.ocala.com/news/20161017/sentencing-delayed-after-double-murder-conviction> (last visited December 2, 2016).

²⁴ *State waits out death penalty legislation*, Emma Kennedy, Pensacola News Journal, <http://www.pnj.com/story/news/crime/2017/01/09/state-waits-out-death-penalty-legislation/96351110/> (last visited January 10, 2017).

²⁵ *Perry v. State*, No. SC16-547 (Fla., Oct. 14, 2016); ch. 2016-13, L.O.F. (2016); s. 921.141, F.S. (2016). The *Perry* court did find, however, that the statutory provisions in ss. 921.141(2)(b) and 921.142(3)(b), F.S., could constitutionally apply in cases in which the underlying crime was committed prior to the effective date of the 2016 chapter law. Those provisions are: jury unanimity in finding the existence of each aggravating factor that has been proven beyond a reasonable doubt; the finding that the aggravating factors are sufficient; and the finding that the aggravating factors outweigh the mitigating circumstances. See also *Hurst v. State*, No. SC12-1947 (Fla., Oct. 14, 2016); and fn. 22.

The 2016 death penalty sentencing statutes, which were enacted in response to the U.S. Supreme Court's *Hurst v. Florida* opinion, require that a jury recommend a death sentence by at least a 10-2 vote.²⁶

The bill amends ss. 921.141 and 921.142, F.S., to require a unanimous vote of the jury for a recommendation of death.

This bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

It is unlikely that this bill will have a fiscal impact to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Opinions based on Hurst and Perry indicate a pattern of case disposition.

The Florida Supreme Court has issued opinions almost weekly related to death penalty sentencing procedures, the 2016 statutes, *Hurst v. State*, and *Perry v. State* since *Hurst* and *Perry* were decided in October 2016. A review of the court's opinions indicates the following patterns:

²⁶ Chapter 2016-13, L.O.F. (2016); ss. 921.141 and 921.142, F.S. (2016).

- In cases where the defendant waived a penalty phase jury, there is no valid *Hurst* claim.²⁷
- The court will not automatically vacate a death sentence that was the product of a non-unanimous jury recommendation, but will instead conduct a harmless error review.²⁸ If the jury's recommended death sentence was the result of a vote that was less than unanimous (a *Hurst* claim), the court has determined that the sentencing error was not harmless, vacated the death sentences, and remanded the cases to the trial court for a new penalty proceeding.²⁹
- Cases in which the jury's death sentence recommendation was unanimous have been upheld.³⁰

The Florida Supreme Court has ruled on the retroactive application of *Hurst*.

On December 22, 2016, the Florida Supreme Court issued two opinions addressing whether the *Hurst v. State* decision would apply retroactively.³¹

The opinions rely upon language in the *Hurst v. Florida* opinion discussing the application of the *Ring v. Arizona* decision to Florida's death penalty sentencing scheme.³²

It is the date of the *Ring* opinion (2002) that has become the Florida Supreme Court's bright line for deciding *Hurst*'s retroactivity.³³ If a sentence became final prior to the *Ring* decision, the

²⁷ *Davis v. State*, No. SC13-1 (Fla., Nov. 10, 2016); *Wright v. State*, No.13-1213 (Fla., Nov. 23, 2016); *Knight v. State*, *Knight v. Jones*, Nos. SC13-820, SC-14-567 (Fla., Dec. 15, 2016).

²⁸ The harmless error analysis places the burden on the state, as the beneficiary of the error, to prove that there is no reasonable possibility that the error contributed to the conviction or to the sentence recommended in the sentencing proceeding. Where the Court finds that the error was not harmless the case must be remanded to "correct" the error. *State v. DiGuilio*, 491 So.2d 1129, 1138 (Fla. 1986); *Zack v. State*, 753 So.2d 9, 20 (Fla. 2000).

²⁹ *Simmons v. State*, No. SC14-2314 (Fla., Dec. 22, 2016); *Franklin v. State*, No. SC13-1632 (Fla., Nov. 23, 2016); *Johnson v. State*, No. SC14-1175 (Fla., Dec. 1, 2016); *Williams v. State*, No. SC14-814 (Fla., Jan. 19, 2017); *Armstrong v. State*, *Armstrong v. Jones*, Nos. SC14-1967, SC15-767 (Fla., Jan. 19, 2017); *Kopsho v. State*, *Kopsho v. Jones*, Nos. SC15-1256, SC15-1762 (Fla., Jan. 19, 2017); *Calloway v. State*, No. SC10-2170 (Fla., Jan. 26, 2017); *McGirth v. State*, *McGirth v. Jones*, Nos. SC15-953, SC16-341 (Fla., Jan. 26, 2017).

³⁰ *Davis v. State*, No. SC11-1122 (Fla., Nov. 10, 2016); *King v. State*, No. SC14-1949 (Fla., Jan. 26, 2017). It should be noted that the court is taking into account the U.S. Supreme Court's admonishment in *Hurst v. Florida* that the court should not substitute the jury's recommendation for the factual findings required by the Sixth Amendment as the court conducts its harmless error review in these cases (see pages 47-48 in the *King* opinion.). Data gathered by the Clerk of the Florida Supreme Court showing jury sentencing votes in direct appeal death cases by calendar year of disposition by the court (2000 – 2016) indicates that 21% had unanimous death recommendations. See chart available on page 9, Florida Senate Bill Analysis, SB 7068 (2016); supplemental data provided by e-mail from Florida Supreme Court staff, November 30, 2016, on file with Criminal Justice Committee staff.

³¹ *Mosely v. State*, *Mosely v. Jones*, Nos. SC14-436, SC14-2108 (Fla., Dec. 22, 2016); *Asay v. State*, *Asay v. Jones*, Nos. SC16-223, SC16-102, SC16-628 (Fla., Dec. 22, 2016).

³² *Hurst v. Florida*, 136 S.Ct. 616 (U.S. 2016); 577 U.S. ____ (2016); In *Ring* the court ruled that juries rather than judges acting alone must make crucial factual determinations that subject a convicted murderer to the death penalty. The decision was clear as to its application to the Arizona death penalty sentencing scheme wherein the judge, without any input whatsoever from the jury beyond the verdict of guilty on the murder charge, made the sentencing decision. The court was not clear about whether Florida's "hybrid" sentencing scheme was effected by the *Ring* decision. (Florida's "hybrid" process provided for a jury recommendation of death or life from the jury, but the judge made the ultimate decision after considering the jury recommendation.) *Ring v. Arizona*, 536 U.S. 584 (2002).

³³ "[A] major development occurred in 2016, when the United States Supreme Court finally held in *Hurst v. Florida* that the 'analysis the *Ring* Court applied to Arizona's sentencing scheme applies equally to Florida's'." *Mosely v. State*, *Mosely v. Jones*, Nos. SC14-436, SC14-2108 (Fla., Dec. 22, 2016), at page 42.

defendant is not entitled to *Hurst* relief.³⁴ If, however, the sentence became final on or after the date of the *Ring* opinion, *Hurst* applies.³⁵ For those defendants entitled to *Hurst* relief if the jury did not vote unanimously for a death sentence, based on case histories since *Hurst*, it appears those cases will be remanded for new penalty phases if the *Hurst* error was not harmless.³⁶

The Florida Public Defender Association indicated in its bill analysis that the court's decision on the application of retroactivity would "significantly increase both the workload and associated costs of public defender offices for several years to come."³⁷

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 921.141 and 921.142.

This bill reenacts the following sections of the Florida Statutes: 775.082, 782.04, 794.011, and 893.135.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁴ *Asay v. State, Asay v. Jones*, Nos. SC16-223, SC16-102, SC16-628 (Fla., Dec. 22, 2016), at page 12. Note that the ruling included a lifting of Asay's stay of execution which was entered on March 2, 2016. See also *Gaskin v. State*, No. SC15-1884 (Fla., Jan. 19, 2017). A sentence becomes final on the disposition of the petition for writ of certiorari by the U.S. Supreme Court if filed, or 90 days after the Florida Supreme Court's decision affirming a judgment and sentence becomes final if the petition for certiorari review is not filed. Rule 3.851, FLRCrP.

³⁵ *Mosely v. State, Mosely v. Jones*, Nos. SC14-436, SC14-2108 (Fla., Dec. 22, 2016), at page 61.

³⁶ *Supra*, fn. 29.

³⁷ *2017 Agency Bill Analysis – SB 280*, Florida Public Defender Association, February 1, 2017, on file with the Criminal Justice Committee staff.

By Senator Bracy

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A bill to be entitled

An act relating to sentencing for capital felonies; amending ss. 921.141 and 921.142, F.S.; requiring jury unanimity rather than a certain number of jurors for a sentencing recommendation of death; reenacting ss. 775.082(1)(a), 782.04(1)(b), and 794.011(2)(a), F.S., relating to the punishment for a conviction of a capital felony, procedures for determining a sentence of death or life imprisonment, and sexual battery, respectively, to incorporate the amendment made to s. 921.141, F.S., in references thereto; reenacting s. 893.135(1)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), F.S., relating to the punishments for capital drug trafficking felonies, to incorporate the amendment made to s. 921.142, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(2) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This subsection applies only if the defendant has not waived his or her right to a sentencing proceeding by a jury.

(c) If a unanimous jury determines at least 10 jurors ~~determine~~ that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death. If a unanimous jury does not fewer than 10 jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life

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imprisonment without the possibility of parole.

Section 2. Paragraph (c) of subsection (3) of section 921.142, Florida Statutes, is amended to read:

921.142 Sentence of death or life imprisonment for capital drug trafficking felonies; further proceedings to determine sentence.—

(3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This subsection applies only if the defendant has not waived his or her right to a sentencing proceeding by a jury.

(c) If a unanimous jury determines at least 10 jurors ~~determine~~ that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death. If a unanimous jury does not fewer than 10 jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.

Section 3. For the purpose of incorporating the amendment made by this act to section 921.141, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 775.082, Florida Statutes, is reenacted to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(1)(a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be

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ineligible for parole.

Section 4. For the purpose of incorporating the amendment made by this act to section 921.141, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 782.04, Florida Statutes, is reenacted to read:

782.04 Murder.—

(1)

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment. If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file the notice with the court within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause.

Section 5. For the purpose of incorporating the amendment made by this act to section 921.141, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 794.011, Florida Statutes, is reenacted to read:

794.011 Sexual battery.—

(2) (a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony, punishable as provided in ss. 775.082 and 921.141.

Section 6. For the purpose of incorporating the amendment made by this act to section 921.142, Florida Statutes, in

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references thereto, paragraphs (b) through (l) of subsection (1) of section 893.135, Florida Statutes, are reenacted to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 400 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 150 kilograms or more of

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cocaine, as described in s. 893.03(2)(a)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first degree felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(c)1. A person who knowingly sells, purchases,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of hydrocodone, or any salt, derivative, isomer, or salt of an isomer thereof, or 14 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in hydrocodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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If the quantity involved:

a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 50 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 200 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, or any salt, derivative, isomer, or salt of an isomer thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment

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of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 25 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 100 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

4. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a

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236 natural, though not inevitable, lethal result,

237
238 such person commits the capital felony of trafficking in illegal
239 drugs, punishable as provided in ss. 775.082 and 921.142. A
240 person sentenced for a capital felony under this paragraph shall
241 also be sentenced to pay the maximum fine provided under
242 subparagraph 1.

243 5. A person who knowingly brings into this state 60
244 kilograms or more of any morphine, opium, oxycodone,
245 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
246 salt of an isomer thereof, including heroin, as described in s.
247 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
248 more of any mixture containing any such substance, and who knows
249 that the probable result of such importation would be the death
250 of a person, commits capital importation of illegal drugs, a
251 capital felony punishable as provided in ss. 775.082 and
252 921.142. A person sentenced for a capital felony under this
253 paragraph shall also be sentenced to pay the maximum fine
254 provided under subparagraph 1.

255 (d)1. Any person who knowingly sells, purchases,
256 manufactures, delivers, or brings into this state, or who is
257 knowingly in actual or constructive possession of, 28 grams or
258 more of phencyclidine or of any mixture containing
259 phencyclidine, as described in s. 893.03(2)(b), commits a felony
260 of the first degree, which felony shall be known as "trafficking
261 in phencyclidine," punishable as provided in s. 775.082, s.
262 775.083, or s. 775.084. If the quantity involved:

263 a. Is 28 grams or more, but less than 200 grams, such
264 person shall be sentenced to a mandatory minimum term of

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265 imprisonment of 3 years, and the defendant shall be ordered to
266 pay a fine of \$50,000.

267 b. Is 200 grams or more, but less than 400 grams, such
268 person shall be sentenced to a mandatory minimum term of
269 imprisonment of 7 years, and the defendant shall be ordered to
270 pay a fine of \$100,000.

271 c. Is 400 grams or more, such person shall be sentenced to
272 a mandatory minimum term of imprisonment of 15 calendar years
273 and pay a fine of \$250,000.

274 2. Any person who knowingly brings into this state 800
275 grams or more of phencyclidine or of any mixture containing
276 phencyclidine, as described in s. 893.03(2)(b), and who knows
277 that the probable result of such importation would be the death
278 of any person commits capital importation of phencyclidine, a
279 capital felony punishable as provided in ss. 775.082 and
280 921.142. Any person sentenced for a capital felony under this
281 paragraph shall also be sentenced to pay the maximum fine
282 provided under subparagraph 1.

283 (e)1. Any person who knowingly sells, purchases,
284 manufactures, delivers, or brings into this state, or who is
285 knowingly in actual or constructive possession of, 200 grams or
286 more of methaqualone or of any mixture containing methaqualone,
287 as described in s. 893.03(1)(d), commits a felony of the first
288 degree, which felony shall be known as "trafficking in
289 methaqualone," punishable as provided in s. 775.082, s. 775.083,
290 or s. 775.084. If the quantity involved:

291 a. Is 200 grams or more, but less than 5 kilograms, such
292 person shall be sentenced to a mandatory minimum term of
293 imprisonment of 3 years, and the defendant shall be ordered to

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294 pay a fine of \$50,000.

295 b. Is 5 kilograms or more, but less than 25 kilograms, such
296 person shall be sentenced to a mandatory minimum term of
297 imprisonment of 7 years, and the defendant shall be ordered to
298 pay a fine of \$100,000.

299 c. Is 25 kilograms or more, such person shall be sentenced
300 to a mandatory minimum term of imprisonment of 15 calendar years
301 and pay a fine of \$250,000.

302 2. Any person who knowingly brings into this state 50
303 kilograms or more of methaqualone or of any mixture containing
304 methaqualone, as described in s. 893.03(1)(d), and who knows
305 that the probable result of such importation would be the death
306 of any person commits capital importation of methaqualone, a
307 capital felony punishable as provided in ss. 775.082 and
308 921.142. Any person sentenced for a capital felony under this
309 paragraph shall also be sentenced to pay the maximum fine
310 provided under subparagraph 1.

311 (f)1. Any person who knowingly sells, purchases,
312 manufactures, delivers, or brings into this state, or who is
313 knowingly in actual or constructive possession of, 14 grams or
314 more of amphetamine, as described in s. 893.03(2)(c)2., or
315 methamphetamine, as described in s. 893.03(2)(c)4., or of any
316 mixture containing amphetamine or methamphetamine, or
317 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
318 in conjunction with other chemicals and equipment utilized in
319 the manufacture of amphetamine or methamphetamine, commits a
320 felony of the first degree, which felony shall be known as
321 "trafficking in amphetamine," punishable as provided in s.
322 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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323 a. Is 14 grams or more, but less than 28 grams, such person
324 shall be sentenced to a mandatory minimum term of imprisonment
325 of 3 years, and the defendant shall be ordered to pay a fine of
326 \$50,000.

327 b. Is 28 grams or more, but less than 200 grams, such
328 person shall be sentenced to a mandatory minimum term of
329 imprisonment of 7 years, and the defendant shall be ordered to
330 pay a fine of \$100,000.

331 c. Is 200 grams or more, such person shall be sentenced to
332 a mandatory minimum term of imprisonment of 15 calendar years
333 and pay a fine of \$250,000.

334 2. Any person who knowingly manufactures or brings into
335 this state 400 grams or more of amphetamine, as described in s.
336 893.03(2)(c)2., or methamphetamine, as described in s.
337 893.03(2)(c)4., or of any mixture containing amphetamine or
338 methamphetamine, or phenylacetone, phenylacetic acid,
339 pseudoephedrine, or ephedrine in conjunction with other
340 chemicals and equipment used in the manufacture of amphetamine
341 or methamphetamine, and who knows that the probable result of
342 such manufacture or importation would be the death of any person
343 commits capital manufacture or importation of amphetamine, a
344 capital felony punishable as provided in ss. 775.082 and
345 921.142. Any person sentenced for a capital felony under this
346 paragraph shall also be sentenced to pay the maximum fine
347 provided under subparagraph 1.

348 (g)1. Any person who knowingly sells, purchases,
349 manufactures, delivers, or brings into this state, or who is
350 knowingly in actual or constructive possession of, 4 grams or
351 more of flunitrazepam or any mixture containing flunitrazepam as

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described in s. 893.03(1)(a) commits a felony of the first degree, which felony shall be known as "trafficking in flunitrazepam," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of \$500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state or who is knowingly in actual or constructive possession of 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits the first degree felony of trafficking in flunitrazepam. A person who has been convicted of the first degree felony of trafficking in flunitrazepam under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the

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intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in flunitrazepam, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(h)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), commits a felony of the first degree, which felony shall be known as "trafficking in gamma-hydroxybutyric acid (GHB)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 1 kilogram or more but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 5 kilograms or more but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years

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and pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of gamma-hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-hydroxybutyric acid (GHB), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(i)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-butyrolactone (GBL), as described in s. 893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), commits a felony of the first degree, which felony shall be known as "trafficking in gamma-butyrolactone (GBL)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 1 kilogram or more but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 5 kilograms or more but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

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c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into the state 150 kilograms or more of gamma-butyrolactone (GBL), as described in s. 893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-butyrolactone (GBL), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(j)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of 1,4-Butanediol as described in s. 893.03(1)(d), or of any mixture containing 1,4-Butanediol, commits a felony of the first degree, which felony shall be known as "trafficking in 1,4-Butanediol," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 1 kilogram or more, but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 5 kilograms or more, but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

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468 c. Is 10 kilograms or more, such person shall be sentenced
 469 to a mandatory minimum term of imprisonment of 15 calendar years
 470 and pay a fine of \$500,000.

471 2. Any person who knowingly manufactures or brings into
 472 this state 150 kilograms or more of 1,4-Butanediol as described
 473 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 474 and who knows that the probable result of such manufacture or
 475 importation would be the death of any person commits capital
 476 manufacture or importation of 1,4-Butanediol, a capital felony
 477 punishable as provided in ss. 775.082 and 921.142. Any person
 478 sentenced for a capital felony under this paragraph shall also
 479 be sentenced to pay the maximum fine provided under subparagraph
 480 1.

481 (k)1. A person who knowingly sells, purchases,
 482 manufactures, delivers, or brings into this state, or who is
 483 knowingly in actual or constructive possession of, 10 grams or
 484 more of any of the following substances described in s.
 485 893.03(1)(c):

- 486 a. (MDMA) 3,4-Methylenedioxymethamphetamine;
- 487 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
- 488 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
- 489 d. 2,5-Dimethoxyamphetamine;
- 490 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
- 491 f. N-ethylamphetamine;
- 492 g. 3,4-Methylenedioxy-N-hydroxyamphetamine;
- 493 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 494 i. PMA (4-methoxyamphetamine);
- 495 j. PMMA (4-methoxymethamphetamine);
- 496 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);

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- 497 1. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
- 498 m. MDA (3,4-Methylenedioxyamphetamine);
- 499 n. N,N-dimethylamphetamine;
- 500 o. 3,4,5-Trimethoxyamphetamine;
- 501 p. Methyone (3,4-Methylenedioxymethcathinone);
- 502 q. MDPV (3,4-Methylenedioxypyrovalerone); or
- 503 r. Methylnmethcathinone,
- 504

505 individually or analogs thereto or isomers thereto or in any
 506 combination of or any mixture containing any substance listed in
 507 sub-subparagraphs a.-r., commits a felony of the first degree,
 508 which felony shall be known as "trafficking in Phenethylamines,"
 509 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

510 2. If the quantity involved:

511 a. Is 10 grams or more, but less than 200 grams, such
 512 person shall be sentenced to a mandatory minimum term of
 513 imprisonment of 3 years and shall be ordered to pay a fine of
 514 \$50,000.

515 b. Is 200 grams or more, but less than 400 grams, such
 516 person shall be sentenced to a mandatory minimum term of
 517 imprisonment of 7 years and shall be ordered to pay a fine of
 518 \$100,000.

519 c. Is 400 grams or more, such person shall be sentenced to
 520 a mandatory minimum term of imprisonment of 15 years and shall
 521 be ordered to pay a fine of \$250,000.

522 3. A person who knowingly manufactures or brings into this
 523 state 30 kilograms or more of any of the following substances
 524 described in s. 893.03(1)(c):

- 525 a. MDMA (3,4-Methylenedioxymethamphetamine);

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526 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
 527 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
 528 d. 2,5-Dimethoxyamphetamine;
 529 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
 530 f. N-ethylamphetamine;
 531 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
 532 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
 533 i. PMA (4-methoxyamphetamine);
 534 j. PMMA (4-methoxymethamphetamine);
 535 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
 536 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
 537 m. MDA (3,4-Methylenedioxyamphetamine);
 538 n. N,N-dimethylamphetamine;
 539 o. 3,4,5-Trimethoxyamphetamine;
 540 p. Methyldone (3,4-Methylenedioxymethcathinone);
 541 q. MDPV (3,4-Methylenedioxypyrovalerone); or
 542 r. Methyldmethcathinone,
 543
 544 individually or analogs thereto or isomers thereto or in any
 545 combination of or any mixture containing any substance listed in
 546 sub-subparagraphs a.-r., and who knows that the probable result
 547 of such manufacture or importation would be the death of any
 548 person commits capital manufacture or importation of
 549 Phenethylamines, a capital felony punishable as provided in ss.
 550 775.082 and 921.142. A person sentenced for a capital felony
 551 under this paragraph shall also be sentenced to pay the maximum
 552 fine provided under subparagraph 1.
 553 (1)1. Any person who knowingly sells, purchases,
 554 manufactures, delivers, or brings into this state, or who is

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555 knowingly in actual or constructive possession of, 1 gram or
 556 more of lysergic acid diethylamide (LSD) as described in s.
 557 893.03(1)(c), or of any mixture containing lysergic acid
 558 diethylamide (LSD), commits a felony of the first degree, which
 559 felony shall be known as "trafficking in lysergic acid
 560 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 561 775.083, or s. 775.084. If the quantity involved:
 562 a. Is 1 gram or more, but less than 5 grams, such person
 563 shall be sentenced to a mandatory minimum term of imprisonment
 564 of 3 years, and the defendant shall be ordered to pay a fine of
 565 \$50,000.
 566 b. Is 5 grams or more, but less than 7 grams, such person
 567 shall be sentenced to a mandatory minimum term of imprisonment
 568 of 7 years, and the defendant shall be ordered to pay a fine of
 569 \$100,000.
 570 c. Is 7 grams or more, such person shall be sentenced to a
 571 mandatory minimum term of imprisonment of 15 calendar years and
 572 pay a fine of \$500,000.
 573 2. Any person who knowingly manufactures or brings into
 574 this state 7 grams or more of lysergic acid diethylamide (LSD)
 575 as described in s. 893.03(1)(c), or any mixture containing
 576 lysergic acid diethylamide (LSD), and who knows that the
 577 probable result of such manufacture or importation would be the
 578 death of any person commits capital manufacture or importation
 579 of lysergic acid diethylamide (LSD), a capital felony punishable
 580 as provided in ss. 775.082 and 921.142. Any person sentenced for
 581 a capital felony under this paragraph shall also be sentenced to
 582 pay the maximum fine provided under subparagraph 1.
 583 Section 7. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/22/17
Meeting Date

280
Bill Number (if applicable)

Topic Capital Sentencing

Amendment Barcode (if applicable)

Name Hervan Lindsey

Job Title Florida Death Row Exonerate

Address 5301 NE 17th Ave
Street
Tampa Beach FL 33064
City State Zip

Phone 954-991-8731

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Witness to Innocence

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/22/17
Meeting Date

280
Bill Number (if applicable)

Topic Capital Sentencing

Amendment Barcode (if applicable)

Name Darlene Farrah

Job Title Murder victim's mother

Address _____

Phone 904-930-1528

Street

Jacksonville

FL

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

February 22, 2017

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

280

Meeting Date

Bill Number (if applicable)

Topic Sentencing for Capital Felonies

Amendment Barcode (if applicable)

Name Hon. Rex Dimmig

Job Title Public Defender, 10th Circuit

Address 255 N. Broadway

Phone 863-534-4200

Street

Bartow

FL

33830

City

State

Zip

Email rdimmig@pd10.state.fl.us

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/22/17

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

280

Bill Number (if applicable)

Topic Sentencing in Capital Felonies

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Job Title _____

Address 104 S. Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850/425-1344

Email TcgLobby@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2-22-17

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 280

Bill Number (if applicable)

Topic

Death Penalty

Amendment Barcode (if applicable)

Name

MONICA HOFHEINZ

Job Title

ASSISTANT STATE ATTORNEY 17th Circ.

