

By Senator Thrasher

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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 20.15, 20.28, 39.001, 39.0139, 39.201, 40.011,
4 61.1825, 63.082, 63.2325, 97.0585, 112.63, 120.54,
5 120.745, 121.055, 121.085, 121.091, 159.823, 163.3246,
6 163.340, 189.4042, 190.046, 211.02, 215.5601, 215.97,
7 218.32, 252.385, 252.939, 252.940, 252.941, 252.942,
8 253.034, 255.2575, 259.032, 282.201, 288.1254,
9 288.71025, 288.980, 295.07, 311.101, 316.0083,
10 316.640, 320.20, 322.142, 322.2615, 339.135, 339.2825,
11 341.840, 343.805, 343.91, 344.17, 348.752, 349.02,
12 373.227, 373.250, 373.536, 376.3071, 379.2433,
13 379.3581, 380.0662, 381.004, 381.00593, 381.0065,
14 381.0101, 391.026, 400.172, 400.915, 400.9905,
15 403.086, 403.511, 403.9416, 414.295, 420.503,
16 420.5087, 430.205, 430.80, 430.81, 443.091, 443.111,
17 443.171, 466.007, 475.6235, 489.118, 499.01, 500.09,
18 538.23, 553.98, 570.451, 580.036, 586.10, 601.03,
19 601.15, 601.61, 601.9910, 610.109, 624.402, 626.2815,
20 626.8734, 626.9362, 626.989, 626.9895, 627.3511,
21 641.312, 651.118, 817.234, 877.101, 921.0022, 945.355,
22 948.08, 948.16, 960.003, 985.03, 1003.43, 1003.52,
23 1006.062, 1006.20, 1006.282, 1009.67, 1009.971, and
24 1013.231, F.S.; reenacting and amending s. 339.0805,
25 F.S.; reenacting s. 322.21, F.S.; and repealing ss.
26 202.38 and 252.945, F.S., deleting provisions that
27 have expired, have become obsolete, have had their
28 effect, have served their purpose, or have been
29 impliedly repealed or superseded; replacing incorrect

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cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

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

Section 1. Subsection (1) of section 11.45, Florida Statutes, is amended to read:

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

(1) DEFINITIONS.—As used in ss. 11.40-11.51 ~~11.40-11.511~~, the term:

(a) "Audit" means a financial audit, operational audit, or performance audit.

(b) "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed.

(c) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with

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59 which they are presented in conformity with generally accepted
60 accounting principles and an examination to determine whether
61 operations are properly conducted in accordance with legal and
62 regulatory requirements. Financial audits must be conducted in
63 accordance with auditing standards generally accepted in the
64 United States and government auditing standards as adopted by
65 the Board of Accountancy. When applicable, the scope of
66 financial audits shall encompass the additional activities
67 necessary to establish compliance with the Single Audit Act
68 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
69 applicable federal law.

70 (d) "Governmental entity" means a state agency, a county
71 agency, or any other entity, however styled, that independently
72 exercises any type of state or local governmental function.

73 (e) "Local governmental entity" means a county agency,
74 municipality, or special district as defined in s. 189.403, but
75 does not include any housing authority established under chapter
76 421.

77 (f) "Management letter" means a statement of the auditor's
78 comments and recommendations.

79 (g) "Operational audit" means an audit whose purpose is to
80 evaluate management's performance in establishing and
81 maintaining internal controls, including controls designed to
82 prevent and detect fraud, waste, and abuse, and in administering
83 assigned responsibilities in accordance with applicable laws,
84 administrative rules, contracts, grant agreements, and other
85 guidelines. Operational audits must be conducted in accordance
86 with government auditing standards. Such audits examine internal
87 controls that are designed and placed in operation to promote

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88 and encourage the achievement of management's control objectives
89 in the categories of compliance, economic and efficient
90 operations, reliability of financial records and reports, and
91 safeguarding of assets, and identify weaknesses in those
92 internal controls.

93 (h) "Performance audit" means an examination of a program,
94 activity, or function of a governmental entity, conducted in
95 accordance with applicable government auditing standards or
96 auditing and evaluation standards of other appropriate
97 authoritative bodies. The term includes an examination of issues
98 related to:

99 1. Economy, efficiency, or effectiveness of the program.
100 2. Structure or design of the program to accomplish its
101 goals and objectives.

102 3. Adequacy of the program to meet the needs identified by
103 the Legislature or governing body.

104 4. Alternative methods of providing program services or
105 products.

106 5. Goals, objectives, and performance measures used by the
107 agency to monitor and report program accomplishments.

108 6. The accuracy or adequacy of public documents, reports,
109 or requests prepared under the program by state agencies.

110 7. Compliance of the program with appropriate policies,
111 rules, or laws.

112 8. Any other issues related to governmental entities as
113 directed by the Legislative Auditing Committee.

114 (i) "Political subdivision" means a separate agency or unit
115 of local government created or established by law and includes,
116 but is not limited to, the following and the officers thereof:

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117 authority, board, branch, bureau, city, commission, consolidated
118 government, county, department, district, institution,
119 metropolitan government, municipality, office, officer, public
120 corporation, town, or village.

121 (j) "State agency" means a separate agency or unit of state
122 government created or established by law and includes, but is
123 not limited to, the following and the officers thereof:
124 authority, board, branch, bureau, commission, department,
125 division, institution, office, officer, or public corporation,
126 as the case may be, except any such agency or unit within the
127 legislative branch of state government other than the Florida
128 Public Service Commission.

129 Reviser's note.—Section 11.511 was repealed by s. 1, ch. 2011-
130 34, Laws of Florida.

131 Section 2. Subsection (7) of section 20.15, Florida
132 Statutes, is amended to read:

133 20.15 Department of Education.—There is created a
134 Department of Education.

135 (7) BOARDS.—Notwithstanding anything contained in law to
136 the contrary, all members of the Florida College System
137 institution ~~community college~~ boards of trustees must be
138 appointed according to chapter 1001.

139 Reviser's note.—Amended to conform a reference to community
140 college boards of trustees to changes in chapters 2008-52
141 and 2009-228, Laws of Florida, transitioning references to
142 community colleges to Florida College System institutions.

143 Section 3. Section 20.28, Florida Statutes, is amended to
144 read:

145 20.28 State Board of Administration.—The State Board of

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146 Administration, continued by s. 4 ~~9~~, Art. IV ~~XII~~ of the State
147 Constitution, retains all of its powers, duties, and functions
148 as prescribed by law.

149 Reviser's note.—Section 4(e), Art. IV of the State Constitution
150 of 1968 provides that the governor, chief financial
151 officer, and attorney general constitute the state board of
152 administration, as successor to the state board of
153 administration established pursuant to s. 16, Art. IX of
154 the Constitution of 1885.

155 Section 4. Subsection (12) of section 39.001, Florida
156 Statutes, is amended to read:

157 39.001 Purposes and intent; personnel standards and
158 screening.—

159 ~~(12) EVALUATION.—By February 1, 2009, the Legislature shall~~
160 ~~evaluate the office and determine whether it should continue to~~
161 ~~be housed in the Executive Office of the Governor or transferred~~
162 ~~to a state agency.~~

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

164 Section 5. Paragraph (b) of subsection (4) of section
165 39.0139, Florida Statutes, is amended to read:

166 39.0139 Visitation or other contact; restrictions.—

167 (4) HEARINGS.—A person who meets any of the criteria set
168 forth in paragraph (3)(a) who seeks to begin or resume contact
169 with the child victim shall have the right to an evidentiary
170 hearing to determine whether contact is appropriate.

171 (b) At the hearing, the court may receive and rely upon any
172 relevant and material evidence submitted to the extent of its
173 probative value, including written and oral reports or
174 recommendations from the child protection ~~protective~~ team, the

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175 child's therapist, the child's guardian ad litem, or the child's
176 attorney ad litem, even if these reports, recommendations, and
177 evidence may not be admissible under the rules of evidence.
178 Reviser's note.—Amended to conform to s. 39.303, which relates
179 to child protection teams.

180 Section 6. Paragraph (j) of subsection (2) of section
181 39.201, Florida Statutes, is amended to read:

182 39.201 Mandatory reports of child abuse, abandonment, or
183 neglect; mandatory reports of death; central abuse hotline.—

184 (2)

185 (j)1. The department shall update the web form used for
186 reporting child abuse, abandonment, or neglect to:

187 a. Include qualifying questions in order to obtain
188 necessary information required to assess need and a response.

189 b. Indicate which fields are required to submit the report.

190 c. Allow a reporter to save his or her report and return to
191 it at a later time.

192 2. The report shall be made available to the
193 counselors in its entirety as needed to update the
194 Florida Safe Families Network or other similar
195 systems.

196 Reviser's note.—Amended to confirm insertion of the word "at" by
197 the editors.

198 Section 7. Subsection (5) of section 40.011, Florida
199 Statutes, is amended to read:

200 40.011 Jury lists.—

201 (5) Using the source name lists described in subsections
202 (2) and (3), a clerk of court may generate juror candidate lists
203 as necessary to ensure a valid and consistent juror selection

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204 process.

205 (a) The initial juror candidate list is derived from the
206 name sources and shall be the master list from which prospective
207 jurors are drawn for summons.

208 (b) The final juror candidate list shall contain a list of
209 those persons, drawn from the initial candidate list as
210 prescribed in this chapter, who are to be summoned as a pool for
211 possible juror service.

212 Reviser's note.—Amended to confirm insertion of the word "in" by
213 the editors.

214 Section 8. Paragraph (a) of subsection (3) of section
215 61.1825, Florida Statutes, is amended to read:

216 61.1825 State Case Registry.—

217 (3) (a) For the purpose of this section, a family violence
218 indicator must be placed on a record when:

219 1. A party executes a sworn statement requesting that a
220 family violence indicator be placed on that party's record which
221 states that the party has reason to believe that release of
222 information to the Federal Case Registry may result in physical
223 or emotional harm to the party or the child; or

224 2. A temporary or final injunction for protection against
225 domestic violence has been granted pursuant to s. 741.30(6), an
226 injunction for protection against domestic violence has been
227 issued by a court of a foreign state pursuant to s. 741.315, or
228 a temporary or final injunction for protection against repeat
229 violence has been granted pursuant to s. 784.046; or

230 3. The department has received information on a Title IV-D
231 case from the Domestic, Dating, Sexual, Violence and Repeat
232 Violence Injunction Statewide Verification System, established

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233 pursuant to s. 784.046(8)(b), that a court has granted a party a
234 domestic violence or repeat violence injunction.

235 Reviser's note.—Amended to conform to the complete name of the
236 verification system required by s. 784.046(8)(b).

237 Section 9. Paragraph (h) of subsection (7) of section
238 63.082, Florida Statutes, is amended to read:

239 63.082 Execution of consent to adoption or affidavit of
240 nonpaternity; family social and medical history; revocation of
241 consent.—

242 (7) If a person is seeking to revoke consent for a child
243 older than 6 months of age:

244 (h) If the consent of one parent is set aside or revoked in
245 accordance with this chapter, any other consents executed by the
246 other parent or a third party whose consent is required for the
247 adoption of the child may not be used by the parent whose ~~who~~
248 consent was revoked or set aside to terminate or diminish the
249 rights of the other parent or third party whose consent was
250 required for the adoption of the child.

251 Reviser's note.—Amended to confirm substitution of the word
252 "whose" for the word "who" by the editors.

253 Section 10. Section 63.2325, Florida Statutes, is amended
254 to read:

255 63.2325 Conditions for invalidation of a consent to
256 adoption or affidavit of nonpaternity.—Notwithstanding the
257 requirements of this chapter, a failure to meet any of those
258 requirements does not constitute grounds for invalidation of a
259 consent to adoption or revocation of an affidavit of
260 nonpaternity unless the extent and circumstances of such a
261 failure result in a material failure of fundamental fairness in

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262 the administration of due process, or the failure constitutes or
263 contributes to fraud or duress in obtaining a consent to
264 adoption or affidavit of nonpaternity.

265 Reviser's note.—Amended to confirm reinsertion of the word "of"
266 by the editors for clarity. Section 26, ch. 2012-81, Laws
267 of Florida, inserted "revocation" and struck "withdrawal
268 of."

269 Section 11. Subsection (3) of section 97.0585, Florida
270 Statutes, is amended to read:

271 97.0585 Public records exemption; information regarding
272 voters and voter registration; confidentiality.—

273 (3) The names, addresses, and telephone numbers of persons
274 who are victims of stalking or aggravated stalking are exempt
275 from s. 119.07(1) ~~119.071(1)~~ and s. 24(a), Art. I of the State
276 Constitution in the same manner that the names, addresses, and
277 telephone numbers of participants in the Address Confidentiality
278 Program for Victims of Domestic Violence which are held by the
279 Attorney General under s. 741.465 are exempt from disclosure,
280 provided that the victim files a sworn statement of stalking
281 with the Office of the Attorney General and otherwise complies
282 with the procedures in ss. 741.401-741.409.

283 Reviser's note.—Amended to correct an apparent error. Section
284 119.07(1) requires custodians of public records to permit
285 inspection and copying thereof. Section 119.071(1) provides
286 exemptions from public records requirements for specified
287 records of governmental agencies.

288 Section 12. Paragraph (d) of subsection (4) of section
289 112.63, Florida Statutes, is amended to read:

290 112.63 Actuarial reports and statements of actuarial

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291 impact; review.—

292 (4) Upon receipt, pursuant to subsection (2), of an
293 actuarial report, or, pursuant to subsection (3), of a statement
294 of actuarial impact, the Department of Management Services shall
295 acknowledge such receipt, but shall only review and comment on
296 each retirement system's or plan's actuarial valuations at least
297 on a triennial basis.

298 (d) In the case of an affected special district, the
299 Department of Management Services shall also notify the
300 Department of Economic Opportunity. Upon receipt of
301 notification, the Department of Economic Opportunity shall
302 proceed pursuant to s. 189.421.

303 1. Failure of a special district to provide a required
304 report or statement, to make appropriate adjustments, or to
305 provide additional material information after the procedures
306 specified in s. 189.421(1) are exhausted shall be deemed final
307 action by the special district.

308 2. The Department of Management Services may notify the
309 Department of Economic Opportunity ~~Community Affairs~~ of those
310 special districts that failed to come into compliance. Upon
311 receipt of notification, the Department of Economic Opportunity
312 ~~Community Affairs~~ shall proceed pursuant to s. 189.421(4).

313 Reviser's note.—Amended to confirm substitution by the editors

314 of a reference to the Department of Economic Opportunity
315 for a reference to the Department of Community Affairs; s.
316 20.18, which created the Department of Community Affairs,
317 was repealed by s. 478, ch. 2011-142, Laws of Florida. For
318 purposes of chapter 189, relating to special districts, the
319 term "department" was revised to mean the Department of

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320 Economic Opportunity instead of the Department of Community
321 Affairs pursuant to the amendment to s. 189.403(4) by s.
322 64, ch. 2011-142.

323 Section 13. Paragraph (b) of subsection (3) of section
324 120.54, Florida Statutes, is amended to read:

325 120.54 Rulemaking.—

326 (3) ADOPTION PROCEDURES.—

327 (b) *Special matters to be considered in rule adoption.*—

328 1. Statement of estimated regulatory costs.—Before the
329 adoption, amendment, or repeal of any rule other than an
330 emergency rule, an agency is encouraged to prepare a statement
331 of estimated regulatory costs of the proposed rule, as provided
332 by s. 120.541. However, an agency must prepare a statement of
333 estimated regulatory costs of the proposed rule, as provided by
334 s. 120.541, if:

335 a. The proposed rule will have an adverse impact on small
336 business; or

337 b. The proposed rule is likely to directly or indirectly
338 increase regulatory costs in excess of \$200,000 in the aggregate
339 in this state within 1 year after the implementation of the
340 rule.

341 2. Small businesses, small counties, and small cities.—

342 a. Each agency, before the adoption, amendment, or repeal
343 of a rule, shall consider the impact of the rule on small
344 businesses as defined by s. 288.703 and the impact of the rule
345 on small counties or small cities as defined by s. 120.52.
346 Whenever practicable, an agency shall tier its rules to reduce
347 disproportionate impacts on small businesses, small counties, or
348 small cities to avoid regulating small businesses, small

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349 counties, or small cities that do not contribute significantly
350 to the problem the rule is designed to address. An agency may
351 define "small business" to include businesses employing more
352 than 200 persons, may define "small county" to include those
353 with populations of more than 75,000, and may define "small
354 city" to include those with populations of more than 10,000, if
355 it finds that such a definition is necessary to adapt a rule to
356 the needs and problems of small businesses, small counties, or
357 small cities. The agency shall consider each of the following
358 methods for reducing the impact of the proposed rule on small
359 businesses, small counties, and small cities, or any combination
360 of these entities:

361 (I) Establishing less stringent compliance or reporting
362 requirements in the rule.

363 (II) Establishing less stringent schedules or deadlines in
364 the rule for compliance or reporting requirements.

365 (III) Consolidating or simplifying the rule's compliance or
366 reporting requirements.

367 (IV) Establishing performance standards or best management
368 practices to replace design or operational standards in the
369 rule.

370 (V) Exempting small businesses, small counties, or small
371 cities from any or all requirements of the rule.

372 b.(I) If the agency determines that the proposed action
373 will affect small businesses as defined by the agency as
374 provided in sub subparagraph a., the agency shall send written
375 notice of the rule to the rules ombudsman in the Executive
376 Office of the Governor at least 28 days before the intended
377 action.

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378 (II) Each agency shall adopt those regulatory alternatives
379 offered by the rules ombudsman in the Executive Office of the
380 Governor and provided to the agency no later than 21 days after
381 the rules ombudsman's council's receipt of the written notice of
382 the rule which it finds are feasible and consistent with the
383 stated objectives of the proposed rule and which would reduce
384 the impact on small businesses. When regulatory alternatives are
385 offered by the rules ombudsman in the Executive Office of the
386 Governor, the 90-day period for filing the rule in subparagraph
387 (e)2. is extended for a period of 21 days.

388 (III) If an agency does not adopt all alternatives offered
389 pursuant to this sub-subparagraph, it shall, before rule
390 adoption or amendment and pursuant to subparagraph (d)1., file a
391 detailed written statement with the committee explaining the
392 reasons for failure to adopt such alternatives. Within 3 working
393 days after the filing of such notice, the agency shall send a
394 copy of such notice to the rules ombudsman in the Executive
395 Office of the Governor.

396 Reviser's note.—Amended to conform to the reassignment by ch.

397 2012-27, Laws of Florida, of duties of the Small Business
398 Regulatory Advisory Council to the rules ombudsman in the
399 Executive Office of the Governor. Section 5, ch. 2012-27,
400 repealed s. 288.7001, which created the council.

401 Section 14. Paragraph (a) of subsection (5) of section
402 120.745, Florida Statutes, is amended to read:

403 120.745 Legislative review of agency rules in effect on or
404 before November 16, 2010.—

405 (5) COMPLIANCE ECONOMIC REVIEW OF RULES AND REQUIRED
406 REPORT.—Each agency shall perform a compliance economic review

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407 and report for all rules, including separate reviews of
408 subparts, listed under Group 1 "Group 1 rules" or Group 2 "Group
409 2 rules" pursuant to subparagraph (2)(g)3. Group 1 rules shall
410 be reviewed and reported on in 2012, and Group 2 rules shall be
411 reviewed and reported on in 2013.

412 (a) No later than May 1, each agency shall:

413 1. Complete a compliance economic review for each entire
414 rule or subpart in the appropriate group.

415 2. File the written certification of the agency head with
416 the committee verifying the completion of each compliance
417 economic review required for the respective year. The
418 certification shall be dated and published as an addendum to the
419 report required in subsection (3). The duty to certify
420 completion of the required compliance economic reviews is the
421 responsibility solely of the agency head as defined in s.
422 120.52(3) and may not be delegated to any other person. If the
423 defined agency head is a collegial body, the written
424 certification must be prepared by the chair or equivalent
425 presiding officer of that body.

426 3. Publish a copy of the compliance economic review,
427 directions on how and when interested parties may submit lower
428 cost regulatory alternatives to the agency, and the date the
429 notice is published in the manner provided in subsection (7).

430 4. Publish notice of the publications required in
431 subparagraphs 2. and 3. in the manner provided in subsection
432 (7).

433 5. Submit each compliance economic review to the rules
434 ombudsman in the Executive Office of the Governor for the rules
435 ombudsman's its review.

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436 Reviser's note.—Amended to confirm substitution of the words
437 "the ombudsman's" for the word "its" by the editors. As
438 created by s. 5, ch. 2011-225, Laws of Florida, s.
439 120.745(5)(a)5. referenced the Small Business Regulatory
440 Advisory Council, and the word "its" referred back to that
441 reference. Chapter 2012-27, Laws of Florida, reassigned
442 duties of the Small Business Regulatory Advisory Council to
443 the rules ombudsman in the Executive Office of the
444 Governor. Section 3, ch. 2012-27, substituted a reference
445 to the rules ombudsman for a reference to the council but
446 left the referencing word "its." Section 5, ch. 2012-27,
447 repealed s. 288.7001, which created the council.
448 Section 15. Paragraph (d) of subsection (6) of section
449 121.055, Florida Statutes, is amended to read:

450 121.055 Senior Management Service Class.—There is hereby
451 established a separate class of membership within the Florida
452 Retirement System to be known as the "Senior Management Service
453 Class," which shall become effective February 1, 1987.

454 (6)

455 (d) *Contributions.*—

456 1.a. Through June 30, 2001, each employer shall contribute
457 on behalf of each member of the Senior Management Service
458 Optional Annuity Program an amount equal to the normal cost
459 portion of the employer retirement contribution which would be
460 required if the member were a Senior Management Service Class
461 member of the Florida Retirement System Pension Plan, plus the
462 portion of the contribution rate required in s. 112.363(8) that
463 would otherwise be assigned to the Retiree Health Insurance
464 Subsidy Trust Fund.

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465 b. Effective July 1, 2001, through June 30, 2011, each
466 employer shall contribute on behalf of each member of the
467 optional annuity program an amount equal to 12.49 percent of the
468 employee's gross monthly compensation.

469 c. Effective July 1, 2011, through June 30, 2012, each
470 member of the optional annuity program shall contribute an
471 amount equal to the employee contribution required under s.
472 121.71(3). The employer shall contribute on behalf of such
473 employee an amount equal to the difference between 12.49 percent
474 of the employee's gross monthly compensation and the amount
475 equal to the employee's required contribution based on the
476 employee's gross monthly compensation.

477 d. Effective July 1, 2012, each member of the optional
478 annuity program shall contribute an amount equal to the employee
479 contribution required under s. 121.71 ~~121.73~~. The employer shall
480 contribute on behalf of such employee an amount equal to the
481 difference between 9.27 percent of the employee's gross monthly
482 compensation and the amount equal to the employee's required
483 contribution based on the employee's gross monthly compensation.

484 e. The department shall deduct an amount approved by the
485 Legislature to provide for the administration of this program.
486 Payment of the contributions, including contributions made by
487 the employee, shall be made by the employer to the department,
488 which shall forward the contributions to the designated company
489 or companies contracting for payment of benefits for the member
490 under the program.

491 2. Each employer shall contribute on behalf of each member
492 of the Senior Management Service Optional Annuity Program an
493 amount equal to the unfunded actuarial accrued liability portion

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494 of the employer contribution which would be required for members
495 of the Senior Management Service Class in the Florida Retirement
496 System. This contribution shall be paid to the department for
497 transfer to the Florida Retirement System Trust Fund.

498 3. An Optional Annuity Program Trust Fund shall be
499 established in the State Treasury and administered by the
500 department to make payments to provider companies on behalf of
501 the optional annuity program members, and to transfer the
502 unfunded liability portion of the state optional annuity program
503 contributions to the Florida Retirement System Trust Fund.

504 4. Contributions required for social security by each
505 employer and employee, in the amount required for social
506 security coverage as now or hereafter may be provided by the
507 federal Social Security Act shall be maintained for each member
508 of the Senior Management Service retirement program and are in
509 addition to the retirement contributions specified in this
510 paragraph.

511 5. Each member of the optional annuity program may
512 contribute by way of salary reduction or deduction a percentage
513 amount of the employee's gross compensation not to exceed the
514 percentage amount contributed by the employer to the optional
515 annuity program. Payment of the employee's contributions shall
516 be made by the employer to the department, which shall forward
517 the contributions to the designated company or companies
518 contracting for payment of benefits for the member under the
519 program.

520 Reviser's note.—Amended to conform to context. Section 121.71(3)
521 relates to employee contributions. Section 121.73 relates
522 to allocations from the Florida Retirement System

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523 Contributions Clearing Trust Fund for disability coverage
524 for members in the investment plan.