Address

201 SE 6th ST

Phone

Street

FORT LAUDERDALE

Email

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLORIDA PROSECUTORS / STATE ATTORNEY MIKE SATZ

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/22/2017
Meeting Date

SB280
Bill Number (if applicable)

Topic Capital Seiberling

Amendment Barcode (if applicable)

Name Mark Schlakman

Job Title Senior program director

Address 420 W. Jefferson St

Phone 850 644-4614

Street

Tallahassee, FL

City

State

Zip

Email mschlakman@fsu.edu

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FSU Center for the Advancement of Human Rights

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 500

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 21, 2017

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------------|----------------|-----------|------------------|
| 1. Pollitz (DLRI) | Phelps | RC | Favorable |

I. Summary:

This bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to adopt the Florida Statutes 2017 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

II. Present Situation:

The 2017 adoption act will adopt all statutes material passed through the 2016 Regular Session and printed in the 2016 edition. Material passed in a session occurring since publication of the 2016 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

III. Effect of Proposed Changes:

The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2017 adoption act adopts as the official statute law of the state those portions of the 2017 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2016). Portions carried forward from the 2016 edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2016 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2016 Florida Statutes that does not appear in the 2016 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida

Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

This bill creates the following sections of the Florida Statutes: None.

This bill repeals the following sections of the Florida Statutes: None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Benacquisto

27-00506-17

2017500__

A bill to be entitled

An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2017 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2017 shall be effective immediately upon publication; providing that general laws enacted during the 2016 regular session and prior thereto and not included in the Florida Statutes 2017 are repealed; providing that general laws enacted after the 2016 regular session are not repealed by this adoption act; providing an effective date.

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

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2017 ~~2016~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2016 ~~2015~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2016 ~~2015~~ enacted in additional reviser's bill or bills by the 2017 ~~2016~~ Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2017 ~~2016~~" and shall take effect immediately upon publication. Said statutes may be cited as "Florida Statutes 2017 ~~2016~~," "Florida Statutes," or "F.S. 2017 ~~2016~~."

27-00506-17

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Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the 2016 regular ~~October 19 November 6, 2015, special~~ legislative session, and every part of such statute, not included in Florida Statutes 2017 ~~2016~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted after the 2016 regular ~~October 19 November 6, 2015, special~~ session are not repealed by the adoption and enactment of the Florida Statutes 2017 ~~2016~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2017 ~~2016~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/23/2017

Meeting Date

500

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S.
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 502

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 21, 2017

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------------|----------------|-----------|------------------|
| 1. Pollitz (DLRI) | Phelps | RC | Favorable |

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. A reviser's bill cannot be amended except to delete a bill section.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 102.031, 106.24, 120.595, 190.046, 212.08, 215.555, 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545, 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592, 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925, 402.3025, 409.9201, 413.207, 413.402, 440.185, 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83, 553.79, 571.24, 625.111, 627.0629, 627.42392, 627.6562, 627.7074, 633.216, 655.960, 744.20041, 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055, 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40, F.S.

II. Present Situation:

The Division of Law Revision and Information, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, and correct grammatical and typographical errors and the like are submitted every year.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 102.031, 106.24, 120.595, 190.046, 212.08, 215.555, 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545, 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592, 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925, 402.3025, 409.9201, 413.207, 413.402, 440.185, 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83, 553.79, 571.24, 625.111, 627.0629, 627.42392, 627.6562, 627.7074, 633.216, 655.960, 744.20041, 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055, 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40, F.S.

This bill creates the following sections of the Florida Statutes: None.

This bill repeals the following sections of the Florida Statutes: None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Benacquisto

27-00507-17

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A reviser's bill to be entitled

An act relating to the Florida Statutes; amending ss. 102.031, 106.24, 120.595, 190.046, 212.08, 215.555, 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545, 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592, 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925, 402.3025, 409.9201, 413.207, 413.402, 440.185, 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83, 553.79, 571.24, 625.111, 627.0629, 627.42392, 627.6562, 627.7074, 633.216, 655.960, 744.20041, 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055, 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

(4)

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(d) Except as provided in paragraph (a), the supervisor may not designate a no-solicitation zone or otherwise restrict access to any person, political committee, ~~committee of continuous existence~~, candidate, or other group or organization for the purposes of soliciting voters. This paragraph applies to any public or private property used as a polling place or early voting site.

Reviser's note.—Amended to conform to the deletion of committees of continuous existence in ch. 2013-37, Laws of Florida.

Section 2. Subsection (6) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(6) There is established in the State Treasury an Elections Commission Trust Fund to be used by the Florida Elections Commission in order to carry out its duties pursuant to ss. 106.24-106.28. The trust fund may also be used by the Secretary of State, pursuant to his or her authority under s. 97.012(15) ~~97.012(14)~~, to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.

Reviser's note.—Amended to correct a cross-reference. Section 1, ch. 2005-277, Laws of Florida, created a new s. 97.012(14) relating to fraud; s. 69 of that same law amended s. 106.24(6) to conform a cross-reference to the addition of the new s. 97.012(14). Section 1, ch. 2005-278, Laws of Florida, also created a new s. 97.012(14) relating to enforcement of the performance of duties or compliance of rules with respect to chapters 97 through 102 and 105, and

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61 that law did not amend s. 106.24. The new s. 97.012(14)
 62 added by s. 1, ch. 2005-277, was redesignated as s.
 63 97.012(15), and the cross-reference added by that law in s.
 64 106.24 was never updated to reflect the redesignation.
 65 Section 3. Paragraph (a) of subsection (4) of section
 66 120.595, Florida Statutes, is amended to read:
 67 120.595 Attorney's fees.—
 68 (4) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION
 69 120.56(4).—
 70 (a) If the appellate court or administrative law judge
 71 determines that all or part of an agency statement violates s.
 72 120.54(1)(a), or that the agency must immediately discontinue
 73 reliance on the statement and any substantially similar
 74 statement pursuant to s. 120.56(4)(f) ~~120.56(4)(e)~~, a judgment
 75 or order shall be entered against the agency for reasonable
 76 costs and reasonable attorney's fees, unless the agency
 77 demonstrates that the statement is required by the Federal
 78 Government to implement or retain a delegated or approved
 79 program or to meet a condition to receipt of federal funds.
 80 Reviser's note.—Amended to conform to the redesignation of s.
 81 120.56(4)(e) as s. 120.56(4)(f) by s. 3, ch. 2016-116, Laws
 82 of Florida.
 83 Section 4. Paragraph (a) of subsection (4) of section
 84 190.046, Florida Statutes, is amended to read:
 85 190.046 Termination, contraction, or expansion of
 86 district.—
 87 (4)(a) To achieve economies of scale, reduce costs to
 88 affected district residents and businesses in areas with
 89 multiple existing districts, and encourage the merger of

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90 multiple districts, up to five districts that were established
 91 by the same local general-purpose government and whose board
 92 memberships are composed entirely of qualified electors may
 93 merge into one surviving district through adoption of an
 94 ordinance by the local general-purpose government,
 95 notwithstanding the acreage limitations otherwise set forth for
 96 the establishment of a district in this chapter. The filing of a
 97 petition by the majority of the members of each ~~of the~~ district
 98 board of supervisors seeking to merge constitutes consent of the
 99 landowners within each applicable district.
 100 Reviser's note.—Amended to confirm the editorial deletion of the
 101 words "of the."
 102 Section 5. Paragraph (p) of subsection (5) of section
 103 212.08, Florida Statutes, is amended to read:
 104 212.08 Sales, rental, use, consumption, distribution, and
 105 storage tax; specified exemptions.—The sale at retail, the
 106 rental, the use, the consumption, the distribution, and the
 107 storage to be used or consumed in this state of the following
 108 are hereby specifically exempt from the tax imposed by this
 109 chapter.
 110 (5) EXEMPTIONS; ACCOUNT OF USE.—
 111 (p) *Community contribution tax credit for donations.*—
 112 1. Authorization.—Persons who are registered with the
 113 department under s. 212.18 to collect or remit sales or use tax
 114 and who make donations to eligible sponsors are eligible for tax
 115 credits against their state sales and use tax liabilities as
 116 provided in this paragraph:
 117 a. The credit shall be computed as 50 percent of the
 118 person's approved annual community contribution.

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119 b. The credit shall be granted as a refund against state
 120 sales and use taxes reported on returns and remitted in the 12
 121 months preceding the date of application to the department for
 122 the credit as required in sub-subparagraph 3.c. If the annual
 123 credit is not fully used through such refund because of
 124 insufficient tax payments during the applicable 12-month period,
 125 the unused amount may be included in an application for a refund
 126 made pursuant to sub-subparagraph 3.c. in subsequent years
 127 against the total tax payments made for such year. Carryover
 128 credits may be applied for a 3-year period without regard to any
 129 time limitation that would otherwise apply under s. 215.26.

130 c. A person may not receive more than \$200,000 in annual
 131 tax credits for all approved community contributions made in any
 132 one year.

133 d. All proposals for the granting of the tax credit require
 134 the prior approval of the Department of Economic Opportunity.

135 e. The total amount of tax credits which may be granted for
 136 all programs approved under this paragraph, s. 220.183, and s.
 137 624.5105 is \$18.4 million in the 2015-2016 fiscal year, \$21.4
 138 million in the 2016-2017 fiscal year, and \$21.4 million in the
 139 2017-2018 fiscal year for projects that provide housing
 140 opportunities for persons with special needs or homeownership
 141 opportunities for low-income households or very-low-income
 142 households and \$3.5 million annually for all other projects. As
 143 used in this paragraph, the term "person with special needs" has
 144 the same meaning as in s. 420.0004 and the terms "low-income
 145 person," "low-income household," "very-low-income person," and
 146 "very-low-income household" have the same meanings as in s.
 147 420.9071.

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148 f. A person who is eligible to receive the credit provided
 149 in this paragraph, s. 220.183, or s. 624.5105 may receive the
 150 credit only under one section of the person's choice.

151 2. Eligibility requirements.—

152 a. A community contribution by a person must be in the
 153 following form:

154 (I) Cash or other liquid assets;

155 (II) Real property, including 100 percent ownership of a
 156 real property holding company;

157 (III) Goods or inventory; or

158 (IV) Other physical resources identified by the Department
 159 of Economic Opportunity.

160
 161 For purposes of this ~~sub-subparagraph~~ subparagraph, the term
 162 "real property holding company" means a Florida entity, such as
 163 a Florida limited liability company, that is wholly owned by the
 164 person; is the sole owner of real property, as defined in s.
 165 192.001(12), located in the state; is disregarded as an entity
 166 for federal income tax purposes pursuant to 26 C.F.R. s.
 167 301.7701-3(b)(1)(ii); and at the time of contribution to an
 168 eligible sponsor, has no material assets other than the real
 169 property and any other property that qualifies as a community
 170 contribution.

171 b. All community contributions must be reserved exclusively
 172 for use in a project. As used in this sub-subparagraph, the term
 173 "project" means activity undertaken by an eligible sponsor which
 174 is designed to construct, improve, or substantially rehabilitate
 175 housing that is affordable to low-income households or very-low-
 176 income households; designed to provide housing opportunities for

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177 persons with special needs; designed to provide commercial,
 178 industrial, or public resources and facilities; or designed to
 179 improve entrepreneurial and job-development opportunities for
 180 low-income persons. A project may be the investment necessary to
 181 increase access to high-speed broadband capability in a rural
 182 community that had an enterprise zone designated pursuant to
 183 chapter 290 as of May 1, 2015, including projects that result in
 184 improvements to communications assets that are owned by a
 185 business. A project may include the provision of museum
 186 educational programs and materials that are directly related to
 187 a project approved between January 1, 1996, and December 31,
 188 1999, and located in an area which was in an enterprise zone
 189 designated pursuant to s. 290.0065 as of May 1, 2015. This
 190 paragraph does not preclude projects that propose to construct
 191 or rehabilitate housing for low-income households or very-low-
 192 income households on scattered sites or housing opportunities
 193 for persons with special needs. With respect to housing,
 194 contributions may be used to pay the following eligible special
 195 needs, low-income, and very-low-income housing-related
 196 activities:

- 197 (I) Project development impact and management fees for
- 198 special needs, low-income, or very-low-income housing projects;
- 199 (II) Down payment and closing costs for persons with
- 200 special needs, low-income persons, and very-low-income persons;
- 201 (III) Administrative costs, including housing counseling
- 202 and marketing fees, not to exceed 10 percent of the community
- 203 contribution, directly related to special needs, low-income, or
- 204 very-low-income projects; and
- 205 (IV) Removal of liens recorded against residential property

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206 by municipal, county, or special district local governments if
 207 satisfaction of the lien is a necessary precedent to the
 208 transfer of the property to a low-income person or very-low-
 209 income person for the purpose of promoting home ownership.
 210 Contributions for lien removal must be received from a
 211 nonrelated third party.

212 c. The project must be undertaken by an "eligible sponsor,"
 213 which includes:

- 214 (I) A community action program;
- 215 (II) A nonprofit community-based development organization
- 216 whose mission is the provision of housing for persons with
- 217 special needs, low-income households, or very-low-income
- 218 households or increasing entrepreneurial and job-development
- 219 opportunities for low-income persons;
- 220 (III) A neighborhood housing services corporation;
- 221 (IV) A local housing authority created under chapter 421;
- 222 (V) A community redevelopment agency created under s.
- 223 163.356;
- 224 (VI) A historic preservation district agency or
- 225 organization;
- 226 (VII) A local workforce development board;
- 227 (VIII) A direct-support organization as provided in s.
- 228 1009.983;
- 229 (IX) An enterprise zone development agency created under s.
- 230 290.0056;
- 231 (X) A community-based organization incorporated under
- 232 chapter 617 which is recognized as educational, charitable, or
- 233 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
- 234 and whose bylaws and articles of incorporation include

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235 affordable housing, economic development, or community
 236 development as the primary mission of the corporation;

237 (XI) Units of local government;

238 (XII) Units of state government; or

239 (XIII) Any other agency that the Department of Economic
 240 Opportunity designates by rule.

241

242 A contributing person may not have a financial interest in the
 243 eligible sponsor.

244 d. The project must be located in an area which was in an
 245 enterprise zone designated pursuant to chapter 290 as of May 1,
 246 2015, or a Front Porch Florida Community, unless the project
 247 increases access to high-speed broadband capability in a rural
 248 community that had an enterprise zone designated pursuant to
 249 chapter 290 as of May 1, 2015, but is physically located outside
 250 the designated rural zone boundaries. Any project designed to
 251 construct or rehabilitate housing for low-income households or
 252 very-low-income households or housing opportunities for persons
 253 with special needs is exempt from the area requirement of this
 254 sub-subparagraph.

255 e.(I) If, during the first 10 business days of the state
 256 fiscal year, eligible tax credit applications for projects that
 257 provide housing opportunities for persons with special needs or
 258 homeownership opportunities for low-income households or very-
 259 low-income households are received for less than the annual tax
 260 credits available for those projects, the Department of Economic
 261 Opportunity shall grant tax credits for those applications and
 262 grant remaining tax credits on a first-come, first-served basis
 263 for subsequent eligible applications received before the end of

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264 the state fiscal year. If, during the first 10 business days of
 265 the state fiscal year, eligible tax credit applications for
 266 projects that provide housing opportunities for persons with
 267 special needs or homeownership opportunities for low-income
 268 households or very-low-income households are received for more
 269 than the annual tax credits available for those projects, the
 270 Department of Economic Opportunity shall grant the tax credits
 271 for those applications as follows:

272 (A) If tax credit applications submitted for approved
 273 projects of an eligible sponsor do not exceed \$200,000 in total,
 274 the credits shall be granted in full if the tax credit
 275 applications are approved.

276 (B) If tax credit applications submitted for approved
 277 projects of an eligible sponsor exceed \$200,000 in total, the
 278 amount of tax credits granted pursuant to sub-sub-sub-
 279 subparagraph (A) shall be subtracted from the amount of
 280 available tax credits, and the remaining credits shall be
 281 granted to each approved tax credit application on a pro rata
 282 basis.

283 (II) If, during the first 10 business days of the state
 284 fiscal year, eligible tax credit applications for projects other
 285 than those that provide housing opportunities for persons with
 286 special needs or homeownership opportunities for low-income
 287 households or very-low-income households are received for less
 288 than the annual tax credits available for those projects, the
 289 Department of Economic Opportunity shall grant tax credits for
 290 those applications and shall grant remaining tax credits on a
 291 first-come, first-served basis for subsequent eligible
 292 applications received before the end of the state fiscal year.

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293 If, during the first 10 business days of the state fiscal year,
 294 eligible tax credit applications for projects other than those
 295 that provide housing opportunities for persons with special
 296 needs or homeownership opportunities for low-income households
 297 or very-low-income households are received for more than the
 298 annual tax credits available for those projects, the Department
 299 of Economic Opportunity shall grant the tax credits for those
 300 applications on a pro rata basis.

301 3. Application requirements.—

302 a. An eligible sponsor seeking to participate in this
 303 program must submit a proposal to the Department of Economic
 304 Opportunity which sets forth the name of the sponsor, a
 305 description of the project, and the area in which the project is
 306 located, together with such supporting information as is
 307 prescribed by rule. The proposal must also contain a resolution
 308 from the local governmental unit in which the project is located
 309 certifying that the project is consistent with local plans and
 310 regulations.

311 b. A person seeking to participate in this program must
 312 submit an application for tax credit to the Department of
 313 Economic Opportunity which sets forth the name of the sponsor, a
 314 description of the project, and the type, value, and purpose of
 315 the contribution. The sponsor shall verify, in writing, the
 316 terms of the application and indicate its receipt of the
 317 contribution, and such verification must accompany the
 318 application for tax credit. The person must submit a separate
 319 tax credit application to the Department of Economic Opportunity
 320 for each individual contribution that it makes to each
 321 individual project.

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322 c. A person who has received notification from the
 323 Department of Economic Opportunity that a tax credit has been
 324 approved must apply to the department to receive the refund.
 325 Application must be made on the form prescribed for claiming
 326 refunds of sales and use taxes and be accompanied by a copy of
 327 the notification. A person may submit only one application for
 328 refund to the department within a 12-month period.

329 4. Administration.—

330 a. The Department of Economic Opportunity may adopt rules
 331 necessary to administer this paragraph, including rules for the
 332 approval or disapproval of proposals by a person.

333 b. The decision of the Department of Economic Opportunity
 334 must be in writing, and, if approved, the notification shall
 335 state the maximum credit allowable to the person. Upon approval,
 336 the Department of Economic Opportunity shall transmit a copy of
 337 the decision to the department.

338 c. The Department of Economic Opportunity shall
 339 periodically monitor all projects in a manner consistent with
 340 available resources to ensure that resources are used in
 341 accordance with this paragraph; however, each project must be
 342 reviewed at least once every 2 years.

343 d. The Department of Economic Opportunity shall, in
 344 consultation with the statewide and regional housing and
 345 financial intermediaries, market the availability of the
 346 community contribution tax credit program to community-based
 347 organizations.

348 5. Expiration.—This paragraph expires June 30, 2018;
 349 however, any accrued credit carryover that is unused on that
 350 date may be used until the expiration of the 3-year carryover

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351 period for such credit.

352 Reviser's note.—Amended to conform to context. Section

353 212.08(5)(p)2.a., specifically, uses the term "real

354 property holding company." The term does not appear

355 elsewhere in s. 212.08(5)(p)2.

356 Section 6. Subsection (16) of section 215.555, Florida

357 Statutes, is repealed.

358 Reviser's note.—Amended to repeal an obsolete provision. The

359 cited subsection relates to a temporary increase in

360 coverage limit options from the Florida Hurricane

361 Catastrophe Fund applicable only to the 2007, 2008, 2009,

362 2010, 2011, 2012, and 2013 hurricane seasons.

363 Section 7. Subsection (2) of section 215.619, Florida

364 Statutes, is amended to read:

365 215.619 Bonds for Everglades restoration.—

366 (2) The state covenants with the holders of Everglades

367 restoration bonds that it will not take any action that will

368 materially and adversely affect the rights of the holders so

369 long as the bonds are outstanding, including, but not limited

370 to, a reduction in the portion of documentary stamp taxes

371 distributable under s. 201.15 ~~205.15~~ for payment of debt service

372 on Florida Forever bonds or Everglades restoration bonds.

373 Reviser's note.—Amended to correct a cross-reference. Section

374 205.15 was repealed by s. 2, ch. 67-433, Laws of Florida;

375 s. 201.15 deals with distribution of taxes collected,

376 including documentary stamp taxes.

377 Section 8. Paragraph (a) of subsection (2) of section

378 215.985, Florida Statutes, is amended to read:

379 215.985 Transparency in government spending.—

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

381 (a) "Committee" means the Legislative Auditing Committee

382 ~~created in s. 11.40.~~

383 Reviser's note.—Amended to conform to the fact that s. 11.40 was

384 amended by s. 12, ch. 2011-34, Laws of Florida, to remove

385 the language that provided for the creation of the

386 Legislative Auditing Committee.

387 Section 9. Paragraph (c) of subsection (9) of section

388 253.034, Florida Statutes, is amended to read:

389 253.034 State-owned lands; uses.—

390 (9) The following additional uses of conservation lands

391 acquired pursuant to the Florida Forever program and other

392 state-funded conservation land purchase programs shall be

393 authorized, upon a finding by the board of trustees, if they

394 meet the criteria specified in paragraphs (a)-(e): water

395 resource development projects, water supply development

396 projects, stormwater management projects, linear facilities, and

397 sustainable agriculture and forestry. Such additional uses are

398 authorized if:

399 (c) The use is appropriately located on such lands and ~~if~~

400 due consideration is given to the use of other available lands;

401

402 A decision by the board of trustees pursuant to this section

403 shall be given a presumption of correctness. Moneys received

404 from the use of state lands pursuant to this section shall be

405 returned to the lead managing entity in accordance with s.

406 259.032(9)(c).

407 Reviser's note.—Amended to confirm the editorial deletion of the

408 word "if."

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409 Section 10. Subsection (4) of section 288.9936, Florida
 410 Statutes, is amended to read:

411 288.9936 Annual report of the Microfinance Loan Program.—

412 ~~(4) The Office of Program Policy Analysis and Government~~
 413 ~~Accountability shall conduct a study to evaluate the~~
 414 ~~effectiveness and the Office of Economic and Demographic~~
 415 ~~Research shall conduct a study to evaluate the return on~~
 416 ~~investment of the State Small Business Credit Initiative~~
 417 ~~operated in this state pursuant to 12 U.S.C. ss. 5701 et seq.~~
 418 ~~The offices shall each submit a report to the President of the~~
 419 ~~Senate and the Speaker of the House of Representatives by~~
 420 ~~January 1, 2015.~~

421 Reviser's note.—Amended to delete a provision that has served
 422 its purpose. Office of Program Policy Analysis and
 423 Government Accountability Report No. 15-02 and the Office
 424 of Economic and Demographic Research's "Evaluation of the
 425 State Small Business Credit Initiative" were submitted and
 426 appear online.

427 Section 11. Subsection (55) of section 316.003, Florida
 428 Statutes, is amended to read:

429 316.003 Definitions.—The following words and phrases, when
 430 used in this chapter, shall have the meanings respectively
 431 ascribed to them in this section, except where the context
 432 otherwise requires:

433 (55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided
 434 in paragraph (77)(b) ~~(75)(b)~~, any privately owned way or place
 435 used for vehicular travel by the owner and those having express
 436 or implied permission from the owner, but not by other persons.

437 Reviser's note.—Amended to confirm the editorial substitution of

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438 a reference to paragraph (77)(b) for a reference to
 439 paragraph (75)(b) to conform to the renumbering of subunits
 440 by s. 5, ch. 2016-239, Laws of Florida, and the addition of
 441 subunits by s. 1, ch. 2016-115, Laws of Florida, and s. 3,
 442 ch. 2016-181, Laws of Florida.

443 Section 12. Paragraph (b) of subsection (2) of section
 444 316.545, Florida Statutes, is amended to read:

445 316.545 Weight and load unlawful; special fuel and motor
 446 fuel tax enforcement; inspection; penalty; review.—

447 (2)

448 (b) The officer or inspector shall inspect the license
 449 plate or registration certificate of the commercial vehicle to
 450 determine whether its gross weight is in compliance with the
 451 declared gross vehicle weight. If its gross weight exceeds the
 452 declared weight, the penalty shall be 5 cents per pound on the
 453 difference between such weights. In those cases when the
 454 commercial vehicle is being operated over the highways of the
 455 state with an expired registration or with no registration from
 456 this or any other jurisdiction or is not registered under the
 457 applicable provisions of chapter 320, the penalty herein shall
 458 apply on the basis of 5 cents per pound on that scaled weight
 459 which exceeds 35,000 pounds on laden truck tractor-semitrailer
 460 combinations or tandem trailer truck combinations, 10,000 pounds
 461 on laden straight trucks or straight truck-trailer combinations,
 462 or 10,000 pounds on any unladen commercial motor vehicle. A
 463 driver of a commercial motor vehicle entering the state at a
 464 designated port-of-entry location, as defined in s. 316.003(54)
 465 ~~316.003(94)~~, or operating on designated routes to a port-of-
 466 entry location, who obtains a temporary registration permit

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467 shall be assessed a penalty limited to the difference between
 468 its gross weight and the declared gross vehicle weight at 5
 469 cents per pound. If the license plate or registration has not
 470 been expired for more than 90 days, the penalty imposed under
 471 this paragraph may not exceed \$1,000. In the case of special
 472 mobile equipment, which qualifies for the license tax provided
 473 for in s. 320.08(5)(b), being operated on the highways of the
 474 state with an expired registration or otherwise not properly
 475 registered under the applicable provisions of chapter 320, a
 476 penalty of \$75 shall apply in addition to any other penalty
 477 which may apply in accordance with this chapter. A vehicle found
 478 in violation of this section may be detained until the owner or
 479 operator produces evidence that the vehicle has been properly
 480 registered. Any costs incurred by the retention of the vehicle
 481 shall be the sole responsibility of the owner. A person who has
 482 been assessed a penalty pursuant to this paragraph for failure
 483 to have a valid vehicle registration certificate pursuant to the
 484 provisions of chapter 320 is not subject to the delinquent fee
 485 authorized in s. 320.07 if such person obtains a valid
 486 registration certificate within 10 working days after such
 487 penalty was assessed.
 488 Reviser's note.—Amended to confirm the editorial substitution of
 489 a reference to s. 316.003(54) for a reference to s.
 490 316.003(94) to conform to the renumbering of subunits
 491 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,
 492 and the addition of subunits by s. 1, ch. 2016-115, Laws of
 493 Florida, and s. 3, ch. 2016-181, Laws of Florida.
 494 Section 13. Paragraph (a) of subsection (2) of section
 495 316.613, Florida Statutes, is amended to read:

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496 316.613 Child restraint requirements.—
 497 (2) As used in this section, the term "motor vehicle" means
 498 a motor vehicle as defined in s. 316.003 that is operated on the
 499 roadways, streets, and highways of the state. The term does not
 500 include:
 501 (a) A school bus as defined in s. 316.003(68) ~~316.003(66)~~.
 502 Reviser's note.—Amended to confirm the editorial substitution of
 503 a reference to s. 316.003(68) for a reference to s.
 504 316.003(66) to conform to the renumbering of subunits
 505 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,
 506 and the addition of subunits by s. 1, ch. 2016-115, Laws of
 507 Florida, and s. 3, ch. 2016-181, Laws of Florida.
 508 Section 14. Section 320.08, Florida Statutes, is amended to
 509 read:
 510 320.08 License taxes.—Except as otherwise provided herein,
 511 there are hereby levied and imposed annual license taxes for the
 512 operation of motor vehicles, mopeds, motorized bicycles as
 513 defined in s. 316.003(3) ~~316.003(2)~~, tri-vehicles as defined in
 514 s. 316.003, and mobile homes as defined in s. 320.01, which
 515 shall be paid to and collected by the department or its agent
 516 upon the registration or renewal of registration of the
 517 following:
 518 (1) MOTORCYCLES AND MOPEDS.—
 519 (a) Any motorcycle: \$10 flat.
 520 (b) Any moped: \$5 flat.
 521 (c) Upon registration of a motorcycle, motor-driven cycle,
 522 or moped, in addition to the license taxes specified in this
 523 subsection, a nonrefundable motorcycle safety education fee in
 524 the amount of \$2.50 shall be paid. The proceeds of such

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525 additional fee shall be deposited in the Highway Safety
 526 Operating Trust Fund to fund a motorcycle driver improvement
 527 program implemented pursuant to s. 322.025, the Florida
 528 Motorcycle Safety Education Program established in s. 322.0255,
 529 or the general operations of the department.

530 (d) An ancient or antique motorcycle: \$7.50 flat, of which
 531 \$2.50 shall be deposited into the General Revenue Fund.

532 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

533 (a) An ancient or antique automobile, as defined in s.
 534 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

535 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

536 (c) Net weight of 2,500 pounds or more, but less than 3,500
 537 pounds: \$22.50 flat.

538 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

539 (3) TRUCKS.—

540 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

541 (b) Net weight of 2,000 pounds or more, but not more than
 542 3,000 pounds: \$22.50 flat.

543 (c) Net weight more than 3,000 pounds, but not more than
 544 5,000 pounds: \$32.50 flat.

545 (d) A truck defined as a "goat," or other vehicle if used
 546 in the field by a farmer or in the woods for the purpose of
 547 harvesting a crop, including naval stores, during such
 548 harvesting operations, and which is not principally operated
 549 upon the roads of the state: \$7.50 flat. The term "goat" means a
 550 motor vehicle designed, constructed, and used principally for
 551 the transportation of citrus fruit within citrus groves or for
 552 the transportation of crops on farms, and which can also be used
 553 for hauling associated equipment or supplies, including required

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554 sanitary equipment, and the towing of farm trailers.

555 (e) An ancient or antique truck, as defined in s. 320.086:
 556 \$7.50 flat.

557 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 558 VEHICLE WEIGHT.—

559 (a) Gross vehicle weight of 5,001 pounds or more, but less
 560 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
 561 deposited into the General Revenue Fund.

562 (b) Gross vehicle weight of 6,000 pounds or more, but less
 563 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
 564 deposited into the General Revenue Fund.

565 (c) Gross vehicle weight of 8,000 pounds or more, but less
 566 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
 567 into the General Revenue Fund.

568 (d) Gross vehicle weight of 10,000 pounds or more, but less
 569 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 570 into the General Revenue Fund.

571 (e) Gross vehicle weight of 15,000 pounds or more, but less
 572 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 573 into the General Revenue Fund.

574 (f) Gross vehicle weight of 20,000 pounds or more, but less
 575 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited
 576 into the General Revenue Fund.

577 (g) Gross vehicle weight of 26,001 pounds or more, but less
 578 than 35,000: \$324 flat, of which \$84 shall be deposited into the
 579 General Revenue Fund.

580 (h) Gross vehicle weight of 35,000 pounds or more, but less
 581 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 582 into the General Revenue Fund.

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583 (i) Gross vehicle weight of 44,000 pounds or more, but less
 584 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited
 585 into the General Revenue Fund.

586 (j) Gross vehicle weight of 55,000 pounds or more, but less
 587 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited
 588 into the General Revenue Fund.

589 (k) Gross vehicle weight of 62,000 pounds or more, but less
 590 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 591 deposited into the General Revenue Fund.

592 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
 593 flat, of which \$343 shall be deposited into the General Revenue
 594 Fund.

595 (m) Notwithstanding the declared gross vehicle weight, a
 596 truck tractor used within a 150-mile radius of its home address
 597 is eligible for a license plate for a fee of \$324 flat if:

598 1. The truck tractor is used exclusively for hauling
 599 forestry products; or

600 2. The truck tractor is used primarily for the hauling of
 601 forestry products, and is also used for the hauling of
 602 associated forestry harvesting equipment used by the owner of
 603 the truck tractor.

604 Of the fee imposed by this paragraph, \$84 shall be deposited
 605 into the General Revenue Fund.

606 (n) A truck tractor or heavy truck, not operated as a for-
 607 hire vehicle, which is engaged exclusively in transporting raw,
 608 unprocessed, and nonmanufactured agricultural or horticultural
 609 products within a 150-mile radius of its home address, is
 610 eligible for a restricted license plate for a fee of:
 611

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612 1. If such vehicle's declared gross vehicle weight is less
 613 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 614 deposited into the General Revenue Fund.

615 2. If such vehicle's declared gross vehicle weight is
 616 44,000 pounds or more and such vehicle only transports from the
 617 point of production to the point of primary manufacture; to the
 618 point of assembling the same; or to a shipping point of a rail,
 619 water, or motor transportation company, \$324 flat, of which \$84
 620 shall be deposited into the General Revenue Fund.

621 Such not-for-hire truck tractors and heavy trucks used
 622 exclusively in transporting raw, unprocessed, and
 623 nonmanufactured agricultural or horticultural products may be
 624 incidentally used to haul farm implements and fertilizers
 625 delivered direct to the growers. The department may require any
 626 documentation deemed necessary to determine eligibility prior to
 627 issuance of this license plate. For the purpose of this
 628 paragraph, "not-for-hire" means the owner of the motor vehicle
 629 must also be the owner of the raw, unprocessed, and
 630 nonmanufactured agricultural or horticultural product, or the
 631 user of the farm implements and fertilizer being delivered.

632 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 633 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

634 (a)1. A semitrailer drawn by a GVW truck tractor by means
 635 of a fifth-wheel arrangement: \$13.50 flat per registration year
 636 or any part thereof, of which \$3.50 shall be deposited into the
 637 General Revenue Fund.

638 2. A semitrailer drawn by a GVW truck tractor by means of a
 639 fifth-wheel arrangement: \$68 flat per permanent registration, of
 640

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which \$18 shall be deposited into the General Revenue Fund.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: \$44 flat, of which \$11.50 shall be deposited into the General Revenue Fund.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat, of which \$31 shall be deposited into the General Revenue Fund.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$177 flat, of which \$46 shall be deposited into the General Revenue Fund.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$251 flat, of which \$65 shall be deposited into the General Revenue Fund.

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4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat, of which \$105 shall be deposited into the General Revenue Fund.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$772 flat, of which \$200 shall be deposited into the General Revenue Fund.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$915 flat, of which \$237 shall be deposited into the General Revenue Fund.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$1,080 flat, of which \$280 shall be deposited into the General Revenue Fund.

9. Gross vehicle weight of 72,000 pounds or more: \$1,322 flat, of which \$343 shall be deposited into the General Revenue Fund.

(f) A hearse or ambulance: \$40.50 flat, of which \$10.50 shall be deposited into the General Revenue Fund.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Nine passengers and over: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

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699 (7) TRAILERS FOR PRIVATE USE.—

700 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per
701 year or any part thereof, of which \$1.75 shall be deposited into
702 the General Revenue Fund.

703 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
704 shall be deposited into the General Revenue Fund; plus \$1 per
705 cwt, of which 25 cents shall be deposited into the General
706 Revenue Fund.

707 (8) TRAILERS FOR HIRE.—

708 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
709 shall be deposited into the General Revenue Fund; plus \$1.50 per
710 cwt, of which 50 cents shall be deposited into the General
711 Revenue Fund.

712 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
713 \$3.50 shall be deposited into the General Revenue Fund; plus
714 \$1.50 per cwt, of which 50 cents shall be deposited into the
715 General Revenue Fund.

716 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

717 (a) A travel trailer or fifth-wheel trailer, as defined by
718 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
719 flat, of which \$7 shall be deposited into the General Revenue
720 Fund.

721 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
722 \$13.50 flat, of which \$3.50 shall be deposited into the General
723 Revenue Fund.

724 (c) A motor home, as defined by s. 320.01(1)(b)4.:

725 1. Net weight of less than 4,500 pounds: \$27 flat, of which
726 \$7 shall be deposited into the General Revenue Fund.

727 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

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728 which \$12.25 shall be deposited into the General Revenue Fund.

729 (d) A truck camper as defined by s. 320.01(1)(b)3.:

730 1. Net weight of less than 4,500 pounds: \$27 flat, of which
731 \$7 shall be deposited into the General Revenue Fund.

732 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
733 which \$12.25 shall be deposited into the General Revenue Fund.

734 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

735 1. Net weight of less than 4,500 pounds: \$27 flat, of which
736 \$7 shall be deposited into the General Revenue Fund.

737 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
738 which \$12.25 shall be deposited into the General Revenue Fund.

739 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
740 35 FEET TO 40 FEET.—

741 (a) Park trailers.—Any park trailer, as defined in s.
742 320.01(1)(b)7.: \$25 flat.

743 (b) A travel trailer or fifth-wheel trailer, as defined in
744 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

745 (11) MOBILE HOMES.—

746 (a) A mobile home not exceeding 35 feet in length: \$20
747 flat.

748 (b) A mobile home over 35 feet in length, but not exceeding
749 40 feet: \$25 flat.

750 (c) A mobile home over 40 feet in length, but not exceeding
751 45 feet: \$30 flat.

752 (d) A mobile home over 45 feet in length, but not exceeding
753 50 feet: \$35 flat.

754 (e) A mobile home over 50 feet in length, but not exceeding
755 55 feet: \$40 flat.

756 (f) A mobile home over 55 feet in length, but not exceeding

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757 60 feet: \$45 flat.

758 (g) A mobile home over 60 feet in length, but not exceeding
759 65 feet: \$50 flat.

760 (h) A mobile home over 65 feet in length: \$80 flat.

761 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
762 motor vehicle dealer, independent motor vehicle dealer, marine
763 boat trailer dealer, or mobile home dealer and manufacturer
764 license plate: \$17 flat, of which \$4.50 shall be deposited into
765 the General Revenue Fund.

766 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
767 official license plate: \$4 flat, of which \$1 shall be deposited
768 into the General Revenue Fund.

769 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
770 vehicle for hire operated wholly within a city or within 25
771 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
772 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
773 shall be deposited into the General Revenue Fund.

774 (15) TRANSPORTER.—Any transporter license plate issued to a
775 transporter pursuant to s. 320.133: \$101.25 flat, of which
776 \$26.25 shall be deposited into the General Revenue Fund.

777 Reviser's note.—Amended to conform to the redesignation of s.
778 316.003(2) as s. 316.003(3) to conform to the reordering of
779 subunits by s. 5, ch. 2016-239, Laws of Florida.

780 Section 15. Paragraph (b) of subsection (2) of section
781 322.121, Florida Statutes, is amended to read:

782 322.121 Periodic reexamination of all drivers.—

783 (2) For each licensee whose driving record does not show
784 any revocations, disqualifications, or suspensions for the
785 preceding 7 years or any convictions for the preceding 3 years

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786 except for convictions of the following nonmoving violations:

787 (b) Failure to renew a motor vehicle or mobile home
788 registration that has been expired for 6 4 months or less
789 pursuant to s. 320.07(3)(a);

790
791 the department shall cause such licensee's license to be
792 prominently marked with the notation "Safe Driver."

793 Reviser's note.—Amended to conform to the fact that s. 7, ch.

794 97-300, Laws of Florida, amended s. 320.07(3)(a) to change
795 the expiration period from 4 months or less to 6 months or
796 less.

797 Section 16. Subsection (7) of section 373.042, Florida
798 Statutes, is amended to read:

799 373.042 Minimum flows and minimum water levels.—

800 (7) If a petition for administrative hearing is filed under
801 chapter 120 challenging the establishment of a minimum flow or
802 minimum water level, the report of an independent scientific
803 peer review conducted under subsection (6) ~~(5)~~ is admissible as
804 evidence in the final hearing, and the administrative law judge
805 must render the order within 120 days after the filing of the
806 petition. The time limit for rendering the order shall not be
807 extended except by agreement of all the parties. To the extent
808 that the parties agree to the findings of the peer review, they
809 may stipulate that those findings be incorporated as findings of
810 fact in the final order.

811 Reviser's note.—Amended to correct a cross-reference. Subsection

812 (5) relates to provision of technical information and staff
813 support and rulemaking; subsection (6) references
814 independent scientific peer review.

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815 Section 17. Paragraph (d) of subsection (19) of section
 816 373.414, Florida Statutes, is amended to read:
 817 373.414 Additional criteria for activities in surface
 818 waters and wetlands.—
 819 (19)
 820 (d) Nothing provided in this subsection supersedes or
 821 modifies the financial responsibility requirements of s. 378.208
 822 ~~378.209~~.
 823 Reviser's note.—Amended to correct a cross-reference. Section
 824 378.209 relates to timing of reclamation; s. 378.208
 825 relates to financial responsibility.
 826 Section 18. Paragraph (d) of subsection (3) and paragraph
 827 (e) of subsection (4) of section 373.4592, Florida Statutes, are
 828 amended to read:
 829 373.4592 Everglades improvement and management.—
 830 (3) EVERGLADES LONG-TERM PLAN.—
 831 ~~(d) The Legislature intends that a review of this act at~~
 832 ~~least 10 years after implementation of the Long-Term Plan is~~
 833 ~~appropriate and necessary to the public interest. The review is~~
 834 ~~the best way to ensure that the Everglades Protection Area is~~
 835 ~~achieving state water quality standards, including phosphorus~~
 836 ~~reduction, and the Long-Term Plan is using the best technology~~
 837 ~~available.~~
 838 (4) EVERGLADES PROGRAM.—
 839 (e) *Evaluation of water quality standards.*—
 840 1. The department and the district shall employ all means
 841 practicable to complete by December 31, 1998, any additional
 842 research necessary to:
 843 a. Numerically interpret for phosphorus the Class III

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844 narrative nutrient criterion necessary to meet water quality
 845 standards in the Everglades Protection Area; and
 846 b. Evaluate existing water quality standards applicable to
 847 the Everglades Protection Area and EAA canals.
 848 2. In no case shall such phosphorus criterion allow waters
 849 in the Everglades Protection Area to be altered so as to cause
 850 an imbalance in the natural populations of aquatic flora or
 851 fauna. The phosphorus criterion shall be 10 parts per billion
 852 (ppb) in the Everglades Protection Area in the event the
 853 department does not adopt by rule such criterion by December 31,
 854 2003. However, in the event the department fails to adopt a
 855 phosphorus criterion on or before December 31, 2002, any person
 856 whose substantial interests would be affected by the rulemaking
 857 shall have the right, on or before February 28, 2003, to
 858 petition for a writ of mandamus to compel the department to
 859 adopt by rule such criterion. Venue for the mandamus action must
 860 be Leon County. The court may stay implementation of the 10
 861 parts per billion (ppb) criterion during the pendency of the
 862 mandamus proceeding upon a demonstration by the petitioner of
 863 irreparable harm in the absence of such relief. The department's
 864 phosphorus criterion, whenever adopted, shall supersede the 10
 865 parts per billion (ppb) criterion otherwise established by this
 866 section, but shall not be lower than the natural conditions of
 867 the Everglades Protection Area and shall take into account
 868 spatial and temporal variability. The department's rule adopting
 869 a phosphorus criterion may include moderating provisions during
 870 the implementation of the initial phase of the Long-Term Plan
 871 authorizing discharges based upon BAPRT providing net
 872 improvement to impacted areas. Discharges to unimpacted areas

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873 may also be authorized by moderating provisions, which shall
 874 require BAPRT, and which must be based upon a determination by
 875 the department that the environmental benefits of the discharge
 876 clearly outweigh potential adverse impacts and otherwise comply
 877 with antidegradation requirements. Moderating provisions
 878 authorized by this section shall not extend beyond December 2016
 879 unless further authorized by the Legislature ~~pursuant to~~
 880 ~~paragraph (3)(d).~~

881 3. The department shall use the best available information
 882 to define relationships between waters discharged to, and the
 883 resulting water quality in, the Everglades Protection Area. The
 884 department or the district shall use these relationships to
 885 establish discharge limits in permits for discharges into the
 886 EAA canals and the Everglades Protection Area necessary to
 887 prevent an imbalance in the natural populations of aquatic flora
 888 or fauna in the Everglades Protection Area, and to provide a net
 889 improvement in the areas already impacted. During the
 890 implementation of the initial phase of the Long-Term Plan,
 891 permits issued by the department shall be based on BAPRT and
 892 shall include technology-based effluent limitations consistent
 893 with the Long-Term Plan. Compliance with the phosphorus
 894 criterion shall be based upon a long-term geometric mean of
 895 concentration levels to be measured at sampling stations
 896 recognized from the research to be reasonably representative of
 897 receiving waters in the Everglades Protection Area, and so
 898 located so as to assure that the Everglades Protection Area is
 899 not altered so as to cause an imbalance in natural populations
 900 of aquatic flora and fauna and to assure a net improvement in
 901 the areas already impacted. For the Everglades National Park and

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902 the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the
 903 method for measuring compliance with the phosphorus criterion
 904 shall be in a manner consistent with Appendices A and B,
 905 respectively, of the settlement agreement dated July 26, 1991,
 906 entered in case No. 88-1886-Civ-Hoeveler, United States District
 907 Court for the Southern District of Florida, that recognizes and
 908 provides for incorporation of relevant research.

909 4. The department's evaluation of any other water quality
 910 standards must include the department's antidegradation
 911 standards and EAA canal classifications. In recognition of the
 912 special nature of the conveyance canals of the EAA, as a
 913 component of the classification process, the department is
 914 directed to formally recognize by rulemaking existing actual
 915 beneficial uses of the conveyance canals in the EAA. This shall
 916 include recognition of the Class III designated uses of
 917 recreation, propagation and maintenance of a healthy, well-
 918 balanced population of fish and wildlife, the integrated water
 919 management purposes for which the Central and Southern Florida
 920 Flood Control Project was constructed, flood control, conveyance
 921 of water to and from Lake Okeechobee for urban and agricultural
 922 water supply, Everglades hydroperiod restoration, conveyance of
 923 water to the STAs, and navigation.

924 Reviser's note.—Paragraph (3)(d) is amended to delete a
 925 provision that has served its purpose. Section 1, ch. 2013-
 926 59, Laws of Florida, amended s. 373.4592, the Everglades
 927 Forever Act, based on results of the review 10 years after
 928 the long-term plan was implemented per substantive
 929 committee staff. Paragraph (4)(e) is amended to delete a
 930 reference to paragraph (3)(d).

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931 Section 19. Paragraph (a) of subsection (6) of section
 932 373.707, Florida Statutes, is amended to read:
 933 373.707 Alternative water supply development.—
 934 (6) (a) If state funds are provided through specific
 935 appropriation or pursuant to the Water Protection and
 936 Sustainability Program, such funds serve to supplement existing
 937 water management district or basin board funding for alternative
 938 water supply development assistance and should not result in a
 939 reduction of such funding. For each project identified in the
 940 annual funding plans prepared pursuant to s. 373.536(6)(a)4.,
 941 the water management districts shall include in the annual
 942 tentative and adopted budget submittals required under this
 943 chapter the amount of funds allocated for water resource
 944 development that supports alternative water supply development
 945 and the funds allocated for alternative water supply projects.
 946 It shall be the goal of each water management district and basin
 947 boards that the combined funds allocated annually for these
 948 purposes be, at a minimum, the equivalent of 100 percent of the
 949 state funding provided to the water management district for
 950 alternative water supply development. If this goal is not
 951 achieved, the water management district shall provide in the
 952 budget submittal an explanation of the reasons or constraints
 953 that prevent this goal from being met and, an explanation of how
 954 the goal will be met in future years, and affirmation of match
 955 is required during the budget review process as established
 956 under s. 373.536(5). The Suwannee River Water Management
 957 District and the Northwest Florida Water Management District
 958 shall not be required to meet the match requirements of this
 959 paragraph; however, they shall try to achieve the match

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960 requirement to the greatest extent practicable.
 961 Reviser's note.—Amended to facilitate correct interpretation.
 962 Section 20. Paragraph (b) of subsection (12) of section
 963 376.3071, Florida Statutes, is amended to read:
 964 376.3071 Inland Protection Trust Fund; creation; purposes;
 965 funding.—
 966 (12) SITE CLEANUP.—
 967 (b) *Low-scored site initiative*.—Notwithstanding subsections
 968 (5) and (6), a site with a priority ranking score of 29 points
 969 or less may voluntarily participate in the low-scored site
 970 initiative regardless of whether the site is eligible for state
 971 restoration funding.
 972 1. To participate in the low-scored site initiative, the
 973 property owner, or a responsible party who provides evidence of
 974 authorization from the property owner, must submit a "No Further
 975 Action" proposal and affirmatively demonstrate that the
 976 conditions imposed under subparagraph 4. are met.
 977 2. Upon affirmative demonstration that the conditions
 978 imposed under subparagraph 4. are met, the department shall
 979 issue a site rehabilitation completion order incorporating the
 980 "No Further Action" proposal submitted by the property owner or
 981 the responsible party, who must provide evidence of
 982 authorization from the property owner. If no contamination is
 983 detected, the department may issue a site rehabilitation
 984 completion order.
 985 3. Sites that are eligible for state restoration funding
 986 may receive payment of costs for the low-scored site initiative
 987 as follows:
 988 a. A property owner, or a responsible party who provides

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evidence of authorization from the property owner, may submit an assessment and limited remediation plan designed to affirmatively demonstrate that the site meets the conditions imposed under subparagraph 4. Notwithstanding the priority ranking score of the site, the department may approve the cost of the assessment and limited remediation, including up to 12 months of groundwater monitoring and 12 months of limited remediation activities in one or more task assignments or modifications thereof, not to exceed the threshold amount provided in s. 287.017 for CATEGORY TWO, for each site where the department has determined that the assessment and limited remediation, if applicable, will likely result in a determination of "No Further Action." The department may not pay the costs associated with the establishment of institutional or engineering controls other than the costs associated with a professional land survey or a specific purpose survey, if such is needed, and the costs associated with obtaining a title report and paying recording fees.