525 Section 16. Section 121.085, Florida Statutes, is amended
526 to read:

527 121.085 Creditable service.—The following provision
528 ~~provisions~~ shall apply to creditable service as defined in s.
529 121.021(17): no creditable service which remained unclaimed at
530 retirement may be claimed or purchased after a retirement
531 benefit payment has been cashed or deposited.

532 Reviser's note.—Amended to confirm substitution of the word
533 "provision" for the word "provisions" by the editors to
534 conform to context; s. 36, ch. 2012-116, Laws of Florida,
535 repealed subsection (1), leaving only one provision in the
536 section.

537 Section 17. Paragraph (b) of subsection (9) of section
538 121.091, Florida Statutes, is amended to read:

539 121.091 Benefits payable under the system.—Benefits may not
540 be paid under this section unless the member has terminated
541 employment as provided in s. 121.021(39)(a) or begun
542 participation in the Deferred Retirement Option Program as
543 provided in subsection (13), and a proper application has been
544 filed in the manner prescribed by the department. The department
545 may cancel an application for retirement benefits when the
546 member or beneficiary fails to timely provide the information
547 and documents required by this chapter and the department's
548 rules. The department shall adopt rules establishing procedures
549 for application for retirement benefits and for the cancellation
550 of such application when the required information or documents
551 are not received.

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552 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

553 (b) Any person whose retirement is effective before July 1,
554 2010, or whose participation in the Deferred Retirement Option
555 Program terminates before July 1, 2010, except under the
556 disability retirement provisions of subsection (4) or as
557 provided in s. 121.053, may be reemployed by an employer that
558 participates in a state-administered retirement system and
559 receive retirement benefits and compensation from that employer,
560 except that the person may not be reemployed by an employer
561 participating in the Florida Retirement System before meeting
562 the definition of termination in s. 121.021 and may not receive
563 both a salary from the employer and retirement benefits for 12
564 calendar months immediately subsequent to the date of
565 retirement. However, a DROP participant shall continue
566 employment and receive a salary during the period of
567 participation in the Deferred Retirement Option Program, as
568 provided in subsection (13).

569 1. A retiree who violates such reemployment limitation
570 before completion of the 12-month limitation period must give
571 timely notice of this fact in writing to the employer and to the
572 Division of Retirement or the state board and shall have his or
573 her retirement benefits suspended for the months employed or the
574 balance of the 12-month limitation period as required in sub-
575 subparagraphs b. and c. A retiree employed in violation of this
576 paragraph and an employer who employs or appoints such person
577 are jointly and severally liable for reimbursement to the
578 retirement trust fund, including the Florida Retirement System
579 Trust Fund and the Public Employee Optional Retirement Program
580 Trust Fund, from which the benefits were paid. The employer must

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581 have a written statement from the retiree that he or she is not
582 retired from a state-administered retirement system. Retirement
583 benefits shall remain suspended until repayment has been made.
584 Benefits suspended beyond the reemployment limitation shall
585 apply toward repayment of benefits received in violation of the
586 reemployment limitation.

587 a. A district school board may reemploy a retiree as a
588 substitute or hourly teacher, education paraprofessional,
589 transportation assistant, bus driver, or food service worker on
590 a noncontractual basis after he or she has been retired for 1
591 calendar month. A district school board may reemploy a retiree
592 as instructional personnel, as defined in s. 1012.01(2)(a), on
593 an annual contractual basis after he or she has been retired for
594 1 calendar month. Any member who is reemployed within 1 calendar
595 month after retirement shall void his or her application for
596 retirement benefits. District school boards reemploying such
597 teachers, education paraprofessionals, transportation
598 assistants, bus drivers, or food service workers are subject to
599 the retirement contribution required by subparagraph 2.

600 b. A Florida College System institution ~~community college~~
601 board of trustees may reemploy a retiree as an adjunct
602 instructor or as a participant in a phased retirement program
603 within the Florida ~~Community~~ College System, after he or she has
604 been retired for 1 calendar month. A member who is reemployed
605 within 1 calendar month after retirement shall void his or her
606 application for retirement benefits. Boards of trustees
607 reemploying such instructors are subject to the retirement
608 contribution required in subparagraph 2. A retiree may be
609 reemployed as an adjunct instructor for no more than 780 hours

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610 during the first 12 months of retirement. A retiree reemployed
611 for more than 780 hours during the first 12 months of retirement
612 must give timely notice in writing to the employer and to the
613 Division of Retirement or the state board of the date he or she
614 will exceed the limitation. The division shall suspend his or
615 her retirement benefits for the remainder of the 12 months of
616 retirement. Any retiree employed in violation of this sub-
617 subparagraph and any employer who employs or appoints such
618 person without notifying the division to suspend retirement
619 benefits are jointly and severally liable for any benefits paid
620 during the reemployment limitation period. The employer must
621 have a written statement from the retiree that he or she is not
622 retired from a state-administered retirement system. Any
623 retirement benefits received by the retiree while reemployed in
624 excess of 780 hours during the first 12 months of retirement
625 must be repaid to the Florida Retirement System Trust Fund, and
626 retirement benefits shall remain suspended until repayment is
627 made. Benefits suspended beyond the end of the retiree's first
628 12 months of retirement shall apply toward repayment of benefits
629 received in violation of the 780-hour reemployment limitation.

630 c. The State University System may reemploy a retiree as an
631 adjunct faculty member or as a participant in a phased
632 retirement program within the State University System after the
633 retiree has been retired for 1 calendar month. A member who is
634 reemployed within 1 calendar month after retirement shall void
635 his or her application for retirement benefits. The State
636 University System is subject to the retired contribution
637 required in subparagraph 2., as appropriate. A retiree may be
638 reemployed as an adjunct faculty member or a participant in a

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639 phased retirement program for no more than 780 hours during the
640 first 12 months of his or her retirement. A retiree reemployed
641 for more than 780 hours during the first 12 months of retirement
642 must give timely notice in writing to the employer and to the
643 Division of Retirement or the state board of the date he or she
644 will exceed the limitation. The division shall suspend his or
645 her retirement benefits for the remainder of the 12 months. Any
646 retiree employed in violation of this sub-subparagraph and any
647 employer who employs or appoints such person without notifying
648 the division to suspend retirement benefits are jointly and
649 severally liable for any benefits paid during the reemployment
650 limitation period. The employer must have a written statement
651 from the retiree that he or she is not retired from a state-
652 administered retirement system. Any retirement benefits received
653 by the retiree while reemployed in excess of 780 hours during
654 the first 12 months of retirement must be repaid to the Florida
655 Retirement System Trust Fund, and retirement benefits shall
656 remain suspended until repayment is made. Benefits suspended
657 beyond the end of the retiree's first 12 months of retirement
658 shall apply toward repayment of benefits received in violation
659 of the 780-hour reemployment limitation.

660 d. The Board of Trustees of the Florida School for the Deaf
661 and the Blind may reemploy a retiree as a substitute teacher,
662 substitute residential instructor, or substitute nurse on a
663 noncontractual basis after he or she has been retired for 1
664 calendar month. Any member who is reemployed within 1 calendar
665 month after retirement shall void his or her application for
666 retirement benefits. The Board of Trustees of the Florida School
667 for the Deaf and the Blind reemploying such teachers,

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668 residential instructors, or nurses is subject to the retirement
669 contribution required by subparagraph 2.

670 e. A developmental research school may reemploy a retiree
671 as a substitute or hourly teacher or an education
672 paraprofessional as defined in s. 1012.01(2) on a noncontractual
673 basis after he or she has been retired for 1 calendar month. A
674 developmental research school may reemploy a retiree as
675 instructional personnel, as defined in s. 1012.01(2)(a), on an
676 annual contractual basis after he or she has been retired for 1
677 calendar month after retirement. Any member who is reemployed
678 within 1 calendar month voids his or her application for
679 retirement benefits. A developmental research school that
680 reemploys retired teachers and education paraprofessionals is
681 subject to the retirement contribution required by subparagraph
682 2.

683 f. A charter school may reemploy a retiree as a substitute
684 or hourly teacher on a noncontractual basis after he or she has
685 been retired for 1 calendar month. A charter school may reemploy
686 a retired member as instructional personnel, as defined in s.
687 1012.01(2)(a), on an annual contractual basis after he or she
688 has been retired for 1 calendar month after retirement. Any
689 member who is reemployed within 1 calendar month voids his or
690 her application for retirement benefits. A charter school that
691 reemploys such teachers is subject to the retirement
692 contribution required by subparagraph 2.

693 2. The employment of a retiree or DROP participant of a
694 state-administered retirement system does not affect the average
695 final compensation or years of creditable service of the retiree
696 or DROP participant. Before July 1, 1991, upon employment of any

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697 person, other than an elected officer as provided in s. 121.053,
698 who is retired under a state-administered retirement program,
699 the employer shall pay retirement contributions in an amount
700 equal to the unfunded actuarial liability portion of the
701 employer contribution which would be required for regular
702 members of the Florida Retirement System. Effective July 1,
703 1991, contributions shall be made as provided in s. 121.122 for
704 retirees who have renewed membership or, as provided in
705 subsection (13), for DROP participants.

706 3. Any person who is holding an elective public office
707 which is covered by the Florida Retirement System and who is
708 concurrently employed in nonelected covered employment may elect
709 to retire while continuing employment in the elective public
710 office if he or she terminates his or her nonelected covered
711 employment. Such person shall receive his or her retirement
712 benefits in addition to the compensation of the elective office
713 without regard to the time limitations otherwise provided in
714 this subsection. A person who seeks to exercise the provisions
715 of this subparagraph as they existed before May 3, 1984, may not
716 be deemed to be retired under those provisions, unless such
717 person is eligible to retire under this subparagraph, as amended
718 by chapter 84-11, Laws of Florida.

719 Reviser's note.—Amended to conform a reference to "community
720 college board of trustees" to changes in chapters 2008-52
721 and 2009-228, Laws of Florida, transitioning references to
722 community colleges to Florida College System institutions.
723 Also amended to substitute a reference to the Florida
724 College System for a reference to the Florida Community
725 College System to conform to s. 2, ch. 2008-52, which

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726 enacted s. 1001.60, creating the Florida College System.

727 Section 18. Subsection (7) of section 159.823, Florida
728 Statutes, is amended to read:

729 159.823 Definitions.—As used in this act, the following
730 words and terms shall have the following meanings, unless some
731 other meaning is plainly intended:

732 (7) "State Board of Administration" means the State Board
733 of Administration created by and referred to in s. 4 ~~9~~, Art. IV
734 ~~XII~~, of the State Constitution.

735 Reviser's note.—Section 4(e), Art. IV of the State Constitution
736 of 1968 provides that the governor, chief financial
737 officer, and attorney general constitute the state board of
738 administration, as successor to the state board of
739 administration established pursuant to s. 16, Art. IX of
740 the Constitution of 1885.

741 Section 19. Subsections (1), (4), (5), (6), and (7),
742 paragraph (a) of subsection (9), and subsections (12) and (13)
743 of section 163.3246, Florida Statutes, are amended to read:

744 163.3246 Local government comprehensive planning
745 certification program.—

746 (1) There is created the Local Government Comprehensive
747 Planning Certification Program to be administered by the state
748 land planning agency. The purpose of the program is to create a
749 certification process for local governments who identify a
750 geographic area for certification within which they commit to
751 directing growth and who, because of a demonstrated record of
752 effectively adopting, implementing, and enforcing its
753 comprehensive plan, the level of technical planning experience
754 exhibited by the local government, and a commitment to implement

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755 exemplary planning practices, require less state and regional
756 oversight of the comprehensive plan amendment process. The
757 purpose of the certification area is to designate areas that are
758 contiguous, compact, and appropriate for urban growth and
759 development within a 10-year planning timeframe. Municipalities
760 and counties are encouraged to jointly establish the
761 certification area, and subsequently enter into joint
762 certification agreement with the state land planning agency
763 department.

764 (4) A local government or group of local governments
765 seeking certification of all or part of a jurisdiction or
766 jurisdictions must submit an application to the state land
767 planning agency department which demonstrates that the area
768 sought to be certified meets the criteria of subsections (2) and
769 (5). The application shall include copies of the applicable
770 local government comprehensive plan, land development
771 regulations, interlocal agreements, and other relevant
772 information supporting the eligibility criteria for designation.
773 Upon receipt of a complete application, the state land planning
774 agency department must provide the local government with an
775 initial response to the application within 90 days after receipt
776 of the application.

777 (5) If the local government meets the eligibility criteria
778 of subsection (2), the state land planning agency department
779 shall certify all or part of a local government by written
780 agreement, which shall be considered final agency action subject
781 to challenge under s. 120.569. The agreement must include the
782 following components:

783 (a) The basis for certification.

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(b) The boundary of the certification area, which encompasses areas that are contiguous, compact, appropriate for urban growth and development, and in which public infrastructure is existing or planned within a 10-year planning timeframe. The certification area is required to include sufficient land to accommodate projected population growth, housing demand, including choice in housing types and affordability, job growth and employment, appropriate densities and intensities of use to be achieved in new development and redevelopment, existing or planned infrastructure, including transportation and central water and sewer facilities. The certification area must be adopted as part of the local government's comprehensive plan.

(c) A demonstration that the capital improvements plan governing the certified area is updated annually.

(d) A visioning plan or a schedule for the development of a visioning plan.

(e) A description of baseline conditions related to the evaluation criteria in paragraph (g) in the certified area.

(f) A work program setting forth specific planning strategies and projects that will be undertaken to achieve improvement in the baseline conditions as measured by the criteria identified in paragraph (g).

(g) Criteria to evaluate the effectiveness of the certification process in achieving the community-development goals for the certification area including:

1. Measuring the compactness of growth, expressed as the ratio between population growth and land consumed;

2. Increasing residential density and intensities of use;

3. Measuring and reducing vehicle miles traveled and

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813 increasing the interconnectedness of the street system,
814 pedestrian access, and mass transit;

815 4. Measuring the balance between the location of jobs and
816 housing;

817 5. Improving the housing mix within the certification area,
818 including the provision of mixed-use neighborhoods, affordable
819 housing, and the creation of an affordable housing program if
820 such a program is not already in place;

821 6. Promoting mixed-use developments as an alternative to
822 single-purpose centers;

823 7. Promoting clustered development having dedicated open
824 space;

825 8. Linking commercial, educational, and recreational uses
826 directly to residential growth;

827 9. Reducing per capita water and energy consumption;

828 10. Prioritizing environmental features to be protected and
829 adopting measures or programs to protect identified features;

830 11. Reducing hurricane shelter deficits and evacuation
831 times and implementing the adopted mitigation strategies; and

832 12. Improving coordination between the local government and
833 school board.

834 (h) A commitment to change any land development regulations
835 that restrict compact development and adopt alternative design
836 codes that encourage desirable densities and intensities of use
837 and patterns of compact development identified in the agreement.

838 (i) A plan for increasing public participation in
839 comprehensive planning and land use decisionmaking which
840 includes outreach to neighborhood and civic associations through
841 community planning initiatives.

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842 (j) A demonstration that the intergovernmental coordination
843 element of the local government's comprehensive plan includes
844 joint processes for coordination between the school board and
845 local government pursuant to s. 163.3177(6)(h)2. and other
846 requirements of law.

847 (k) A method of addressing the extrajurisdictional effects
848 of development within the certified area which is integrated by
849 amendment into the intergovernmental coordination element of the
850 local government comprehensive plan.

851 (l) A requirement for the annual reporting to the state
852 land planning agency department of plan amendments adopted
853 during the year, and the progress of the local government in
854 meeting the terms and conditions of the certification agreement.
855 Prior to the deadline for the annual report, the local
856 government must hold a public hearing soliciting public input on
857 the progress of the local government in satisfying the terms of
858 the certification agreement.

859 (m) An expiration date that is no later than 10 years after
860 execution of the agreement.

861 (6) The state land planning agency department may enter up
862 to eight new certification agreements each fiscal year. The
863 state land planning agency department shall adopt procedural
864 rules governing the application and review of local government
865 requests for certification. Such procedural rules may establish
866 a phased schedule for review of local government requests for
867 certification.

868 (7) The state land planning agency department shall revoke
869 the local government's certification if it determines that the
870 local government is not substantially complying with the terms

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871 of the agreement.

872 (9) (a) Upon certification all comprehensive plan amendments
873 associated with the area certified must be adopted and reviewed
874 in the manner described in s. 163.3184(5)-(11), such that state
875 and regional agency review is eliminated. Plan amendments that
876 qualify as small scale development amendments may follow the
877 small scale review process in s. 163.3187. The state land
878 planning agency department may not issue any objections,
879 recommendations, and comments report on proposed plan amendments
880 or a notice of intent on adopted plan amendments; however,
881 affected persons, as defined by s. 163.3184(1)(a), may file a
882 petition for administrative review pursuant to the requirements
883 of s. 163.3184(5) to challenge the compliance of an adopted plan
884 amendment.

885 (12) A local government's certification shall be reviewed
886 by the local government and the state land planning agency
887 department as part of the evaluation and appraisal process
888 pursuant to s. 163.3191. Within 1 year after the deadline for
889 the local government to update its comprehensive plan based on
890 the evaluation and appraisal report, the state land planning
891 agency department shall renew or revoke the certification. The
892 local government's failure to timely adopt necessary amendments
893 to update its comprehensive plan based on an evaluation and
894 appraisal, which are found to be in compliance by the state land
895 planning agency department, shall be cause for revoking the
896 certification agreement. The state land planning agency's
897 department's decision to renew or revoke shall be considered
898 agency action subject to challenge under s. 120.569.

899 (13) The state land planning agency department shall, by

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900 July 1 of each odd-numbered year, submit to the Governor, the
901 President of the Senate, and the Speaker of the House of
902 Representatives a report listing certified local governments,
903 evaluating the effectiveness of the certification, and including
904 any recommendations for legislative actions.

905 Reviser's note.—Amended to conform to the repeal by s. 478, ch.
906 2011-142, Laws of Florida, of s. 20.18, which created the
907 Department of Community Affairs.

908 Section 20. Subsection (2) of section 163.340, Florida
909 Statutes, is amended to read:

910 163.340 Definitions.—The following terms, wherever used or
911 referred to in this part, have the following meanings:

912 (2) "Public body" means the state or any county,
913 municipality, authority, special district as defined in s.
914 165.031(7) ~~165.031(5)~~, or other public body of the state, except
915 a school district.

916 Reviser's note.—Amended to conform to the redesignation of s.
917 165.031(5) as s. 165.031(7) by s. 1, ch. 2012-121, Laws of
918 Florida.

919 Section 21. Paragraph (c) of subsection (6) of section
920 189.4042, Florida Statutes, is amended to read:

921 189.4042 Merger and dissolution procedures.—

922 (6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

923 (c) *Inactive independent special districts.*—An independent
924 special district that meets any criteria for being declared
925 inactive, or that has already been declared inactive, pursuant
926 to s. 189.4044 may be merged by special act without a
927 referendum.

928 Reviser's note.—Amended to conform to context.

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929 Section 22. Paragraph (f) of subsection (1) of section
930 190.046, Florida Statutes, is amended to read:

931 190.046 Termination, contraction, or expansion of
932 district.—

933 (1) A landowner or the board may petition to contract or
934 expand the boundaries of a community development district in the
935 following manner:

936 (f) Petitions to amend the boundaries of the district that
937 exceed the amount of land specified in paragraph (e) shall be
938 processed in accordance with s. 190.005, and the petition shall
939 include only the elements set forth in s. 190.005(1)(a)1. and
940 5.-8. and the consent required by paragraph (g). However, the
941 resulting administrative rule or ordinance may only amend the
942 boundaries of the district and may not establish a new district
943 or cause a new 6-year or 10-year period to begin pursuant to s.
944 190.006(3)(a)2. The filing fee for such petitions shall be as
945 set forth in s. 190.005(1)(b) ~~and (2)~~, as applicable.

946 Reviser's note.—Amended to conform to the fact that there is no
947 reference to a fee in s. 190.005(2).

948 Section 23. Section 202.38, Florida Statutes, is repealed.
949 Reviser's note.—The repealed provision, which authorizes dealers
950 who have paid specified taxes on telecommunications
951 services billed prior to October 1, 2001, which are no
952 longer subject to the tax as a result of chapter 2000-260,
953 Laws of Florida, to take a credit or obtain a refund of
954 taxes imposed under chapter 202 on unpaid balances due on
955 worthless accounts within 12 months following the last day
956 of the calendar year for which the bad debt was charged off
957 on the taxpayer's federal income tax return, is obsolete.

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958 Section 24. Paragraph (b) of subsection (1) of section
959 211.02, Florida Statutes, is amended to read:

960 211.02 Oil production tax; basis and rate of tax; tertiary
961 oil and mature field recovery oil.—An excise tax is hereby
962 levied upon every person who severs oil in the state for sale,
963 transport, storage, profit, or commercial use. Except as
964 otherwise provided in this part, the tax is levied on the basis
965 of the entire production of oil in this state, including any
966 royalty interest. Such tax shall accrue at the time the oil is
967 severed and shall be a lien on production regardless of the
968 place of sale, to whom sold, or by whom used, and regardless of
969 the fact that delivery of the oil may be made outside the state.

970 (1) The amount of tax shall be measured by the value of the
971 oil produced and saved or sold during a month. The value of oil
972 shall be taxed at the following rates:

973 (b) Tertiary oil and mature field recovery oil:

974 1. One percent of the gross value of oil on the value of
975 oil \$60 ~~dollars~~ and below;

976 2. Seven percent of the gross value of oil on the value of
977 oil above \$60 and below \$80; and

978 3. Nine percent of the gross value of oil on the value of
979 oil \$80 and above.

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

981 “dollars” by the editors to conform to Florida Statutes
982 style.

983 Section 25. Paragraph (a) of subsection (2) of section
984 215.5601, Florida Statutes, is amended to read:

985 215.5601 Lawton Chiles Endowment Fund.—

986 (2) DEFINITIONS.—As used in this section, the term:

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987 (a) "Board" means the State Board of Administration
988 established by s. 16, Art. IX of the State Constitution of 1885
989 and incorporated into s. 4 ~~9(e)~~, Art. IV ~~XII~~ of the State
990 Constitution of 1968.

991 Reviser's note.—Section 4(e), Art. IV of the State Constitution
992 of 1968 provides that the governor, chief financial
993 officer, and attorney general constitute the state board of
994 administration, as successor to the state board of
995 administration established pursuant to s. 16, Art. IX of
996 the Constitution of 1885.

997 Section 26. Paragraph (j) of subsection (2) and paragraph
998 (o) of subsection (8) of section 215.97, Florida Statutes, are
999 amended to read:

1000 215.97 Florida Single Audit Act.—

1001 (2) Definitions; as used in this section, the term:

1002 (j) "Local governmental entity" means a county as a whole,
1003 municipality, or special district or any other entity excluding
1004 a district school board, charter school, Florida College System
1005 institution ~~community college~~, or public university, however
1006 styled, which independently exercises any type of governmental
1007 function within the state.

1008 (8) Each recipient or subrecipient of state financial
1009 assistance shall comply with the following:

1010 (o) A contract involving the State University System or the
1011 Florida ~~Community~~ College System funded by state financial
1012 assistance may be in the form of:

1013 1. A fixed-price contract that entitles the provider to
1014 receive full compensation for the fixed contract amount upon
1015 completion of all contract deliverables;

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1016 2. A fixed-rate-per-unit contract that entitles the
1017 provider to receive compensation for each contract deliverable
1018 provided;

1019 3. A cost-reimbursable contract that entitles the provider
1020 to receive compensation for actual allowable costs incurred in
1021 performing contract deliverables; or

1022 4. A combination of the contract forms described in
1023 subparagraphs 1., 2., and 3.

1024 Reviser's note.—Paragraph (2)(j) is amended to conform to
1025 changes in chapters 2008-52 and 2009-228, Laws of Florida,
1026 transitioning references from community colleges to Florida
1027 College System institutions. Paragraph (8)(o) is amended to
1028 substitute a reference to the Florida College System for a
1029 reference to the Florida Community College System to
1030 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
1031 creating the Florida College System.

1032 Section 27. Paragraph (f) of subsection (1) of section
1033 218.32, Florida Statutes, is amended to read:

1034 218.32 Annual financial reports; local governmental
1035 entities.—

1036 (1)

1037 (f) If the department does not receive a completed annual
1038 financial report from a local governmental entity within the
1039 required period, it shall notify the Legislative Auditing
1040 Committee and the Special District Information Program of the
1041 Department of Economic Opportunity ~~Community Affairs~~ of the
1042 entity's failure to comply with the reporting requirements.