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

c. The assessment and limited remediation work shall be completed no later than 15 months after the department authorizes the start of a state-funded, low-score site initiative task. If groundwater monitoring is required after the assessment and limited remediation in order to satisfy the

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conditions under subparagraph 4., the department may authorize an additional 12 months to complete the monitoring.

d. No more than \$15 million for the low-scored site initiative may be encumbered from the fund in any fiscal year. Funds shall be made available on a first-come, first-served basis and shall be limited to 10 sites in each fiscal year for each property owner or each responsible party who provides evidence of authorization from the property owner.

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

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

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

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

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

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

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1047 (I) Is confined to the source property boundaries of the
 1048 real property on which the discharge originated, unless the
 1049 property owner has requested or authorized a more limited area
 1050 in the "No Further Action" proposal submitted under this
 1051 subsection; or

1052 (II) Has migrated from the source property onto or beneath
 1053 a transportation facility as defined in s. 334.03(30) for which
 1054 the department has approved, and the governmental entity owning
 1055 the transportation facility has agreed to institutional controls
 1056 as defined in s. 376.301(22) ~~376.301(21)~~. This sub-sub-
 1057 subparagraph does not, however, impose any legal liability on
 1058 the transportation facility owner, obligate such owner to engage
 1059 in remediation, or waive such owner's right to recover costs for
 1060 damages.

1061 e. The groundwater contamination containing the petroleum
 1062 products' chemicals of concern is not a threat to any permitted
 1063 potable water supply well.

1064 f. Soils onsite found between land surface and 2 feet below
 1065 land surface which are subject to human exposure meet the soil
 1066 cleanup target levels established in subparagraph (5)(b)9., or
 1067 human exposure is limited by appropriate institutional or
 1068 engineering controls.

1069 Issuance of a site rehabilitation completion order under this
 1070 paragraph acknowledges that minimal contamination exists onsite
 1071 and that such contamination is not a threat to the public
 1072 health, safety, or welfare; water resources; or the environment.
 1073 Pursuant to subsection (4), the issuance of the site
 1074 rehabilitation completion order, with or without conditions,
 1075

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1076 does not alter eligibility for state-funded rehabilitation that
 1077 would otherwise be applicable under this section.

1078 Reviser's note.—Amended to confirm the editorial insertion of
 1079 the word "in" and the editorial substitution of a reference
 1080 to s. 376.301(22) for a reference to s. 376.301(21) to
 1081 conform to the redesignation of subunits by s. 1, ch. 2016-
 1082 184, Laws of Florida.

1083 Section 21. Paragraph (c) of subsection (1) of section
 1084 393.18, Florida Statutes, is amended to read:

1085 393.18 Comprehensive transitional education program.—A
 1086 comprehensive transitional education program serves individuals
 1087 who have developmental disabilities, severe maladaptive
 1088 behaviors, severe maladaptive behaviors and co-occurring complex
 1089 medical conditions, or a dual diagnosis of developmental
 1090 disability and mental illness. Services provided by the program
 1091 must be temporary in nature and delivered in a manner designed
 1092 to achieve the primary goal of incorporating the principles of
 1093 self-determination and person-centered planning to transition
 1094 individuals to the most appropriate, least restrictive community
 1095 living option of their choice which is not operated as a
 1096 comprehensive transitional education program. The supervisor of
 1097 the clinical director of the program licensee must hold a
 1098 doctorate degree with a primary focus in behavior analysis from
 1099 an accredited university, be a certified behavior analyst
 1100 pursuant to s. 393.17, and have at least 1 year of experience in
 1101 providing behavior analysis services for individuals in
 1102 developmental disabilities. The staff must include behavior
 1103 analysts and teachers, as appropriate, who must be available to
 1104 provide services in each component center or unit of the

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1105 program. A behavior analyst must be certified pursuant to s.
1106 393.17.

1107 (1) Comprehensive transitional education programs must
1108 include the following components:

1109 (c) *Transition.*—This component provides educational
1110 programs and any support services, training, and care that are
1111 needed to avoid regression to more restrictive environments
1112 while preparing individuals ~~them~~ for more independent living.
1113 Continuous-shift staff are ~~be~~ required for this component.

1114 Reviser's note.—Amended to improve clarity and to confirm the
1115 editorial deletion of the word "be."

1116 Section 22. Subsection (2) of section 393.501, Florida
1117 Statutes, is amended to read:

1118 393.501 Rulemaking.—

1119 (2) Such rules must address the number of facilities on a
1120 single lot or on adjacent lots, except that there is no
1121 restriction on the number of facilities designated as community
1122 residential homes located within a planned residential community
1123 as those terms are defined in s. 419.001(1). ~~In adopting rules,~~
1124 ~~an alternative living center and an independent living education~~
1125 ~~center, as described in s. 393.18, are subject to s. 419.001,~~
1126 ~~except that such centers are exempt from the 1,000-foot-radius~~
1127 ~~requirement of s. 419.001(2) if:~~

1128 ~~(a) The centers are located on a site zoned in a manner~~
1129 ~~that permits all the components of a comprehensive transitional~~
1130 ~~education center to be located on the site, or~~

1131 ~~(b) There are no more than three such centers within a~~
1132 ~~radius of 1,000 feet.~~

1133 Reviser's note.—Amended to delete obsolete language. Section

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1134 393.18(1)(d) and (e), which related to alternative living
1135 centers and independent living education centers,
1136 respectively, were deleted by s. 10, ch. 2016-140, Laws of
1137 Florida.

1138 Section 23. Paragraph (c) of subsection (4) of section
1139 394.461, Florida Statutes, is amended to read:

1140 394.461 Designation of receiving and treatment facilities
1141 and receiving systems.—The department is authorized to designate
1142 and monitor receiving facilities, treatment facilities, and
1143 receiving systems and may suspend or withdraw such designation
1144 for failure to comply with this part and rules adopted under
1145 this part. Unless designated by the department, facilities are
1146 not permitted to hold or treat involuntary patients under this
1147 part.

1148 (4) REPORTING REQUIREMENTS.—

1149 (c) The data required under this subsection shall be
1150 submitted to the department no later than 90 days following the
1151 end of the facility's fiscal year. ~~A facility designated as a~~
1152 ~~public receiving or treatment facility shall submit its initial~~
1153 ~~report for the 6-month period ending June 30, 2008.~~

1154 Reviser's note.—Amended to delete obsolete language.

1155 Section 24. Subsection (6) of section 400.925, Florida
1156 Statutes, is amended to read:

1157 400.925 Definitions.—As used in this part, the term:

1158 (6) "Home medical equipment" includes any product as
1159 defined by the Food and Federal Drug Administration's Federal
1160 Food, Drug, and Cosmetic Drugs, Devices and Cosmetics Act, any
1161 products reimbursed under the Medicare Part B Durable Medical
1162 Equipment benefits, or any products reimbursed under the Florida

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1163 Medicaid durable medical equipment program. Home medical
 1164 equipment includes oxygen and related respiratory equipment;
 1165 manual, motorized, or customized wheelchairs and related seating
 1166 and positioning, but does not include prosthetics or orthotics
 1167 or any splints, braces, or aids custom fabricated by a licensed
 1168 health care practitioner; motorized scooters; personal transfer
 1169 systems; and specialty beds, for use by a person with a medical
 1170 need.

1171 Reviser's note.—Amended to correct an apparent error. There is
 1172 no Federal Drug Administration; the Food and Drug
 1173 Administration enforces the Federal Food, Drug, and
 1174 Cosmetic Act. Also amended to conform to the short title of
 1175 the act at 21 U.S.C. s. 301.

1176 Section 25. Paragraph (d) of subsection (2) of section
 1177 402.3025, Florida Statutes, is amended to read:
 1178 402.3025 Public and nonpublic schools.—For the purposes of
 1179 ss. 402.301-402.319, the following shall apply:

1180 (2) NONPUBLIC SCHOOLS.—

1181 (d)1. Programs for children who are at least 3 years of
 1182 age, but under 5 years of age, which are not licensed under ss.
 1183 402.301-402.319 shall substantially comply with the minimum
 1184 child care standards promulgated pursuant to ss. 402.305-
 1185 402.3055 ~~402.305-402.3057~~.

1186 2. The department or local licensing agency shall enforce
 1187 compliance with such standards, where possible, to eliminate or
 1188 minimize duplicative inspections or visits by staff enforcing
 1189 the minimum child care standards and staff enforcing other
 1190 standards under the jurisdiction of the department.

1191 3. The department or local licensing agency may commence

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1192 and maintain all proper and necessary actions and proceedings
 1193 for any or all of the following purposes:

1194 a. To protect the health, sanitation, safety, and well-
 1195 being of all children under care.

1196 b. To enforce its rules and regulations.

1197 c. To use corrective action plans, whenever possible, to
 1198 attain compliance prior to the use of more restrictive
 1199 enforcement measures.

1200 d. To make application for injunction to the proper circuit
 1201 court, and the judge of that court shall have jurisdiction upon
 1202 hearing and for cause shown to grant a temporary or permanent
 1203 injunction, or both, restraining any person from violating or
 1204 continuing to violate any of the provisions of ss. 402.301-
 1205 402.319. Any violation of this section or of the standards
 1206 applied under ss. 402.305-402.3055 ~~402.305-402.3057~~ which
 1207 threatens harm to any child in the school's programs for
 1208 children who are at least 3 years of age, but are under 5 years
 1209 of age, or repeated violations of this section or the standards
 1210 under ss. 402.305-402.3055 ~~402.305-402.3057~~, shall be grounds to
 1211 seek an injunction to close a program in a school.

1212 e. To impose an administrative fine, not to exceed \$100,
 1213 for each violation of the minimum child care standards
 1214 promulgated pursuant to ss. 402.305-402.3055 ~~402.305-402.3057~~.

1215 4. It is a misdemeanor of the first degree, punishable as
 1216 provided in s. 775.082 or s. 775.083, for any person willfully,
 1217 knowingly, or intentionally to:

1218 a. Fail, by false statement, misrepresentation,
 1219 impersonation, or other fraudulent means, to disclose in any
 1220 required written documentation for exclusion from licensure

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1221 pursuant to this section a material fact used in making a
 1222 determination as to such exclusion; or
 1223 b. Use information from the criminal records obtained under
 1224 s. 402.305 or s. 402.3055 for any purpose other than screening
 1225 that person for employment as specified in those sections or
 1226 release such information to any other person for any purpose
 1227 other than screening for employment as specified in those
 1228 sections.
 1229 5. It is a felony of the third degree, punishable as
 1230 provided in s. 775.082, s. 775.083, or s. 775.084, for any
 1231 person willfully, knowingly, or intentionally to use information
 1232 from the juvenile records of any person obtained under s.
 1233 402.305 or s. 402.3055 for any purpose other than screening for
 1234 employment as specified in those sections or to release
 1235 information from such records to any other person for any
 1236 purpose other than screening for employment as specified in
 1237 those sections.
 1238 Reviser's note.—Amended to correct a cross-reference. Section
 1239 402.3057 was repealed by s. 11, ch. 2016-238, Laws of
 1240 Florida; s. 402.3055 is now the last section in the range.
 1241 Section 26. Paragraph (a) of subsection (1) of section
 1242 409.9201, Florida Statutes, is amended to read:
 1243 409.9201 Medicaid fraud.—
 1244 (1) As used in this section, the term:
 1245 (a) "Prescription drug" means any drug, including, but not
 1246 limited to, finished dosage forms or active ingredients that are
 1247 subject to, defined in, or described in s. 503(b) of the Federal
 1248 Food, Drug, and Cosmetic Act or in s. 465.003(8), s. 499.003(17)
 1249 ~~499.003(47)~~, s. 499.007(13), or s. 499.82(10).

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1250
 1251 The value of individual items of the legend drugs or goods or
 1252 services involved in distinct transactions committed during a
 1253 single scheme or course of conduct, whether involving a single
 1254 person or several persons, may be aggregated when determining
 1255 the punishment for the offense.
 1256 Reviser's note.—Amended to correct an apparent error. Section
 1257 499.003(47) defines "veterinary prescription drug"; s.
 1258 499.003(17) defines "drug."
 1259 Section 27. Paragraph (h) of subsection (2) of section
 1260 413.207, Florida Statutes, is amended to read:
 1261 413.207 Division of Vocational Rehabilitation; quality
 1262 assurance; performance improvement plan.—
 1263 (2) No later than October 1, 2016, the division shall
 1264 develop and implement a performance improvement plan designed to
 1265 achieve the following goals:
 1266 (h) Increase the percentage of participants who, during a
 1267 program year, are in an education or training program that leads
 1268 to a recognized postsecondary credential or to employment and
 1269 who are achieving a measurable gain of skill, including
 1270 documented academic, technical, or occupational gains or other
 1271 forms of progress toward a postsecondary credential or
 1272 employment.
 1273 Reviser's note.—Amended to confirm the editorial insertion of
 1274 the word "or" to improve clarity.
 1275 Section 28. Subsection (6) of section 413.402, Florida
 1276 Statutes, is amended to read:
 1277 413.402 James Patrick Memorial Work Incentive Personal
 1278 Attendant Services and Employment Assistance Program.—The

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1279 Florida Endowment Foundation for Vocational Rehabilitation shall
 1280 maintain an agreement with the Florida Association of Centers
 1281 for Independent Living to administer the James Patrick Memorial
 1282 Work Incentive Personal Attendant Services and Employment
 1283 Assistance Program and shall remit sufficient funds monthly to
 1284 meet the requirements of subsection (5).

1285 (6) The James Patrick Memorial Work Incentive Personal
 1286 Attendant Services and Employment Assistance Program Oversight
 1287 Council is created adjunct to the Department of Education for
 1288 the purpose of providing program recommendations, recommending
 1289 the maximum monthly reimbursement available to program
 1290 participants, advising the Florida Association of Centers for
 1291 Independent Living on policies and procedures, and recommending
 1292 the program's annual operating budget for activities of the
 1293 association associated with operations, administration, and
 1294 oversight. The oversight council shall also advise on and
 1295 recommend the schedule of eligible services for which program
 1296 participants may be reimbursed subject to the requirements and
 1297 limitations of paragraph (3)(c) which, at a minimum, must
 1298 include personal care attendant services. The oversight council
 1299 shall advise and make its recommendations under this section to
 1300 the board of directors of the association. The oversight council
 1301 is not subject to the control of or direction by the department,
 1302 and the department is not ~~be~~ responsible for providing staff
 1303 support or paying any expenses incurred by the oversight council
 1304 in the performance of its duties.

1305 (a) The oversight council consists of the following
 1306 members:

1307 1. The director of the division or his or her designee;

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1308 2. A human resources professional or an individual who has
 1309 significant experience managing and operating a business based
 1310 in this state, recommended by the Florida Chamber of Commerce
 1311 and appointed by the Governor;

1312 3. A financial management professional, appointed by the
 1313 Governor;

1314 4. A program participant, appointed by the Secretary of
 1315 Health or his or her designee;

1316 5. The director of the advisory council on brain and spinal
 1317 cord injuries or his or her designee;

1318 6. The director of the Florida Endowment Foundation for
 1319 Vocational Rehabilitation or his or her designee; and

1320 7. The director of the Florida Association of Centers for
 1321 Independent Living or his or her designee.

1322 (b) The appointed members shall serve for a term concurrent
 1323 with the term of the official who made the appointment and shall
 1324 serve at the pleasure of such official.

1325 Reviser's note.—Amended to confirm the editorial deletion of the
 1326 word "be."

1327 Section 29. Subsections (5), (7), and (8) and paragraph (c)
 1328 of subsection (10) of section 440.185, Florida Statutes, are
 1329 amended to read:

1330 440.185 Notice of injury or death; reports; penalties for
 1331 violations.—

1332 (5) In the absence of a stipulation by the parties, reports
 1333 provided for in subsection (2), subsection (3) ~~(4)~~, or
 1334 subsection (4) ~~(5)~~ shall not be evidence of any fact stated in
 1335 such report in any proceeding relating thereto, except for
 1336 medical reports which, if otherwise qualified, may be admitted

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at the discretion of the judge of compensation claims.

(7) When a claimant, employer, or carrier has the right, or is required, to mail a report or notice with required copies within the times prescribed in subsection (2), subsection (3) ~~(4)~~, or subsection (4) ~~(5)~~, such mailing will be completed and in compliance with this section if it is postmarked and mailed prepaid to the appropriate recipient prior to the expiration of the time periods prescribed in this section.

(8) Any employer or carrier who fails or refuses to timely send any form, report, or notice required by this section shall be subject to an administrative fine by the department not to exceed \$500 for each such failure or refusal. However, any employer who fails to notify the carrier of an injury on the prescribed form or by letter within the 7 days required in subsection (2) shall be liable for the administrative fine, which shall be paid by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the administrative fine if it fails to comply with subsections (3) ~~(4)~~ and (4) ~~(5)~~.

(10) Upon receiving notice of an injury from an employee under subsection (1), the employer or carrier shall provide the employee with a written notice, in the form and manner determined by the department by rule, of the availability of services from the Employee Assistance and Ombudsman Office. The substance of the notice to the employee shall include:

(c) A statement that the informational brochure referred to in subsection (3) ~~(4)~~ will be mailed to the employee within 3 days after the carrier receives notice of the injury.

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Reviser's note.—Amended to conform to the redesignation of subsections as a result of the repeal of former subsection (3) by s. 5, ch. 2016-56, Laws of Florida.

Section 30. Paragraph (e) of subsection (4) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervising physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervising physician's practice unless such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant and must inform the patient that the patient has the right to see the physician before a prescription is prescribed or dispensed by the physician assistant.

2. The supervising physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such authority and of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervising physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. The physician assistant must complete a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with

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each licensure renewal.

4. The department may issue a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the requirements of this paragraph. The physician assistant is not ~~be~~ required to independently register pursuant to s. 465.0276.

5. The prescription may be in paper or electronic form but must comply with ss. 456.0392(1) and 456.42(1) and chapter 499 and must contain, in addition to the supervising physician's name, address, and telephone number, the physician assistant's prescriber number. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The inclusion of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.
Reviser's note.—Amended to confirm the editorial deletion of the word "be."

Section 31. Paragraph (c) of subsection (2) of section 491.0046, Florida Statutes, is amended to read:

491.0046 Provisional license; requirements.—

(2) The department shall issue a provisional clinical social worker license, provisional marriage and family therapist license, or provisional mental health counselor license to each applicant who the board certifies has:

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(c) Has met the following minimum coursework requirements:

1. For clinical social work, a minimum of 15 semester hours or 22 quarter hours of the coursework required by s. 491.005(1)(b)2.b.

2. For marriage and family therapy, 10 of the courses required by s. 491.005(3)(b)1.a.-c., as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques.

3. For mental health counseling, a minimum of seven of the courses required under s. 491.005(4)(b)1.a.-c. ~~491.005(b)1.a.-c.~~
Reviser's note.—Amended to confirm the editorial substitution of a reference to s. 491.005(4)(b)1.a.-c. for a reference to s. 491.005(b)1.a.-c. to provide the complete cite to material relating to mental health counseling courses.

Section 32. Subsection (4) of section 497.458, Florida Statutes, is amended to read:

497.458 Disposition of proceeds received on contracts.—

(4) The licensing authority may adopt rules exempting from the prohibition of paragraph (1)(h) ~~(1)(g)~~, pursuant to criteria established in such rule, the investment of trust funds in investments, such as widely and publicly traded stocks and bonds, notwithstanding that the licensee, its principals, or persons related by blood or marriage to the licensee or its principals have an interest by investment in the same entity, where neither the licensee, its principals, or persons related by blood or marriage to the licensee or its principals have the ability to control the entity invested in, and it would be in the interest of the preneed contract holders whose contracts are

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1453 secured by the trust funds to allow the investment.
 1454 Reviser's note.—Amended to confirm the editorial substitution of
 1455 a reference to paragraph (1)(h) for a reference to
 1456 paragraph (1)(g). An early version of C.S. for C.S. for
 1457 S.B. 854, which became ch. 2016-172, Laws of Florida,
 1458 deleted paragraph (1)(b) and changed this reference to
 1459 reflect the deletion. A later amendment restored paragraph
 1460 (1)(b) but did not remove the change to the reference.
 1461 Section 33. Paragraphs (b), (c), and (d) of subsection (9)
 1462 of section 499.015, Florida Statutes, are amended to read:
 1463 499.015 Registration of drugs, devices, and cosmetics;
 1464 issuance of certificates of free sale.—
 1465 (9) However, the manufacturer must submit evidence of such
 1466 registration, listing, or approval with its initial application
 1467 for a permit to do business in this state, as required in s.
 1468 499.01 and any changes to such information previously submitted
 1469 at the time of renewal of the permit. Evidence of approval,
 1470 listing, and registration by the federal Food and Drug
 1471 Administration must include:
 1472 (b) For Class III devices, a Food and ~~Federal~~ Drug
 1473 Administration premarket approval number;
 1474 (c) For a manufacturer who subcontracts with a manufacturer
 1475 of medical devices to manufacture components of such devices, a
 1476 Food and ~~Federal~~ Drug Administration registration number; or
 1477 (d) For a manufacturer of medical devices whose devices are
 1478 exempt from premarket approval by the Food and ~~Federal~~ Drug
 1479 Administration, a Food and ~~Federal~~ Drug Administration
 1480 registration number.
 1481 Reviser's note.—Amended to correct an apparent error. There is

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1482 no Federal Drug Administration; the Food and Drug
 1483 Administration enforces the Federal Food, Drug, and
 1484 Cosmetic Act.
 1485 Section 34. Paragraph (a) of subsection (1) and paragraph
 1486 (c) of subsection (5) of section 499.036, Florida Statutes, are
 1487 amended to read:
 1488 499.036 Restrictions on sale of dextromethorphan.—
 1489 (1) As used in this section, the term:
 1490 (a) "Finished drug product" means a drug legally marketed
 1491 under the Federal Food, Drug, and Cosmetic Act that is in
 1492 finished dosage form. For purposes of this paragraph, the term
 1493 "drug" has the same meaning as provided in s. 499.003(17)
 1494 ~~499.003(18)~~.
 1495 (5) A civil citation issued to a manufacturer, distributor,
 1496 or retailer pursuant to this section shall be provided to the
 1497 manager on duty at the time the citation is issued. If a manager
 1498 is not available, a local law enforcement officer shall attempt
 1499 to contact the manager to issue the citation. If the local law
 1500 enforcement officer is unsuccessful in contacting the manager,
 1501 he or she may leave a copy of the citation with an employee 18
 1502 years of age or older and mail a copy of the citation by
 1503 certified mail to the owner's business address, as filed with
 1504 the Department of State, or he or she may return to issue the
 1505 citation at a later time. The civil citation shall provide:
 1506 (c) The name of the employee or representative who ~~that~~
 1507 completed the sale.
 1508 Reviser's note.—Paragraph (1)(a) is amended to confirm the
 1509 editorial substitution of a reference to s. 499.003(17) for
 1510 a reference to s. 499.003(18) to conform to the

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1511 redesignation of subunits of s. 499.003 by s. 2, ch. 2016-
 1512 212, Laws of Florida. Paragraph (5)(c) is amended to
 1513 improve clarity.

1514 Section 35. Subsection (6) of section 499.83, Florida
 1515 Statutes, is amended to read:

1516 499.83 Permits.—

1517 (6) A hospice licensed by the Agency for Health Care
 1518 Administration pursuant to part IV of chapter 400 is not
 1519 required to obtain a medical oxygen retail establishment permit
 1520 to purchase on behalf of and sell medical oxygen to its hospice
 1521 patients if the hospice contracts for the purchase and delivery
 1522 of medical oxygen from an establishment permitted pursuant to
 1523 this part. Sale and delivery to patients by hospices pursuant to
 1524 this subsection must be based upon ~~on~~ a prescription or an order
 1525 from a practitioner authorized by law to prescribe medical
 1526 oxygen. For sales to hospices pursuant to this subsection, the
 1527 medical gas wholesale distributor or the medical gas
 1528 manufacturer selling medical oxygen to a hospice shall reflect
 1529 on its invoice the hospice license number provided by the Agency
 1530 for Health Care Administration and shall maintain such record
 1531 pursuant to s. 499.89. Both the hospice and the medical oxygen
 1532 retailer delivering medical oxygen to the patient must maintain
 1533 a copy of a valid order or prescription for medical oxygen in
 1534 accordance with s. 499.89 and department rule, which copy must
 1535 be readily available for inspection.

1536 Reviser's note.—Amended to confirm the editorial deletion of the
 1537 word "on."

1538 Section 36. Subsection (1) of section 553.79, Florida
 1539 Statutes, as amended by sections 19 and 39 of chapter 2016-129,

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1540 Laws of Florida, effective October 1, 2017, is amended to read:

1541 553.79 Permits; applications; issuance; inspections.—

1542 (1)(a) After the effective date of the Florida Building
 1543 Code adopted as herein provided, it shall be unlawful for any
 1544 person, firm, corporation, or governmental entity to construct,
 1545 erect, alter, modify, repair, or demolish any building within
 1546 this state without first obtaining a permit therefor from the
 1547 appropriate enforcing agency or from such persons as may, by
 1548 appropriate resolution or regulation of the authorized state or
 1549 local enforcing agency, be delegated authority to issue such
 1550 permits, upon the payment of such reasonable fees adopted by the
 1551 enforcing agency. The enforcing agency is empowered to revoke
 1552 any such permit upon a determination by the agency that the
 1553 construction, erection, alteration, modification, repair, or
 1554 demolition of the building for which the permit was issued is in
 1555 violation of, or not in conformity with, the provisions of the
 1556 Florida Building Code. Whenever a permit required under this
 1557 section is denied or revoked because the plan, or the
 1558 construction, erection, alteration, modification, repair, or
 1559 demolition of a building, is found by the local enforcing agency
 1560 to be not in compliance with the Florida Building Code, the
 1561 local enforcing agency shall identify the specific plan or
 1562 project features that do not comply with the applicable codes,
 1563 identify the specific code chapters and sections upon which the
 1564 finding is based, and provide this information to the permit
 1565 applicant. A plans reviewer or building code administrator who
 1566 is responsible for issuing a denial, revocation, or modification
 1567 request but fails to provide to the permit applicant a reason
 1568 for denying, revoking, or requesting a modification, based on

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1569 compliance with the Florida Building Code or local ordinance, is
 1570 subject to disciplinary action against his or her license
 1571 pursuant to s. 468.621(1)(i) ~~468.621(1)(j)~~. Installation,
 1572 replacement, removal, or metering of any load management control
 1573 device is exempt from and shall not be subject to the permit
 1574 process and fees otherwise required by this section.

1575 (b) A local enforcement agency shall post each type of
 1576 building permit application on its website. Completed
 1577 applications must be able to be submitted electronically to the
 1578 appropriate building department. Accepted methods of electronic
 1579 submission include, but are not limited to, e-mail submission of
 1580 applications in portable document format or submission of
 1581 applications through an electronic fill-in form available on the
 1582 building department's website or through a third-party
 1583 submission management software. Payments, attachments, or
 1584 drawings required as part of the permit application may be
 1585 submitted in person in a nonelectronic format, at the discretion
 1586 of the building official.

1587 Reviser's note.—Amended to correct an erroneous cross-reference.

1588 Section 468.621(1)(j) references insurance requirements; s.
 1589 468.621(1)(i) references failing to lawfully execute
 1590 specified duties and responsibilities.

1591 Section 37. Section 571.24, Florida Statutes, is amended to
 1592 read:

1593 571.24 Purpose; duties of the department.—The purpose of
 1594 this part is to authorize the department to establish and
 1595 coordinate the Florida Agricultural Promotional Campaign. The
 1596 Legislature intends for the Florida Agricultural Promotional
 1597 Campaign to serve as a marketing program to promote Florida

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1598 agricultural commodities, value-added products, and
 1599 agricultural-related businesses and not as a food safety or
 1600 traceability program. The duties of the department shall
 1601 include, but are not limited to:

1602 (1) Developing logos and authorizing the use of logos as
 1603 provided by rule.

1604 (2) Registering participants.

1605 (3) Assessing and collecting fees.

1606 (4) Collecting rental receipts for industry promotions.

1607 (5) Developing in-kind advertising programs.

1608 (6) Contracting with media representatives for the purpose
 1609 of dispersing promotional materials.

1610 (7) Assisting the representative of the department who
 1611 serves on the Florida Agricultural Promotional Campaign Advisory
 1612 Council.

1613 (8) Adopting rules pursuant to ss. 120.536(1) and 120.54 to
 1614 implement the provisions of this part.

1615 (9) Enforcing and administering the provisions of this
 1616 part, including measures ensuring that only Florida agricultural
 1617 or agricultural based products are marketed under the "Fresh
 1618 From Florida" or "From Florida" logos or other logos of the
 1619 Florida Agricultural Promotional Campaign.

1620 Reviser's note.—Amended to confirm the editorial insertion of
 1621 the word "as" to improve clarity.

1622 Section 38. Paragraph (c) of subsection (1) of section
 1623 625.111, Florida Statutes, is amended to read:

1624 625.111 Title insurance reserve.—In addition to an adequate
 1625 reserve as to outstanding losses relating to known claims as
 1626 required under s. 625.041, a domestic title insurer shall

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1627 establish, segregate, and maintain a guaranty fund or unearned
 1628 premium reserve as provided in this section. The sums to be
 1629 reserved for unearned premiums on title guarantees and policies
 1630 shall be considered and constitute unearned portions of the
 1631 original premiums and shall be charged as a reserve liability of
 1632 the insurer in determining its financial condition. Such
 1633 reserved funds shall be withdrawn from the use of the insurer
 1634 for its general purposes, impressed with a trust in favor of the
 1635 holders of title guarantees and policies, and held available for
 1636 reinsurance of the title guarantees and policies in the event of
 1637 the insolvency of the insurer. This section does not preclude
 1638 the insurer from investing such reserve in investments
 1639 authorized by law, and the income from such investments shall be
 1640 included in the general income of the insurer and may be used by
 1641 such insurer for any lawful purpose.

1642 (1) For an unearned premium reserve established on or after
 1643 July 1, 1999, such reserve must be in an amount at least equal
 1644 to the sum of paragraphs (a), (b), and (d) for title insurers
 1645 holding less than \$50 million in surplus as to policyholders as
 1646 of the previous year end and the sum of paragraphs (c) and (d)
 1647 for title insurers holding \$50 million or more in surplus as to
 1648 policyholders as of the previous year end or title insurers that
 1649 are members of an insurance holding company system holding \$1
 1650 billion or more in surplus as to policyholders and a superior,
 1651 excellent, exceptional, or equivalent financial strength rating
 1652 by a rating agency acceptable to the office:

1653 (c) On or after January 1, 2014, for title insurers holding
 1654 \$50 million or more in surplus as to policyholders as of the
 1655 previous year end or title insurers that are members of an

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1656 insurance holding company system holding \$1 billion or more in
 1657 surplus as to policyholders and a superior, excellent,
 1658 exceptional, or equivalent financial strength rating by a rating
 1659 agency acceptable to the office, a minimum of 6.5 percent of the
 1660 total of the following:

- 1661 1. Direct premiums written; and
- 1662 2. Premiums for reinsurance assumed, plus other income,
 1663 less premiums for reinsurance ceded as displayed in Schedule P
 1664 of the title insurer's most recent annual statement filed with
 1665 the office with such reserve being subsequently released as
 1666 provided in subsection (2). Title insurers with less than \$50
 1667 million in surplus as to policyholders and that are not members
 1668 of an insurance holding company system with \$1 billion or more
 1669 in surplus as to policyholders and a superior, excellent,
 1670 exceptional, or equivalent financial strength rating by a rating
 1671 agency acceptable to the office must continue to record unearned
 1672 premium reserve in accordance with paragraph (b).

1673 Reviser's note.--Amended to confirm the editorial insertion of
 1674 the word "that" to improve clarity.

1675 Section 39. Subsection (5) of section 627.0629, Florida
 1676 Statutes, is amended to read:

1677 627.0629 Residential property insurance; rate filings.--

1678 (5) In order to provide an appropriate transition period,
 1679 an insurer may implement an approved rate filing for residential
 1680 property insurance over a period of years. Such insurer must
 1681 provide an informational notice to the office setting out its
 1682 schedule for implementation of the phased-in rate filing. ~~The~~
 1683 ~~insurer may include in its rate the actual cost of private~~
 1684 ~~market reinsurance that corresponds to available coverage of the~~

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1685 ~~Temporary Increase in Coverage Limits, TICL, from the Florida~~
 1686 ~~Hurricane Catastrophe Fund. The insurer may also include the~~
 1687 ~~cost of reinsurance to replace the TICL reduction implemented~~
 1688 ~~pursuant to s. 215.555(16)(d)9. However, this cost for~~
 1689 ~~reinsurance may not include any expense or profit load or result~~
 1690 ~~in a total annual base rate increase in excess of 10 percent.~~
 1691 Reviser's note.—Amended to delete obsolete provisions relating
 1692 to temporary increase in coverage limits options from the
 1693 Florida Hurricane Catastrophe Fund provided in s.
 1694 215.555(16), which is repealed by this act.
 1695 Section 40. Subsection (1) of section 627.42392, Florida
 1696 Statutes, is amended to read:
 1697 627.42392 Prior authorization.—
 1698 (1) As used in this section, the term "health insurer"
 1699 means an authorized insurer offering health insurance as defined
 1700 in s. 624.603, a managed care plan as defined in s. 409.962(10)
 1701 ~~409.962(9)~~, or a health maintenance organization as defined in
 1702 s. 641.19(12).
 1703 Reviser's note.—Amended to conform to the redesignation of s.
 1704 409.962(9) as s. 409.962(10) by s. 1, ch. 2016-147, Laws of
 1705 Florida.
 1706 Section 41. Paragraph (a) of subsection (3) of section
 1707 627.6562, Florida Statutes, is amended to read:
 1708 627.6562 Dependent coverage.—
 1709 (3) If, pursuant to subsection (2), a child is provided
 1710 coverage under the parent's policy after the end of the calendar
 1711 year in which the child reaches age 25 and coverage for the
 1712 child is subsequently terminated, the child is not eligible to
 1713 be covered under the parent's policy unless the child was

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1714 continuously covered by other creditable coverage without a gap
 1715 in coverage of more than 63 days.
 1716 (a) For the purposes of this subsection, the term
 1717 "creditable coverage" means, with respect to an individual,
 1718 coverage of the individual under any of the following:
 1719 1. A group health plan, as defined in s. 2791 of the Public
 1720 Health Service Act.
 1721 2. Health insurance coverage consisting of medical care
 1722 provided directly through insurance or reimbursement or
 1723 otherwise, and including terms and services paid for as medical
 1724 care, under any hospital or medical service policy or
 1725 certificate, hospital or medical service plan contract, or
 1726 health maintenance contract offered by a health insurance
 1727 issuer.
 1728 3. Part A or Part B of Title XVIII of the Social Security
 1729 Act.
 1730 4. Title XIX of the Social Security Act, other than
 1731 coverage consisting solely of benefits under s. 1928.
 1732 5. Title 10 U.S.C. chapter 55.
 1733 6. A medical care program of the Indian Health Service or
 1734 of a tribal organization.
 1735 7. ~~A The Florida Comprehensive Health Association or~~
 1736 ~~another~~ state health benefit risk pool.
 1737 8. A health plan offered under 5 U.S.C. chapter 89.
 1738 9. A public health plan as defined by rules adopted by the
 1739 commission. To the greatest extent possible, such rules must be
 1740 consistent with regulations adopted by the United States
 1741 Department of Health and Human Services.
 1742 10. A health benefit plan under s. 5(e) of the Peace Corps

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1743 Act, 22 U.S.C. s. 2504(e).
 1744 Reviser's note.—Amended to conform to the repeal of s. 627.6488,
 1745 which created the Florida Comprehensive Health Association,
 1746 by s. 20, ch. 2013-101, Laws of Florida, effective October
 1747 1, 2015; confirmed by s. 13, ch. 2016-11, Laws of Florida,
 1748 a reviser's bill.
 1749 Section 42. Subsection (8) of section 627.7074, Florida
 1750 Statutes, is amended to read:
 1751 627.7074 Alternative procedure for resolution of disputed
 1752 sinkhole insurance claims.—
 1753 (8) For policyholders not represented by an attorney, a
 1754 consumer affairs specialist of the department or an employee
 1755 designated as the primary contact for consumers on issues
 1756 relating to sinkholes under s. 624.307(10)(a)5. ~~20.121~~ shall be
 1757 available for consultation to the extent that he or she may
 1758 lawfully do so.
 1759 Reviser's note.—Amended to conform to the repeal of s.
 1760 20.121(2)(h) by s. 3, ch. 2016-165, Laws of Florida; s.
 1761 20.121(2)(h)1.e. authorized the Division of Consumer
 1762 Services to designate an employee of the division as
 1763 primary contact for consumers on issues relating to
 1764 sinkholes. Section 5, ch. 2016-165, added s. 624.307(10),
 1765 including substantially similar language relating to
 1766 division designation of an employee as primary contact
 1767 relating to sinkhole issues, at s. 624.307(10)(a)5.
 1768 Section 43. Subsection (2) of section 633.216, Florida
 1769 Statutes, is amended to read:
 1770 633.216 Inspection of buildings and equipment; orders;
 1771 firesafety inspection training requirements; certification;

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1772 disciplinary action.—The State Fire Marshal and her or his
 1773 agents or persons authorized to enforce laws and rules of the
 1774 State Fire Marshal shall, at any reasonable hour, when the State
 1775 Fire Marshal has reasonable cause to believe that a violation of
 1776 this chapter or s. 509.215, or a rule adopted thereunder, or a
 1777 minimum firesafety code adopted by the State Fire Marshal or a
 1778 local authority, may exist, inspect any and all buildings and
 1779 structures which are subject to the requirements of this chapter
 1780 or s. 509.215 and rules adopted thereunder. The authority to
 1781 inspect shall extend to all equipment, vehicles, and chemicals
 1782 which are located on or within the premises of any such building
 1783 or structure.
 1784 (2) Except as provided in s. 633.312(2), every firesafety
 1785 inspection conducted pursuant to state or local firesafety
 1786 requirements shall be by a person certified as having met the
 1787 inspection training requirements set by the State Fire Marshal.
 1788 Such person shall meet the requirements of s. 633.412(1)-(4)
 1789 ~~633.412(1)(a)-(d)~~, and:
 1790 (a) Have satisfactorily completed the firesafety inspector
 1791 certification examination as prescribed by division rule; and
 1792 (b)1. Have satisfactorily completed, as determined by
 1793 division rule, a firesafety inspector training program of at
 1794 least 200 hours established by the department and administered
 1795 by education or training providers approved by the department
 1796 for the purpose of providing basic certification training for
 1797 firesafety inspectors; or
 1798 2. Have received training in another state which is
 1799 determined by the division to be at least equivalent to that
 1800 required by the department for approved firesafety inspector

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1801 education and training programs in this state.

1802 Reviser's note.—Amended to conform to the redesignation of s.

1803 633.412(1)(a)-(d) as s. 633.412(1)-(4) to conform to the

1804 repeal of subsection (2) of s. 633.412 by s. 24, ch. 2016-

1805 132, Laws of Florida.

1806 Section 44. Subsection (1) of section 655.960, Florida

1807 Statutes, is amended to read:

1808 655.960 Definitions; ss. 655.960-655.965.—As used in this

1809 section and ss. 655.961-655.965, unless the context otherwise

1810 requires:

1811 (1) "Access area" means any paved walkway or sidewalk which

1812 is within 50 feet of any automated teller machine. The term does

1813 not include any street or highway open to the use of the public,

1814 as defined in s. 316.003(77)(a) or (b) ~~316.003(76)(a) or (b)~~,

1815 including any adjacent sidewalk, as defined in s. 316.003.

1816 Reviser's note.—Amended to confirm the editorial substitution of

1817 a reference to s. 316.003(77)(a) or (b) for a reference to

1818 s. 316.003(76)(a) or (b) to conform to the renumbering of

1819 subunits by s. 5, ch. 2016-239, Laws of Florida, and the

1820 addition of subunits by s. 1, ch. 2016-115, Laws of

1821 Florida, and s. 3, ch. 2016-181, Laws of Florida.

1822 Section 45. Paragraph (q) of subsection (1) of section

1823 744.20041, Florida Statutes, is amended to read:

1824 744.20041 Grounds for discipline; penalties; enforcement.—

1825 (1) The following acts by a professional guardian shall

1826 constitute grounds for which the disciplinary actions specified

1827 in subsection (2) may be taken:

1828 (q) Failing to post and maintain a blanket fiduciary bond

1829 pursuant to s. 744.2003 ~~744.1085~~.

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1830 Reviser's note.—Amended to conform to the transfer of s.

1831 744.1085 to s. 744.2003 by s. 10, ch. 2016-40, Laws of

1832 Florida.

1833 Section 46. Paragraph (a) of subsection (2) of section

1834 790.065, Florida Statutes, is amended to read:

1835 790.065 Sale and delivery of firearms.—

1836 (2) Upon receipt of a request for a criminal history record

1837 check, the Department of Law Enforcement shall, during the

1838 licensee's call or by return call, forthwith:

1839 (a) Review any records available to determine if the

1840 potential buyer or transferee:

1841 1. Has been convicted of a felony and is prohibited from

1842 receipt or possession of a firearm pursuant to s. 790.23;

1843 2. Has been convicted of a misdemeanor crime of domestic

1844 violence, and therefore is prohibited from purchasing a firearm;

1845 3. Has had adjudication of guilt withheld or imposition of

1846 sentence suspended on any felony or misdemeanor crime of

1847 domestic violence unless 3 years have elapsed since probation or

1848 any other conditions set by the court have been fulfilled or

1849 expunction has occurred; or

1850 4. Has been adjudicated mentally defective or has been

1851 committed to a mental institution by a court or as provided in

1852 sub-sub-subparagraph b.(II), and as a result is prohibited by

1853 state or federal law from purchasing a firearm.

1854 a. As used in this subparagraph, "adjudicated mentally

1855 defective" means a determination by a court that a person, as a

1856 result of marked subnormal intelligence, or mental illness,

1857 incompetency, condition, or disease, is a danger to himself or

1858 herself or to others or lacks the mental capacity to contract or

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1859 manage his or her own affairs. The phrase includes a judicial
 1860 finding of incapacity under s. 744.331(6)(a), an acquittal by
 1861 reason of insanity of a person charged with a criminal offense,
 1862 and a judicial finding that a criminal defendant is not
 1863 competent to stand trial.

1864 b. As used in this subparagraph, "committed to a mental
 1865 institution" means:

1866 (I) Involuntary commitment, commitment for mental
 1867 defectiveness or mental illness, and commitment for substance
 1868 abuse. The phrase includes involuntary inpatient placement as
 1869 defined in s. 394.467, involuntary outpatient placement as
 1870 defined in s. 394.4655, involuntary assessment and stabilization
 1871 under s. 397.6818, and involuntary substance abuse treatment
 1872 under s. 397.6957, but does not include a person in a mental
 1873 institution for observation or discharged from a mental
 1874 institution based upon the initial review by the physician or a
 1875 voluntary admission to a mental institution; or

1876 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
 1877 admission to a mental institution for outpatient or inpatient
 1878 treatment of a person who had an involuntary examination under
 1879 s. 394.463, where each of the following conditions have been
 1880 met:

1881 (A) An examining physician found that the person is an
 1882 imminent danger to himself or herself or others.

1883 (B) The examining physician certified that if the person
 1884 did not agree to voluntary treatment, a petition for involuntary
 1885 outpatient or inpatient treatment would have been filed under s.
 1886 394.463(2)(g)4. ~~394.463(2)(i)4.~~, or the examining physician
 1887 certified that a petition was filed and the person subsequently

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1888 agreed to voluntary treatment prior to a court hearing on the
 1889 petition.

1890 (C) Before agreeing to voluntary treatment, the person
 1891 received written notice of that finding and certification, and
 1892 written notice that as a result of such finding, he or she may
 1893 be prohibited from purchasing a firearm, and may not be eligible
 1894 to apply for or retain a concealed weapon or firearms license
 1895 under s. 790.06 and the person acknowledged such notice in
 1896 writing, in substantially the following form:

1897
 1898 "I understand that the doctor who examined me believes I am a
 1899 danger to myself or to others. I understand that if I do not
 1900 agree to voluntary treatment, a petition will be filed in court
 1901 to require me to receive involuntary treatment. I understand
 1902 that if that petition is filed, I have the right to contest it.
 1903 In the event a petition has been filed, I understand that I can
 1904 subsequently agree to voluntary treatment prior to a court
 1905 hearing. I understand that by agreeing to voluntary treatment in
 1906 either of these situations, I may be prohibited from buying
 1907 firearms and from applying for or retaining a concealed weapons
 1908 or firearms license until I apply for and receive relief from
 1909 that restriction under Florida law."

1910
 1911 (D) A judge or a magistrate has, pursuant to sub-sub-
 1912 subparagraph c.(II), reviewed the record of the finding,
 1913 certification, notice, and written acknowledgment classifying
 1914 the person as an imminent danger to himself or herself or
 1915 others, and ordered that such record be submitted to the
 1916 department.

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1917 c. In order to check for these conditions, the department
 1918 shall compile and maintain an automated database of persons who
 1919 are prohibited from purchasing a firearm based on court records
 1920 of adjudications of mental defectiveness or commitments to
 1921 mental institutions.

1922 (I) Except as provided in sub-sub-subparagraph (II), clerks
 1923 of court shall submit these records to the department within 1
 1924 month after the rendition of the adjudication or commitment.
 1925 Reports shall be submitted in an automated format. The reports
 1926 must, at a minimum, include the name, along with any known alias
 1927 or former name, the sex, and the date of birth of the subject.

1928 (II) For persons committed to a mental institution pursuant
 1929 to sub-sub-subparagraph b. (II), within 24 hours after the
 1930 person's agreement to voluntary admission, a record of the
 1931 finding, certification, notice, and written acknowledgment must
 1932 be filed by the administrator of the receiving or treatment
 1933 facility, as defined in s. 394.455, with the clerk of the court
 1934 for the county in which the involuntary examination under s.
 1935 394.463 occurred. No fee shall be charged for the filing under
 1936 this sub-sub-subparagraph. The clerk must present the records to
 1937 a judge or magistrate within 24 hours after receipt of the
 1938 records. A judge or magistrate is required and has the lawful
 1939 authority to review the records ex parte and, if the judge or
 1940 magistrate determines that the record supports the classifying
 1941 of the person as an imminent danger to himself or herself or
 1942 others, to order that the record be submitted to the department.
 1943 If a judge or magistrate orders the submittal of the record to
 1944 the department, the record must be submitted to the department
 1945 within 24 hours.

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1946 d. A person who has been adjudicated mentally defective or
 1947 committed to a mental institution, as those terms are defined in
 1948 this paragraph, may petition the court that made the
 1949 adjudication or commitment, or the court that ordered that the
 1950 record be submitted to the department pursuant to sub-sub-
 1951 subparagraph c. (II), for relief from the firearm disabilities
 1952 imposed by such adjudication or commitment. A copy of the
 1953 petition shall be served on the state attorney for the county in
 1954 which the person was adjudicated or committed. The state
 1955 attorney may object to and present evidence relevant to the
 1956 relief sought by the petition. The hearing on the petition may
 1957 be open or closed as the petitioner may choose. The petitioner
 1958 may present evidence and subpoena witnesses to appear at the
 1959 hearing on the petition. The petitioner may confront and cross-
 1960 examine witnesses called by the state attorney. A record of the
 1961 hearing shall be made by a certified court reporter or by court-
 1962 approved electronic means. The court shall make written findings
 1963 of fact and conclusions of law on the issues before it and issue
 1964 a final order. The court shall grant the relief requested in the
 1965 petition if the court finds, based on the evidence presented
 1966 with respect to the petitioner's reputation, the petitioner's
 1967 mental health record and, if applicable, criminal history
 1968 record, the circumstances surrounding the firearm disability,
 1969 and any other evidence in the record, that the petitioner will
 1970 not be likely to act in a manner that is dangerous to public
 1971 safety and that granting the relief would not be contrary to the
 1972 public interest. If the final order denies relief, the
 1973 petitioner may not petition again for relief from firearm
 1974 disabilities until 1 year after the date of the final order. The

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1975 petitioner may seek judicial review of a final order denying
 1976 relief in the district court of appeal having jurisdiction over
 1977 the court that issued the order. The review shall be conducted
 1978 de novo. Relief from a firearm disability granted under this
 1979 sub-subparagraph has no effect on the loss of civil rights,
 1980 including firearm rights, for any reason other than the
 1981 particular adjudication of mental defectiveness or commitment to
 1982 a mental institution from which relief is granted.