1043 Reviser's note—Amended to confirm substitution of a reference to
1044 the Department of Economic Opportunity for a reference to

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the Department of Community Affairs by the editors. Section 65, ch. 2011-142, Laws of Florida, transferred the Special District Information Program to the Department of Economic Opportunity from the Department of Community Affairs.

Section 28. Paragraph (c) of subsection (4) of section 252.385, Florida Statutes, is amended to read:

252.385 Public shelter space.—

(4)

(c) The Department of Management Services shall, in consultation with local and state emergency management agencies, assess Department of Management Services facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The Department of Management Services shall submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the division department for assessment and inclusion in the annual report prepared in accordance with subsection (3).

Reviser's note.—Amended to conform to s. 98, ch. 2011-142, Laws of Florida, which revised the definition of the term "division" for purposes of part I of chapter 252 from the Division of Emergency Management of the Department of Community Affairs to the Division of Emergency Management within the Executive Office of the Governor. Section 478, ch. 2011-142, repealed s. 20.18, which created the Department of Community Affairs.

Section 29. Subsections (1), (2), and (4) of section 252.939, Florida Statutes, are amended to read:

252.939 Fees.—

(1) (a) Any owner or operator of a specified stationary

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1074 source in the state which must submit a Risk Management Plan to
1075 the United States Environmental Protection Agency under s.
1076 112(r)(7) shall pay an annual registration fee for each
1077 specified stationary source to the division department. The
1078 annual registration fee is due to the division department upon
1079 initial submission of a stationary source's Risk Management Plan
1080 to the United States Environmental Protection Agency, and every
1081 April 1 thereafter.

1082 (b) Prior individual written notice shall be provided by
1083 United States mail by the division department to owners or
1084 operators of specified stationary sources in the state subject
1085 to the requirements under s. 112(r)(7) to submit Risk Management
1086 Plans and corresponding state registration fees. This notice
1087 must include the requirements of the state fee schedule and must
1088 be mailed at least 90 days before the due date for the specified
1089 stationary source's initial registration and Risk Management
1090 Plan submission year and at least 30 days before the
1091 registration fee due date for subsequent years.

1092 (c) The division department shall establish a fee schedule
1093 by rule for the specified stationary sources, upon the advice
1094 and consent of the commission. The annual registration fee must
1095 be based on a stationary source's highest program level, as
1096 determined under the federal implementing regulations for s.
1097 112(r)(7) and may not exceed the following:

1098 1. Program 1 Stationary Sources \$100. Multiple Program 1
1099 stationary sources which are under common ownership and which
1100 have the same single chemical process, shall pay a full fee for
1101 the first stationary source location and a 50 percent fee for
1102 subsequent locations with no owner of such multiple stationary

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1103 sources paying more than \$1,000. To be eligible for this
1104 multiple stationary source fee provision, one single fee payment
1105 must be submitted by the owner of the eligible multiple
1106 stationary source locations with a listing of the multiple
1107 stationary source locations and the single chemical process.

1108 2. Program 2 Stationary Sources \$200. Multiple Program 2
1109 stationary sources which are under common ownership and which
1110 have the same single chemical process, shall pay a full fee for
1111 the first three stationary source locations and a 50 percent fee
1112 for subsequent locations with no owner of such multiple
1113 stationary sources paying more than \$2,000. Multiple Program 2
1114 stationary sources which are under common ownership and which
1115 are classified under one of the following Standard Industrial
1116 Classification group numbers 01, 02, or 07 shall pay a full fee,
1117 not to exceed \$100 for the first stationary source location and
1118 a 50 percent fee for subsequent locations with no owner of such
1119 multiple stationary sources paying more than \$800. To be
1120 eligible for these multiple stationary source fee provisions,
1121 one single fee payment must be submitted by the owner of the
1122 eligible multiple stationary source locations with a listing of
1123 the multiple stationary source locations and the chemical
1124 process.

1125 3. Program 3 Stationary Sources \$1,000.

1126 (d) Annual registration fees under this section are not
1127 required until after the division department receives final
1128 delegation approval from the United States Environmental
1129 Protection Agency to administer the s. 112(r)(7) Accidental
1130 Release Prevention Program for the specified stationary sources.

1131 (2) The division department shall establish by rule late

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1132 fees, not to exceed 10 percent per month of the annual
1133 registration fee owed, and not to exceed a total of 50 percent,
1134 for failure to timely submit an annual registration fee. A late
1135 fee may not be assessed against a stationary source during the
1136 initial registration and submission year if 90 day's prior
1137 written notice was not provided to that stationary source.

1138 (4) If the Legislature directs the division department to
1139 seek authority to implement and enforce s. 112(r)(7) of the
1140 Clean Air Act for additional stationary sources, the division
1141 ~~department~~ shall, with the advice of the commission, review and
1142 suggest revisions, if necessary and appropriate, to the fees
1143 specified in this section.

1144 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
1145 Laws of Florida, which replaced the definition of the term
1146 "department" referencing the Department of Community
1147 Affairs in s. 252.936 with the term "division" referencing
1148 the Division of Emergency Management within the Executive
1149 Office of the Governor for purposes of part IV of chapter
1150 252.

1151 Section 30. Subsections (1), (3), and (4) of section
1152 252.940, Florida Statutes, are amended to read:

1153 252.940 Enforcement; procedure; remedies.—

1154 (1) The division department has the following enforcement
1155 authority and remedies for specified stationary sources
1156 available to it for violations of this part as specified in s.
1157 252.941:

1158 (a) To institute a civil action in a court of competent
1159 jurisdiction in order to seek injunctive relief to immediately
1160 restrain or enjoin any person from engaging in any activity in

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1161 violation of this part which is presenting an imminent and
1162 substantial endangerment to the public health or welfare or the
1163 environment; and to seek injunctive relief to enforce compliance
1164 with this part or any rule, regulation, program requirement, or
1165 order implementing this part.

1166 (b) To institute a civil action in a court of competent
1167 jurisdiction to impose and to recover a civil penalty for each
1168 violation, as specified in s. 252.941(1), in an amount of not
1169 more than \$10,000 per offense. However, the court may receive
1170 evidence in mitigation. Each day during any portion of which
1171 such violation occurs constitutes a separate offense.

1172 (c) To seek criminal remedies, including fines, for
1173 violations as specified in s. 252.941(2).

1174 (d) Failure to comply with the fee provisions under s.
1175 252.939 is not a violation under s. 252.941. Section 252.939(2)
1176 is the sole remedy for fee provisions in s. 252.939, except that
1177 the division department may enforce a final order entered under
1178 that section pursuant to s. 120.69.

1179 (3) For the purposes of this section, the division
1180 ~~department~~ may offer and accept the use of emergency planning,
1181 training, and response-related Supplemental Environmental
1182 Projects, consistent with the guidelines established by the
1183 United States Environmental Protection Agency.

1184 (4) The authorities and remedies provided under this
1185 section shall not take effect until after such time as the
1186 division department has received final delegation approval from
1187 the United States Environmental Protection Agency to administer
1188 the s. 112(r)(7) Accidental Release Prevention Program for
1189 specified stationary sources.

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1190 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
1191 Laws of Florida, which replaced the definition of the term
1192 "department" referencing the Department of Community
1193 Affairs in s. 252.936 with the term "division" referencing
1194 the Division of Emergency Management within the Executive
1195 Office of the Governor for purposes of part IV of chapter
1196 252.

1197 Section 31. Paragraphs (a) and (c) of subsection (1) and
1198 subsection (4) of section 252.941, Florida Statutes, are amended
1199 to read:

1200 252.941 Prohibitions, violations, penalties, intent.—

1201 (1) It is a violation of this part, and it is prohibited
1202 for any person to:

1203 (a) Fail to make any submittal required by this part or by
1204 rule or regulation implementing this part, or to violate or fail
1205 to comply with any rule, regulation, order, plan, or
1206 certification adopted or issued by the division department
1207 pursuant to its lawful authority under this part, other than
1208 fees under s. 252.939.

1209 (c) Fail to report to the appropriate representative of the
1210 division department, as established by division department rule,
1211 within 1 working day of discovery of an accidental release of a
1212 regulated substance from the stationary source, if the owner or
1213 operator is required to report the release to the United States
1214 Environmental Protection Agency under s. 112(r)(6).

1215 (4) The prohibitions and violations provided under this
1216 section shall take effect after such time as the division
1217 department has received final delegation approval from the
1218 United States Environmental Protection Agency to administer the

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1219 s. 112(r)(7) Accidental Release Prevention Program for specified
1220 stationary sources.

1221 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
1222 Laws of Florida, which replaced the definition of the term
1223 "department" referencing the Department of Community
1224 Affairs in s. 252.936 with the term "division" referencing
1225 the Division of Emergency Management within the Executive
1226 Office of the Governor for purposes of part IV of chapter
1227 252.

1228 Section 32. Paragraphs (a) and (c) of subsection (1),
1229 paragraphs (b), (c), and (d) of subsection (3), and subsections
1230 (4), (6), and (7) of section 252.942, Florida Statutes, are
1231 amended to read:

1232 252.942 Inspections and audits.—

1233 (1) (a) Any duly authorized representative of the division
1234 ~~department~~ may at any reasonable time enter to inspect and
1235 audit, in order to ascertain compliance with this part or rules
1236 adopted to implement this part, any specified stationary source
1237 subject to the requirements of s. 112(r)(7), except a building
1238 that is used exclusively for a private residence.

1239 (c) A person may not refuse reasonable entry or access to
1240 any authorized representative of the division ~~department~~ who
1241 requests entry for purposes of inspection and who presents
1242 appropriate credentials; nor shall any person obstruct, hamper,
1243 or interfere with such inspection.

1244 (3)

1245 (b) When a proper affidavit is made, the judge may issue an
1246 inspection warrant if:

1247 1. It appears that the properties to be inspected may be

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1248 connected with or contain evidence of the violation of any of
1249 the provisions of this part or any rule properly promulgated
1250 thereunder; or

1251 2. The inspection sought is an integral part of a larger
1252 scheme of systematic routine inspections that are necessary to,
1253 and consistent with, the continuing efforts of the division
1254 ~~department~~ to ensure compliance with the provisions of this part
1255 and any rules adopted thereunder.

1256 (c) The judge shall, before issuing the warrant, have the
1257 application for the warrant duly sworn to and subscribed by a
1258 representative of the division ~~department~~; and he or she may
1259 receive further testimony from witnesses, supporting affidavits,
1260 or depositions in writing to support the application. The
1261 affidavit and further proof must set forth the facts tending to
1262 establish the grounds specified in paragraph (b) or the reasons
1263 for believing that such grounds exist.

1264 (d) Upon examination of the application and proofs
1265 submitted and if satisfied that cause exists for issuing the
1266 inspection warrant, the judge shall issue a warrant, signed by
1267 him or her with the name of his or her office, to any division
1268 ~~department~~ representative, which warrant will authorize the
1269 representative to inspect the property described in the warrant.

1270 (4) The division ~~department~~ shall periodically audit Risk
1271 Management Plans submitted by owners or operators of stationary
1272 sources subject to s. 112(r)(7) and require revisions of such
1273 plans when necessary to ensure compliance with this part. The
1274 audit and revision requirements must substantially comply with
1275 federal regulations implementing s. 112(r)(7). The division
1276 ~~department~~ shall develop, with the advice and consent of the

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1277 commission, an annual audit work plan which identifies specified
1278 stationary sources or audits based on the program resources
1279 available. Stationary sources will be prioritized for audits
1280 based on factors which include, but are not limited to,
1281 stationary source location and proximity to population centers,
1282 chemical characteristics and inventories, stationary source
1283 accident history, process accident history, compliance or
1284 inspection by allied agency programs, and the results of
1285 stationary sources' self-audits.

1286 (6) Following an audit or inspection, the division
1287 ~~department~~ shall issue the owner or operator a written
1288 preliminary determination of any necessary revisions to the
1289 stationary source Risk Management Plan to ensure that the plan
1290 meets the requirements of this part and rules adopted to
1291 implement this part. The preliminary determination must include
1292 an explanation of the basis for the revisions, reflecting
1293 industry standards and guidelines to the extent that such
1294 standards and guidelines are applicable, and must include a
1295 timetable for their implementation.

1296 (7) The division ~~department~~ shall provide reasonable notice
1297 of its intent to conduct an onsite inspection or audit of a
1298 specified stationary source. Inspections or audits may be
1299 conducted without notice in response to an accidental release or
1300 to protect the public health, safety, and welfare.

1301 Reviser's note.—Amended to conform to s. 112, ch. 2011-142,
1302 Laws of Florida, which replaced the definition of the term
1303 "department" referencing the Department of Community
1304 Affairs in s. 252.936 with the term "division" referencing
1305 the Division of Emergency Management within the Executive

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1335 that possess no significant natural or historical resources.
1336 However, lands acquired solely to facilitate the acquisition of
1337 other conservation lands, and for which the land management plan
1338 has not yet been completed or updated, may be evaluated by the
1339 Board of Trustees of the Internal Improvement Trust Fund on a
1340 case-by-case basis to determine if they will be designated
1341 conservation lands.

1342
1343 Lands acquired by the state as a gift, through donation, or by
1344 any other conveyance for which no consideration was paid, and
1345 which are not managed for conservation, outdoor resource-based
1346 recreation, or archaeological or historic preservation under a
1347 land management plan approved by the board of trustees are not
1348 conservation lands.

1349 (6) The Board of Trustees of the Internal Improvement Trust
1350 Fund shall determine which lands, the title to which is vested
1351 in the board, may be surplused. For conservation lands, the
1352 board shall make a determination that the lands are no longer
1353 needed for conservation purposes and may dispose of them by an
1354 affirmative vote of at least three members. In the case of a
1355 land exchange involving the disposition of conservation lands,
1356 the board must determine by an affirmative vote of at least
1357 three members that the exchange will result in a net positive
1358 conservation benefit. For all other lands, the board shall make
1359 a determination that the lands are no longer needed and may
1360 dispose of them by an affirmative vote of at least three
1361 members.

1362 (b) For any lands purchased by the state on or after July
1363 1, 1999, a determination shall be made by the board prior to

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1364 acquisition as to those parcels that shall be designated as
1365 having been acquired for conservation purposes. No lands
1366 acquired for use by the Department of Corrections, the
1367 Department of Management Services for use as state offices, the
1368 Department of Transportation, except those specifically managed
1369 for conservation or recreation purposes, or the State University
1370 System or the Florida ~~Community~~ College System shall be
1371 designated as having been purchased for conservation purposes.

1372 (15) Before a building or parcel of land is offered for
1373 lease, sublease, or sale to a local or federal unit of
1374 government or a private party, it shall first be offered for
1375 lease to state agencies, state universities, and Florida College
1376 System institutions ~~community colleges~~, with priority
1377 consideration given to state universities and Florida College
1378 System institutions ~~community colleges~~. A state university or
1379 Florida College System institution ~~community college~~ must submit
1380 a plan for review and approval by the Board of Trustees of the
1381 Internal Improvement Trust Fund regarding the intended use of
1382 the building or parcel of land before approval of a lease.

1383 Reviser's note.—Paragraph (2)(c) and subsection (15) are amended
1384 to conform references to community colleges to changes in
1385 chapters 2008-52 and 2009-228, Laws of Florida,
1386 transitioning references from community colleges to Florida
1387 College System institutions. Paragraph (6)(b) is amended to
1388 substitute a reference to the Florida College System for a
1389 reference to the Florida Community College System to
1390 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
1391 creating the Florida College System.

1392 Section 35. Subsections (2) and (3) of section 255.2575,

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1393 Florida Statutes, are amended to read:

1394 255.2575 Energy-efficient and sustainable buildings.—

1395 (2) All county, municipal, school district, water
1396 management district, state university, Florida College System
1397 institution ~~community college~~, and state court buildings shall
1398 be constructed to comply with a sustainable building rating
1399 system or a national model green building code. This section
1400 applies to all county, municipal, school district, water
1401 management district, state university, Florida College System
1402 institution ~~community college~~, and state court buildings the
1403 architectural plans of which are commenced after July 1, 2008.

1404 (3) St. Petersburg College may work with the Florida
1405 ~~Community~~ College System and may consult with the University of
1406 Florida to provide training and educational opportunities that
1407 will ensure that green building rating system certifying agents
1408 (accredited professionals who possess a knowledge and
1409 understanding of green building processes, practices, and
1410 principles) are available to work with the entities specified in
1411 subsection (2) as they construct public buildings to meet green
1412 building rating system standards. St. Petersburg College may
1413 work with the construction industry to develop an online
1414 continuing education curriculum for use statewide by builders
1415 constructing energy-efficient and sustainable public sector
1416 buildings and students interested in the college's
1417 Green/Sustainability Track in its Management and Organization
1418 Leadership area of study. The curriculum developed may be
1419 offered by St. Petersburg College or in cooperation with other
1420 programs at other Florida College System institutions ~~community~~
1421 ~~colleges~~.

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1422 Reviser's note.—Subsections (2) and (3) are amended to conform
1423 references to community colleges to changes in chapters
1424 2008-52 and 2009-228, Laws of Florida, transitioning
1425 references from community colleges to Florida College
1426 System institutions. Subsection (3) is also amended to
1427 substitute a reference to the Florida College System for a
1428 reference to the Florida Community College System to
1429 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
1430 creating the Florida College System.

1431 Section 36. Paragraph (c) of subsection (11) of section
1432 259.032, Florida Statutes, is amended to read:

1433 259.032 Conservation and Recreation Lands Trust Fund;
1434 purpose.—

1435 (11)

1436 ~~(c) The Land Management Uniform Accounting Council shall~~
1437 ~~prepare and deliver a report on the methodology and formula for~~
1438 ~~allocating land management funds to the Acquisition and~~
1439 ~~Restoration Council. The Acquisition and Restoration Council~~
1440 ~~shall review, modify as appropriate, and submit the report to~~
1441 ~~the Board of Trustees of the Internal Improvement Trust Fund.~~
1442 ~~The board of trustees shall review, modify as appropriate, and~~
1443 ~~submit the report to the President of the Senate and the Speaker~~
1444 ~~of the House of Representatives no later than December 31, 2008,~~
1445 ~~which provides an interim management formula and a long-term~~
1446 ~~management formula, and the methodologies used to develop the~~
1447 ~~formulas, which shall be used to allocate land management funds~~
1448 ~~provided for in paragraph (b) for interim and long-term~~
1449 ~~management of all lands managed pursuant to this chapter and for~~
1450 ~~associated contractual services. The methodology and formula for~~

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1451 ~~interim management shall be based on the estimated land~~
1452 ~~acquisitions for the fiscal year in which the interim funds will~~
1453 ~~be expended. The methodology and formula for long-term~~
1454 ~~management shall recognize, but not be limited to, the~~
1455 ~~following:~~

1456 ~~1. The assignment of management intensity associated with~~
1457 ~~managed habitats and natural communities and the related~~
1458 ~~management activities to achieve land management goals provided~~
1459 ~~in s. 253.034(5) and subsection (10).~~

1460 ~~a. The acres of land that require minimal effort for~~
1461 ~~resource preservation or restoration.~~

1462 ~~b. The acres of land that require moderate effort for~~
1463 ~~resource preservation or restoration.~~

1464 ~~c. The acres of land that require significant effort for~~
1465 ~~resource preservation or restoration.~~

1466 ~~2. The assignment of management intensity associated with~~
1467 ~~public access, including, but not limited to:~~

1468 ~~a. The acres of land that are open to the public but offer~~
1469 ~~no more than minimally developed facilities;~~

1470 ~~b. The acres of land that have a high degree of public use~~
1471 ~~and offer highly developed facilities; and~~

1472 ~~c. The acres of land that are sites that have historic~~
1473 ~~significance, unique natural features, or a very high degree of~~
1474 ~~public use.~~

1475 ~~3. The acres of land that have a secondary manager~~
1476 ~~contributing to the overall management effort.~~

1477 ~~4. The anticipated revenues generated from management of~~
1478 ~~the lands.~~

1479 ~~5. The impacts of, and needs created or addressed by,~~

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1480 ~~multiple-use management strategies.~~

1481 ~~6. The acres of land that have infestations of nonnative or~~
1482 ~~invasive plants, animals, or fish.~~

1483

1484 ~~In evaluating the management funding needs of lands based on the~~
1485 ~~above categories, the lead land managing agencies shall include~~
1486 ~~in their considerations the impacts of, and needs created or~~
1487 ~~addressed by, multiple-use management strategies. The funding~~
1488 ~~formulas for interim and long-term management proposed by the~~
1489 ~~agencies shall be reviewed by the Legislature during the 2009~~
1490 ~~regular legislative session. The Legislature may reject, modify,~~
1491 ~~or take no action relative to the proposed funding formulas. If~~
1492 ~~no action is taken, the funding formulas shall be used in the~~
1493 ~~allocation and distribution of funds provided in paragraph (b).~~

1494 Reviser's note.—Amended to delete an obsolete provision.

1495 Section 37. Paragraph (d) of subsection (4) of section
1496 282.201, Florida Statutes, is amended to read:

1497 282.201 State data center system; agency duties and
1498 limitations.—A state data center system that includes all
1499 primary data centers, other nonprimary data centers, and
1500 computing facilities, and that provides an enterprise
1501 information technology service as defined in s. 282.0041, is
1502 established.

1503 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1504 (d) By July 1, 2012, the Department of Highway Safety and
1505 Motor Vehicles' Office of Commercial Vehicle Enforcement Motor
1506 ~~Carrier Compliance~~ shall be consolidated into the Northwood
1507 Shared Resource Center.

1508 Reviser's note.—Amended to conform to the renaming of the office

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1509 by s. 1, ch. 2012-181, Laws of Florida.

1510 Section 38. Paragraphs (g) and (i) of subsection (1) of
1511 section 288.1254, Florida Statutes, are amended to read:

1512 288.1254 Entertainment industry financial incentive
1513 program.—

1514 (1) DEFINITIONS.—As used in this section, the term:

1515 (g) "Production" means a theatrical or direct-to-video
1516 motion picture; a made-for-television motion picture; visual
1517 effects or digital animation sequences produced in conjunction
1518 with a motion picture; a commercial; a music video; an
1519 industrial or educational film; an infomercial; a documentary
1520 film; a television pilot program; a presentation for a
1521 television pilot program; a television series, including, but
1522 not limited to, a drama, a reality show, a comedy, a soap opera,
1523 a telenovela, a game show, an awards show, or a miniseries
1524 production; or a digital media project by the entertainment
1525 industry. One season of a television series is considered one
1526 production. The term does not include a weather or market
1527 program; a sporting event or a sporting event broadcast; a gala;
1528 a production that solicits funds; a home shopping program; a
1529 political program; a political documentary; political
1530 advertising; a gambling-related project or production; a concert
1531 production; ~~or~~ a local, regional, or Internet-distributed-only
1532 news show or current-events show; a sports news or sports recap
1533 show; a pornographic production; or any production deemed
1534 obscene under chapter 847. A production may be produced on or by
1535 film, tape, or otherwise by means of a motion picture camera;
1536 electronic camera or device; tape device; computer; any
1537 combination of the foregoing; or any other means, method, or

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1538 device.

1539 (i) "Qualified expenditures" means production expenditures
1540 incurred in this state by a qualified production for:

1541 1. Goods purchased or leased from, or services, including,
1542 but not limited to, insurance costs and bonding, payroll
1543 services, and legal fees, which are provided by, a vendor or
1544 supplier in this state that is registered with the Department of
1545 State or the Department of Revenue, has a physical location in
1546 this state, and employs one or more legal residents of this
1547 state. This does not include rebilled goods or services provided
1548 by an in-state company from out-of-state vendors or suppliers.
1549 When services ~~are~~ provided by the vendor or supplier include
1550 personal services or labor, only personal services or labor
1551 provided by residents of this state, evidenced by the required
1552 documentation of residency in this state, qualify.

1553 2. Payments to legal residents of this state in the form of
1554 salary, wages, or other compensation up to a maximum of \$400,000
1555 per resident unless otherwise specified in subsection (4). A
1556 completed declaration of residency in this state must accompany
1557 the documentation submitted to the office for reimbursement.

1558

1559 For a qualified production involving an event, such as an awards
1560 show, the term does not include expenditures solely associated
1561 with the event itself and not directly required by the
1562 production. The term does not include expenditures incurred
1563 before certification, with the exception of those incurred for a
1564 commercial, a music video, or the pickup of additional episodes
1565 of a high-impact television series within a single season. Under
1566 no circumstances may the qualified production include in the

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1567 calculation for qualified expenditures the original purchase
1568 price for equipment or other tangible property that is later
1569 sold or transferred by the qualified production for
1570 consideration. In such cases, the qualified expenditure is the
1571 net of the original purchase price minus the consideration
1572 received upon sale or transfer.