1983 e. Upon receipt of proper notice of relief from firearm
 1984 disabilities granted under sub-subparagraph d., the department
 1985 shall delete any mental health record of the person granted
 1986 relief from the automated database of persons who are prohibited
 1987 from purchasing a firearm based on court records of
 1988 adjudications of mental defectiveness or commitments to mental
 1989 institutions.

1990 f. The department is authorized to disclose data collected
 1991 pursuant to this subparagraph to agencies of the Federal
 1992 Government and other states for use exclusively in determining
 1993 the lawfulness of a firearm sale or transfer. The department is
 1994 also authorized to disclose this data to the Department of
 1995 Agriculture and Consumer Services for purposes of determining
 1996 eligibility for issuance of a concealed weapons or concealed
 1997 firearms license and for determining whether a basis exists for
 1998 revoking or suspending a previously issued license pursuant to
 1999 s. 790.06(10). When a potential buyer or transferee appeals a
 2000 nonapproval based on these records, the clerks of court and
 2001 mental institutions shall, upon request by the department,
 2002 provide information to help determine whether the potential
 2003 buyer or transferee is the same person as the subject of the

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2004 record. Photographs and any other data that could confirm or
 2005 negate identity must be made available to the department for
 2006 such purposes, notwithstanding any other provision of state law
 2007 to the contrary. Any such information that is made confidential
 2008 or exempt from disclosure by law shall retain such confidential
 2009 or exempt status when transferred to the department.

2010 Reviser's note.—Amended to conform to the repeal of s.

2011 394.463(2)(i)4. by s. 88, ch. 2016-241, Laws of Florida,
 2012 and the creation of substantially similar language at s.
 2013 394.463(2)(g)4. by the same law section.

2014 Section 47. Paragraph (a) of subsection (1) of section
 2015 832.07, Florida Statutes, is amended to read:

2016 832.07 Prima facie evidence of intent; identity.—

2017 (1) INTENT.—

2018 (a) In any prosecution or action under this chapter, the
 2019 making, drawing, uttering, or delivery of a check, draft, or
 2020 order, payment of which is refused by the drawee because of lack
 2021 of funds or credit, shall be prima facie evidence of intent to
 2022 defraud or knowledge of insufficient funds in, or credit with,
 2023 such bank, banking institution, trust company, or other
 2024 depository, unless such maker or drawer, or someone for him or
 2025 her, shall have paid the holder thereof the amount due thereon,
 2026 together with a service charge not to exceed the service fees
 2027 authorized under s. 832.08(5) or an amount of up to 5 percent of
 2028 the face amount of the check, whichever is greater, within 15
 2029 days after written notice has been sent to the address printed
 2030 on the check or given at the time of issuance that such check,
 2031 draft, or order has not been paid to the holder thereof, and
 2032 bank fees incurred by the holder. In the event of legal action

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for recovery, the maker or drawer may be additionally liable for court costs and reasonable attorney's fees. Notice mailed by certified or registered mail, evidenced by return receipt, or by first-class mail, evidenced by an affidavit of service of mail, to the address printed on the check or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the maker or drawer, whether such notice shall be returned undelivered or not. The form of such notice shall be substantially as follows:

"You are hereby notified that a check, numbered , in the face amount of \$, issued by you on ... (date) . . . , drawn upon ... (name of bank) . . . , and payable to , has been dishonored. Pursuant to Florida law, you have 15 days from the date of this notice to tender payment of the full amount of such check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or an amount of up to 5 percent of the face amount of the check, whichever is greater, the total amount due being \$ and cents. Unless this amount is paid in full within the time specified above, the holder of such check may turn over the dishonored check and all other available information relating to this incident to the state attorney for criminal prosecution. You may be additionally liable in a civil action for triple the amount of the check, but in no case less than \$50, together with the amount of the check, a service charge, court costs, reasonable attorney fees, and incurred bank fees, as provided in s. 68.065, Florida Statutes."

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Subsequent persons receiving a check, draft, or order from the original payee or a successor endorsee have the same rights that the original payee has against the maker of the instrument, provided such subsequent persons give notice in a substantially similar form to that provided above. Subsequent persons providing such notice shall be immune from civil liability for the giving of such notice and for proceeding under the forms of such notice, so long as the maker of the instrument has the same defenses against these subsequent persons as against the original payee. However, the remedies available under this section may be exercised only by one party in interest.

Reviser's note.—Amended to conform to the Florida Statutes citation style for forms.

Section 48. Subsection (5) of section 893.0356, Florida Statutes, is amended to read:

893.0356 Control of new substances; findings of fact; "controlled substance analog" defined.—

(5) A controlled substance analog shall, for purposes of drug abuse prevention and control, be treated as the highest scheduled controlled substance of which it is a controlled substance analog ~~to~~ in s. 893.03.

Reviser's note.—Amended to confirm the editorial deletion of the word "to."

Section 49. Subsections (3) and (4) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(3) A person who delivers, without consideration, 20 grams or less of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s.

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775.082 or s. 775.083. As used in this ~~subsection paragraph~~, the term "cannabis" does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(4) Except as authorized by this chapter, a person 18 years of age or older may not deliver any controlled substance to a person younger than 18 years of age, use or hire a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter. A person who violates this ~~subsection paragraph~~ with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any other controlled substance, except as lawfully sold, manufactured, or delivered, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, and the person so convicted may not be placed on probation.

Reviser's note.—Subsection (3) is amended to conform to context

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and to the fact that subsection (3) does not contain paragraphs. Subsection (4) is amended to conform to context; the amendment to subsection (4) by s. 5, ch. 2016-105, Laws of Florida, substituted the word "paragraph" for the word "provision," but the introductory material is applicable to the entire subsection.

Section 50. Paragraphs (c) and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

| Florida Statute | Felony Degree | Description |
|-----------------------|---------------|--|
| 119.10(2)(b) | 3rd | Unlawful use of confidential information from police reports. |
| 316.066 (3)(b)-(d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 316.193(2)(b) | 3rd | Felony DUI, 3rd conviction. |
| 316.1935(2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle |

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| | | | with siren and lights activated. | |
| 2137 | 319.30(4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. | |
| 2138 | 319.33(1)(a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. | |
| 2139 | 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. | |
| 2140 | 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. | |
| 2141 | 327.35(2)(b) | 3rd | Felony BUI. | |
| 2142 | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. | |

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| 2143 | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. | |
| 2144 | 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. | |
| 2145 | 379.2431 (1)(e)5. | 3rd | Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act. | |
| 2146 | <u>379.2431</u> <u>(1)(e)7</u> 379.2431 (1)(e)6. | 3rd | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act. | |
| 2147 | 400.9935(4)(a) | 3rd | Operating a clinic, or | |

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| | or (b) | | offering services requiring licensure, without a license. |
| 2148 | 400.9935(4) (e) | 3rd | Filing a false license application or other required information or failing to report information. |
| 2149 | 440.1051(3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 2150 | 501.001(2) (b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 2151 | 624.401(4) (a) | 3rd | Transacting insurance without a certificate of authority. |
| 2152 | 624.401(4) (b)1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than |

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| | | | \$20,000. |
| 2153 | 626.902(1) (a) & (b) | 3rd | Representing an unauthorized insurer. |
| 2154 | 697.08 | 3rd | Equity skimming. |
| 2155 | 790.15(3) | 3rd | Person directs another to discharge firearm from a vehicle. |
| 2156 | 806.10(1) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 2157 | 806.10(2) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 2158 | 810.09(2) (c) | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 2159 | 812.014(2) (c)2. | 3rd | Grand theft; \$5,000 or more but less than \$10,000. |
| 2160 | | | |

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| 2161 | 812.0145(2) (c) | 3rd | Theft from person 65 years of age or older; \$300 or more but less than \$10,000. |
| | 815.04(5) (b) | 2nd | Computer offense devised to defraud or obtain property. |
| 2162 | 817.034(4) (a) 3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 2163 | 817.233 | 3rd | Burning to defraud insurer. |
| 2164 | 817.234 (8) (b) & (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 2165 | 817.234(11) (a) | 3rd | Insurance fraud; property value less than \$20,000. |
| 2166 | 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 2167 | 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle |

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| 2168 | | | insurance card. |
| 2169 | 817.413(2) | 3rd | Sale of used goods as new. |
| 2170 | 817.505(4) | 3rd | Patient brokering. |
| | 828.12(2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |
| 2171 | 831.28(2) (a) | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument. |
| 2172 | 831.29 | 2nd | Possession of instruments for counterfeiting driver licenses or identification cards. |
| 2173 | 838.021(3) (b) | 3rd | Threatens unlawful harm to public servant. |
| 2174 | 843.19 | 3rd | Injure, disable, or kill police dog or horse. |
| 2175 | 860.15(3) | 3rd | Overcharging for repairs |

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2176 and parts.

870.01(2) 3rd Riot; inciting or encouraging.

2177 893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

2178 893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.

2179 893.13(1)(f)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or

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2180 (4) drugs within 1,000 feet of public housing facility.

893.13(4)(c) 3rd Use or hire of minor; deliver to minor other controlled substances.

2181 893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

2182 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

2183 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

2184 893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

2185 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any

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document or record required
by chapter 893.

2186

893.13(8)(a)1.

3rd

Knowingly assist a patient,
other person, or owner of
an animal in obtaining a
controlled substance
through deceptive, untrue,
or fraudulent
representations in or
related to the
practitioner's practice.

2187

893.13(8)(a)2.

3rd

Employ a trick or scheme in
the practitioner's practice
to assist a patient, other
person, or owner of an
animal in obtaining a
controlled substance.

2188

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

2189

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a
patient, other person, or
an animal if the sole

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purpose of writing the
prescription is a monetary
benefit for the
practitioner.

2190

918.13(1)(a)

3rd

Alter, destroy, or conceal
investigation evidence.

2191

944.47

3rd

Introduce contraband to
correctional facility.

(1)(a)1. & 2.

2192

944.47(1)(c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

2193

985.721

3rd

Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

2194

2195

(h) LEVEL 8

2196

Florida
Statute

Felony
Degree

Description

2197

316.193

2nd

DUI manslaughter.

(3)(c)3.a.

2198

316.1935(4)(b)

1st

Aggravated fleeing or attempted

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| | | | eluding with serious bodily injury or death. |
| 2199 | | | |
| | 327.35 (3) (c) 3. | 2nd | Vessel BUI manslaughter. |
| 2200 | | | |
| | <u>499.0051 (6)</u> | 1st | Knowing trafficking in contraband |
| | 499.0051 (7) | | prescription drugs. |
| 2201 | | | |
| | <u>499.0051 (7)</u> | 1st | Knowing forgery of prescription |
| | 499.0051 (8) | | labels or prescription drug |
| | | | labels. |
| 2202 | | | |
| | 560.123 (8) (b) 2. | 2nd | Failure to report currency or |
| | | | payment instruments totaling or |
| | | | exceeding \$20,000, but less than |
| | | | \$100,000 by money transmitter. |
| 2203 | | | |
| | 560.125 (5) (b) | 2nd | Money transmitter business by |
| | | | unauthorized person, currency or |
| | | | payment instruments totaling or |
| | | | exceeding \$20,000, but less than |
| | | | \$100,000. |
| 2204 | | | |
| | 655.50 (10) (b) 2. | 2nd | Failure to report financial |
| | | | transactions totaling or exceeding |
| | | | \$20,000, but less than \$100,000 by |
| | | | financial institutions. |
| 2205 | | | |
| | 777.03 (2) (a) | 1st | Accessory after the fact, capital |

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| | | | felony. |
| 2206 | | | |
| | 782.04 (4) | 2nd | Killing of human without design |
| | | | when engaged in act or attempt of |
| | | | any felony other than arson, |
| | | | sexual battery, robbery, burglary, |
| | | | kidnapping, aggravated fleeing or |
| | | | eluding with serious bodily injury |
| | | | or death, aircraft piracy, or |
| | | | unlawfully discharging bomb. |
| 2207 | | | |
| | 782.051 (2) | 1st | Attempted felony murder while |
| | | | perpetrating or attempting to |
| | | | perpetrate a felony not enumerated |
| | | | in s. 782.04 (3). |
| 2208 | | | |
| | 782.071 (1) (b) | 1st | Committing vehicular homicide and |
| | | | failing to render aid or give |
| | | | information. |
| 2209 | | | |
| | 782.072 (2) | 1st | Committing vessel homicide and |
| | | | failing to render aid or give |
| | | | information. |
| 2210 | | | |
| | 787.06 (3) (a) 1. | 1st | Human trafficking for labor and |
| | | | services of a child. |
| 2211 | | | |
| | 787.06 (3) (b) | 1st | Human trafficking using coercion |
| | | | for commercial sexual activity of |

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| | | | | |
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| | | | | an adult. |
| 2212 | 787.06(3)(c)2. | 1st | | Human trafficking using coercion for labor and services of an unauthorized alien adult. |
| 2213 | 787.06(3)(e)1. | 1st | | Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state. |
| 2214 | 787.06(3)(f)2. | 1st | | Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state. |
| 2215 | 790.161(3) | 1st | | Discharging a destructive device which results in bodily harm or property damage. |
| 2216 | 794.011(5)(a) | 1st | | Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury. |
| 2217 | 794.011(5)(b) | 2nd | | Sexual battery; victim and |

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| | | | | |
|------|---------------|-----|-----------|---|
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| | | | | offender 18 years of age or older; offender does not use physical force likely to cause serious injury. |
| 2218 | 794.011(5)(c) | 2nd | | Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury. |
| 2219 | 794.011(5)(d) | 1st | | Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense. |
| 2220 | 794.08(3) | 2nd | | Female genital mutilation, removal of a victim younger than 18 years of age from this state. |
| 2221 | 800.04(4)(b) | 2nd | | Lewd or lascivious battery. |
| 2222 | 800.04(4)(c) | 1st | | Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense. |
| 2223 | 806.01(1) | 1st | | Maliciously damage dwelling or |

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structure by fire or explosive,
believing person in structure.

2224

810.02(2)(a) 1st,PBL Burglary with assault or battery.

2225

810.02(2)(b) 1st,PBL Burglary; armed with explosives or
dangerous weapon.

2226

810.02(2)(c) 1st Burglary of a dwelling or
structure causing structural
damage or \$1,000 or more property
damage.

2227

812.014(2)(a)2. 1st Property stolen; cargo valued at
\$50,000 or more, grand theft in
1st degree.

2228

812.13(2)(b) 1st Robbery with a weapon.

2229

812.135(2)(c) 1st Home-invasion robbery, no firearm,
deadly weapon, or other weapon.

2230

817.535(2)(b) 2nd Filing false lien or other
unauthorized document; second or
subsequent offense.

2231

817.535(3)(a) 2nd Filing false lien or other
unauthorized document; property
owner is a public officer or

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employee.

2232

817.535(4)(a)1. 2nd Filing false lien or other
unauthorized document; defendant
is incarcerated or under
supervision.

2233

817.535(5)(a) 2nd Filing false lien or other
unauthorized document; owner of
the property incurs financial loss
as a result of the false
instrument.

2234

817.568(6) 2nd Fraudulent use of personal
identification information of an
individual under the age of 18.

2235

817.611(2)(c) 1st Traffic in or possess 50 or more
counterfeit credit cards or
related documents.

2236

825.102(2) 1st Aggravated abuse of an elderly
person or disabled adult.

2237

825.1025(2) 2nd Lewd or lascivious battery upon an
elderly person or disabled adult.

2238

825.103(3)(a) 1st Exploiting an elderly person or
disabled adult and property is

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valued at \$50,000 or more.

2239

837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

2240

837.021(2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

2241

860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

2242

860.16 1st Aircraft piracy.

2243

893.13(1)(b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

2244

893.13(2)(b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

2245

893.13(6)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

2246

893.135(1)(a)2. 1st Trafficking in cannabis, more than

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2,000 lbs., less than 10,000 lbs.

2247

893.135 1st Trafficking in cocaine, more than
(1)(b)1.b. 200 grams, less than 400 grams.

2248

893.135 1st Trafficking in illegal drugs, more
(1)(c)1.b. than 14 grams, less than 28 grams.

2249

893.135 1st Trafficking in hydrocodone, 50
(1)(c)2.c. grams or more, less than 200
grams.

2250

893.135 1st Trafficking in oxycodone, 25 grams
(1)(c)3.c. or more, less than 100 grams.

2251

893.135 1st Trafficking in phencyclidine, more
(1)(d)1.b. than 200 grams, less than 400
grams.

2252

893.135 1st Trafficking in methaqualone, more
(1)(e)1.b. than 5 kilograms, less than 25
kilograms.

2253

893.135 1st Trafficking in amphetamine, more
(1)(f)1.b. than 28 grams, less than 200
grams.

2254

893.135 1st Trafficking in flunitrazepam, 14
(1)(g)1.b. grams or more, less than 28 grams.

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2255

893.135 1st Trafficking in gamma-
(1) (h) 1.b. hydroxybutyric acid (GHB), 5
kilograms or more, less than 10
kilograms.

2256

893.135 1st Trafficking in 1,4-Butanediol, 5
(1) (j) 1.b. kilograms or more, less than 10
kilograms.

2257

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.b. 200 grams or more, less than 400
grams.

2258

893.1351(3) 1st Possession of a place used to
manufacture controlled substance
when minor is present or resides
there.

2259

895.03(1) 1st Use or invest proceeds derived
from pattern of racketeering
activity.

2260

895.03(2) 1st Acquire or maintain through
racketeering activity any interest
in or control of any enterprise or
real property.

2261

895.03(3) 1st Conduct or participate in any

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2262

enterprise through pattern of
racketeering activity.

896.101(5) (b) 2nd Money laundering, financial
transactions totaling or exceeding
\$20,000, but less than \$100,000.

2263

896.104(4) (a) 2. 2nd Structuring transactions to evade
reporting or registration
requirements, financial
transactions totaling or exceeding
\$20,000 but less than \$100,000.

2264

2265

Reviser's note.—Paragraph (3) (c) is amended to conform to the
redesignation of s. 379.2431(1) (e) 6. as s. 379.2431(1) (e) 7.
by s. 4, ch. 2016-107, Laws of Florida. Paragraph (3) (h) is
amended to conform to the redesignation of subunits in s.
499.0051 by s. 4, ch. 2016-212, Laws of Florida.

2267

Section 51. Paragraph (c) of subsection (5) of section
932.7055, Florida Statutes, is amended to read:

2272

932.7055 Disposition of liens and forfeited property.—
(5)

2273

2274

(c) An agency or organization, other than the seizing
agency, that wishes to receive such funds shall apply to the
sheriff or chief of police for an appropriation and its
application shall be accompanied by a written certification that
the moneys will be used for an authorized purpose. Such requests
for expenditures shall include a statement describing
anticipated recurring costs for the agency for subsequent fiscal

2275

2276

2277

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2280

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2281 years. An agency or organization that receives money pursuant to
 2282 this subsection shall provide an accounting for such moneys and
 2283 shall furnish the same reports as an agency of the county or
 2284 municipality that receives public funds. Such funds may be
 2285 expended in accordance with the following procedures:

2286 1. Such funds may be used only for school resource officer,
 2287 crime prevention, safe neighborhood, drug abuse education, or
 2288 drug prevention programs or such other law enforcement purposes
 2289 as the board of county commissioners or governing body of the
 2290 municipality deems appropriate.

2291 2. Such funds shall not be a source of revenue to meet
 2292 normal operating needs of the law enforcement agency.

2293 3. Any local law enforcement agency that acquires at least
 2294 \$15,000 pursuant to the Florida Contraband Forfeiture Act within
 2295 a fiscal year must expend or donate no less than 25 percent of
 2296 such proceeds for the support or operation of any drug
 2297 treatment, drug abuse education, drug prevention, crime
 2298 prevention, safe neighborhood, or school resource officer
 2299 program or programs. The local law enforcement agency has the
 2300 discretion to determine which program or programs will receive
 2301 the designated proceeds.

2302
 2303 Notwithstanding the drug abuse education, drug treatment, drug
 2304 prevention, crime prevention, safe neighborhood, or school
 2305 resource officer minimum expenditures or donations, the sheriff
 2306 and the board of county commissioners or the chief of police and
 2307 the governing body of the municipality may agree to expend or
 2308 donate such funds over a period of years if the expenditure or
 2309 donation of such minimum amount in any given fiscal year would

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2310 exceed the needs of the county or municipality for such program
 2311 or programs. The minimum requirement for expenditure or donation
 2312 of forfeiture proceeds established in subparagraph 3. ~~this~~
 2313 ~~subparagraph~~ does not preclude expenditures or donations in
 2314 excess of that amount.

2315 Reviser's note.—Amended to correct an apparent error. The
 2316 reference to "this subparagraph" was added to the flush
 2317 left language at the end of paragraph (c) by s. 4, ch.
 2318 2016-79, Laws of Florida; subparagraph (c)3. specifically
 2319 contains a minimum requirement for expenditure or donation.
 2320 Section 52. Paragraph (a) of subsection (14) of section
 2321 1002.385, Florida Statutes, is amended to read:

2322 1002.385 The Gardiner Scholarship.—

2323 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

2324 (a) The Auditor General shall conduct an annual operational
 2325 audit of accounts and records of each organization that
 2326 participates in the program. As part of this audit, the Auditor
 2327 General shall verify, at a minimum, the total number ~~amount~~ of
 2328 students served and the eligibility of reimbursements made by
 2329 the organization and transmit that information to the
 2330 department. The Auditor General shall provide the commissioner
 2331 with a copy of each annual operational audit performed pursuant
 2332 to this subsection within 10 days after the audit is finalized.

2333 Reviser's note.—Amended to improve clarity.

2334 Section 53. Subsection (2) of section 1003.42, Florida
 2335 Statutes, is amended to read:

2336 1003.42 Required instruction.—

2337 (2) Members of the instructional staff of the public
 2338 schools, subject to the rules of the State Board of Education

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2339 and the district school board, shall teach efficiently and
 2340 faithfully, using the books and materials required that meet the
 2341 highest standards for professionalism and historical ~~historie~~
 2342 accuracy, following the prescribed courses of study, and
 2343 employing approved methods of instruction, the following:

2344 (a) The history and content of the Declaration of
 2345 Independence, including national sovereignty, natural law, self-
 2346 evident truth, equality of all persons, limited government,
 2347 popular sovereignty, and inalienable rights of life, liberty,
 2348 and property, and how they form the philosophical foundation of
 2349 our government.

2350 (b) The history, meaning, significance, and effect of the
 2351 provisions of the Constitution of the United States and
 2352 amendments thereto, with emphasis on each of the 10 amendments
 2353 that make up the Bill of Rights and how the constitution
 2354 provides the structure of our government.

2355 (c) The arguments in support of adopting our republican
 2356 form of government, as they are embodied in the most important
 2357 of the Federalist Papers.

2358 (d) Flag education, including proper flag display and flag
 2359 salute.

2360 (e) The elements of civil government, including the primary
 2361 functions of and interrelationships between the Federal
 2362 Government, the state, and its counties, municipalities, school
 2363 districts, and special districts.

2364 (f) The history of the United States, including the period
 2365 of discovery, early colonies, the War for Independence, the
 2366 Civil War, the expansion of the United States to its present
 2367 boundaries, the world wars, and the civil rights movement to the

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2368 present. American history shall be viewed as factual, not as
 2369 constructed, shall be viewed as knowable, teachable, and
 2370 testable, and shall be defined as the creation of a new nation
 2371 based largely on the universal principles stated in the
 2372 Declaration of Independence.

2373 (g) The history of the Holocaust (1933-1945), the
 2374 systematic, planned annihilation of European Jews and other
 2375 groups by Nazi Germany, a watershed event in the history of
 2376 humanity, to be taught in a manner that leads to an
 2377 investigation of human behavior, an understanding of the
 2378 ramifications of prejudice, racism, and stereotyping, and an
 2379 examination of what it means to be a responsible and respectful
 2380 person, for the purposes of encouraging tolerance of diversity
 2381 in a pluralistic society and for nurturing and protecting
 2382 democratic values and institutions.

2383 (h) The history of African Americans, including the history
 2384 of African peoples before the political conflicts that led to
 2385 the development of slavery, the passage to America, the
 2386 enslavement experience, abolition, and the contributions of
 2387 African Americans to society. Instructional materials shall
 2388 include the contributions of African Americans to American
 2389 society.

2390 (i) The elementary principles of agriculture.

2391 (j) The true effects of all alcoholic and intoxicating
 2392 liquors and beverages and narcotics upon the human body and
 2393 mind.

2394 (k) Kindness to animals.

2395 (l) The history of the state.

2396 (m) The conservation of natural resources.

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2397 (n) Comprehensive health education that addresses concepts
 2398 of community health; consumer health; environmental health;
 2399 family life, including an awareness of the benefits of sexual
 2400 abstinence as the expected standard and the consequences of
 2401 teenage pregnancy; mental and emotional health; injury
 2402 prevention and safety; Internet safety; nutrition; personal
 2403 health; prevention and control of disease; and substance use and
 2404 abuse. The health education curriculum for students in grades 7
 2405 through 12 shall include a teen dating violence and abuse
 2406 component that includes, but is not limited to, the definition
 2407 of dating violence and abuse, the warning signs of dating
 2408 violence and abusive behavior, the characteristics of healthy
 2409 relationships, measures to prevent and stop dating violence and
 2410 abuse, and community resources available to victims of dating
 2411 violence and abuse.

2412 (o) Such additional materials, subjects, courses, or fields
 2413 in such grades as are prescribed by law or by rules of the State
 2414 Board of Education and the district school board in fulfilling
 2415 the requirements of law.

2416 (p) The study of Hispanic contributions to the United
 2417 States.

2418 (q) The study of women's contributions to the United
 2419 States.

2420 (r) The nature and importance of free enterprise to the
 2421 United States economy.

2422 (s) A character-development program in the elementary
 2423 schools, similar to Character First or Character Counts, which
 2424 is secular in nature. Beginning in school year 2004-2005, the
 2425 character-development program shall be required in kindergarten

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2426 through grade 12. Each district school board shall develop or
 2427 adopt a curriculum for the character-development program that
 2428 shall be submitted to the department for approval. The
 2429 character-development curriculum shall stress the qualities of
 2430 patriotism; responsibility; citizenship; kindness; respect for
 2431 authority, life, liberty, and personal property; honesty;
 2432 charity; self-control; racial, ethnic, and religious tolerance;
 2433 and cooperation. The character-development curriculum for grades
 2434 9 through 12 shall, at a minimum, include instruction on
 2435 developing leadership skills, interpersonal skills, organization
 2436 skills, and research skills; creating a resume; developing and
 2437 practicing the skills necessary for employment interviews;
 2438 conflict resolution, workplace ethics, and workplace law;
 2439 managing stress and expectations; and developing skills that
 2440 enable students to become more resilient and self-motivated.

2441 (t) In order to encourage patriotism, the sacrifices that
 2442 veterans have made in serving our country and protecting
 2443 democratic values worldwide. Such instruction must occur on or
 2444 before Veterans' Day and Memorial Day. Members of the
 2445 instructional staff are encouraged to use the assistance of
 2446 local veterans when practicable.

2447
 2448 The State Board of Education is encouraged to adopt standards
 2449 and pursue assessment of the requirements of this subsection.
 2450 Reviser's note.—Amended to improve clarity.

2451 Section 54. Paragraph (a) of subsection (2) of section
 2452 1006.195, Florida Statutes, is amended to read:

2453 1006.195 District school board, charter school authority
 2454 and responsibility to establish student eligibility regarding

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2455 participation in interscholastic and intrascholastic
 2456 extracurricular activities.—Notwithstanding any provision to the
 2457 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
 2458 eligibility to participate in interscholastic and
 2459 intrascholastic extracurricular activities:

2460 (2) (a) The Florida High School Athletic Association (FHSAA)
 2461 continues to retain jurisdiction over the following provisions
 2462 in s. 1006.20, which may not be implemented in a manner contrary
 2463 to this section: membership in the FHSAA; recruiting
 2464 prohibitions and violations; student medical evaluations;
 2465 investigations; ~~and~~ sanctions for coaches; school eligibility
 2466 and forfeiture of contests; student concussions or head
 2467 injuries; the sports medical advisory committee; and the general
 2468 operational provisions of the FHSAA.
 2469 Reviser's note.—Amended to improve clarity.

2470 Section 55. Paragraph (d) of subsection (7) of section
 2471 1012.796, Florida Statutes, is amended to read:

2472 1012.796 Complaints against teachers and administrators;
 2473 procedure; penalties.—

2474 (7) A panel of the commission shall enter a final order
 2475 either dismissing the complaint or imposing one or more of the
 2476 following penalties:

2477 (d) Placement of the teacher, administrator, or supervisor
 2478 on probation for a period of time and subject to such conditions
 2479 as the commission may specify, including requiring the certified
 2480 teacher, administrator, or supervisor to complete additional
 2481 appropriate college courses or work with another certified
 2482 educator, with the administrative costs of monitoring the
 2483 probation assessed to the educator placed on probation. An

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2484 educator who has been placed on probation shall, at a minimum:

2485 1. Immediately notify the investigative office in the
 2486 Department of Education upon employment or termination of
 2487 employment in the state in any public or private position
 2488 requiring a Florida educator's certificate.

2489 2. Have his or her immediate supervisor submit annual
 2490 performance reports to the investigative office in the
 2491 Department of Education.

2492 3. Pay to the commission within the first 6 months of each
 2493 probation year the administrative costs of monitoring probation
 2494 assessed to the educator.

2495 4. Violate no law and ~~shall~~ fully comply with all district
 2496 school board policies, school rules, and State Board of
 2497 Education rules.

2498 5. Satisfactorily perform his or her assigned duties in a
 2499 competent, professional manner.

2500 6. Bear all costs of complying with the terms of a final
 2501 order entered by the commission.

2502
 2503 The penalties imposed under this subsection are in addition to,
 2504 and not in lieu of, the penalties required for a third
 2505 recruiting offense pursuant to s. 1006.20(2)(b).

2506 Reviser's note.—Amended to improve clarity.

2507 Section 56. Subsection (4) of section 1013.40, Florida
 2508 Statutes, is amended to read:

2509 1013.40 Planning and construction of Florida College System
 2510 institution facilities; property acquisition.—

2511 (4) The campus of a Florida College System institution
 2512 within a municipality designated as an area of critical state

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2513 concern, as defined in s. 380.05, and having a comprehensive
2514 plan and land development regulations containing a building
2515 permit allocation system that limits annual growth, may
2516 construct dormitories for up to 300 beds for Florida College
2517 System institution students. Such dormitories are exempt from
2518 the building permit allocation system and may be constructed up
2519 to 45 feet in height if the dormitories are otherwise consistent
2520 with the comprehensive plan, the Florida College System
2521 institution has a hurricane evacuation plan that requires all
2522 dormitory occupants to be evacuated 48 hours in advance of
2523 tropical force winds, and transportation is provided for
2524 dormitory occupants during an evacuation. State funds and
2525 tuition and fee revenues may not be used for construction, debt
2526 service payments, maintenance, or operation of such dormitories.
2527 Additional dormitory beds constructed after July 1, 2016, may
2528 not be financed through the issuance of bonds ~~a bond~~.
2529 Reviser's note.—Amended to improve clarity.

2530 Section 57. Except as otherwise provided by this act, this
2531 act shall take effect on the 60th day after adjournment sine die
2532 of the session of the Legislature in which enacted.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/22/2017

Meeting Date

502

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 504

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 23, 2017

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------------|----------------|-----------|--------|
| 1. Pollitz (DLRI) | Phelps | RC | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

This bill deletes statutes provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2016, by the 2015 Regular Session of the Legislature).

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 20.435, 212.08, 213.053, 216.292, 220.192, 320.08058, 322.21, 377.703, 388.261, 403.1832, 409.91195, 409.91196, 409.912, 409.962, 641.19, 641.386, and 720.303, F.S.; repeals ss. 322.1415 and 400.9986, F.S.

II. Present Situation:

The Division of Law Revision and Information, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes text where the repeal was voted by the Legislature sitting in the current year; sections

effectively repealed but where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

III. Effect of Proposed Changes:

This bill will delete sections that have already been repealed by the Legislature by substantive legislation that the Division of Law Revision and Information could not remove from the statutes text without the required inclusion in a reviser's bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 20.435, 212.08, 213.053, 216.292, 220.192, 320.08058, 322.21, 377.703, 388.261, 403.1832, 409.91195, 409.91196, 409.912, 409.962, 641.19, 641.386, and 720.303, F.S.

This bill creates the following sections of the Florida Statutes: None.

This bill repeals the following sections of the Florida Statutes: ss. 322.1415 and 400.9986, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on February 22, 2017:

The Committee Substitute saves from repeal the inclusion of information regarding the Economic Gardening Business Loan Pilot Program in the Department of Economic Opportunity's annual report on economic development.

B. Amendments:

None.



429454

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 02/22/2017 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Rules (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 226 - 256.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 11

and insert:

amending ss. 213.053, 220.192, 322.21, 377.703,

By Senator Benacquisto

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 212.08(7) (hhh), 216.292(8), 322.1415, 388.261(4) (b),
 4 400.9986, 403.1832(2), 409.912(1), (3), and (7), and
 5 720.303(13), F.S., amending ss. 20.435 and 320.08058,
 6 F.S., to delete provisions which have become
 7 inoperative by noncurrent repeal or expiration and,
 8 pursuant to s. 11.242(5) (b) and (i), F.S., may be
 9 omitted from the 2017 Florida Statutes only through a
 10 reviser's bill duly enacted by the Legislature;
 11 amending ss. 20.60, 213.053, 220.192, 322.21, 377.703,
 12 409.91195, 409.91196, 409.962, 641.19, and 641.386,
 13 F.S., to conform cross-references; providing an
 14 effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Paragraph (a) of subsection (4) of section
 19 20.435, Florida Statutes, is amended to read:
 20 20.435 Department of Health; trust funds.—The following
 21 trust funds shall be administered by the Department of Health:
 22 (4) Medical Quality Assurance Trust Fund.
 23 (a) ~~Funds to be credited to the trust fund shall consist~~
 24 ~~of fees and fines related to the licensing of health care~~
 25 ~~professionals. Funds shall be used for the purpose of providing~~
 26 ~~administrative support for the regulation of health care~~
 27 ~~professionals and for other such purposes as may be appropriate~~
 28 ~~and shall be expended only pursuant to legislative appropriation~~
 29 ~~or an approved amendment to the department's operating budget~~
 30 ~~pursuant to the provisions of chapter 216.~~
 31 ~~2. For the 2015-2016 fiscal year, the uses authorized under~~

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32 ~~subparagraph 1. include the provision of health care services to~~
 33 ~~department clients. This subparagraph expires July 1, 2016.~~
 34 Reviser's note.—Amended to delete subparagraph 2. to conform to
 35 the expiration of that subparagraph pursuant to its own
 36 terms, effective July 1, 2016.
 37 Section 2. Paragraph (hhh) of subsection (7) of section
 38 212.08, Florida Statutes, is repealed.
 39 Reviser's note.—The cited paragraph, which relates to a sales
 40 tax exemption for equipment, machinery, and other materials
 41 for renewable energy technologies, expired pursuant to its
 42 own terms, effective July 1, 2016.
 43 Section 3. Subsection (8) of section 216.292, Florida
 44 Statutes, is repealed.
 45 Reviser's note.—The cited subsection, which authorizes transfer,
 46 for the 2015-2016 fiscal year only, of up to \$2.5 million
 47 of recurring funds from the Working Capital Trust Fund
 48 within the Agency for State Technology between
 49 appropriations categories for operations to realign funds
 50 to begin migration of cloud-ready applications at the State
 51 Data Center to a cloud solution that complies with all
 52 applicable federal and state security and privacy
 53 requirements, expired pursuant to its own terms, effective
 54 July 1, 2016.
 55 Section 4. Paragraph (b) of subsection (69) of section
 56 320.08058, Florida Statutes, is amended to read:
 57 320.08058 Specialty license plates.—
 58 (69) ST. JOHNS RIVER LICENSE PLATES.—
 59 (b) The requirements of s. 320.08053 must be met prior to
 60 the issuance of the plate. Thereafter, the license plate annual

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use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:

1. The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.

2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.

~~4. Effective July 1, 2014, the St. Johns River license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). The St. Johns River Alliance, Inc., shall~~

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~~have 24 months to record a minimum of 1,000 sales of the license plates. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the St. Johns River specialty plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the development and issuance of the plate. This subparagraph is repealed June 30, 2016.~~

Reviser's note.—Amended to delete subparagraph (69)(b)4. to conform to the repeal of that subparagraph pursuant to its own terms, effective June 30, 2016.

Section 5. Section 322.1415, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to a specialty driver license and identification card program, was repealed pursuant to its own terms, effective August 31, 2016.

Section 6. Paragraph (b) of subsection (4) of section 388.261, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which authorizes up to 40 percent of the annual funds appropriated to local governments for arthropod control to be used for arthropod control research or demonstration projects for the 2015-2016 fiscal year only, expired pursuant to its own terms, effective July 1, 2016.

Section 7. Section 400.9986, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to transitional

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119 living facilities, was repealed by s. 3, ch. 2015-25, Laws
 120 of Florida, effective July 1, 2016. Since the section was
 121 not repealed by a "current session" of the Legislature, it
 122 may be omitted from the 2017 Florida Statutes only through
 123 a reviser's bill duly enacted by the Legislature. See s.
 124 11.242(5)(b) and (i).

125 Section 8. Subsection (2) of section 403.1832, Florida
 126 Statutes, is repealed.

127 Reviser's note.—The cited subsection, which relates to transfer
 128 of all outstanding appropriations supported by federal
 129 grants to the Federal Grants Trust Fund, expired pursuant
 130 to its own terms, effective July 1, 2016.

131 Section 9. Subsections (1), (3), and (7) of section
 132 409.912, Florida Statutes, are repealed.

133 Reviser's note.—The cited subsections, which relate to
 134 interagency agreements, agency application for waivers of
 135 federal law and regulations to implement more appropriate
 136 systems of health care for Medicaid recipients, and
 137 establishment of a health care quality improvement system,
 138 respectively, expired pursuant to their own terms,
 139 effective October 1, 2016.

140 Section 10. Subsection (13) of section 720.303, Florida
 141 Statutes, is repealed.

142 Reviser's note.—The cited subsection, which relates to
 143 association reporting requirements, expired pursuant to its
 144 own terms, effective July 1, 2016.

145 Section 11. Paragraph (v) of subsection (8) of section
 146 213.053, Florida Statutes, is amended to read:

147 213.053 Confidentiality and information sharing.—

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148 (8) Notwithstanding any other provision of this section,
 149 the department may provide:

150 (v) Information relative to ss. ~~212.08(7)(hhh)~~, 220.192,
 151 and 220.193 to the Department of Agriculture and Consumer
 152 Services for use in the conduct of its official business.

153
 154 Disclosure of information under this subsection shall be
 155 pursuant to a written agreement between the executive director
 156 and the agency. Such agencies, governmental or nongovernmental,
 157 shall be bound by the same requirements of confidentiality as
 158 the Department of Revenue. Breach of confidentiality is a
 159 misdemeanor of the first degree, punishable as provided by s.
 160 775.082 or s. 775.083.

161 Reviser's note.—Amended to conform to the repeal of s.
 162 212.08(7)(hhh) by this act to ratify the expiration of that
 163 paragraph pursuant to its own terms, effective July 1,
 164 2016.

165 Section 12. Paragraphs (a) and (d) of subsection (1) of
 166 section 220.192, Florida Statutes, are amended to read:

167 220.192 Renewable energy technologies investment tax
 168 credit.—

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

170 (a) "Biodiesel" means biodiesel as defined in former s.
 171 212.08(7)(hhh), Florida Statutes 2016.

172 (d) "Ethanol" means ethanol as defined in former s.
 173 212.08(7)(hhh), Florida Statutes 2016.

174 Reviser's note.—Amended to conform to the repeal of s.

175 212.08(7)(hhh) by this act to ratify the expiration of that
 176 paragraph pursuant to its own terms, effective July 1,

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177 2016.

178 Section 13. Paragraph (n) of subsection (2) of section
179 377.703, Florida Statutes, is amended to read:

180 377.703 Additional functions of the Department of
181 Agriculture and Consumer Services.—

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

185 (n) On an annual basis, the department shall prepare an
186 assessment of the utilization of the tax exemption authorized in
187 ~~s. 212.08(7) (hhh)~~, the renewable energy technologies investment
188 tax credit authorized in s. 220.192, and the renewable energy
189 production credit authorized in s. 220.193, which the department
190 shall submit to the President of the Senate, the Speaker of the
191 House of Representatives, and the Executive Office of the
192 Governor by February 1 of each year. The assessment shall
193 include, at a minimum, the following information:

194 1. ~~For the tax exemption authorized in s. 212.08(7) (hhh):~~

195 ~~a. The name of each taxpayer receiving an exemption under~~
196 ~~this section;~~

197 ~~b. The amount of the exemption received by each taxpayer;~~
198 ~~and~~

199 ~~c. The type and description of each eligible item for which~~
200 ~~each taxpayer is applying.~~

201 2. For the renewable energy technologies investment tax
202 credit authorized in s. 220.192:

203 a. The name of each taxpayer receiving an allocation under
204 this section;

205 b. The amount of the credits allocated for that fiscal year

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206 for each taxpayer; and

207 c. The type of technology and a description of each
208 investment for which each taxpayer receives an allocation.

209 2.3. For the renewable energy production credit authorized
210 in s. 220.193:

211 a. The name of each taxpayer receiving an allocation under
212 this section;

213 b. The amount of credits allocated for that fiscal year for
214 each taxpayer;

215 c. The type and amount of renewable energy produced and
216 sold, whether the facility producing that energy is a new or
217 expanded facility, and the approximate date on which production
218 began; and

219 d. The aggregate amount of credits allocated for all
220 taxpayers claiming credits under this section for the fiscal
221 year.

222 Reviser's note.—Amended to conform to the repeal of s.

223 212.08(7) (hhh) by this act to ratify the expiration of that
224 paragraph pursuant to its own terms, effective July 1,
225 2016.

226 Section 14. Paragraph (b) of subsection (10) of section
227 20.60, Florida Statutes, is amended to read:

228 20.60 Department of Economic Opportunity; creation; powers
229 and duties.—

230 (10) The department, with assistance from Enterprise
231 Florida, Inc., shall, by November 1 of each year, submit an
232 annual report to the Governor, the President of the Senate, and
233 the Speaker of the House of Representatives on the condition of
234 the business climate and economic development in the state.

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235 (b) The report must incorporate annual reports of other
 236 programs, including:
 237 1. The displaced homemaker program established under s.
 238 446.50.
 239 2. Information provided by the Department of Revenue under
 240 s. 290.014.
 241 3. Information provided by enterprise zone development
 242 agencies under s. 290.0056 and an analysis of the activities and
 243 accomplishments of each enterprise zone.
 244 4. The ~~Economic Gardening Business Loan Pilot Program~~
 245 ~~established under s. 288.1081~~ and the Economic Gardening
 246 Technical Assistance Pilot Program established under s.
 247 288.1082.
 248 5. A detailed report of the performance of the Black
 249 Business Loan Program and a cumulative summary of quarterly
 250 report data required under s. 288.714.
 251 6. The Rural Economic Development Initiative established
 252 under s. 288.0656.
 253 7. The Florida Unique Abilities Partner Program.
 254 Reviser's note.—Amended to conform to the repeal of s. 288.1081
 255 by this act to ratify the repeal of that section pursuant
 256 to its own terms, effective July 1, 2016.
 257 Section 15. Paragraph (i) of subsection (1) of section
 258 322.21, Florida Statutes, is amended to read:
 259 322.21 License fees; procedure for handling and collecting
 260 fees.—
 261 (1) Except as otherwise provided herein, the fee for:
 262 ~~(i) The specialty driver license or identification card~~
 263 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~

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264 ~~other fees required in this section. The fee shall be~~
 265 ~~distributed as follows:~~
 266 1. ~~Fifty percent shall be distributed as provided in s.~~
 267 ~~320.08058 to the appropriate state or independent university,~~
 268 ~~professional sports team, or branch of the United States Armed~~
 269 ~~Forces.~~
 270 2. ~~Fifty percent shall be distributed to the department for~~
 271 ~~costs directly related to the specialty driver license and~~
 272 ~~identification card program and to defray the costs associated~~
 273 ~~with production enhancements and distribution.~~
 274 Reviser's note.—Amended to conform to the repeal of s. 322.1415
 275 by this act to ratify the repeal of that section by its own
 276 terms, effective August 31, 2016.
 277 Section 16. Subsection (4) of section 409.91195, Florida
 278 Statutes, is amended to read:
 279 409.91195 Medicaid Pharmaceutical and Therapeutics
 280 Committee.—There is created a Medicaid Pharmaceutical and
 281 Therapeutics Committee within the agency for the purpose of
 282 developing a Medicaid preferred drug list.
 283 (4) Upon recommendation of the committee, the agency shall
 284 adopt a preferred drug list as described in s. 409.912(5)
 285 ~~409.912(8)~~. To the extent feasible, the committee shall review
 286 all drug classes included on the preferred drug list every 12
 287 months, and may recommend additions to and deletions from the
 288 preferred drug list, such that the preferred drug list provides
 289 for medically appropriate drug therapies for Medicaid patients
 290 which achieve cost savings contained in the General
 291 Appropriations Act.
 292 Reviser's note.—Amended to conform to the repeal of s.

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293 409.912(1), (3), and (7) by this act to ratify the
 294 expiration of subsections (1), (3), and (7) pursuant to
 295 their own terms, effective October 1, 2016.
 296 Section 17. Subsection (1) of section 409.91196, Florida
 297 Statutes, is amended to read:
 298 409.91196 Supplemental rebate agreements; public records
 299 and public meetings exemption.—
 300 (1) The rebate amount, percent of rebate, manufacturer's
 301 pricing, and supplemental rebate, and other trade secrets as
 302 defined in s. 688.002 that the agency has identified for use in
 303 negotiations, held by the Agency for Health Care Administration
 304 under s. 409.912(5)(a)7. ~~409.912(8)(a)7~~ are confidential and
 305 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 306 Constitution.
 307 Reviser's note.—Amended to conform to the repeal of s.
 308 409.912(1), (3), and (7) by this act to ratify the
 309 expiration of subsections (1), (3), and (7) pursuant to
 310 their own terms, effective October 1, 2016.
 311 Section 18. Subsections (1), (7), (13), and (14) of section
 312 409.962, Florida Statutes, are amended to read:
 313 409.962 Definitions.—As used in this part, except as
 314 otherwise specifically provided, the term:
 315 (1) "Accountable care organization" means an entity
 316 qualified as an accountable care organization in accordance with
 317 federal regulations, and which meets the requirements of a
 318 provider service network as described in s. 409.912(1)
 319 ~~409.912(2)~~.
 320 (7) "Eligible plan" means a health insurer authorized under
 321 chapter 624, an exclusive provider organization authorized under

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322 chapter 627, a health maintenance organization authorized under
 323 chapter 641, or a provider service network authorized under s.
 324 409.912(1) ~~409.912(2)~~ or an accountable care organization
 325 authorized under federal law. For purposes of the managed
 326 medical assistance program, the term also includes the
 327 Children's Medical Services Network authorized under chapter 391
 328 and entities qualified under 42 C.F.R. part 422 as Medicare
 329 Advantage Preferred Provider Organizations, Medicare Advantage
 330 Provider-sponsored Organizations, Medicare Advantage Health
 331 Maintenance Organizations, Medicare Advantage Coordinated Care
 332 Plans, and Medicare Advantage Special Needs Plans, and the
 333 Program of All-inclusive Care for the Elderly.
 334 (13) "Prepaid plan" means a managed care plan that is
 335 licensed or certified as a risk-bearing entity, or qualified
 336 pursuant to s. 409.912(1) ~~409.912(2)~~, in the state and is paid a
 337 prospective per-member, per-month payment by the agency.
 338 (14) "Provider service network" means an entity qualified
 339 pursuant to s. 409.912(1) ~~409.912(2)~~ of which a controlling
 340 interest is owned by a health care provider, or group of
 341 affiliated providers, or a public agency or entity that delivers
 342 health services. Health care providers include Florida-licensed
 343 health care professionals or licensed health care facilities,
 344 federally qualified health care centers, and home health care
 345 agencies.
 346 Reviser's note.—Amended to conform to the repeal of s.
 347 409.912(1) by this act to ratify the expiration of
 348 subsection (1) pursuant to its own terms, effective October
 349 1, 2016.
 350 Section 19. Subsection (22) of section 641.19, Florida

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351 Statutes, is amended to read:

352 641.19 Definitions.—As used in this part, the term:

353 (22) "Provider service network" means a network authorized
 354 under s. 409.912(1) ~~409.912(2)~~, reimbursed on a prepaid basis,
 355 operated by a health care provider or group of affiliated health
 356 care providers, and which directly provides health care services
 357 under a Medicare, Medicaid, or Healthy Kids contract.