1573 Reviser's note.—Paragraph (g) is amended to confirm deletion of
1574 the word "or" by the editors. Paragraph (i) is amended to
1575 provide clarity.

1576 Section 39. Subsection (2) of section 288.71025, Florida
1577 Statutes, is amended to read:

1578 288.71025 Prohibited acts; penalties.—

1579 (2) In addition to any other penalties or remedies provided
1580 under law, the department office may bring a civil action in any
1581 court of competent jurisdiction against any person for a knowing
1582 or willful violation of this section. Upon an adverse
1583 adjudication, the court may impose a civil penalty of up to \$500
1584 and payment of court costs and reasonable attorney's fees
1585 incurred by the plaintiff.

1586 Reviser's note.—Amended to conform to the repeal of s. 14.2015,
1587 which created the Office of Tourism, Trade, and Economic
1588 Opportunity, by s. 477, ch. 2011-142, Laws of Florida, and
1589 the transfer of duties of the office to the Department of
1590 Economic Opportunity by s. 4, ch. 2011-142.

1591 Section 40. Paragraph (b) of subsection (1) of section
1592 288.980, Florida Statutes, is amended to read:

1593 288.980 Military base retention; legislative intent; grants
1594 program.—

1595 (1)

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1596 (b) The Florida Defense Alliance, an organization within
1597 Enterprise Florida, Inc., is designated as the organization to
1598 ensure that Florida, its resident military bases and missions,
1599 and its military host communities are in competitive positions
1600 as the United States continues its defense realignment and
1601 downsizing. The defense alliance shall serve as an overall
1602 advisory body for defense-related activity of Enterprise
1603 Florida, Inc. The Florida Defense Alliance may receive funding
1604 from appropriations made for that purpose administered by the
1605 department.

1606 Reviser's note.—Amended to confirm insertion of the word "Inc.,"
1607 by the editors to conform to the full name of Enterprise
1608 Florida, Inc.

1609 Section 41. Paragraph (a) of subsection (4) of section
1610 295.07, Florida Statutes, is amended to read:

1611 295.07 Preference in appointment and retention.—

1612 (4) The following positions are exempt from this section:

1613 (a) Those positions that are exempt from the state Career
1614 Service System under s. 110.205(2); however, all positions under
1615 the University Support Personnel System of the State University
1616 System as well as all Career Service System positions under the
1617 Florida ~~Community~~ College System and the School for the Deaf and
1618 the Blind, or the equivalent of such positions at state
1619 universities, Florida College System institutions ~~community~~
1620 ~~colleges~~, or the School for the Deaf and the Blind, are
1621 included.

1622 Reviser's note.—Amended to substitute a reference to the Florida
1623 College System for a reference to the Florida Community
1624 College System to conform to s. 2, ch. 2008-52, Laws of

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1625 Florida, which enacted s. 1001.60, creating the Florida
1626 College System, and to conform a reference to community
1627 colleges to changes in chapters 2008-52 and 2009-228, Laws
1628 of Florida, transitioning references from community
1629 colleges to Florida College System institutions.

1630 Section 42. Subsection (7) of section 311.101, Florida
1631 Statutes, is amended to read:

1632 311.101 Intermodal Logistics Center Infrastructure Support
1633 Program.—

1634 (7) Beginning in fiscal year 2012-2013, up to \$5 million
1635 per year shall be made available from the State Transportation
1636 Trust Fund for the program. The Department of Transportation
1637 shall include projects proposed to be funded under this section
1638 in the tentative work program developed pursuant to so s.
1639 339.135(4).

1640 Reviser's note.—Amended to confirm substitution of the word "to"
1641 for the word "so" by the editors.

1642 Section 43. Paragraph (d) of subsection (1) of section
1643 316.0083, Florida Statutes, is amended to read:

1644 316.0083 Mark Wandall Traffic Safety Program;
1645 administration; report.—

1646 (1)

1647 (d)1. The owner of the motor vehicle involved in the
1648 violation is responsible and liable for paying the uniform
1649 traffic citation issued for a violation of s. 316.074(1) or s.
1650 316.075(1)(c)1. when the driver failed to stop at a traffic
1651 signal, unless the owner can establish that:

1652 a. The motor vehicle passed through the intersection in
1653 order to yield right-of-way to an emergency vehicle or as part

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1654 of a funeral procession;

1655 b. The motor vehicle passed through the intersection at the
1656 direction of a law enforcement officer;

1657 c. The motor vehicle was, at the time of the violation, in
1658 the care, custody, or control of another person;

1659 d. A uniform traffic citation was issued by a law
1660 enforcement officer to the driver of the motor vehicle for the
1661 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

1662 e. The motor vehicle's owner was deceased on or before the
1663 date that the uniform ~~uniformed~~ traffic citation was issued, as
1664 established by an affidavit submitted by the representative of
1665 the motor vehicle owner's estate or other designated person or
1666 family member.

1667 2. In order to establish such facts, the owner of the motor
1668 vehicle shall, within 30 days after the date of issuance of the
1669 traffic citation, furnish to the appropriate governmental entity
1670 an affidavit setting forth detailed information supporting an
1671 exemption as provided in this paragraph.

1672 a. An affidavit supporting an exemption under sub-
1673 subparagraph 1.c. must include the name, address, date of birth,
1674 and, if known, the driver license number of the person who
1675 leased, rented, or otherwise had care, custody, or control of
1676 the motor vehicle at the time of the alleged violation. If the
1677 vehicle was stolen at the time of the alleged offense, the
1678 affidavit must include the police report indicating that the
1679 vehicle was stolen.

1680 b. If a traffic citation for a violation of s. 316.074(1)
1681 or s. 316.075(1)(c)1. was issued at the location of the
1682 violation by a law enforcement officer, the affidavit must

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1683 include the serial number of the uniform traffic citation.

1684 c. If the motor vehicle's owner to whom a traffic citation
1685 has been issued is deceased, the affidavit must include a
1686 certified copy of the owner's death certificate showing that the
1687 date of death occurred on or before the issuance of the uniform
1688 traffic citation and one of the following:

1689 (I) A bill of sale or other document showing that the
1690 deceased owner's motor vehicle was sold or transferred after his
1691 or her death, but on or before the date of the alleged
1692 violation.

1693 (II) Documentary proof that the registered license plate
1694 belonging to the deceased owner's vehicle was returned to the
1695 department or any branch office or authorized agent of the
1696 department, but on or before the date of the alleged violation.

1697 (III) A copy of a police report showing that the deceased
1698 owner's registered license plate or motor vehicle was stolen
1699 after the owner's death, but on or before the date of the
1700 alleged violation.

1701
1702 Upon receipt of the affidavit and documentation required under
1703 this sub-subparagraph, the governmental entity must dismiss the
1704 citation and provide proof of such dismissal to the person that
1705 submitted the affidavit.

1706 3. Upon receipt of an affidavit, the person designated as
1707 having care, custody, and control of the motor vehicle at the
1708 time of the violation may be issued a traffic citation for a
1709 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
1710 failed to stop at a traffic signal. The affidavit is admissible
1711 in a proceeding pursuant to this section for the purpose of

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1712 providing proof that the person identified in the affidavit was
1713 in actual care, custody, or control of the motor vehicle. The
1714 owner of a leased vehicle for which a traffic citation is issued
1715 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
1716 driver failed to stop at a traffic signal is not responsible for
1717 paying the traffic citation and is not required to submit an
1718 affidavit as specified in this subsection if the motor vehicle
1719 involved in the violation is registered in the name of the
1720 lessee of such motor vehicle.

1721 4. The submission of a false affidavit is a misdemeanor of
1722 the second degree, punishable as provided in s. 775.082 or s.
1723 775.083.

1724 Reviser's note.—Amended to confirm substitution of the word
1725 "uniform" for the word "uniformed" by the editors to
1726 conform to context.

1727 Section 44. Paragraph (a) of subsection (1) and subsection
1728 (8) of section 316.640, Florida Statutes, are amended to read:

1729 316.640 Enforcement.—The enforcement of the traffic laws of
1730 this state is vested as follows:

1731 (1) STATE.—

1732 (a) 1.a. The Division of Florida Highway Patrol of the
1733 Department of Highway Safety and Motor Vehicles; the Division of
1734 Law Enforcement of the Fish and Wildlife Conservation
1735 Commission; and the agents, inspectors, and officers of the
1736 Department of Law Enforcement each have authority to enforce all
1737 of the traffic laws of this state on all the streets and
1738 highways thereof and elsewhere throughout the state wherever the
1739 public has a right to travel by motor vehicle.

1740 b. University police officers may enforce all of the

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1741 traffic laws of this state when violations occur on or within
1742 1,000 feet of any property or facilities that are under the
1743 guidance, supervision, regulation, or control of a state
1744 university, a direct-support organization of such state
1745 university, or any other organization controlled by the state
1746 university or a direct-support organization of the state
1747 university, or when such violations occur within a specified
1748 jurisdictional area as agreed upon in a mutual aid agreement
1749 entered into with a law enforcement agency pursuant to s.
1750 23.1225(1). Traffic laws may also be enforced off-campus when
1751 hot pursuit originates on or within 1,000 feet of any such
1752 property or facilities, or as agreed upon in accordance with the
1753 mutual aid agreement.

1754 c. Florida College System institution ~~Community college~~
1755 police officers may enforce all the traffic laws of this state
1756 only when such violations occur on any property or facilities
1757 that are under the guidance, supervision, regulation, or control
1758 of the Florida community College System.

1759 d. Police officers employed by an airport authority may
1760 enforce all of the traffic laws of this state only when such
1761 violations occur on any property or facilities that are owned or
1762 operated by an airport authority.

1763 (I) An airport authority may employ as a parking
1764 enforcement specialist any individual who successfully completes
1765 a training program established and approved by the Criminal
1766 Justice Standards and Training Commission for parking
1767 enforcement specialists but who does not otherwise meet the
1768 uniform minimum standards established by the commission for law
1769 enforcement officers or auxiliary or part-time officers under s.

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1770 943.12. This sub-sub-subparagraph may not be construed to permit
1771 the carrying of firearms or other weapons, nor shall such
1772 parking enforcement specialist have arrest authority.

1773 (II) A parking enforcement specialist employed by an
1774 airport authority may enforce all state, county, and municipal
1775 laws and ordinances governing parking only when such violations
1776 are on property or facilities owned or operated by the airport
1777 authority employing the specialist, by appropriate state,
1778 county, or municipal traffic citation.

1779 e. The Office of Agricultural Law Enforcement of the
1780 Department of Agriculture and Consumer Services may enforce
1781 traffic laws of this state.

1782 f. School safety officers may enforce all of the traffic
1783 laws of this state when such violations occur on or about any
1784 property or facilities that are under the guidance, supervision,
1785 regulation, or control of the district school board.

1786 2. An agency of the state as described in subparagraph 1.
1787 is prohibited from establishing a traffic citation quota. A
1788 violation of this subparagraph is not subject to the penalties
1789 provided in chapter 318.

1790 3. Any disciplinary action taken or performance evaluation
1791 conducted by an agency of the state as described in subparagraph
1792 1. of a law enforcement officer's traffic enforcement activity
1793 must be in accordance with written work-performance standards.
1794 Such standards must be approved by the agency and any collective
1795 bargaining unit representing such law enforcement officer. A
1796 violation of this subparagraph is not subject to the penalties
1797 provided in chapter 318.

1798 4. The Division of the Florida Highway Patrol may employ as

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1799 a traffic accident investigation officer any individual who
1800 successfully completes instruction in traffic accident
1801 investigation and court presentation through the Selective
1802 Traffic Enforcement Program as approved by the Criminal Justice
1803 Standards and Training Commission and funded through the
1804 National Highway Traffic Safety Administration or a similar
1805 program approved by the commission, but who does not necessarily
1806 meet the uniform minimum standards established by the commission
1807 for law enforcement officers or auxiliary law enforcement
1808 officers under chapter 943. Any such traffic accident
1809 investigation officer who makes an investigation at the scene of
1810 a traffic accident may issue traffic citations, based upon
1811 personal investigation, when he or she has reasonable and
1812 probable grounds to believe that a person who was involved in
1813 the accident committed an offense under this chapter, chapter
1814 319, chapter 320, or chapter 322 in connection with the
1815 accident. This subparagraph does not permit the officer to carry
1816 firearms or other weapons, and such an officer does not have
1817 authority to make arrests.

1818 (8) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental
1819 entity designated in subsection (1), subsection (2), or
1820 subsection (3), including a university, a Florida College System
1821 institution ~~community college~~, a school board, or an airport
1822 authority, is a traffic enforcement agency for purposes of s.
1823 316.650.

1824 Reviser's note.—Paragraph (1)(a) and subsection (8) are amended
1825 to conform references to community colleges to changes in
1826 chapters 2008-52 and 2009-228, Laws of Florida,
1827 transitioning references from community colleges to Florida

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1828 College System institutions. Paragraph (1) (a) is also
1829 amended to substitute a reference to the Florida College
1830 System for a reference to the community college system to
1831 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
1832 creating the Florida College System.

1833 Section 45. Paragraph (b) of subsection (4) of section
1834 320.20, Florida Statutes, is amended to read:

1835 320.20 Disposition of license tax moneys.—The revenue
1836 derived from the registration of motor vehicles, including any
1837 delinquent fees and excluding those revenues collected and
1838 distributed under the provisions of s. 320.081, must be
1839 distributed monthly, as collected, as follows:

1840 (4) Notwithstanding any other provision of law except
1841 subsections (1), (2), and (3), \$10 million shall be deposited
1842 annually into the State Transportation Trust Fund solely for the
1843 purposes of funding the Florida Seaport Transportation and
1844 Economic Development Program as provided in chapter 311 and for
1845 funding seaport intermodal access projects of statewide
1846 significance as provided in s. 341.053. Such revenues shall be
1847 distributed to any port listed in s. 311.09(1), to be used for
1848 funding projects as follows:

1849 (b) For seaport intermodal access projects as described in
1850 s. 341.053(6) ~~341.053(5)~~ which are identified in the 5-year
1851 Florida Seaport Mission Plan as provided in s. 311.09(3).
1852 Funding for such projects shall be on a matching basis as
1853 mutually determined by the Florida Seaport Transportation and
1854 Economic Development Council and the Department of
1855 Transportation if a minimum of 25 percent of total project funds
1856 come from any port funds, local funds, private funds, or

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1857 specifically earmarked federal funds.

1858

1859 Such revenues may be assigned, pledged, or set aside as a trust
1860 for the payment of principal or interest on bonds, tax
1861 anticipation certificates, or other form of indebtedness issued
1862 by an individual port or appropriate local government having
1863 jurisdiction thereof, or collectively by interlocal agreement
1864 among any of the ports, or used to purchase credit support to
1865 permit such borrowings. However, such debt is not a general
1866 obligation of the state. This state covenants with holders of
1867 such revenue bonds or other instruments of indebtedness issued
1868 hereunder that it will not repeal or impair or amend this
1869 subsection in any manner that will materially and adversely
1870 affect the rights of holders so long as bonds authorized by this
1871 subsection are outstanding. Any revenues that are not pledged to
1872 the repayment of bonds as authorized by this section may be used
1873 for purposes authorized under the Florida Seaport Transportation
1874 and Economic Development Program. This revenue source is in
1875 addition to any amounts provided for and appropriated in
1876 accordance with s. 311.07 and subsection (3). The Florida
1877 Seaport Transportation and Economic Development Council shall
1878 approve distribution of funds to ports for projects that have
1879 been approved pursuant to s. 311.09(5)-(8), or for seaport
1880 intermodal access projects identified in the 5-year Florida
1881 Seaport Mission Plan as provided in s. 311.09(3) and mutually
1882 agreed upon by the Florida Seaport Transportation and Economic
1883 Development Council and the Department of Transportation. All
1884 contracts for actual construction of projects authorized by this
1885 subsection must include a provision encouraging employment of

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participants in the welfare transition program. The goal for such employment is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council demonstrate that such a requirement would severely hamper the successful completion of the project. In such an instance, Workforce Florida, Inc., shall establish an appropriate percentage of employees who are participants in the welfare transition program. The council and the Department of Transportation may perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The revenues available under this subsection may not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. Refunding bonds secured by revenues available under this subsection may not be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July

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1915 1, 2000, other than refunding bonds shall be issued by the
1916 Division of Bond Finance at the request of the Department of
1917 Transportation pursuant to the State Bond Act.
1918 Reviser's note.—Amended to conform to s. 50, ch. 97-278, Laws of
1919 Florida, and s. 10, ch. 97-280, Laws of Florida, which
1920 enacted s. 320.20(4)(b), including the reference to s.
1921 341.053(5); s. 341.053(5) was redesignated as subsection
1922 (6) by s. 47, ch. 99-385, Laws of Florida.
1923 Section 46. Subsection (4) of section 322.142, Florida
1924 Statutes, is amended to read:
1925 322.142 Color photographic or digital imaged licenses.—
1926 (4) The department may maintain a film negative or print
1927 file. The department shall maintain a record of the digital
1928 image and signature of the licensees, together with other data
1929 required by the department for identification and retrieval.
1930 Reproductions from the file or digital record are exempt from
1931 the provisions of s. 119.07(1) and shall be made and issued only
1932 for departmental administrative purposes; for the issuance of
1933 duplicate licenses; in response to law enforcement agency
1934 requests; to the Department of Business and Professional
1935 Regulation pursuant to an interagency agreement for the purpose
1936 of accessing digital images for reproduction of licenses issued
1937 by the Department of Business and Professional Regulation; to
1938 the Department of State pursuant to an interagency agreement to
1939 facilitate determinations of eligibility of voter registration
1940 applicants and registered voters in accordance with ss. 98.045
1941 and 98.075; to the Department of Revenue pursuant to an
1942 interagency agreement for use in establishing paternity and
1943 establishing, modifying, or enforcing support obligations in

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1944 Title IV-D cases; to the Department of Children and Family
1945 Services pursuant to an interagency agreement to conduct
1946 protective investigations under part III of chapter 39 and
1947 chapter 415; to the Department of Children and Family Services
1948 pursuant to an interagency agreement specifying the number of
1949 employees in each of that department's regions to be granted
1950 access to the records for use as verification of identity to
1951 expedite the determination of eligibility for public assistance
1952 and for use in public assistance fraud investigations; to the
1953 Department of Financial Services pursuant to an interagency
1954 agreement to facilitate the location of owners of unclaimed
1955 property, the validation of unclaimed property claims, and the
1956 identification of fraudulent or false claims; or to district
1957 medical examiners pursuant to an interagency agreement for the
1958 purpose of identifying a deceased individual, determining cause
1959 of death, and notifying next of kin of any investigations,
1960 including autopsies and other laboratory examinations,
1961 authorized in s. 406.11 ~~406.011~~.

1962 Reviser's note.—Amended to correct an apparent error. Section
1963 406.011 does not exist. Section 406.11 relates to
1964 examinations, investigations, and autopsies by medical
1965 examiners to determine cause of death of deceased humans.
1966 Section 47. Subsections (8) and (9) of section 322.21,
1967 Florida Statutes, are reenacted to read:

1968 322.21 License fees; procedure for handling and collecting
1969 fees.—

1970 (8) Any person who applies for reinstatement following the
1971 suspension or revocation of the person's driver's license must
1972 pay a service fee of \$45 following a suspension, and \$75

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1973 following a revocation, which is in addition to the fee for a
1974 license. Any person who applies for reinstatement of a
1975 commercial driver's license following the disqualification of
1976 the person's privilege to operate a commercial motor vehicle
1977 shall pay a service fee of \$75, which is in addition to the fee
1978 for a license. The department shall collect all of these fees at
1979 the time of reinstatement. The department shall issue proper
1980 receipts for such fees and shall promptly transmit all funds
1981 received by it as follows:

1982 (a) Of the \$45 fee received from a licensee for
1983 reinstatement following a suspension, the department shall
1984 deposit \$15 in the General Revenue Fund and \$30 in the Highway
1985 Safety Operating Trust Fund.

1986 (b) Of the \$75 fee received from a licensee for
1987 reinstatement following a revocation or disqualification, the
1988 department shall deposit \$35 in the General Revenue Fund and \$40
1989 in the Highway Safety Operating Trust Fund.

1990
1991 If the revocation or suspension of the driver's license was for
1992 a violation of s. 316.193, or for refusal to submit to a lawful
1993 breath, blood, or urine test, an additional fee of \$130 must be
1994 charged. However, only one \$130 fee may be collected from one
1995 person convicted of violations arising out of the same incident.
1996 The department shall collect the \$130 fee and deposit the fee
1997 into the Highway Safety Operating Trust Fund at the time of
1998 reinstatement of the person's driver's license, but the fee may
1999 not be collected if the suspension or revocation is overturned.
2000 If the revocation or suspension of the driver's license was for
2001 a conviction for a violation of s. 817.234(8) or (9) or s.

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2002 817.505, an additional fee of \$180 is imposed for each offense.
2003 The department shall collect and deposit the additional fee into
2004 the Highway Safety Operating Trust Fund at the time of
2005 reinstatement of the person's driver's license.

2006 (9) An applicant:

2007 (a) Requesting a review authorized in s. 322.222, s.
2008 322.2615, s. 322.2616, s. 322.27, or s. 322.64 must pay a filing
2009 fee of \$25 to be deposited into the Highway Safety Operating
2010 Trust Fund.

2011 (b) Petitioning the department for a hearing authorized in
2012 s. 322.271 must pay a filing fee of \$12 to be deposited into the
2013 Highway Safety Operating Trust Fund.

2014 Reviser's note.—Reenacted to confirm restoration by the editors
2015 of the paragraph at the end of subsection (8). The flush
2016 left paragraph was created as part of subsection (8) by s.
2017 4, ch. 2003-410, Laws of Florida. Section 36, ch. 2009-71,
2018 Laws of Florida, amended s. 322.21, inserting a new
2019 subsection (9) before the flush left paragraph at the end
2020 of subsection (8). Subsection (9) relates to payment of
2021 filing fees; subsection (8), including the flush left
2022 paragraph, relates to reinstatement fees following license
2023 suspension or revocation.

2024 Section 48. Subsection (2) of section 322.2615, Florida
2025 Statutes, is amended to read:

2026 322.2615 Suspension of license; right to review.—

2027 (2) Except as provided in paragraph (1)(a), the law
2028 enforcement officer shall forward to the department, within 5
2029 days after issuing the notice of suspension, the driver's
2030 license; an affidavit stating the officer's grounds for belief

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2031 that the person was driving or in actual physical control of a
2032 motor vehicle while under the influence of alcoholic beverages
2033 or chemical or controlled substances; the results of any breath
2034 or blood test or an affidavit stating that a breath, blood, or
2035 urine test was requested by a law enforcement officer or
2036 correctional officer and that the person refused to submit; the
2037 officer's description of the person's field sobriety test, if
2038 any; and the notice of suspension. The failure of the officer to
2039 submit materials within the 5-day period specified in this
2040 subsection and in subsection (1) does not affect the
2041 department's ability to consider any evidence submitted at or
2042 prior to the hearing. The officer may also submit a copy of the
2043 crash report and a copy of a videotape of the field sobriety
2044 test or the attempt to administer such test. Materials submitted
2045 to the department by a law enforcement agency or correctional
2046 agency shall be considered self-authenticating and shall be in
2047 the record for consideration by the hearing officer.
2048 Notwithstanding s. 316.066(4) ~~316.066(5)~~, the crash report shall
2049 be considered by the hearing officer.

2050 Reviser's note.—Amended to substitute a reference to s.
2051 316.066(4) for a reference to s. 316.066(5). Section 7, ch.
2052 2011-66, Laws of Florida, renumbered subsection (5) as
2053 subsection (4).

2054 Section 49. Subsection (3) of section 339.0805, Florida
2055 Statutes, is reenacted, and paragraph (d) of that subsection is
2056 amended to read:

2057 339.0805 Funds to be expended with certified disadvantaged
2058 business enterprises; construction management development
2059 program; bond guarantee program.—It is the policy of the state

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2060 to meaningfully assist socially and economically disadvantaged
2061 business enterprises through a program that will provide for the
2062 development of skills through construction and business
2063 management training, as well as by providing contracting
2064 opportunities and financial assistance in the form of bond
2065 guarantees, to primarily remedy the effects of past economic
2066 disparity.

2067 (3) The head of the department may expend up to 6 percent
2068 of the funds specified in subsection (1) which are designated to
2069 be expended on small business firms owned and controlled by
2070 socially and economically disadvantaged individuals to conduct,
2071 by contract or otherwise, a construction management development
2072 program. Participation in the program will be limited to those
2073 firms which are certified under the provisions of subsection (1)
2074 by the department or the federal Small Business Administration
2075 or to any firm which meets the definition of a small business in
2076 49 C.F.R. s. 26.65. The program shall consist of classroom
2077 instruction and on-the-job instruction. To the extent feasible,
2078 the registration fee shall be set to cover the cost of
2079 instruction and overhead. Salary may not be paid to any
2080 participant.