358 Reviser's note.—Amended to conform to the repeal of s.

359 409.912(1) by this act to ratify the expiration of
 360 subsection (1) pursuant to its own terms, effective October
 361 1, 2016.

362 Section 20. Subsection (4) of section 641.386, Florida
 363 Statutes, is amended to read:

364 641.386 Agent licensing and appointment required;
 365 exceptions.—

366 (4) All agents and health maintenance organizations shall
 367 comply with and be subject to the applicable provisions of ss.
 368 641.309 and 409.912(3) ~~409.912(5)~~, and all companies and
 369 entities appointing agents shall comply with s. 626.451, when
 370 marketing for any health maintenance organization licensed
 371 pursuant to this part, including those organizations under
 372 contract with the Agency for Health Care Administration to
 373 provide health care services to Medicaid recipients or any
 374 private entity providing health care services to Medicaid
 375 recipients pursuant to a prepaid health plan contract with the
 376 Agency for Health Care Administration.

377 Reviser's note.—Amended to conform to the repeal of s.

378 409.912(1) and (3) by this act to ratify the expiration of
 379 subsections (1) and (3) pursuant to their own terms,

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380 effective October 1, 2016.

381 Section 21. This act shall take effect on the 60th day
 382 after adjournment sine die of the session of the Legislature in
 383 which enacted.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/22/2017

Meeting Date

504

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 506

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 21, 2017

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------------|----------------|-----------|------------------|
| 1. Pollitz (DLRI) | Phelps | RC | Favorable |

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. Responses to directives from the Legislature to make specific changes in the statutes, such as renaming a department, are also submitted to the Legislature via reviser's bills.

Section 9, ch. 2012-116, Laws of Florida, created s. 11.242(5)(j), Florida Statutes, requiring the Division of Law Revision and Information to omit statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes as part of the reviser's bill process for each regular session.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 73.073, 110.2037, 250.116, 250.40, 257.12, 258.015, 258.15, 261.06, 265.703, 267.075, 267.173, 267.1735, 288.1082, 288.774, 288.776, 311.07, 375.065, and 379.2402, F.S.; repeals s. 217.14, F.S.

II. Present Situation:

Section 9, ch. 2012-116, Laws of Florida, created s. 11.242(5)(j), Florida Statutes, requiring the Division of Law Revision and Information to prepare reviser's bills each regular session to omit all statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes. Rulemaking authority is deemed unused if the statutory provision "has been in effect for more than 5 years and no rule has been promulgated in reliance thereon."

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 9, ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j), Florida Statutes, to omit statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 73.073, 110.2037, 250.116, 250.40, 257.12, 258.015, 258.15, 261.06, 265.703, 267.075, 267.173, 267.1735, 288.1082, 288.774, 288.776, 311.07, 375.065, and 379.2402, F.S.

This bill creates the following sections of the Florida Statutes: None.

This bill repeals the following sections of the Florida Statutes: s. 217.14, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Benacquisto

27-00509-17

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 73.073, 110.2037, 250.116, 250.40, 257.12, 258.015,
 4 258.15, 261.06, 265.703, 267.075, 267.173, 267.1735,
 5 288.1082, 288.774, 288.776, 311.07, 375.065, and
 6 379.2402, F.S., and repealing s. 217.14, F.S., to
 7 conform to the directive of the Legislature in section
 8 9 of chapter 2012-116, Laws of Florida, codified as
 9 section 11.242(5)(j), Florida Statutes, to prepare a
 10 reviser's bill to omit all statutes and laws, or parts
 11 thereof, which grant duplicative, redundant, or unused
 12 rulemaking authority; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Subsection (2) of section 73.073, Florida
 17 Statutes, is amended to read:
 18 73.073 Eminent domain procedure with respect to condominium
 19 common elements.—
 20 (2) With respect to the exercise of eminent domain or a
 21 negotiated sale for the purchase or taking of a portion of the
 22 common elements of a condominium, the condemning authority shall
 23 have the responsibility of contacting the condominium
 24 association and acquiring the most recent rolls indicating the
 25 names of the unit owners or contacting the appropriate taxing
 26 authority to obtain the names of the owners of record on the tax
 27 rolls. Notification shall be sent by certified mail, return
 28 receipt requested, to the unit owners of record of the
 29 condominium units by the condemning authority indicating the
 30 intent to purchase or take the required property and requesting
 31 a response from the unit owner. The condemning authority shall

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32 be responsible for the expense of sending notification pursuant
 33 to this section. Such notice shall, at a minimum, include:
 34 (a) The name and address of the condemning authority.
 35 (b) A written or visual description of the property.
 36 (c) The public purpose for which the property is needed.
 37 (d) The appraisal value of the property.
 38 (e) A clear, concise statement relating to the unit owner's
 39 right to object to the taking or appraisal value and the
 40 procedures and effects of exercising that right.
 41 (f) A clear, concise statement relating to the power of the
 42 association to convey the property on behalf of the unit owners
 43 if no objection to the taking or appraisal value is raised, and
 44 the effects of this alternative on the unit owner.
 45
 46 ~~The Division of Florida Condominiums, Timeshares, and Mobile~~
 47 ~~Homes of the Department of Business and Professional Regulation~~
 48 ~~may adopt, by rule, a standard form for such notice and may~~
 49 ~~require the notice to include any additional relevant~~
 50 ~~information.~~
 51 Section 2. Subsection (5) of section 110.2037, Florida
 52 Statutes, is amended to read:
 53 110.2037 Alternative benefits; tax-sheltered annual leave
 54 and sick leave payments and special compensation payments.—
 55 ~~(5) The department shall determine by rule the design of~~
 56 ~~the plans and the eligibility of participants.~~
 57 Section 3. Section 217.14, Florida Statutes, is repealed.
 58 Section 4. Subsection (7) of section 250.116, Florida
 59 Statutes, is amended to read:
 60 250.116 Soldiers and Airmen Assistance Program.—

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61 ~~(7) RULES. The Department of Military Affairs may adopt~~
 62 ~~rules to administer this section.~~

63 Section 5. Paragraphs (c) and (f) of subsection (5) of
 64 section 250.40, Florida Statutes, are amended to read:

65 250.40 Armory Board; creation; membership, terms, and
 66 compensation; duties and responsibilities.—

67 (5) The Armory Board must:

68 (c) Receive from counties, municipalities, and other
 69 sources donations of land, services, or money to aid in
 70 providing, operating, improving, and maintaining armories and
 71 other facilities used for military purposes. The national
 72 military policy recognizes the Florida National Guard as an
 73 important component of the United States Army and Air Force, and
 74 a member of the total force, sharing in the defense of the
 75 country. The Florida National Guard is available to assist the
 76 state and local governments in the event of an emergency.
 77 Therefore, it is reasonable and equitable that the expense of
 78 maintaining the Florida National Guard be shared by the federal,
 79 state, and local governments. As the Federal Government is
 80 providing liberally for the equipment and training of the
 81 Florida National Guard and the state for its administration,
 82 management, and maintenance, local governments are encouraged to
 83 provide services at no cost to Florida National Guard armories.

84 1. Any contributions of money, any moneys derived from the
 85 rental of armories and other facilities, the armory-operations
 86 allowances provided in s. 250.20, and all money collected
 87 through fines imposed by a court-martial or nonjudicial
 88 proceeding of the Florida National Guard, as provided in s.
 89 250.36(5), shall be received on behalf of the Armory Board by

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90 the post commander of such facility and must be deposited into a
 91 federal depository, approved by the Department of Military
 92 Affairs, in an account in a banking institution in the county in
 93 which such facility is located.

94 2. The funds received shall be disbursed for the purposes
 95 enumerated in this subsection at the discretion of the post
 96 commander ~~according to rules established by the Armory Board.~~

97 3. Any real property donated shall be held as other
 98 property for use by the state, and counties and municipalities
 99 may make donations of lands by deed or long-term lease and
 100 contributions of moneys for the purposes set forth in this
 101 section, and may issue bonds or certificates of indebtedness to
 102 provide funds for such purposes. Boards of county commissioners
 103 may levy taxes, not to exceed 1 mill, to provide funds for the
 104 construction of armories or for the retirement of bonds or
 105 certificates of indebtedness issued to provide funds for the
 106 construction of armories. Counties and municipalities may
 107 construct armories upon state-owned land, which may be made
 108 available for such purpose by action of the Armory Board.
 109 Counties and municipalities may also grant to the Armory Board,
 110 by deed or long-term leases, property that is acquired or
 111 buildings that are constructed for military purposes. Each local
 112 government is encouraged to provide economic incentives to
 113 reduce the cost of locating Florida National Guard facilities in
 114 its jurisdiction. A local government may appropriate funds to
 115 pay expenses of the Florida National Guard unit in its
 116 jurisdiction. Such funds will be received, accounted for, and
 117 dispersed as other funds received by the unit.

118 (f) ~~Adopt rules for managing armories and other facilities~~

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119 ~~under the control of the Department of Military Affairs. The~~
 120 ~~rules must ensure that federal and state military property is~~
 121 ~~secure.~~ Each unit commander shall provide for the safekeeping,
 122 accountability, and proper care of such property and for its
 123 protection against misappropriation or loss. An armory, while it
 124 is occupied and in use by troops, is a military post and must be
 125 under the control and jurisdiction of the post commander. A
 126 building that is not under the control and supervision of the
 127 post commander or other properly constituted military authority
 128 may not be used to house or train troops or to store military
 129 property.

130 Section 6. Subsection (3) of section 257.12, Florida
 131 Statutes, is amended to read:

132 257.12 Division of Library and Information Services
 133 authorized to accept and expend federal funds.—

134 (3) All public libraries are encouraged to adopt an
 135 Internet safety education program, including the implementation
 136 of a computer-based educational program, which has been endorsed
 137 by a government-sanctioned law enforcement agency or other
 138 reputable public safety advocacy organization and is designed
 139 for children and adults. The purpose of the Internet safety
 140 education program is to promote the use of prudent online
 141 deportment and broaden awareness of online predators. The
 142 program must be interactive and age-appropriate. Each library
 143 shall annually report to the division the annual number of
 144 program participants who complete the Internet safety education
 145 program. By April 1, 2010, the division shall reward ~~adopt rules~~
 146 ~~for rewarding~~ those libraries in the program grant application
 147 process which have had 1 percent or more of their annual number

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148 of program participants, based on the total number of registered
 149 borrowers from the preceding year, complete the Internet safety
 150 education program adopted by the library. Program participants
 151 completing the program as a result of strategic partnerships or
 152 collaboration between the library and other entities shall be
 153 integrated into the library's annual report. The division shall
 154 ~~adopt rules to~~ allocate 10 percent of the total points available
 155 in the library services and technology grant application
 156 evaluation process to public libraries that are in compliance
 157 with this section, beginning with the grant application cycle
 158 for the 2011-2012 fiscal year.

159 Section 7. Paragraph (b) of subsection (3) of section
 160 258.015, Florida Statutes, is amended to read:

161 258.015 Citizen support organizations; use of property;
 162 audit.—

163 (3) PARTNERSHIPS IN PARKS.—

164 (b) The Legislature may annually appropriate funds from the
 165 Land Acquisition Trust Fund for use only as state matching
 166 funds, in conjunction with private donations in aggregates of at
 167 least \$60,000 matched by \$40,000 of state funds for a total
 168 minimum project amount of \$100,000 for capital improvement
 169 facility development at state parks, at either individually
 170 designated parks or for priority projects within the overall
 171 state park system. Not more than 30 percent of the Land
 172 Acquisition Trust Fund unencumbered fund balance or \$3 million,
 173 whichever is less, shall be reserved, available annually for
 174 matching private donations. The amount held in reserve for the
 175 state match will be no greater than \$6 million for any fiscal
 176 year. State funds from the Land Acquisition Trust Fund or other

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appropriate funding sources shall be used for matching private donations for 40 percent of the projects' costs. Funds held in reserve for the purposes of this subsection shall be available only after the requirements of s. 375.041(4) are met. Citizen support organizations organized and operating for the benefit of state parks may acquire private donations pursuant to this section, and matching state funds for approved projects may be provided in accordance with this subsection. The department is authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution on project facilities or by naming project facilities after the person or organization that provided matching funds. ~~The department is authorized to adopt necessary administrative rules to carry out the purposes of this subsection.~~

Section 8. Subsection (2) of section 258.15, Florida Statutes, is amended to read:

258.15 St. Michael's Cemetery designated a state park.—

(2) The Division of Recreation and Parks of the Department of Environmental Protection shall manage and operate the said cemetery ~~and shall be authorized to make such reasonable rules and regulations with respect to the said cemetery as the said division shall deem necessary for the orderly operation, protection, and preservation of said cemetery.~~ However, this section shall not be construed to prevent, and no rule and regulation shall be made which will prevent, the continued interment of bodies in the cemetery lots which are privately owned.

Section 9. Subsection (11) of section 261.06, Florida

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Statutes, is amended to read:

261.06 Functions, duties, and responsibilities of the department.—The following are functions, duties, and responsibilities of the department through the Florida Forest Service:

~~(11) Rulemaking authority to implement the provisions of ss. 261.01-261.10.~~

Section 10. Paragraph (b) of subsection (2) of section 265.703, Florida Statutes, is amended to read:

265.703 Citizen support organizations; use of state administrative services and property; audit.—

(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

(b) The division may prescribe ~~by rule~~ any condition with which a citizen support organization shall comply in order to use division administrative services, property, or facilities.

Section 11. Paragraph (d) of subsection (4) of section 267.075, Florida Statutes, is amended to read:

267.075 The Grove Advisory Council; creation; membership; purposes.—

(4)

~~(d) The Division of Historical Resources shall adopt rules governing the maintenance and use of The Grove; the selection, acquisition, and disposition of furnishings and decorations for the premises; and the acceptance of gifts, contributions, bequests, or loans of property.~~

Section 12. Paragraph (c) of subsection (4) of section 267.173, Florida Statutes, is amended to read:

267.173 Historic preservation in West Florida; goals; contracts for historic preservation; powers and duties.—

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(4)

(c) The university or its direct-support organization, if permitted in the contract with the university, shall have the authority to:

1. Enter into agreements to accept credit card payments as compensation, and establish accounts in credit card banks for the deposit of credit card sales invoices.

2. Fix and collect charges for admission to any of the state-owned facilities governed by this section.

3. Permit the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.

4. Adopt and enforce reasonable ~~rules, regulations, or~~ policies to govern the conduct of the visiting public.

Section 13. Paragraph (c) of subsection (4) of section 267.1735, Florida Statutes, is amended to read:

267.1735 Historic preservation in St. Augustine; goals; contracts for historic preservation; powers and duties.—

(4)

(c) The university or its direct-support organization, if permitted in its contract with the university, shall have the authority to:

1. Enter into agreements to accept credit card payments as compensation and establish accounts in credit card banks for the deposit of credit card sales invoices.

2. Fix and collect charges for admission to any of the state-owned facilities under contract with the Board of Trustees of the Internal Improvement Trust Fund.

3. Permit the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.

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~~4. Adopt and enforce reasonable rules to govern the conduct of the visiting public.~~

Section 14. Subsection (9) of section 288.1082, Florida Statutes, is amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

~~(9) The department may adopt rules under ss. 120.536(1) and 120.54 to administer this section.~~

Section 15. Paragraph (a) of subsection (3) and subsection (4) of section 288.774, Florida Statutes, are amended to read:

288.774 Powers and limitations.—

(3) (a) The board shall adopt ~~rules on the~~ terms and limits for loans, guarantees, and direct loan originations, but a loan guarantee or a direct loan origination shall not exceed 90 percent of the transaction contract.

(4) The board shall ~~adopt rules to~~ ensure that program participants graduate from the program to private financing and that no applicant receives more than \$500,000 of assistance over any 5-year period. On a case-by-case basis, the board may exempt applicants from this limitation if the applicant demonstrates that he or she cannot secure financing from traditional lending sources. The term "applicant," as used in this subsection, means any individual corporate officer or business owner regardless of whether the business name changes from application to application.

Section 16. Paragraphs (a) and (d) of subsection (3) of section 288.776, Florida Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

(3) The board shall:

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293 (a) Prior to the expenditure of funds from the export
 294 finance account, adopt bylaws, ~~rules~~, and policies which are
 295 necessary to carry out the responsibilities under this part,
 296 particularly with respect to the implementation of the
 297 corporation's programs to insure, coinsure, lend, provide loan
 298 guarantees, and make direct, guaranteed, or collateralized loans
 299 by the corporation to support export transactions. The
 300 corporation's bylaws, ~~rules~~, and policies shall be reviewed and
 301 approved by Enterprise Florida, Inc., prior to final adoption by
 302 the board.

303 (d) Adopt policies, including criteria, establishing which
 304 exporters and export transactions shall be eligible for
 305 insurance, coinsurance, loan guarantees, and direct, guaranteed,
 306 or collateralized loans which may be extended by the
 307 corporation. Pursuant to this subsection, the board shall ~~adopt~~
 308 ~~rules to~~ include the following criteria:

309 1. Any individual signing any corporation loan application
 310 and loan or guarantee agreement shall have an equity in the
 311 business applying for financial assistance.

312 2. Each program shall exclusively support the export of
 313 goods and services by small and medium-sized businesses which
 314 are domiciled in this state. Priority shall be given to goods
 315 which have value added in this state.

316 3. Financial assistance shall only be extended when at
 317 least one of the following circumstances exists:

318 a. The assistance is required to secure the participation
 319 of small and medium-sized export businesses in federal, state,
 320 or private financing programs.

321 b. No conventional source of lender support is available

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322 for the business from public or private financing sources.

323
 324 Personal financial records, trade secrets, or proprietary
 325 information of applicants shall be confidential and exempt from
 326 the provisions of s. 119.07(1).

327 Section 17. Subsection (5) of section 311.07, Florida
 328 Statutes, is amended to read:

329 311.07 Florida seaport transportation and economic
 330 development funding.—

331 (5) The Department of Transportation may subject any
 332 project that receives funds pursuant to this section and s.
 333 320.20 to a final audit. The department may ~~adopt rules and~~
 334 perform such other acts as are necessary or convenient to ensure
 335 that the final audits are conducted and that any deficiency or
 336 questioned costs noted by the audit are resolved.

337 Section 18. Subsection (3) of section 375.065, Florida
 338 Statutes, is amended to read:

339 375.065 Public beaches; financial and other assistance by
 340 Department of Environmental Protection to local governments.—

341 ~~(3) The department is authorized to promulgate such rules~~
 342 ~~and forms as may be necessary to carry out the purposes of this~~
 343 ~~section and to ensure that all projects to which assistance is~~
 344 ~~rendered hereunder are for the purpose of providing public~~
 345 ~~beaches for recreation purposes.~~

346 Section 19. Section 379.2402, Florida Statutes, is amended
 347 to read:

348 379.2402 Marine information system.—The Fish and Wildlife
 349 Conservation Commission shall establish ~~by rule~~ a marine
 350 information system in conjunction with the licensing program to

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351 gather marine fisheries data.
352 Reviser's note.—Amends or repeals provisions of the Florida
353 Statutes pursuant to the directive of the Legislature in s.
354 9, ch. 2012-116, Laws of Florida, codified as s.
355 11.242(5)(j), Florida Statutes, to prepare a reviser's bill
356 to omit all statutes and laws, or parts thereof, which
357 grant duplicative, redundant, or unused rulemaking
358 authority.
359 Section 20. This act shall take effect on the 60th day
360 after adjournment sine die of the session of the Legislature in
361 which enacted.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environmental Preservation and
Conservation, *Chair*
Appropriations Subcommittee on the Environment
and Natural Resources, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health and
Human Services
Health Policy
Rules

SENATOR LAUREN FRANCES BOOK

Democratic Leader Pro Tempore
32nd District

February 21, 2017

The Honorable Lizbeth Benacquisto
Chair
Senate Rules Committee

A handwritten signature in dark ink, appearing to read "LB", is written over the text "Senate Rules Committee".

Dear Chair Benacquisto:

I respectfully request that I be excused from the February 22nd meeting of the Rules Committee.

I recently gave birth to twins (February 16th) and I am unable to travel to Tallahassee this week.

Thank you for your consideration.

Sincerely,

Lauren Book
Senator, District 32

Cc: Mr. John Phelps, Staff Director; Ms. Cynthia Futch, Committee Administrative Assistant

REPLY TO:

□ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Commerce and Tourism
Environmental Preservation and Conservation
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR JACK LATVALA
16th District

February 22, 2017

The Honorable Lizbeth Benacquisto
Chair of Committee on Rules

Via Email

Dear Chair Benacquisto:

A handwritten signature in cursive script, appearing to read "Jack Latvala".

I respectfully request to be excused from the Committee on Rules on Wednesday, February 22, 2017. I will be unable to attend the meeting.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Latvala".

Jack Latvala
Senator, District 16

Cc: John Phelps, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Rules Committee

Judge:

Started: 2/22/2017 3:34:38 PM

Ends: 2/22/2017 4:12:30 PM **Length:** 00:37:53

3:34:37 PM Meeting called to order by Chair Benacquisto
3:34:40 PM Roll call by Administrative Assistant Cindy Futch
3:35:03 PM Quorum present
3:35:07 PM Excused absence from Senators Book and Latvala
3:35:24 PM Introduction of SB 280 by Chair Benacquisto
3:35:38 PM Explanation of SB 280 by Senator Bracy
3:36:30 PM Comments from Chair Benacquisto
3:36:44 PM Speaker Herman Lindsey, Witness to Innocence in opposition
3:39:12 PM Speaker Darlene Farrah
3:44:10 PM Comments from Chair Benacquisto
3:44:18 PM Speaker Honorable Rex Dimmig, Public Defender, 10th Circuit in support
3:48:33 PM Comments/question from Senator Lee
3:49:43 PM Response from Honorable Dimmig
3:51:05 PM Pamela Burch Fort waives in support
3:51:15 PM Monica Hofheinz waives in support
3:51:26 PM Speaker Mark Schlakman, FSU Senior Program Director, Center for the Advancement of Human Rights
3:55:22 PM Comments by Chair Benacquisto
3:55:34 PM Comments from Senator Lee
3:58:15 PM Closure by Senator Bracy on SB 280
4:00:03 PM Roll call on SB 280 by Administrative Assistant Cindy Futch
4:00:18 PM SB 280 reported favorably
4:00:33 PM Chair turned to Senator Galvano
4:00:43 PM SB 500 introduced by Chair Galvano
4:00:56 PM Explanation of SB 500 by Senator Benacquisto
4:01:23 PM Comments by Chair Galvano
4:01:31 PM Speaker Brian Pitts, Justice-2-Jesus
4:03:40 PM Comments from Chair Galvano
4:03:47 PM Closure waived on SB 500
4:03:49 PM Roll call by Administrative Assistant Cindy Futch
4:04:00 PM SB 500 reported favorably
4:04:18 PM SB 502 introduced by Chair Galvano
4:04:27 PM Explanation of SB 502 by Senator Benacquisto
4:04:35 PM Comments from Chair Galvano
4:04:40 PM Speaker Brian Pitts, Justice-2-Jesus
4:05:29 PM Comments from Chair Galvano
4:06:32 PM Closure waived on SB 502
4:06:34 PM Roll call on SB 502 by Administrative Assistant Cindy Futch
4:07:00 PM SB 502 reported favorably
4:07:10 PM Introduction of SB 504 by Chair Galvano
4:07:12 PM Explanation of SB 504 by Senator Benacquisto
4:07:24 PM Amendment Barcode No. 429454 introduced by Chair Galvano

4:07:32 PM Explanation of Amendment Barcode No. 429454 by Senator Benacquisto
4:07:51 PM Question from Leader Braynon
4:07:59 PM Response from Senator Benacquisto
4:08:03 PM Amendment Barcode No. 429454 adopted
4:08:15 PM Speaker Brian Pitts, Justice-2-Jesus
4:09:35 PM Comments from Chair Galvano
4:10:38 PM Closure waived by Senator Benacquisto
4:10:41 PM Roll call on CS/SB 504 by Administrative Assistant Cindy Futch
4:10:56 PM CS/SB 504 reported favorably
4:11:11 PM Introduction of SB 506 by Chair Galvano
4:11:22 PM Explanation of SB 506 by Senator Benacquisto
4:11:31 PM Comments by Chair Galvano
4:11:36 PM Closure waived by Senator Benacquisto
4:11:39 PM Roll call by Administrative Assistant Cindy Futch
4:11:51 PM SB 506 reported favorably
4:11:54 PM Comments by Chair Galvano
4:12:07 PM Senator Benacquisto moves to adjourn