2081 (a) Classroom instruction will consist of, but is not
2082 limited to, project planning methods for identifying personnel,
2083 equipment, and financial resource needs; bookkeeping; state
2084 bidding and bonding requirements; state and federal tax
2085 requirements; and strategies for obtaining loans, bonding, and
2086 joint venture agreements.

2087 (b) On-the-job instruction will consist of, but is not
2088 limited to, setting up the job site; cash-flow methods; project

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2089 scheduling; quantity takeoffs; estimating; reading plans and
2090 specifications; department procedures on billing and payments;
2091 quality assessment and control methods; and bid preparation
2092 methods.

2093 (c) Contractors who have demonstrated satisfactory project
2094 performance, as defined by the department, can be exempted from
2095 the provisions of paragraphs (a) and (b) and be validated as
2096 meeting the minimum curriculum standards of proficiency, in the
2097 same manner as participants who successfully complete the
2098 construction management development program only if they intend
2099 to apply for funds provided for in subsection (4).

2100 (d) The department shall develop, under contract with the
2101 State University System, the Florida community College System, a
2102 school district in behalf of its career center, or a private
2103 consulting firm, a curriculum for instruction in the courses
2104 that will lead to a certification of proficiency in the
2105 construction management development program.

2106 Reviser's note.—Section 52, ch. 2012-174, Laws of Florida,
2107 purported to amend subsection (3) but did not publish
2108 paragraphs (a)-(d). Absent affirmative evidence of
2109 legislative intent to repeal paragraphs (a)-(d), subsection
2110 (3) is reenacted to confirm that the omission was not
2111 intended. Paragraph (3)(d) is amended to substitute a
2112 reference to the Florida College System for a reference to
2113 the Florida Community College System to conform to s. 2,
2114 ch. 2008-52, Laws of Florida, which enacted s. 1001.60,
2115 creating the Florida College System.

2116 Section 50. Paragraphs (b), (c), (d), (e), and (f) of
2117 subsection (7) of section 339.135, Florida Statutes, are amended

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2118 to read:

2119 339.135 Work program; legislative budget request;
2120 definitions; preparation, adoption, execution, and amendment.—

2121 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2122 (b) The department may not transfer any funds for any
2123 project or project phase between department districts. However,
2124 a district secretary may agree to a loan of funds to another
2125 district, if:

2126 1. The funds are used solely to maximize the use or amount
2127 of funds available to the state;

2128 2. The loan agreement is executed in writing and is signed
2129 by the district secretaries of the respective districts;

2130 3. Repayment of the loan is to be made within 3 years after
2131 the date on which the agreement was entered into; and

2132 4. The adopted work program of the district loaning the
2133 funds would not be substantially impaired if the loan were made,
2134 according to the district secretary.

2135
2136 The loan constitutes an amendment to the adopted work program
2137 and is subject to the procedures specified in paragraph (c) ~~(e)~~.

2138 (c) The department may amend the adopted work program to
2139 transfer fixed capital outlay appropriations for projects within
2140 the same appropriations category or between appropriations
2141 categories, including the following amendments which shall be
2142 subject to the procedures in paragraph (d) ~~(f)~~:

2143 1. Any amendment which deletes any project or project phase
2144 estimated to cost over \$150,000;

2145 2. Any amendment which adds a project estimated to cost
2146 over \$500,000 in funds appropriated by the Legislature;

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2147 3. Any amendment which advances or defers to another fiscal
2148 year, a right-of-way phase, a construction phase, or a public
2149 transportation project phase estimated to cost over \$1.5 million
2150 in funds appropriated by the Legislature, except an amendment
2151 advancing a phase by 1 year to the current fiscal year or
2152 deferring a phase for a period of 90 days or less; or

2153 4. Any amendment which advances or defers to another fiscal
2154 year, any preliminary engineering phase or design phase
2155 estimated to cost over \$500,000 in funds appropriated by the
2156 Legislature, except an amendment advancing a phase by 1 year to
2157 the current fiscal year or deferring a phase for a period of 90
2158 days or less.

2159
2160 Beginning July 1, 2013, the department shall index the budget
2161 amendment threshold amounts established in this paragraph to the
2162 Consumer Price Index or similar inflation indicators. Threshold
2163 adjustments for inflation under this paragraph may be made no
2164 more frequently than once a year. Adjustments for inflation are
2165 subject to the notice and review procedures contained in s.
2166 216.177.

2167 (d)1. Whenever the department proposes any amendment to the
2168 adopted work program, as defined in subparagraph (c)1. ~~(e)1.~~ or
2169 subparagraph (c)3. ~~(e)3.~~, which deletes or defers a construction
2170 phase on a capacity project, it shall notify each county
2171 affected by the amendment and each municipality within the
2172 county. The notification shall be issued in writing to the chief
2173 elected official of each affected county, each municipality
2174 within the county, and the chair of each affected metropolitan
2175 planning organization. Each affected county and each

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2176 municipality in the county is encouraged to coordinate with each
2177 other in order to determine how the amendment affects local
2178 concurrency management and regional transportation planning
2179 efforts. Each affected county, and each municipality within the
2180 county, shall have 14 days to provide written comments to the
2181 department regarding how the amendment will affect its
2182 respective concurrency management systems, including whether any
2183 development permits were issued contingent upon the capacity
2184 improvement, if applicable. After receipt of written comments
2185 from the affected local governments, the department shall
2186 include any written comments submitted by such local governments
2187 in its preparation of the proposed amendment.

2188 2. Following the 14-day comment period in subparagraph 1.,
2189 if applicable, whenever the department proposes any amendment to
2190 the adopted work program, which amendment is defined in
2191 subparagraph (c)1. ~~(e)1.~~, subparagraph (c)2. ~~(e)2.~~, subparagraph
2192 (c)3. ~~(e)3.~~, or subparagraph (c)4. ~~(e)4.~~, it shall submit the
2193 proposed amendment to the Governor for approval and shall
2194 immediately notify the chairs of the legislative appropriations
2195 committees, the chairs of the legislative transportation
2196 committees, and each member of the Legislature who represents a
2197 district affected by the proposed amendment. It shall also
2198 notify each metropolitan planning organization affected by the
2199 proposed amendment, and each unit of local government affected
2200 by the proposed amendment, unless it provided to each the
2201 notification required by subparagraph 1. Such proposed amendment
2202 shall provide a complete justification of the need for the
2203 proposed amendment.

2204 3. The Governor may not approve a proposed amendment until

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2205 14 days following the notification required in subparagraph 2.

2206 4. If either of the chairs of the legislative
2207 appropriations committees or the President of the Senate or the
2208 Speaker of the House of Representatives objects in writing to a
2209 proposed amendment within 14 days following notification and
2210 specifies the reasons for such objection, the Governor shall
2211 disapprove the proposed amendment.

2212 (e) Notwithstanding paragraphs (d) (f) and (g) (i) and ss.
2213 216.177(2) and 216.351, the secretary may request the Executive
2214 Office of the Governor to amend the adopted work program when an
2215 emergency exists, as defined in s. 252.34, and the emergency
2216 relates to the repair or rehabilitation of any state
2217 transportation facility. The Executive Office of the Governor
2218 may approve the amendment to the adopted work program and amend
2219 that portion of the department's approved budget if a delay
2220 incident to the notification requirements in paragraph (d) (f)
2221 would be detrimental to the interests of the state. However, the
2222 department shall immediately notify the parties specified in
2223 paragraph (d) (f) and provide such parties written justification
2224 for the emergency action within 7 days after approval by the
2225 Executive Office of the Governor of the amendment to the adopted
2226 work program and the department's budget. The adopted work
2227 program may not be amended under this subsection without
2228 certification by the comptroller of the department that there
2229 are sufficient funds available pursuant to the 36-month cash
2230 forecast and applicable statutes.

2231 (f) The department may authorize the investment of the
2232 earnings accrued and collected upon the investment of the
2233 minimum balance of funds required to be maintained in the State

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2234 Transportation Trust Fund pursuant to former paragraph (b).

2235 Reviser's note.—Amended to conform to the repeal of s.

2236 339.135(7)(a) and (b) by s. 5, ch. 2012-6, Laws of Florida.

2237 Section 51. Subsection (2) of section 339.2825, Florida
2238 Statutes, is amended to read:

2239 339.2825 Approval of contractor-financed projects.—

2240 (2) If the department receives an unsolicited proposal
2241 pursuant to s. 334.30 to advance a project programmed in the
2242 adopted 5-year work program or in the 10-year Strategic
2243 Intermodal Plan using funds provided by public-private
2244 partnerships or private entities to be reimbursed from
2245 department funds for the project as programmed in the adopted
2246 work program, the department shall provide a summary of the
2247 proposed project to the Executive Office of the Governor, the
2248 chair of each legislative appropriations committee, the
2249 President of the Senate, and the Speaker of the House of
2250 Representatives before the department advertises receipt of the
2251 proposal as provided in s. 334.30. The summary must include a
2252 description of any anticipated commitments by the department for
2253 the years outside the adopted work program, a description of any
2254 anticipated impacts on the department's overall debt load, and
2255 sufficient information to demonstrate that the project will not
2256 cause the department to exceed the overall debt limitation
2257 provided in s. 339.139 339.14. The department may not accept the
2258 unsolicited proposal, advertise receipt of the unsolicited
2259 proposal, or solicit other proposals for the same project
2260 purpose without the approval of the Executive Office of the
2261 Governor. If the chair of either legislative appropriations
2262 committee, the President of the Senate, or the Speaker of the

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2263 House of Representatives objects to the proposed project in
2264 writing within 14 days after receipt of the summary, the
2265 Executive Office of the Governor may not approve the proposed
2266 project.

2267 Reviser's note.—Amended to correct an apparent error. Section
2268 339.14 was transferred to s. 336.50 in 1957 and repealed in
2269 1984. Section 339.139 relates to overall debt limitation.

2270 Section 52. Paragraph (a) of subsection (3) of section
2271 341.840, Florida Statutes, is amended to read:

2272 341.840 Tax exemption.—

2273 (3) (a) Purchases or leases of tangible personal property or
2274 real property by the enterprise, excluding agents of the
2275 enterprise, are exempt from taxes imposed by chapter 212 as
2276 provided in s. 212.08(6). Purchases or leases of tangible
2277 personal property that is incorporated into the high-speed rail
2278 system as a component part thereof, as determined by the
2279 enterprise, by agents of the enterprise or the owner of the
2280 high-speed rail system are exempt from sales or use taxes
2281 imposed by chapter 212. Leases, rentals, or licenses to use real
2282 property granted to agents of the enterprise or the owner of the
2283 high-speed rail system are exempt from taxes imposed by s.
2284 212.031 if the real property becomes part of such system. The
2285 exemptions granted in this subsection do not apply to sales,
2286 leases, or licenses by the enterprise, agents of the enterprise
2287 authority, or the owner of the high-speed rail system.

2288 Reviser's note.—Amended to conform to the replacement of the
2289 Florida High-Speed Rail Authority with the Florida Rail
2290 Enterprise by ch. 2009-271, Laws of Florida, and the repeal
2291 by s. 12, ch. 2009-271, of s. 341.821, which created and

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2292 established the authority.

2293 Section 53. Subsection (8) of section 343.805, Florida
2294 Statutes, is amended to read:

2295 343.805 Definitions.—As used in this part, the term:

2296 (8) "State Board of Administration" means the body
2297 corporate existing under the provisions of s. 4 ~~9~~, Art. IV ~~XII~~
2298 of the State Constitution, or any successor thereto.

2300 Terms importing singular number include the plural number in
2301 each case and vice versa, and terms importing persons include
2302 firms and corporations.

2303 Reviser's note.—Section 4(e), Art. IV of the State Constitution
2304 of 1968 provides that the governor, chief financial
2305 officer, and attorney general constitute the state board of
2306 administration, as successor to the state board of
2307 administration established pursuant to s. 16, Art. IX of
2308 the Constitution of 1885.

2309 Section 54. Paragraph (1) of subsection (1) of section
2310 343.91, Florida Statutes, is amended to read:

2311 343.91 Definitions.—

2312 (1) As used in this part, the term:

2313 (1) "State Board of Administration" means the body
2314 corporate existing under the provisions of s. 4 ~~9~~, Art. IV ~~XII~~
2315 of the State Constitution, or any successor thereto.

2316 Reviser's note.—Section 4(e), Art. IV of the State Constitution
2317 of 1968 provides that the governor, chief financial
2318 officer, and attorney general constitute the state board of
2319 administration, as successor to the state board of
2320 administration established pursuant to s. 16, Art. IX of

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2321 the Constitution of 1885.

2322 Section 55. Section 344.17, Florida Statutes, is amended to
2323 read:

2324 344.17 Depositories and investments.—All moneys received by
2325 the Chief Financial Officer as treasurer of the State Board of
2326 Administration, a body corporate under s. 4 ~~9~~, Art. IV ~~XII~~ of
2327 the State Constitution, shall be deposited by the treasurer in a
2328 solvent bank or banks, to be approved and accepted for such
2329 purposes by the board. In making such deposits, he or she shall
2330 follow the method for the deposit of state funds. Each bank
2331 receiving any portion of such funds shall be required to deposit
2332 with such treasurer satisfactory bonds or treasury certificates
2333 of the United States; bonds of the several states; special tax
2334 school district bonds; bonds of any municipality eligible to
2335 secure state deposits as provided by law; bonds of any county or
2336 special road and bridge district of this state entitled to
2337 participate under the provisions of s. 16, Art. IX of the State
2338 Constitution of 1885, as adopted by the 1968 revised
2339 constitution, and of s. 9, Art. XII of that revision; bonds
2340 issued under the provisions of s. 18, Art. XII of the State
2341 Constitution of 1885, as adopted by s. 9, Art. XII of the 1968
2342 revised constitution; or bonds, notes, or certificates issued by
2343 the Florida State Improvement Commission or its successors, the
2344 Florida Development Commission and the Division of Bond Finance
2345 of the State Board of Administration, which contain a pledge of
2346 the 80-percent surplus 2-cent constitutional gasoline tax
2347 accruing under s. 16, Art. IX of the State Constitution of 1885,
2348 as adopted by the 1968 revised constitution, and under s. 9,
2349 Art. XII of that revision, which shall be equal to the amount

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2350 deposited with such bank. Such security shall be in the
2351 possession of such treasurer; or the treasurer is authorized to
2352 accept, in lieu of the actual depositing with him or her of such
2353 security, trust or safekeeping receipts issued by any Federal
2354 Reserve Bank, or member bank thereof, or by any bank
2355 incorporated under the laws of the United States; provided the
2356 member bank or bank incorporated under the laws of the United
2357 States has been previously approved and accepted for such
2358 purposes by the State Board of Administration and the trust or
2359 safekeeping receipts are in substantially the same form as that
2360 which the Chief Financial Officer is authorized to accept in
2361 lieu of securities given to cover deposits of state funds.
2362 Reviser's note.—Section 4(e), Art. IV of the State Constitution
2363 of 1968 provides that the governor, chief financial
2364 officer, and attorney general constitute the state board of
2365 administration, as successor to the state board of
2366 administration established pursuant to s. 16, Art. IX of
2367 the Constitution of 1885.

2368 Section 56. Subsection (14) of section 348.752, Florida
2369 Statutes, is amended to read:

2370 348.752 Definitions.—The following terms, whenever used or
2371 referred to in this law, shall have the following meanings,
2372 except in those instances where the context clearly indicates
2373 otherwise:

2374 (14) The term "State Board of Administration" means the
2375 body corporate existing under the provisions of s. 4 ~~9~~, Art. IV
2376 ~~XII~~ of the State Constitution, or any successor thereto.

2377 Reviser's note.—Section 4(e), Art. IV of the State Constitution
2378 of 1968 provides that the governor, chief financial

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2379 officer, and attorney general constitute the state board of
2380 administration, as successor to the state board of
2381 administration established pursuant to s. 16, Art. IX of
2382 the Constitution of 1885.

2383 Section 57. Paragraph (h) of subsection (1) of section
2384 349.02, Florida Statutes, is amended to read:

2385 349.02 Definitions.—

2386 (1) Except in those instances where the context clearly
2387 indicates otherwise, whenever used or referred to in this
2388 chapter, the following terms shall have the following meanings:

2389 (h) "State Board of Administration" means the body
2390 corporate existing under the provisions of s. 4 ~~4~~, Art. IV ~~XII~~
2391 of the State Constitution or any successor thereto.

2392 Reviser's note.—Section 4(e), Art. IV of the State Constitution
2393 of 1968 provides that the governor, chief financial
2394 officer, and attorney general constitute the state board of
2395 administration, as successor to the state board of
2396 administration established pursuant to s. 16, Art. IX of
2397 the Constitution of 1885.

2398 Section 58. Subsection (5) of section 373.227, Florida
2399 Statutes, is amended to read:

2400 373.227 Water conservation; legislative findings;
2401 legislative intent; objectives; comprehensive statewide water
2402 conservation program requirements.—

2403 ~~(5) By December 1, 2005, the department shall submit a~~
2404 ~~written report to the President of the Senate, the Speaker of~~
2405 ~~the House of Representatives, and the appropriate substantive~~
2406 ~~committees of the Senate and the House of Representatives on the~~
2407 ~~progress made in implementing the comprehensive statewide water~~

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2408 ~~conservation program for public water supply required by this~~
2409 ~~section. The report must include any statutory changes and~~
2410 ~~funding requests necessary for the continued development and~~
2411 ~~implementation of the program.~~

2412 Reviser's note.—Amended to delete an obsolete provision.

2413 Section 59. Paragraph (a) of subsection (5) of section
2414 373.250, Florida Statutes, is amended to read:

2415 373.250 Reuse of reclaimed water.—

2416 (5) (a) No later than October 1, 2012, the department shall
2417 initiate rulemaking to adopt revisions to the water resource
2418 implementation rule, as defined in s. 373.019(25) ~~373.019(23)~~,
2419 which shall include:

2420 1. Criteria for the use of a proposed impact offset derived
2421 from the use of reclaimed water when a water management district
2422 evaluates an application for a consumptive use permit. As used
2423 in this subparagraph, the term "impact offset" means the use of
2424 reclaimed water to reduce or eliminate a harmful impact that has
2425 occurred or would otherwise occur as a result of other surface
2426 water or groundwater withdrawals.

2427 2. Criteria for the use of substitution credits where a
2428 water management district has adopted rules establishing
2429 withdrawal limits from a specified water resource within a
2430 defined geographic area. As used in this subparagraph, the term
2431 "substitution credit" means the use of reclaimed water to
2432 replace all or a portion of an existing permitted use of
2433 resource-limited surface water or groundwater, allowing a
2434 different user or use to initiate a withdrawal or increase its
2435 withdrawal from the same resource-limited surface water or
2436 groundwater source provided that the withdrawal creates no net

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adverse impact on the limited water resource or creates a net positive impact if required by water management district rule as part of a strategy to protect or recover a water resource.

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

373.019(23) as s. 373.019(25) by s. 1, ch. 2012-150, Laws of Florida.

Section 60. Paragraph (d) of subsection (4) and paragraph (a) of subsection (6) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

(d) In the event of a disaster or of an emergency arising to prevent or avert the same, the governing board is not ~~be~~ limited by the budget but may expend funds available for the disaster or emergency or as may be procured for such purpose. In such an event, the governing board shall notify the Executive Office of the Governor and the Legislative Budget Commission as soon as practical, but within 30 days after the governing board's action.

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(a) Each district must, by the date specified for each item, furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable, the secretary of the department, and the governing board of each

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2466 county in which the district has jurisdiction or derives any
2467 funds for the operations of the district:

2468 1. The adopted budget, to be furnished within 10 days after
2469 its adoption.

2470 2. A financial audit of its accounts and records, to be
2471 furnished within 10 days after its acceptance by the governing
2472 board. The audit must be conducted in accordance with s. 11.45
2473 and the rules adopted thereunder. In addition to the entities
2474 named above, the district must provide a copy of the audit to
2475 the Auditor General within 10 days after its acceptance by the
2476 governing board.

2477 3. A 5-year capital improvements plan, to be included in
2478 the consolidated annual report required by s. 373.036(7). The
2479 plan must include expected sources of revenue for planned
2480 improvements and must be prepared in a manner comparable to the
2481 fixed capital outlay format set forth in s. 216.043.

2482 4. A 5-year water resource development work program to be
2483 furnished within 30 days after the adoption of the final budget.
2484 The program must describe the district's implementation strategy
2485 and funding plan for the water resource, water supply, and
2486 alternative water supply development components of each approved
2487 regional water supply plan developed or revised under s.
2488 373.709. The work program must address all the elements of the
2489 water resource development component in the district's approved
2490 regional water supply plans and must identify ~~which~~ projects in
2491 the work program which will provide water; explain how each
2492 water resource, water supply, and alternative water supply
2493 development project will produce additional water available for
2494 consumptive uses; estimate the quantity of water to be produced

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2495 by each project; and provide an assessment of the contribution
2496 of the district's regional water supply plans in providing
2497 sufficient water needed to timely meet the water supply needs of
2498 existing and future reasonable-beneficial uses for a 1-in-10-
2499 year drought event.

2500 Reviser's note.—Paragraph (4) (d) is amended to confirm deletion
2501 by the editors of the word "be" following the word "not."
2502 Paragraph (6) (a) is amended to confirm deletion by the
2503 editors of the word "which" following the word "identify."
2504 Section 61. Paragraph (a) of subsection (11) of section
2505 376.3071, Florida Statutes, is amended to read:
2506 376.3071 Inland Protection Trust Fund; creation; purposes;
2507 funding.—

2508 (11) SITE CLEANUP.—

2509 (a) *Voluntary cleanup.*—This section ~~shall~~ does not prohibit
2510 a person from conducting site rehabilitation either through his
2511 or her own personnel or through responsible response action
2512 contractors or subcontractors when such person is not seeking
2513 site rehabilitation funding from the fund. Such voluntary
2514 cleanups must meet all applicable environmental standards.

2515 Reviser's note.—Amended to confirm deletion by the editors of
2516 the word "shall" preceding the word "does."

2517 Section 62. Subsections (2) and (3) of section 379.2433,
2518 Florida Statutes, are amended to read:

2519 379.2433 Enhanced manatee protection study.—

2520 (2) (a) ~~As part of the enhanced manatee protection study,~~
2521 ~~the Legislature intends that the commission shall contract with~~
2522 ~~Mote Marine Laboratory to conduct a manatee habitat and~~
2523 ~~submerged aquatic vegetation assessment that specifically~~

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2524 considers:

- 2525 1. Manatee populations that congregate in the warm water
2526 discharge sites at power plants in the state and the potential
2527 risks for disease resulting from increased congregation of
2528 manatees at these sites;
- 2529 2. Development of research, monitoring, and submerged
2530 aquatic vegetation restoration priorities for manatee habitat in
2531 and near the warm water discharge sites at power plants in the
2532 state; and
- 2533 3. The potential impacts on manatees and manatee habitat if
2534 power plants that provide warm water discharge sites where
2535 manatees congregate are closed, including how closure will
2536 affect the size and health of submerged aquatic vegetation
2537 areas.

2538 (b) The Mote Marine Laboratory must submit an interim
2539 report on the manatee habitat and submerged aquatic vegetation
2540 assessment to the Governor, the Legislature, and the commission
2541 by September 1, 2006. The interim report must detail the
2542 progress of the assessment. The final report, due to the
2543 Governor, the Legislature, and the commission by January 1,
2544 2007, must detail the results of the assessment and include
2545 recommendations for protection of manatee habitat in warm water
2546 discharge sites at power plants in the state.

2547 (c) The commission shall ensure that funds allocated to
2548 implement the manatee habitat and submerged aquatic vegetation
2549 assessment are expended in a manner that is consistent with the
2550 requirements of this subsection. The commission may require an
2551 annual audit of the expenditures made by Mote Marine Laboratory.
2552 Copies of any audit requested under this subsection must be

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2553 provided to the appropriate substantive and appropriations
2554 committees of the Senate and the House of Representatives as
2555 they become available.

2556 (3) As part of the enhanced manatee protection study, the
2557 legislature intends that the commission must conduct a signage
2558 and boat speed assessment to evaluate the effectiveness of
2559 manatee protection signs and sign placement and to assess boat
2560 speeds. The commission shall evaluate existing data on manatee
2561 mortality before and after existing manatee protection zones
2562 were established, boater compliance and comprehension of
2563 regulatory signs and buoys, changes in boating traffic patterns,
2564 and manatee distribution and behavior. The commission shall also
2565 provide recommendations on innovative marker designs that are in
2566 compliance with the federal aids to navigation system. The
2567 signage and boat speed assessment must address:

2568 (a) The effectiveness of signs and buoys to warn boaters of
2569 manatee slow speed zones, with a goal of developing federally
2570 approved standards for marking manatee protection zones;

2571 (b) A determination of where buoys may be used in place of
2572 pilings for boating safety purposes; and

2573 (c) An evaluation of higher speed travel corridors in
2574 manatee zones to determine the most effective speed to balance
2575 safe boating, recreational use, vessel operating
2576 characteristics, and manatee protection.

2577
2578 The commission shall complete its signage and boat speed
2579 assessment by January 1, 2007, and must submit a report of its
2580 findings to the Governor, the President of the Senate, and the
2581 Speaker of the House of Representatives by February 1, 2007. The

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2582 report must detail the results of the assessment and identify
2583 specific recommendations for developing state and local policies
2584 relating to the appropriate placement of signs, including
2585 innovative markers, in manatee slow speed zones.

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

2587 Section 63. Paragraph (b) of subsection (2) of section
2588 379.3581, Florida Statutes, is amended to read:

2589 379.3581 Hunter safety course; requirements; penalty.—
2590 (2)

2591 (b) A person born on or after June 1, 1975, who has not
2592 successfully completed a hunter safety course may apply to the
2593 commission for a special authorization to hunt under
2594 supervision. The special authorization for supervised hunting
2595 shall be designated on any license or permit required under this
2596 chapter for a person to take game or fur-bearing animals. A
2597 person issued a license with a special authorization to hunt
2598 under supervision must hunt under the supervision of, and in the
2599 presence of, a person 21 years of ~~or~~ age or older who is
2600 licensed to hunt pursuant to s. 379.354 or who is exempt from
2601 licensing requirements or eligible for a free license pursuant
2602 to s. 379.353.

2603 Reviser's note.—Amended to confirm substitution of the word "of"
2604 for the word "or" by the editors.

2605 Section 64. Subsection (8) of section 380.0662, Florida
2606 Statutes, is amended to read:

2607 380.0662 Definitions.—As used in this act, unless the
2608 context indicates a different meaning or intent:

2609 (8) "State Board of Administration" means the State Board
2610 of Administration created by and referred to in s. 4 ~~9~~, Art. IV

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2611 XII of the State Constitution.

2612 Reviser's note.—Section 4(e), Art. IV of the State Constitution
2613 of 1968 provides that the governor, chief financial
2614 officer, and attorney general constitute the state board of
2615 administration, as successor to the state board of
2616 administration established pursuant to s. 16, Art. IX of
2617 the Constitution of 1885.

2618 Section 65. Paragraph (h) of subsection (2) of section
2619 381.004, Florida Statutes, is amended to read:

2620 381.004 HIV testing.—

2621 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
2622 RESULTS; COUNSELING; CONFIDENTIALITY.—

2623 (h) Notwithstanding the provisions of paragraph (a),
2624 informed consent is not required:

2625 1. When testing for sexually transmissible diseases is
2626 required by state or federal law, or by rule including the
2627 following situations:

2628 a. HIV testing pursuant to s. 796.08 of persons convicted
2629 of prostitution or of procuring another to commit prostitution.

2630 b. HIV testing of inmates pursuant to s. 945.355 prior to
2631 their release from prison by reason of parole, accumulation of
2632 gain-time credits, or expiration of sentence.

2633 c. Testing for HIV by a medical examiner in accordance with
2634 s. 406.11.

2635 d. HIV testing of pregnant women pursuant to s. 384.31.

2636 2. Those exceptions provided for blood, plasma, organs,
2637 skin, semen, or other human tissue pursuant to s. 381.0041.

2638 3. For the performance of an HIV-related test by licensed
2639 medical personnel in bona fide medical emergencies when the test

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2640 results are necessary for medical diagnostic purposes to provide
2641 appropriate emergency care or treatment to the person being
2642 tested and the patient is unable to consent, as supported by
2643 documentation in the medical record. Notification of test
2644 results in accordance with paragraph (c) is required.

2645 4. For the performance of an HIV-related test by licensed
2646 medical personnel for medical diagnosis of acute illness where,
2647 in the opinion of the attending physician, obtaining informed
2648 consent would be detrimental to the patient, as supported by
2649 documentation in the medical record, and the test results are
2650 necessary for medical diagnostic purposes to provide appropriate
2651 care or treatment to the person being tested. Notification of
2652 test results in accordance with paragraph (c) is required if it
2653 would not be detrimental to the patient. This subparagraph does
2654 not authorize the routine testing of patients for HIV infection
2655 without informed consent.

2656 5. When HIV testing is performed as part of an autopsy for
2657 which consent was obtained pursuant to s. 872.04.

2658 6. For the performance of an HIV test upon a defendant
2659 pursuant to the victim's request in a prosecution for any type
2660 of sexual battery where a blood sample is taken from the
2661 defendant voluntarily, pursuant to court order for any purpose,
2662 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.
2663 960.003; however, the results of any HIV test performed shall be
2664 disclosed solely to the victim and the defendant, except as
2665 provided in ss. 775.0877, 951.27, and 960.003.

2666 7. When an HIV test is mandated by court order.

2667 8. For epidemiological research pursuant to s. 381.0031
2668 381.0032, for research consistent with institutional review

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boards created by 45 C.F.R. part 46, or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. When human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 765.5185 or enucleation of the eyes as authorized by s. 765.519.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is available that was taken from that individual voluntarily by medical personnel for other purposes. The term "medical personnel" includes a licensed or certified health care professional; an employee of a health care professional or health care facility; employees of a laboratory licensed under chapter 483; personnel of a blood bank or plasma center; a medical student or other student who is receiving training as a health care professional at a health care facility; and a paramedic or emergency medical technician certified by the department to perform life-support procedures under s. 401.23.

a. Prior to performance of an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. If consent cannot be obtained within the time necessary to perform the HIV test and begin prophylactic treatment of the exposed medical personnel, all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical

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2698 personnel's record unless the individual gives written consent
2699 to entering this information on the individual's medical record.

2700 b. Reasonable attempts to locate the individual and to
2701 obtain consent shall be made, and all attempts must be
2702 documented. If the individual cannot be found or is incapable of
2703 providing consent, an HIV test may be conducted on the available
2704 blood sample. If the individual does not voluntarily consent to
2705 the performance of an HIV test, the individual shall be informed
2706 that an HIV test will be performed, and counseling shall be
2707 furnished as provided in this section. However, HIV testing
2708 shall be conducted only after appropriate medical personnel
2709 under the supervision of a licensed physician documents, in the
2710 medical record of the medical personnel, that there has been a
2711 significant exposure and that, in accordance with the written
2712 protocols based on the National Centers for Disease Control and
2713 Prevention guidelines on HIV postexposure prophylaxis and in the
2714 physician's medical judgment, the information is medically
2715 necessary to determine the course of treatment for the medical
2716 personnel.

2717 c. Costs of any HIV test of a blood sample performed with
2718 or without the consent of the individual, as provided in this
2719 subparagraph, shall be borne by the medical personnel or the
2720 employer of the medical personnel. However, costs of testing or
2721 treatment not directly related to the initial HIV tests or costs
2722 of subsequent testing or treatment may not be borne by the
2723 medical personnel or the employer of the medical personnel.

2724 d. In order to utilize the provisions of this subparagraph,
2725 the medical personnel must either be tested for HIV pursuant to
2726 this section or provide the results of an HIV test taken within

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2727 6 months prior to the significant exposure if such test results
2728 are negative.

2729 e. A person who receives the results of an HIV test
2730 pursuant to this subparagraph shall maintain the confidentiality
2731 of the information received and of the persons tested. Such
2732 confidential information is exempt from s. 119.07(1).

2733 f. If the source of the exposure will not voluntarily
2734 submit to HIV testing and a blood sample is not available, the
2735 medical personnel or the employer of such person acting on
2736 behalf of the employee may seek a court order directing the
2737 source of the exposure to submit to HIV testing. A sworn
2738 statement by a physician licensed under chapter 458 or chapter
2739 459 that a significant exposure has occurred and that, in the
2740 physician's medical judgment, testing is medically necessary to
2741 determine the course of treatment constitutes probable cause for
2742 the issuance of an order by the court. The results of the test
2743 shall be released to the source of the exposure and to the
2744 person who experienced the exposure.

2745 11. For the performance of an HIV test upon an individual
2746 who comes into contact with medical personnel in such a way that
2747 a significant exposure has occurred during the course of
2748 employment or within the scope of practice of the medical
2749 personnel while the medical personnel provides emergency medical
2750 treatment to the individual; or notwithstanding s. 384.287, an
2751 individual who comes into contact with nonmedical personnel in
2752 such a way that a significant exposure has occurred while the
2753 nonmedical personnel provides emergency medical assistance
2754 during a medical emergency. For the purposes of this
2755 subparagraph, a medical emergency means an emergency medical

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2756 condition outside of a hospital or health care facility that
2757 provides physician care. The test may be performed only during
2758 the course of treatment for the medical emergency.

2759 a. An individual who is capable of providing consent shall
2760 be requested to consent to an HIV test prior to the testing. If
2761 consent cannot be obtained within the time necessary to perform
2762 the HIV test and begin prophylactic treatment of the exposed
2763 medical personnel and nonmedical personnel, all information
2764 concerning the performance of an HIV test and its result, shall
2765 be documented only in the medical personnel's or nonmedical
2766 personnel's record unless the individual gives written consent
2767 to entering this information on the individual's medical record.

2768 b. HIV testing shall be conducted only after appropriate
2769 medical personnel under the supervision of a licensed physician
2770 documents, in the medical record of the medical personnel or
2771 nonmedical personnel, that there has been a significant exposure
2772 and that, in accordance with the written protocols based on the
2773 National Centers for Disease Control and Prevention guidelines
2774 on HIV postexposure prophylaxis and in the physician's medical
2775 judgment, the information is medically necessary to determine
2776 the course of treatment for the medical personnel or nonmedical
2777 personnel.

2778 c. Costs of any HIV test performed with or without the
2779 consent of the individual, as provided in this subparagraph,
2780 shall be borne by the medical personnel or the employer of the
2781 medical personnel or nonmedical personnel. However, costs of
2782 testing or treatment not directly related to the initial HIV
2783 tests or costs of subsequent testing or treatment may not be
2784 borne by the medical personnel or the employer of the medical

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2785 personnel or nonmedical personnel.

2786 d. In order to utilize the provisions of this subparagraph,
2787 the medical personnel or nonmedical personnel shall be tested
2788 for HIV pursuant to this section or shall provide the results of
2789 an HIV test taken within 6 months prior to the significant
2790 exposure if such test results are negative.

2791 e. A person who receives the results of an HIV test
2792 pursuant to this subparagraph shall maintain the confidentiality
2793 of the information received and of the persons tested. Such
2794 confidential information is exempt from s. 119.07(1).

2795 f. If the source of the exposure will not voluntarily
2796 submit to HIV testing and a blood sample was not obtained during
2797 treatment for the medical emergency, the medical personnel, the
2798 employer of the medical personnel acting on behalf of the
2799 employee, or the nonmedical personnel may seek a court order
2800 directing the source of the exposure to submit to HIV testing. A
2801 sworn statement by a physician licensed under chapter 458 or
2802 chapter 459 that a significant exposure has occurred and that,
2803 in the physician's medical judgment, testing is medically
2804 necessary to determine the course of treatment constitutes
2805 probable cause for the issuance of an order by the court. The
2806 results of the test shall be released to the source of the
2807 exposure and to the person who experienced the exposure.

2808 12. For the performance of an HIV test by the medical
2809 examiner or attending physician upon an individual who expired
2810 or could not be resuscitated while receiving emergency medical
2811 assistance or care and who was the source of a significant
2812 exposure to medical or nonmedical personnel providing such
2813 assistance or care.

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2814 a. HIV testing may be conducted only after appropriate
2815 medical personnel under the supervision of a licensed physician
2816 documents in the medical record of the medical personnel or
2817 nonmedical personnel that there has been a significant exposure
2818 and that, in accordance with the written protocols based on the
2819 National Centers for Disease Control and Prevention guidelines
2820 on HIV postexposure prophylaxis and in the physician's medical
2821 judgment, the information is medically necessary to determine
2822 the course of treatment for the medical personnel or nonmedical
2823 personnel.

2824 b. Costs of any HIV test performed under this subparagraph
2825 may not be charged to the deceased or to the family of the
2826 deceased person.

2827 c. For the provisions of this subparagraph to be
2828 applicable, the medical personnel or nonmedical personnel must
2829 be tested for HIV under this section or must provide the results
2830 of an HIV test taken within 6 months before the significant
2831 exposure if such test results are negative.

2832 d. A person who receives the results of an HIV test
2833 pursuant to this subparagraph shall comply with paragraph (e).

2834 13. For the performance of an HIV-related test medically
2835 indicated by licensed medical personnel for medical diagnosis of
2836 a hospitalized infant as necessary to provide appropriate care
2837 and treatment of the infant when, after a reasonable attempt, a
2838 parent cannot be contacted to provide consent. The medical
2839 records of the infant shall reflect the reason consent of the
2840 parent was not initially obtained. Test results shall be
2841 provided to the parent when the parent is located.

2842 14. For the performance of HIV testing conducted to monitor

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2843 the clinical progress of a patient previously diagnosed to be
2844 HIV positive.

2845 15. For the performance of repeated HIV testing conducted
2846 to monitor possible conversion from a significant exposure.
2847 Reviser's note.—Amended to conform to the repeal of s. 381.0032
2848 by s. 17, ch. 2012-184, Laws of Florida. Language relating
2849 to epidemiological research was added to s. 381.0031 by s.
2850 15, ch. 2012-184.

2851 Section 66. Paragraph (a) of subsection (7) of section
2852 381.00593, Florida Statutes, is amended to read:

2853 381.00593 Public school volunteer health care practitioner
2854 program.—

2855 (7) (a) The Department of Health shall have the
2856 responsibility to supervise the program and perform periodic
2857 program reviews as provided in s. 381.0056(3) ~~381.0056(4)~~.

2858 Reviser's note.—Amended to conform to the redesignation of s.
2859 381.0056(4) as s. 381.0056(3) by s. 27, ch. 2012-184, Laws
2860 of Florida.

2861 Section 67. Paragraph (w) of subsection (4) of section
2862 381.0065, Florida Statutes, is amended to read:

2863 381.0065 Onsite sewage treatment and disposal systems;
2864 regulation.—

2865 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
2866 construct, repair, modify, abandon, or operate an onsite sewage
2867 treatment and disposal system without first obtaining a permit
2868 approved by the department. The department may issue permits to
2869 carry out this section, but shall not make the issuance of such
2870 permits contingent upon prior approval by the Department of
2871 Environmental Protection, except that the issuance of a permit

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for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of

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2901 chapter 489. A property owner who personally performs
2902 construction, maintenance, or repairs to a system serving his or
2903 her own owner-occupied single-family residence is exempt from
2904 registration requirements for performing such construction,
2905 maintenance, or repairs on that residence, but is subject to all
2906 permitting requirements. A municipality or political subdivision
2907 of the state may not issue a building or plumbing permit for any
2908 building that requires the use of an onsite sewage treatment and
2909 disposal system unless the owner or builder has received a
2910 construction permit for such system from the department. A
2911 building or structure may not be occupied and a municipality,
2912 political subdivision, or any state or federal agency may not
2913 authorize occupancy until the department approves the final
2914 installation of the onsite sewage treatment and disposal system.
2915 A municipality or political subdivision of the state may not
2916 approve any change in occupancy or tenancy of a building that
2917 uses an onsite sewage treatment and disposal system until the
2918 department has reviewed the use of the system with the proposed
2919 change, approved the change, and amended the operating permit.

2920 (w) Any permit issued and approved by the department for
2921 the installation, modification, or repair of an onsite sewage
2922 treatment and disposal system shall transfer with the title to
2923 the property in a real estate transaction. A title may not be
2924 encumbered at the time of transfer by new permit requirements by
2925 a governmental entity for an onsite sewage treatment and
2926 disposal system which differ from the permitting requirements in
2927 effect at the time the system was permitted, modified, or
2928 repaired. An inspection of a system may not be mandated by a
2929 governmental entity at the point of sale in a real estate

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transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution (1885).

Reviser's note.—Amended to conform to the fact that s. 9, Art.

VIII of the State Constitution of 1885 relates to Jacksonville's consolidated government; the 1968 Constitution does not contain a s. 9, Art. VIII.

Section 68. Paragraph (a) of subsection (3) of section 381.0101, Florida Statutes, is amended to read:

381.0101 Environmental health professionals.—

(3) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The State Health Officer shall appoint an advisory board to assist the department in the promulgation of rules for certification, testing, establishing standards, and seeking enforcement actions against certified professionals.

(a) The board shall be comprised of the State Surgeon General or his or her designee, one individual who will be certified under this section, one individual not employed in a governmental capacity who will or does employ a certified environmental health professional, one individual whose business is or will be evaluated by a certified environmental health professional, and a citizen of the state who neither employs nor is routinely evaluated by a person certified under this section.

Reviser's note.—Amended to confirm insertion of the word "and" by the editors to improve clarity.

Section 69. Subsection (2) of section 391.026, Florida Statutes, is amended to read:

391.026 Powers and duties of the department.—The department shall have the following powers, duties, and responsibilities:

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2959 (2) To provide services to abused and neglected children
2960 through child protection protective teams pursuant to s. 39.303.
2961 Reviser's note.—Amended to confirm substitution of the word
2962 "protection" for the word "protective" by the editors to
2963 conform to s. 39.303, which relates to child protection
2964 teams.

2965 Section 70. Paragraph (b) of subsection (2) of section
2966 400.172, Florida Statutes, is amended to read:

2967 400.172 Respite care provided in nursing home facilities.—
2968 (2) A person admitted under the respite care program shall:
2969 (b) Be covered by the residents' rights specified in s.
2970 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident
2971 are not to be considered trust funds subject to the requirements
2972 of s. 400.022(1)(h) until the resident has been in the facility
2973 for more than 14 consecutive days.

2974 Reviser's note.—Amended to confirm insertion of the word "to" by
2975 the editors.

2976 Section 71. Subsection (1) of section 400.915, Florida
2977 Statutes, is amended to read:

2978 400.915 Construction and renovation; requirements.—The
2979 requirements for the construction or renovation of a PPEC center
2980 shall comply with:

2981 (1) The provisions of chapter 553, which pertain to
2982 building construction standards, including plumbing, electrical
2983 code, glass, manufactured buildings, and accessibility for the
2984 physically disabled;

2985 Reviser's note.—Amended to insert the word "and" to improve
2986 clarity.

2987 Section 72. Paragraph (b) of subsection (4) of section

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2988 400.9905, Florida Statutes, is amended to read:

2989 400.9905 Definitions.—

2990 (4) "Clinic" means an entity where health care services are
2991 provided to individuals and which tenders charges for
2992 reimbursement for such services, including a mobile clinic and a
2993 portable equipment provider. As used in this part, the term does
2994 not include and the licensure requirements of this part do not
2995 apply to:

2996 (b) Entities that own, directly or indirectly, entities
2997 licensed or registered by the state pursuant to chapter 395;
2998 entities that own, directly or indirectly, entities licensed or
2999 registered by the state and providing only health care services
3000 within the scope of services authorized pursuant to their
3001 respective licenses under ss. 383.30-383.335, chapter 390,
3002 chapter 394, chapter 397, this chapter except part X, chapter
3003 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
3004 of chapter 483, chapter 484, or chapter 651; end-stage renal
3005 disease providers authorized under 42 C.F.R. part 405, subpart
3006 U; providers certified under 42 C.F.R. part 485, subpart B or
3007 subpart H; or any entity that provides neonatal or pediatric
3008 hospital-based health care services by licensed practitioners
3009 solely within a hospital licensed under chapter 395.

3010
3011 Notwithstanding this subsection, an entity shall be deemed a
3012 clinic and must be licensed under this part in order to receive
3013 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
3014 627.730-627.7405, unless exempted under s. 627.736(5)(h).

3015 Reviser's note.—Amended to confirm insertion of the word "or" by
3016 the editors.

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3017 Section 73. Paragraph (h) of subsection (9) of section
3018 403.086, Florida Statutes, is amended to read:

3019 403.086 Sewage disposal facilities; advanced and secondary
3020 waste treatment.—

3021 (9) The Legislature finds that the discharge of domestic
3022 wastewater through ocean outfalls wastes valuable water supplies
3023 that should be reclaimed for beneficial purposes to meet public
3024 and natural systems demands. The Legislature also finds that
3025 discharge of domestic wastewater through ocean outfalls
3026 compromises the coastal environment, quality of life, and local
3027 economies that depend on those resources. The Legislature
3028 declares that more stringent treatment and management
3029 requirements for such domestic wastewater and the subsequent,
3030 timely elimination of ocean outfalls as a primary means of
3031 domestic wastewater discharge are in the public interest.

3032 (h) ~~By February 1, 2012, the department shall submit a~~
3033 ~~report to the Governor and Legislature detailing the results and~~
3034 ~~recommendations from phases 1 through 3 of its ongoing study on~~
3035 ~~reclaimed water use.~~

3036 Reviser's note.—Amended to delete an obsolete provision.

3037 Section 74. Subsection (3) of section 403.511, Florida
3038 Statutes, is amended to read:

3039 403.511 Effect of certification.—

3040 (3) The certification and any order on land use and zoning
3041 issued under this act shall be in lieu of any license, permit,
3042 certificate, or similar document required by any state,
3043 regional, or local agency pursuant to, but not limited to,
3044 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,
3045 chapter 253, chapter 298, chapter 373, chapter 376, chapter 379,

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3046 chapter 380, chapter 381, ~~chapter 387~~, chapter 403, except for
3047 permits issued pursuant to any federally delegated or approved
3048 permit program and except as provided in chapter 404 or the
3049 Florida Transportation Code, or 33 U.S.C. s. 1341.

3050 Reviser's note.—Amended to delete a reference to chapter 387,
3051 which was repealed by s. 125, ch. 97-237, Laws of Florida.

3052 Section 75. Subsection (3) of section 403.9416, Florida
3053 Statutes, is amended to read:

3054 403.9416 Effect of certification.—

3055 (3) The certification shall be in lieu of any license,
3056 permit, certificate, or similar document required by any agency
3057 pursuant to, but not limited to, chapter 125, chapter 161,
3058 chapter 163, chapter 166, chapter 186, chapter 253, chapter 258,
3059 chapter 298, chapter 373, chapter 376, chapter 377, chapter 379,
3060 chapter 380, chapter 381, ~~chapter 387~~, chapter 403, the Florida
3061 Transportation Code, or 33 U.S.C. s. 1341. On certification, any
3062 license, easement, or other interest in state lands, except
3063 those the title to which is vested in the Board of Trustees of
3064 the Internal Improvement Trust Fund or a water management
3065 district created pursuant to chapter 373, shall be issued by the
3066 appropriate agency as a ministerial act. The applicant shall be
3067 required to seek any necessary interest in state lands the title
3068 to which is vested in the Board of Trustees of the Internal
3069 Improvement Trust Fund from the board of trustees or from the
3070 governing board of the water management district before, during,
3071 or after the certification proceeding, and certification may be
3072 made contingent upon issuance of the appropriate interest in
3073 realty. However, neither the applicant nor any party to the
3074 certification proceeding may directly or indirectly raise or

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3075 relitigate any matter which was or could have been an issue in
3076 the certification proceeding in any proceeding before the Board
3077 of Trustees of the Internal Improvement Trust Fund wherein the
3078 applicant is seeking a necessary interest in state lands, but
3079 the information presented in the certification proceeding shall
3080 be available for review by the board of trustees and its staff.
3081 Reviser's note.—Amended to delete a reference to chapter 387,
3082 which was repealed by s. 125, ch. 97-237, Laws of Florida.

3083 Section 76. Paragraph (a) of subsection (1) of section
3084 414.295, Florida Statutes, is amended to read:

3085 414.295 Temporary cash assistance programs; public records
3086 exemption.—

3087 (1) Personal identifying information of a temporary cash
3088 assistance program participant, a participant's family, or a
3089 participant's family or household member, except for information
3090 identifying a parent who does not live in the same home as the
3091 child, held by the department, the Office of Early Learning,
3092 Workforce Florida, Inc., the Department of Health, the
3093 Department of Revenue, the Department of Education, or a
3094 regional workforce board or local committee created pursuant to
3095 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
3096 24(a), Art. I of the State Constitution. Such confidential and
3097 exempt information may be released for purposes directly
3098 connected with:

3099 (a) The administration of the temporary assistance for
3100 needy families plan under Title IV-A of the Social Security Act,
3101 as amended, by the department, the Office Division of Early
3102 Learning, Workforce Florida, Inc., the Department of Military
3103 Affairs, the Department of Health, the Department of Revenue,

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3104 the Department of Education, a regional workforce board or local
3105 committee created pursuant to s. 445.007, or a school district.

3106 Reviser's note.—Amended to confirm substitution of the word

3107 "Office" for the word "Division" by the editors to conform
3108 to the correct name of the office.

3109 Section 77. Subsection (40) of section 420.503, Florida
3110 Statutes, is amended to read:

3111 420.503 Definitions.—As used in this part, the term:

3112 (40) "State Board of Administration" means the State Board
3113 of Administration created by and referred to in s. 4 ~~9~~, Art. IV
3114 ~~XII~~ of the State Constitution.

3115 Reviser's note.—Section 4(e), Art. IV of the State Constitution
3116 of 1968 provides that the governor, chief financial
3117 officer, and attorney general constitute the state board of
3118 administration, as successor to the state board of
3119 administration established pursuant to s. 16, Art. IX of
3120 the Constitution of 1885.

3121 Section 78. Paragraph (a) of subsection (10) of section
3122 420.5087, Florida Statutes, is amended to read:

3123 420.5087 State Apartment Incentive Loan Program.—There is
3124 hereby created the State Apartment Incentive Loan Program for
3125 the purpose of providing first, second, or other subordinated
3126 mortgage loans or loan guarantees to sponsors, including for-
3127 profit, nonprofit, and public entities, to provide housing
3128 affordable to very-low-income persons.

3129 (10) Funding under this subsection shall be to preserve
3130 existing projects having financing guaranteed under the Florida
3131 Affordable Housing Guarantee Program pursuant to s. 420.5092.

3132 (a) A project shall be given priority for funding if:

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3133 1. It was approved by the corporation board in calendar
3134 year 2011 to provide additional units for extremely-low-income
3135 persons as defined in s. 420.0004;

3136 2. The Florida Affordable Housing Guarantee Program
3137 mortgage note was executed and recorded not later than September
3138 30, 2003;

3139 3. It commits to provide additional units for extremely-
3140 low-income persons; and

3141 4. The shareholders, members, or partners of the project
3142 owner have funded deficits in an amount that is not less than 20
3143 percent of the State Apartment Incentive Loan not later than
3144 closing of any financing made under this subsection.

3145 Reviser's note.—Amended to confirm insertion of the words

3146 "Florida Affordable Housing" by the editors to conform to
3147 the full name of the program.

3148 Section 79. Paragraph (b) of subsection (6) of section
3149 430.205, Florida Statutes, is amended to read:

3150 430.205 Community care service system.—

3151 (6) Notwithstanding other requirements of this chapter, the
3152 Department of Elderly Affairs and the Agency for Health Care
3153 Administration shall develop an integrated long-term-care
3154 delivery system.

3155 ~~(b) During the 2004-2005 state fiscal year:~~

3156 ~~1. The agency and the department shall reimburse providers~~
3157 ~~for case management services on a capitated basis and develop~~
3158 ~~uniform standards for case management within the Aged and~~
3159 ~~Disabled Adult Medicaid waiver program. The coordination of~~
3160 ~~acute and chronic medical services for individuals may be~~
3161 ~~included in the capitated rate for case management services. The~~

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3162 agency, in consultation with the department, shall adopt any
3163 rules necessary to comply with or administer these requirements.

3164 2. The Legislature finds that preservation of the historic
3165 aging network of lead agencies is essential to the well-being of
3166 Florida's elderly population. The Legislature finds that the
3167 Florida aging network constitutes a system of essential
3168 community providers which should be nurtured and assisted to
3169 develop systems of operations which allow the gradual assumption
3170 of responsibility and financial risk for managing a client
3171 through the entire continuum of long term care services within
3172 the area the lead agency is currently serving, and which allow
3173 lead agency providers to develop managed systems of service
3174 delivery. The department, in consultation with the agency, shall
3175 therefore:

3176 a. Develop a demonstration project in which existing
3177 community care for the elderly lead agencies are assisted in
3178 transferring their business model and the service delivery
3179 system within their current community care service area to
3180 enable assumption, over a period of time, of full risk as a
3181 community diversion pilot project contractor providing long term
3182 care services in the areas of operation. The department, in
3183 consultation with the agency and the Department of Children and
3184 Family Services, shall develop an implementation plan for no
3185 more than three lead agencies by October 31, 2004.

3186 b. In the demonstration area, a community care for the
3187 elderly lead agency shall be initially reimbursed on a prepaid
3188 or fixed-sum basis for all home and community-based services
3189 provided under the long-term care community diversion pilot
3190 project. By the end of the third year of operation, the lead

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3191 agency shall be reimbursed on a prepaid or fixed sum basis for
3192 all services under the long-term care community diversion pilot
3193 project.

3194 c. During the first year of operation, the department, in
3195 consultation with the agency, may place providers at risk to
3196 provide nursing home services for the enrolled individuals who
3197 are participating in the demonstration project. During the 3-
3198 year development period, the agency and the department may limit
3199 the level of custodial nursing home risk that the administering
3200 entities assume. Under risk sharing arrangements, during the
3201 first 3 years of operation, the department, in consultation with
3202 the agency, may reimburse the administering entity for the cost
3203 of providing nursing home care for Medicaid eligible
3204 participants who have been permanently placed and remain in a
3205 nursing home for more than 1 year, or may disenroll such
3206 participants from the demonstration project.

3207 d. The agency, in consultation with the department, shall
3208 develop reimbursement rates based on the federally approved,
3209 actuarially certified rate methodology for the long-term care
3210 community diversion pilot project.

3211 e. The department, in consultation with the agency, shall
3212 ensure that the entity or entities receiving prepaid or fixed-
3213 sum reimbursement are assisted in developing internal management
3214 and financial control systems necessary to manage the risk
3215 associated with providing services under a prepaid or fixed-sum
3216 rate system.

3217 f. If the department and the agency share risk of custodial
3218 nursing home placement, payment rates during the first 3 years
3219 of operation shall be set at not more than 100 percent of the

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3220 ~~costs to the agency and the department of providing equivalent~~
3221 ~~services to the population within the area of the pilot project~~
3222 ~~for the year prior to the year in which the pilot project is~~
3223 ~~implemented, adjusted forward to account for inflation and~~
3224 ~~policy changes in the Medicaid program.~~

3225 ~~g. Community care for the elderly lead agencies that have~~
3226 ~~operated for a period of at least 20 years, which provide~~
3227 ~~Medicare-certified services to elders, and which have developed~~
3228 ~~a system of service provision by health care volunteers shall be~~
3229 ~~given priority in the selection of the pilot project if they~~
3230 ~~meet the minimum requirements specified in the competitive~~
3231 ~~procurement.~~

3232 ~~h. The agency and the department shall adopt rules~~
3233 ~~necessary to comply with or administer these requirements,~~
3234 ~~effect and implement interagency agreements between the agency~~
3235 ~~and the department, and comply with federal requirements.~~

3236 ~~i. The department and the agency shall seek federal waivers~~
3237 ~~necessary to implement the requirements of this section.~~

3238 ~~j. The Department of Elderly Affairs shall conduct or~~
3239 ~~contract for an evaluation of the demonstration project. The~~
3240 ~~department shall submit the evaluation to the Governor and the~~
3241 ~~Legislature by January 1, 2007. The evaluation must address the~~
3242 ~~effectiveness of the pilot project in providing a comprehensive~~
3243 ~~system of appropriate and high-quality, long-term care services~~
3244 ~~to elders in the least restrictive setting and make~~
3245 ~~recommendations on expanding the project to other parts of the~~
3246 ~~state. This subparagraph is subject to an appropriation by the~~
3247 ~~Legislature.~~

3248 ~~3. The agency, in consultation with the department, shall~~

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3249 ~~work with the fiscal agent for the Medicaid program to develop a~~
3250 ~~service utilization reporting system that operates through the~~
3251 ~~fiscal agent for the capitated plans.~~

3252 Reviser's note.—Amended to delete obsolete provisions.

3253 Section 80. Paragraph (g) of subsection (3) of section
3254 430.80, Florida Statutes, is amended to read:

3255 430.80 Implementation of a teaching nursing home pilot
3256 project.—

3257 (3) To be designated as a teaching nursing home, a nursing
3258 home licensee must, at a minimum:

3259 (g) Maintain insurance coverage pursuant to s. 400.141
3260 (1)(q) 400.141(1)(s) or proof of financial responsibility in a
3261 minimum amount of \$750,000. Such proof of financial
3262 responsibility may include:

3263 1. Maintaining an escrow account consisting of cash or
3264 assets eligible for deposit in accordance with s. 625.52; or

3265 2. Obtaining and maintaining pursuant to chapter 675 an
3266 unexpired, irrevocable, nontransferable and nonassignable letter
3267 of credit issued by any bank or savings association organized
3268 and existing under the laws of this state or any bank or savings
3269 association organized under the laws of the United States that
3270 has its principal place of business in this state or has a
3271 branch office which is authorized to receive deposits in this
3272 state. The letter of credit shall be used to satisfy the
3273 obligation of the facility to the claimant upon presentment of a
3274 final judgment indicating liability and awarding damages to be
3275 paid by the facility or upon presentment of a settlement
3276 agreement signed by all parties to the agreement when such final
3277 judgment or settlement is a result of a liability claim against

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3278 the facility.

3279 Reviser's note.—Amended to conform to the redesignation of s.
3280 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160,
3281 Laws of Florida.

3282 Section 81. Paragraph (h) of subsection (2) of section
3283 430.81, Florida Statutes, is amended to read:

3284 430.81 Implementation of a teaching agency for home and
3285 community-based care.—

3286 (2) The Department of Elderly Affairs may designate a home
3287 health agency as a teaching agency for home and community-based
3288 care if the home health agency:

3289 (h) Maintains insurance coverage pursuant to s.

3290 400.141(1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility
3291 in a minimum amount of \$750,000. Such proof of financial
3292 responsibility may include:

3293 1. Maintaining an escrow account consisting of cash or
3294 assets eligible for deposit in accordance with s. 625.52; or

3295 2. Obtaining and maintaining, pursuant to chapter 675, an
3296 unexpired, irrevocable, nontransferable, and nonassignable
3297 letter of credit issued by any bank or savings association
3298 authorized to do business in this state. This letter of credit
3299 shall be used to satisfy the obligation of the agency to the
3300 claimant upon presentation of a final judgment indicating
3301 liability and awarding damages to be paid by the facility or
3302 upon presentment of a settlement agreement signed by all parties
3303 to the agreement when such final judgment or settlement is a
3304 result of a liability claim against the agency.

3305 Reviser's note.—Amended to conform to the redesignation of s.

3306 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160,

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3307 Laws of Florida.

3308 Section 82. Paragraph (c) of subsection (1) of section
3309 443.091, Florida Statutes, is amended to read:

3310 443.091 Benefit eligibility conditions.—

3311 (1) An unemployed individual is eligible to receive
3312 benefits for any week only if the Department of Economic
3313 Opportunity finds that:

3314 (c) To make continued claims for benefits, she or he is
3315 reporting to the department in accordance with this paragraph
3316 and department rules, and participating in an initial skills
3317 review, as directed by the department. Department rules may not
3318 conflict with s. 443.111(1)(b), which requires that each
3319 claimant continue to report regardless of any pending appeal
3320 relating to her or his eligibility or disqualification for
3321 benefits.

3322 1. For each week of unemployment claimed, each report must,
3323 at a minimum, include the name, address, and telephone number of
3324 each prospective employer contacted, or the date the claimant
3325 reported to a one-stop career center, pursuant to paragraph (d).

3326 2. The administrator or operator of the initial skills
3327 review shall notify the department when the individual completes
3328 the initial skills review and report the results of the review
3329 to the regional workforce board or the one-stop career center as
3330 directed by the workforce board. The department shall prescribe
3331 a numeric score on the initial skills review that demonstrates a
3332 minimal proficiency in workforce skills. The department,
3333 workforce board, or one-stop career center shall use the initial
3334 skills review to develop a plan for referring individuals to
3335 training and employment opportunities. The failure of the

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3336 individual to comply with this requirement will result in the
3337 individual being determined ineligible for benefits for the week
3338 in which the noncompliance occurred and for any subsequent week
3339 of unemployment until the requirement is satisfied. However,
3340 this requirement does not apply if the individual is able to
3341 affirmatively attest to being unable to complete such review due
3342 to illiteracy or a language impediment or is exempt from the
3343 work registration requirement as set forth in paragraph (b).

3344 3. Any individual who ~~that~~ falls below the minimal
3345 proficiency score prescribed by the department in subparagraph
3346 2. on the initial skills review shall be offered training
3347 opportunities and encouraged to participate in such training at
3348 no cost to the individual in order to improve his or her
3349 workforce skills to the minimal proficiency level.

3350 4. The department shall coordinate with Workforce Florida,
3351 Inc., the workforce boards, and the one-stop career centers to
3352 identify, develop, and utilize best practices for improving the
3353 skills of individuals who choose to participate in training
3354 opportunities and who have a minimal proficiency score below the
3355 score prescribed in subparagraph 2.

3356 5. The department, in coordination with Workforce Florida,
3357 Inc., the workforce boards, and the one-stop career centers,
3358 shall evaluate the use, effectiveness, and costs associated with
3359 the training prescribed in subparagraph 3. and report its
3360 findings and recommendations for training and the use of best
3361 practices to the Governor, the President of the Senate, and the
3362 Speaker of the House of Representatives by January 1, 2013.
3363 Reviser's note.—Amended to confirm substitution of the word
3364 "who" for the word "that" by the editors.

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3365 Section 83. Paragraph (b) of subsection (1) of section
3366 443.111, Florida Statutes, is amended to read:

3367 443.111 Payment of benefits.—

3368 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
3369 in accordance with rules adopted by the Department of Economic
3370 Opportunity, subject to the following requirements:

3371 (b) As required under s. 443.091(1), each claimant must
3372 report at least biweekly to receive reemployment assistance
3373 benefits and to attest to the fact that she or he is able and
3374 available for work, has not refused suitable work, is seeking
3375 work and has met the requirements of s. 443.091(1)(d)
3376 ~~443.091(d)~~, and, if she or he has worked, to report earnings
3377 from that work. Each claimant must continue to report regardless
3378 of any appeal or pending appeal relating to her or his
3379 eligibility or disqualification for benefits.

3380 Reviser's note.—Amended to confirm substitution by the editors
3381 of a reference to s. 443.091(1)(d) for a reference to s.
3382 443.091(d) to conform to the complete citation for the
3383 paragraph.

3384 Section 84. Subsection (10) of section 443.171, Florida
3385 Statutes, is amended to read:

3386 443.171 Department of Economic Opportunity and commission;
3387 powers and duties; records and reports; proceedings; state-
3388 federal cooperation.—

3389 (10) EVIDENCE OF MAILING.—A mailing date on any notice,
3390 determination, decision, order, or other document mailed by the
3391 ~~department Agency for Workforce Innovation~~ or its tax collection
3392 service provider pursuant to this chapter creates a rebuttable
3393 presumption that such notice, determination, order, or other

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3394 document was mailed on the date indicated.

3395 Reviser's note.—Amended to confirm substitution by the editors
3396 of a reference to the department for a reference to the
3397 Agency for Workforce Innovation to conform to the transfer
3398 of the duties of the Agency for Workforce Innovation
3399 relating to s. 443.171 to the Department of Economic
3400 Opportunity by s. 374, ch. 2011-142, Laws of Florida.

3401 Section 85. Paragraph (c) of subsection (2) of section
3402 466.007, Florida Statutes, is amended to read:

3403 466.007 Examination of dental hygienists.—

3404 (2) An applicant is entitled to take the examinations
3405 required in this section to practice dental hygiene in this
3406 state if the applicant:

3407 (c)1. In the case of a graduate of a dental hygiene college
3408 or school under subparagraph (2)(b)1.:
3409 a. Has successfully completed the National Board of Dental
3410 Hygiene examination at any time before the date of application;

3411 b. Has been certified by the American Dental Association
3412 Joint Commission on National Dental Examinations at any time
3413 before the date of application;

3414 c. Effective January 1, 1997, has completed coursework that
3415 is comparable to an associate in science degree;

3416 d. Has not been disciplined by a board, except for citation
3417 offenses or minor violations; and

3418 e. Has not been convicted of or pled nolo contendere to,
3419 regardless of adjudication, any felony or misdemeanor related to
3420 the practice of a health care profession.

3421 2. In the case of a graduate of a dental college or school
3422 under subparagraph (2)(b)2.:

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- 3423 a. Has successfully completed the National Board Dental
3424 Hygiene Examination or the National Board Dental Examination;
3425 b. Has not been disciplined by a board, except for citation
3426 offenses or minor violations; and
3427 c. Has not been convicted of or pled nolo contendere to,
3428 regardless of adjudication, any felony or misdemeanor related to
3429 the practice of a health care profession.

3430 Reviser's note.—Amended to confirm insertion of the word "Has"
3431 by the editors.

3432 Section 86. Subsection (1) of section 475.6235, Florida
3433 Statutes, is amended to read:

3434 475.6235 Registration of appraisal management companies
3435 required; exemptions.—

3436 (1) A person may not engage, or offer to engage, in
3437 appraisal management services for compensation in this state, or
3438 advertise or represent herself or himself as an appraisal
3439 management company, unless the person is registered with the
3440 department as an appraisal management company under this
3441 section. However, an employee of an appraisal management company
3442 is not required to obtain a separate registration.

3443 Reviser's note.—Amended to confirm insertion of the word "or" by
3444 the editors.

3445 Section 87. Subsection (1) of section 489.118, Florida
3446 Statutes, is amended to read:

3447 489.118 Certification of registered contractors;
3448 grandfathering provisions.—The board shall, upon receipt of a
3449 completed application and appropriate fee, issue a certificate
3450 in the appropriate category to any contractor registered under
3451 this part who makes application to the board and can show that

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3452 he or she meets each of the following requirements:

3453 (1) Currently holds a valid registered local license in one
3454 of the contractor categories defined in s. 489.105(3)(a)-(p)
3455 ~~489.105(a)-(q)~~.

3456
3457 Applicants wishing to obtain a certificate pursuant to this
3458 section must make application by November 1, 2015.

3459 Reviser's note.—Amended to confirm substitution by the editors
3460 of a reference to s. 489.105(3)(a)-(p) for a reference to
3461 s. 489.105(3)(a)-(q), which was substituted for the
3462 original reference to s. 489.105(3)(a)-(p) by s. 6, ch.
3463 2012-211, Laws of Florida, to add paragraph (q) relating to
3464 glass and glazing contractors; paragraph (q) defining the
3465 term "glass and glazing contractor" was repealed by s. 9,
3466 ch. 2012-13, Laws of Florida, and s. 15, ch. 2012-72, Laws
3467 of Florida.

3468 Section 88. Paragraph (d) of subsection (4) of section
3469 499.01, Florida Statutes, is amended to read:

3470 499.01 Permits.—

3471 (4)

3472 (d) Persons receiving prescription drugs from a source
3473 claimed to be exempt from permitting requirements under this
3474 subsection shall maintain on file:

3475 1. A record of the FDA establishment registration number,
3476 if any;

3477 2. The resident state prescription drug wholesale
3478 distribution license, permit, or registration number; and

3479 3. A copy of the most recent resident state or FDA
3480 inspection report, for all distributors and establishments from

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3481 whom they purchase or receive prescription drugs under this
3482 subsection.

3483 Reviser's note.—Amended to confirm insertion of the word "from"
3484 by the editors.

3485 Section 89. Subsection (3) of section 500.09, Florida
3486 Statutes, is amended to read:

3487 500.09 Rulemaking; analytical work.—

3488 (3) The department may adopt rules necessary for the
3489 efficient enforcement of this chapter. Such rules must be
3490 consistent with those adopted under the federal act in regard to
3491 food and, to this end, the department may adopt by reference
3492 those rules and the current edition of the model Food Code
3493 issued by the Food and Drug Administration and Public Health
3494 Service of the United States Department of Health and Human
3495 Services, when applicable and practicable.

3496 Reviser's note.—Amended to confirm insertion of the words "the
3497 department" by the editors.

3498 Section 90. Paragraph (a) of subsection (1) of section
3499 538.23, Florida Statutes, is amended to read:

3500 538.23 Violations and penalties.—

3501 (1) (a) Except as provided in paragraph (b), a secondary
3502 metals recycler who knowingly and intentionally:

3503 1. Violates s. 538.20 or s. 538.21;

3504 2. Engages in a pattern of failing to keep records required
3505 by s. 538.19;

3506 3. Violates s. 538.26(2) ~~538.26(4)~~; or

3507 4. Violates s. 538.235,

3508 3509 commits a felony of the third degree, punishable as provided in

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3510 s. 775.082, s. 775.083, or s. 775.084.

3511 Reviser's note.—Amended to conform to the redesignation of s.
3512 538.26(4) as s. 538.26(2) by s. 8, ch. 2012-179, Laws of
3513 Florida.

3514 Section 91. Subsection (1) of section 553.98, Florida
3515 Statutes, is amended to read:

3516 553.98 Development of building codes for radon-resistant
3517 buildings; funding; rules for radon-resistant passive
3518 construction standards; ordinances.—

3519 (1) The Department of Business and Professional Regulation
3520 ~~department~~ shall be provided funds for activities incidental to
3521 the development and implementation of the building codes for
3522 radon-resistant buildings and for such other building code-
3523 related activities as directed by the Legislature.

3524 Reviser's note.—Amended to conform to the transfer of
3525 responsibility for building codes from the Department of
3526 Community Affairs to the Department of Business and
3527 Professional Regulation by s. 413, ch 2011-142, Laws of
3528 Florida.

3529 Section 92. Subsection (2) of section 570.451, Florida
3530 Statutes, is amended to read:

3531 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
3532 Council.—

3533 (2) The council is composed of the following 15 members
3534 appointed by the commissioner:

3535 (a) One representative of the department.

3536 (b) One representative of the dean for extension of the
3537 Institute of Food and Agricultural Sciences at the University of
3538 Florida.

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3539 (c) One representative each from the state's beef cattle,
3540 poultry, aquaculture, field crops, citrus, vegetable, and dairy
3541 production industries.

3542 (d) Two representatives each from the state's fertilizer,
3543 seed, and commercial feed industries.

3544
3545 Each member shall be appointed for a term of not to exceed 4
3546 years and shall serve until his or her successor is appointed.
3547 Reviser's note.—Amended to confirm deletion of the word "of" by
3548 the editors.

3549 Section 93. Paragraph (g) of subsection (2) of section
3550 580.036, Florida Statutes, is amended to read:

3551 580.036 Powers and duties.—

3552 (2) The department is authorized to adopt rules pursuant to
3553 ss. 120.536(1) and 120.54 to enforce the provisions of this
3554 chapter. These rules shall be consistent with the rules and
3555 standards of the United States Food and Drug Administration and
3556 the United States Department of Agriculture, when applicable,
3557 and shall include:

3558 (g) Establishing standards for the sale, use, and
3559 distribution of commercial feed or feedstuff to ensure usage
3560 that is consistent with animal safety and well-being and, to the
3561 extent that meat, poultry, and other animal products for human
3562 consumption may be affected by commercial feed or feedstuff, to
3563 ensure that these products are safe for human consumption. ~~Such~~
3564 ~~standards, if adopted, must be developed in consultation with~~
3565 ~~the Commercial Feed Technical Council created under s. 580.151.~~
3566 Reviser's note.—Amended to conform to the repeal of s. 580.151,
3567 which created the Commercial Feed Technical Council, by s.

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3568 32, ch. 2012-190, Laws of Florida.

3569 Section 94. Paragraph (f) of subsection (3) of section
3570 586.10, Florida Statutes, is amended to read:

3571 586.10 Powers and duties of department; preemption of local
3572 government ordinances.—

3573 (3) The department may:

3574 (f) Inspect or cause to be inspected all apiaries in the
3575 state at such intervals as it may deem best and to keep a
3576 complete, accurate, and current list of all inspected apiaries
3577 to include the:

3578 1. Name of the apiary.

3579 2. Name of the owner of the apiary.

3580 3. Mailing address of the apiary owner.

3581 4. Location of the apiary.

3582 5. Number of hives in the apiary.

3583 6. Pest problems associated with the apiary.

3584 7. Brands used by beekeepers where applicable.

3585 Reviser's note.—Amended to confirm deletion of the word "to" by
3586 the editors.

3587 Section 95. Paragraph (a) of subsection (15) of section
3588 601.03, Florida Statutes, is amended to read:

3589 601.03 Definitions.—As used in this chapter, the term:

3590 (15) "Concentrated products" means:

3591 (a) Frozen citrus fruit juice frozen that has a
3592 concentration that exceeds 20 degrees Brix and is kept at a
3593 sufficiently freezing temperature to ensure preservation of the
3594 product; or

3595 Reviser's note.—Amended to confirm deletion of the word "frozen"
3596 by the editors.

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3597 Section 96. Paragraph (b) of subsection (2) of section
3598 601.15, Florida Statutes, is amended to read:

3599 601.15 Advertising campaign; methods of conducting;
3600 assessments; emergency reserve fund; citrus research.—

3601 (2) The department shall plan and conduct campaigns for
3602 commodity advertising, publicity, and sales promotion, and may
3603 conduct campaigns to encourage noncommodity advertising, to
3604 increase the consumption of citrus fruits and may contract for
3605 any such advertising, publicity, and sales promotion service. To
3606 accomplish such purpose, the department shall:

3607 (b) Decide upon some distinctive and suggestive trade name
3608 and ~~to~~ promote its use in all ways to advertise Florida citrus
3609 fruit.

3610 Reviser's note.—Amended to confirm deletion of the word "to" by
3611 the editors.

3612 Section 97. Subsection (4) of section 601.61, Florida
3613 Statutes, is amended to read:

3614 601.61 Bond requirements of citrus fruit dealers.—

3615 (4) The Department of Citrus or the Department of
3616 Agriculture, or any officer or employee designated by the
3617 Department of Citrus or the Department of Agriculture, is
3618 authorized to inspect such accounts and records of any citrus
3619 fruit dealer as may be deemed necessary to determine whether a
3620 bond that has been delivered to the Department of Agriculture is
3621 in the amount required by this section or whether a previously
3622 licensed nonbonded dealer should be required to furnish bond. If
3623 any such citrus fruit dealer refuses to permit such inspection,
3624 the Department of Agriculture may publish the facts and
3625 circumstances and by order suspend the license of the offender

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3626 until permission to make such inspection is given. Upon a
3627 finding by the Department of Agriculture that any citrus fruit
3628 dealer has dealt or probably will deal with more fruit during
3629 the season than shown by the application, the Department of
3630 Agriculture may order such bond increased to such an amount as
3631 will meet the requirements set forth in the rules adopted by the
3632 Department of Citrus for determining the amount of such bonds.
3633 Upon failure to file such increased bond within the time fixed
3634 by the Department of Agriculture, the Department of Agriculture
3635 may publish the facts and circumstances and by order suspend the
3636 license of such citrus fruit dealer until such bond is increased
3637 as ordered.

3638 Reviser's note.—Amended to confirm reinsertion of the word "to"
3639 by the editors to provide clarity; the words "is
3640 authorized" were added and the words "shall have the right
3641 to" preceding the word "inspect" were deleted by s. 48, ch.
3642 2012-182, Laws of Florida.

3643 Section 98. Paragraph (d) of subsection (1) of section
3644 601.9910, Florida Statutes, is amended to read:

3645 601.9910 Legislative findings of fact; strict enforcement
3646 of maturity standard in public interest.—

3647 (1) FINDINGS.—

3648 (d) The Legislature finds and determines and so declares
3649 that the enforcement of the maturity standards, authorized by
3650 this chapter and set forth in department rule, will not result
3651 in preventing any grower from marketing her or his fruit at some
3652 time during the marketing season, whenever nature has removed
3653 the raw, immature flavor, and if there is a delay in such
3654 marketing, it will result in higher prices for the entire

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3655 season, bringing additional millions of dollars to the state's
3656 growers ~~of~~ and resulting in benefit to all growers, including
3657 the grower or growers who were delayed a short time in the
3658 shipment of their fruit.

3659 Reviser's note.—Amended to confirm deletion of the word "of" by
3660 the editors.

3661 Section 99. Subsection (11) of section 610.109, Florida
3662 Statutes, is amended to read:

3663 610.109 Public, educational, and governmental access
3664 channels.—

3665 ~~(11) A municipality or county that has activated at least~~
3666 ~~one public, educational, or governmental access channel pursuant~~
3667 ~~to this section may require cable or video service providers to~~
3668 ~~remit public, educational, and governmental support~~
3669 ~~contributions in an amount equal to a lump-sum or recurring per-~~
3670 ~~subscriber funding obligation to support public, educational,~~
3671 ~~and governmental access channels, or other related costs as~~
3672 ~~provided for in the incumbent's franchise that exists prior to~~
3673 ~~July 1, 2007, until the expiration date of the incumbent cable~~
3674 ~~or video service provider's franchise agreement. Any prospective~~
3675 ~~lump-sum payment shall be made on an equivalent per-subscriber~~
3676 ~~basis calculated as follows: the amount of prospective funding~~
3677 ~~obligations divided by the number of subscribers being served by~~
3678 ~~the incumbent cable or video service provider at the time of~~
3679 ~~payment, divided by the number of months remaining in the~~
3680 ~~incumbent cable or video service provider's franchise equals the~~
3681 ~~monthly per-subscriber amount to be paid by the~~
3682 ~~certificateholder. The obligations set forth in this subsection~~
3683 ~~apply until the earlier of the expiration date of the incumbent~~

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3684 ~~cable or video service provider's franchise agreement or July 1,~~
3685 ~~2012. For purposes of this subsection, an incumbent cable or~~
3686 ~~video service provider is the service provider serving the~~
3687 ~~largest number of subscribers as of July 1, 2007.~~

3688 Reviser's note.—Amended to delete an obsolete provision.

3689 Section 100. Paragraph (a) of subsection (9) of section
3690 624.402, Florida Statutes, is amended to read:

3691 624.402 Exceptions, certificate of authority required.—A
3692 certificate of authority shall not be required of an insurer
3693 with respect to:

3694 (9) (a) Life insurance policies or annuity contracts may be
3695 solicited, sold, or issued in this state by an insurer domiciled
3696 outside the United States, covering only persons who, at the
3697 time of issuance are nonresidents of the United States, provided
3698 that:

3699 1. The insurer is currently an authorized insurer in his or
3700 her country of domicile as to the kind or kinds of insurance
3701 proposed to be offered and must have been such an insurer for
3702 not fewer than the immediately preceding 3 years, or must be the
3703 wholly owned subsidiary of such authorized insurer or must be
3704 the wholly owned subsidiary of an already eligible authorized
3705 insurer as to the kind or kinds of insurance proposed for a
3706 period of not fewer than the immediately preceding 3 years.
3707 However, the office may waive the 3-year requirement if the
3708 insurer has operated successfully for a period of at least the
3709 immediately preceding year and has capital and surplus of not
3710 less than \$25 million.

3711 2. Before the office may grant eligibility, the requesting
3712 insurer furnishes the office with a duly authenticated copy of

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3713 its current annual financial statement, in English, and with all
3714 monetary values therein expressed in United States dollars, at
3715 an exchange rate then-current and shown in the statement, in the
3716 case of statements originally made in the currencies of other
3717 countries, and with such additional information relative to the
3718 insurer as the office may request.

3719 3. The insurer has and maintains surplus as to
3720 policyholders of not less than \$15 million. Any such surplus as
3721 to policyholders shall be represented by investments consisting
3722 of eligible investments for like funds of like domestic insurers
3723 under part II of chapter 625; however, any such surplus as to
3724 policyholders may be represented by investments permitted by the
3725 domestic regulator of such alien insurance company if such
3726 investments are substantially similar in terms of quality,
3727 liquidity, and security to eligible investments for like funds
3728 of like domestic insurers under part II of chapter 625.

3729 4. The insurer has a ~~an~~ good reputation as to providing
3730 service to its policyholders and the payment of losses and
3731 claims.

3732 5. To maintain eligibility, the insurer furnishes the
3733 office within the time period specified in s. 624.424(1), a duly
3734 authenticated copy of its current annual and quarterly financial
3735 statements, in English, and with all monetary values therein
3736 expressed in United States dollars, at an exchange rate then-
3737 current and shown in the statement, in the case of statements
3738 originally made in the currencies of other countries, and with
3739 such additional information relative to the insurer as the
3740 office may request.

3741 6. An insurer receiving eligibility under this subsection

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3742 agrees to make its books and records pertaining to its
3743 operations in this state available for inspection during normal
3744 business hours upon request of the office.

3745 7. The insurer notifies the applicant in clear and
3746 conspicuous language:

3747 a. The date of organization of the insurer.

3748 b. The identity of and rating assigned by each recognized
3749 insurance company rating organization that has rated the insurer
3750 or, if applicable, that the insurer is unrated.

3751 c. That the insurer does not hold a certificate of
3752 authority issued in this state and that the office does not
3753 exercise regulatory oversight over the insurer.

3754 d. The identity and address of the regulatory authority
3755 exercising oversight of the insurer. This paragraph does not
3756 impose upon the office any duty or responsibility to determine
3757 the actual financial condition or claims practices of any
3758 unauthorized insurer, and the status of eligibility, if granted
3759 by the office, indicates only that the insurer appears to be
3760 financially sound and to have satisfactory claims practices and
3761 that the office has no credible evidence to the contrary.

3762 Reviser's note.—Amended to confirm substitution of the word "a"
3763 for the word "of" by the editors to improve clarity.

3764 Section 101. Paragraph (h) of subsection (3) of section
3765 626.2815, Florida Statutes, is amended to read:

3766 626.2815 Continuing education requirements.—

3767 (3) Each licensee subject to this section must, except as
3768 set forth in paragraphs (b), (c), (d), and (f), complete a
3769 minimum of 24 hours of continuing education courses every 2
3770 years in basic or higher-level courses prescribed by this

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3771 section or in other courses approved by the department.

3772 (h) An individual teaching an approved course of
3773 instruction or lecturing at any approved seminar and attending
3774 the entire course or seminar qualifies for the same number of
3775 classroom hours as would be granted to a person taking and
3776 successfully completing such course or seminar. Credit is
3777 limited to the number of hours actually taught unless a person
3778 attends the entire course or seminar. An individual who is an
3779 official of or employed by a governmental entity in this state
3780 and serves as a professor, instructor, or in another other
3781 position or office, the duties and responsibilities of which are
3782 determined by the department to require monitoring and review of
3783 insurance laws or insurance regulations and practices, is exempt
3784 from this section.

3785 Reviser's note.—Amended to confirm substitution of the words "in
3786 another" for the word "other" by the editors to improve
3787 clarity.

3788 Section 102. Paragraph (h) of subsection (3) of section
3789 626.2815, Florida Statutes, as amended by section 11 of chapter
3790 2012-209, effective October 1, 2014, is amended to read:

3791 (3) Each licensee except a title insurance agent must
3792 complete a 5-hour update course every 2 years which is specific
3793 to the license held by the licensee. The course must be
3794 developed and offered by providers and approved by the
3795 department. The content of the course must address all lines of
3796 insurance for which examination and licensure are required and
3797 include the following subject areas: insurance law updates,
3798 ethics for insurance professionals, disciplinary trends and case
3799 studies, industry trends, premium discounts, determining

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3800 suitability of products and services, and other similar
3801 insurance-related topics the department determines are relevant
3802 to legally and ethically carrying out the responsibilities of
3803 the license granted. A licensee who holds multiple insurance
3804 licenses must complete an update course that is specific to at
3805 least one of the licenses held. Except as otherwise specified,
3806 any remaining required hours of continuing education are
3807 elective and may consist of any continuing education course
3808 approved by the department under this section.

3809 (h) An individual teaching an approved course of
3810 instruction or lecturing at any approved seminar and attending
3811 the entire course or seminar qualifies for the same number of
3812 classroom hours as would be granted to a person taking and
3813 successfully completing such course or seminar. Credit is
3814 limited to the number of hours actually taught unless a person
3815 attends the entire course or seminar. An individual who is an
3816 official of or employed by a governmental entity in this state
3817 and serves as a professor, instructor, or in another ~~other~~
3818 position or office, the duties and responsibilities of which are
3819 determined by the department to require monitoring and review of
3820 insurance laws or insurance regulations and practices, is exempt
3821 from this section.

3822 Reviser's note.—Amended to confirm substitution of the words "in
3823 another" for the word "other" by the editors to improve
3824 clarity.

3825 Section 103. Paragraph (c) of subsection (1) of section
3826 626.8734, Florida Statutes, is amended to read:

3827 626.8734 Nonresident all-lines adjuster license
3828 qualifications.—

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3829 (1) The department shall issue a license to an applicant
3830 for a nonresident all-lines adjuster license upon determining
3831 that the applicant has paid the applicable license fees required
3832 under s. 624.501 and:

3833 (c) Is licensed as an all-lines adjuster and is self
3834 appointed, or appointed and employed by an independent adjusting
3835 firm or other independent adjuster, or is an employee of an
3836 insurer admitted to do business in this state, a wholly owned
3837 subsidiary of an insurer admitted to do business in this state,
3838 or other insurers under the common control or ownership of such
3839 insurers. Applicants licensed as nonresident all-lines adjusters
3840 under this section must be appointed as an independent adjuster
3841 or company employee adjuster in accordance with ss. 626.112 and
3842 626.451. Appointment fees as specified in s. 624.501 must be
3843 paid to the department in advance. The appointment of a
3844 nonresident independent adjuster continues in force until
3845 suspended, revoked, or otherwise terminated, but is subject to
3846 biennial renewal or continuation by the licensee in accordance
3847 with s. 626.381 for licensees in general.

3848 Reviser's note.—Amended to confirm insertion of the word "do" by
3849 the editors.

3850 Section 104. Subsection (7) of section 626.9362, Florida
3851 Statutes, is amended to read:

3852 626.9362 Cooperative reciprocal agreement authorized for
3853 collection and allocation of certain nonadmitted insurance
3854 taxes.—

3855 ~~(7) Following the negotiation and execution of any
3856 cooperative reciprocal agreement entered into by the Department
3857 of Financial Services and the Office of Insurance Regulation~~

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3858 with another state or group of states, the department shall
3859 prepare and submit a report to the President of the Senate and
3860 the Speaker of the House of Representatives by January 1, 2012.
3861 In addition to describing in detail the terms of any agreement
3862 entered into with another state or group of states pursuant to
3863 this section, the report must include, but need not be limited
3864 to:

3865 (a) The actual and projected collections and allocation of
3866 nonadmitted insurance premium taxes for multistate risk of each
3867 state participating in the agreement;

3868 (b) A detailed description of the administrative structure
3869 supporting any agreement, including any clearinghouse created by
3870 an agreement and the fees charged to support administration of
3871 the agreement;

3872 (c) The insurance tax rates of any state participating in
3873 the agreement; and

3874 (d) The status of any other cooperative reciprocal
3875 agreements established throughout the country, including a
3876 state-by-state listing of passed or pending legislation
3877 responding to changes made by the federal Nonadmitted and
3878 Reinsurance Reform Act of 2010.

3879 Reviser's note.—Amended to delete an obsolete provision.

3880 Section 105. Subsection (9) of section 626.989, Florida
3881 Statutes, is amended to read:

3882 626.989 Investigation by department or Division of
3883 Insurance Fraud; compliance; immunity; confidential information;
3884 reports to division; division investigator's power of arrest.—

3885 (9) In recognition of the complementary roles of
3886 investigating instances of workers' compensation fraud and

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3887 enforcing compliance with the workers' compensation coverage
3888 requirements under chapter 440, the Department of Financial
3889 Services shall prepare and submit a joint performance report to
3890 the President of the Senate and the Speaker of the House of
3891 Representatives ~~by November 1, 2003, and then~~ by January 1 of
3892 each year. The annual report must include, but need not be
3893 limited to:

3894 (a) The total number of initial referrals received, cases
3895 opened, cases presented for prosecution, cases closed, and
3896 convictions resulting from cases presented for prosecution by
3897 the Bureau of Workers' Compensation Insurance Fraud by type of
3898 workers' compensation fraud and circuit.

3899 (b) The number of referrals received from insurers and the
3900 Division of Workers' Compensation and the outcome of those
3901 referrals.

3902 (c) The number of investigations undertaken by the Bureau
3903 of Workers' Compensation Insurance Fraud which were not the
3904 result of a referral from an insurer or the Division of Workers'
3905 Compensation.

3906 (d) The number of investigations that resulted in a
3907 referral to a regulatory agency and the disposition of those
3908 referrals.

3909 (e) The number and reasons provided by local prosecutors or
3910 the statewide prosecutor for declining prosecution of a case
3911 presented by the Bureau of Workers' Compensation Insurance Fraud
3912 by circuit.

3913 (f) The total number of employees assigned to the Bureau of
3914 Workers' Compensation Insurance Fraud and the Division of
3915 Workers' Compensation Bureau of Compliance delineated by

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3916 location of staff assigned; and the number and location of
3917 employees assigned to the Bureau of Workers' Compensation
3918 Insurance Fraud who were assigned to work other types of fraud
3919 cases.

3920 (g) The average caseload and turnaround time by type of
3921 case for each investigator and division compliance employee.

3922 (h) The training provided during the year to workers'
3923 compensation fraud investigators and the division's compliance
3924 employees.

3925 Reviser's note.—Amended to delete an obsolete provision.

3926 Section 106. Paragraph (a) of subsection (4) of section
3927 626.9895, Florida Statutes, is amended to read:

3928 626.9895 Motor vehicle insurance fraud direct-support
3929 organization.—

3930 (4) BOARD OF DIRECTORS.—

3931 (a) The board of directors of the organization shall
3932 consist of the following 11 members:

3933 1. The Chief Financial Officer, or designee, who shall
3934 serve as chair.

3935 2. Two state attorneys, one of whom shall be appointed by
3936 the Chief Financial Officer and one of whom shall be appointed
3937 by the Attorney General.

3938 3. Two representatives of motor vehicle insurers appointed
3939 by the Chief Financial Officer.

3940 4. Two representatives of local law enforcement agencies,
3941 one of whom shall be appointed by the Chief Financial Officer
3942 and one of whom shall be appointed by the Attorney General.

3943 5. Two representatives of the types of health care
3944 providers who regularly make claims for benefits under ss.

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3945 627.730-627.7405, one of whom shall be appointed by the
3946 President of the Senate and one of whom shall be appointed by
3947 the Speaker of the House of Representatives. The appointees may
3948 not represent the same type of health care provider.

3949 6. A private attorney who ~~that~~ has experience in
3950 representing claimants in actions for benefits under ss.
3951 627.730-627.7405, who shall be appointed by the President of the
3952 Senate.

3953 7. A private attorney who has experience in representing
3954 insurers in actions for benefits under ss. 627.730-627.7405, who
3955 shall be appointed by the Speaker of the House of
3956 Representatives.

3957 Reviser's note.—Amended to confirm substitution of the word
3958 "who" for the word "that" by the editors.

3959 Section 107. Paragraphs (b) and (c) of subsection (3) and
3960 paragraphs (d), (e), and (f) of subsection (6) of section
3961 627.3511, Florida Statutes, are amended to read:

3962 627.3511 Depopulation of Citizens Property Insurance
3963 Corporation.—

3964 (3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

3965 (b) An insurer that first wrote personal lines residential
3966 property coverage in this state on or after July 1, 1994, is
3967 exempt from regular deficit assessments imposed pursuant to s.
3968 627.351(6)(b)3.a., but not emergency assessments collected from
3969 policyholders pursuant to s. 627.351(6)(b)3.d.
3970 ~~627.351(6)(b)3.c.~~, of the Citizens Property Insurance
3971 Corporation until the earlier of the following:

3972 1. The end of the calendar year in which it first wrote 0.5
3973 percent or more of the statewide aggregate direct written

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3974 premium for any line of residential property coverage; or
3975 2. December 31, 1997, or December 31 of the third year in
3976 which it wrote such coverage in this state, whichever is later.

3977 (c) Other than an insurer that is exempt under paragraph
3978 (b), an insurer that in any calendar year increases its total
3979 structure exposure subject to wind coverage by 25 percent or
3980 more over its exposure for the preceding calendar year is, with
3981 respect to that year, exempt from deficit assessments imposed
3982 pursuant to s. 627.351(6)(b)3.a., but not emergency assessments
3983 collected from policyholders pursuant to s. 627.351(6)(b)3.d.
3984 ~~627.351(6)(b)3.c.~~, of the Citizens Property Insurance
3985 Corporation attributable to such increase in exposure.

3986 (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—

3987 (d) The calculation of an insurer's regular assessment
3988 liability under s. 627.351(6)(b)3.a., but not emergency
3989 assessments collected from policyholders pursuant to s.
3990 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, shall, with respect to
3991 commercial residential policies removed from the corporation
3992 under an approved take-out plan, exclude such removed policies
3993 for the succeeding 3 years, as follows:

3994 1. In the first year following removal of the policies, the
3995 policies are excluded from the calculation to the extent of 100
3996 percent.

3997 2. In the second year following removal of the policies,
3998 the policies are excluded from the calculation to the extent of
3999 75 percent.

4000 3. In the third year following removal of the policies, the
4001 policies are excluded from the calculation to the extent of 50
4002 percent.

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4003 (e) An insurer that first wrote commercial residential
4004 property coverage in this state on or after June 1, 1996, is
4005 exempt from regular assessments under s. 627.351(6)(b)3.a., but
4006 not emergency assessments collected from policyholders pursuant
4007 to s. 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, with respect to
4008 commercial residential policies until the earlier of:

4009 1. The end of the calendar year in which such insurer first
4010 wrote 0.5 percent or more of the statewide aggregate direct
4011 written premium for commercial residential property coverage; or
4012 2. December 31 of the third year in which such insurer
4013 wrote commercial residential property coverage in this state.

4014 (f) An insurer that is not otherwise exempt from regular
4015 assessments under s. 627.351(6)(b)3.a. with respect to
4016 commercial residential policies is, for any calendar year in
4017 which such insurer increased its total commercial residential
4018 hurricane exposure by 25 percent or more over its exposure for
4019 the preceding calendar year, exempt from regular assessments
4020 under s. 627.351(6)(b)3.a., but not emergency assessments
4021 collected from policyholders pursuant to s. 627.351(6)(b)3.d.
4022 ~~627.351(6)(b)3.e.~~, attributable to such increased exposure.

4023 Reviser's note.—Amended to conform to the redesignation of s.

4024 627.351(6)(b)3.c. as s. 627.351(6)(b)3.d. by s. 1, ch.
4025 2012-80, Laws of Florida.

4026 Section 108. Section 641.312, Florida Statutes, is amended
4027 to read:

4028 641.312 Scope.—The Office of Insurance Regulation may adopt
4029 rules to administer the provisions of the National Association
4030 of Insurance Commissioners' Uniform Health Carrier External
4031 Review Model Act, issued by the National Association of

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4032 Insurance Commissioners and dated April 2010. This section does
4033 not apply to a health maintenance contract that is subject to
4034 the subscriber assistance program under s. 408.7056 or to the
4035 types of benefits or coverages provided under s. 627.6561(5)(b)-(e)
4036 ~~625.6561(5)(b)-(e)~~ issued in any market.

4037 Reviser's note.—Amended to substitute a reference to s.

4038 ~~627.6561(5)(b)-(e)~~ for a reference to s. 625.6561(5)(b)-(e). Section 627.6561(5)(b)-(e) references creditable
4039 coverages. Section 625.6561 does not exist.

4040 Section 109. Subsection (13) of section 651.118, Florida
4041 Statutes, is amended to read:

4042 651.118 Agency for Health Care Administration; certificates
4043 of need; sheltered beds; community beds.—

4044 (13) Residents, as defined in this chapter, are not
4045 considered new admissions for the purpose of s. 400.141(1)(n)1.
4046 ~~400.141(1)(e)1.d.~~

4047 Reviser's note.—Amended to conform to the redesignation of s.
4048 ~~400.141(1)(o)1.d~~ as s. 400.141(1)(n)1. by s. 6, ch. 2012-
4049 160, Laws of Florida.

4050 Section 110. Paragraph (c) of subsection (7) of section
4051 817.234, Florida Statutes, is amended to read:

4052 817.234 False and fraudulent insurance claims.—

4053 (7)

4054 (c) An insurer, or any person acting at the direction of or
4055 on behalf of an insurer, may not change an opinion in a mental
4056 or physical report prepared under s. 627.736(7) ~~627.736(8)~~ or
4057 direct the physician preparing the report to change such
4058 opinion; however, this provision does not preclude the insurer
4059 from calling to the attention of the physician errors of fact in
4060

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4061 the report based upon information in the claim file. Any person
4062 who violates this paragraph commits a felony of the third
4063 degree, punishable as provided in s. 775.082, s. 775.083, or s.
4064 775.084.

4065 Reviser's note.—Amended to substitute a reference to s.
4066 627.736(7) for a reference to s. 627.736(8). Section
4067 627.736(7) references mental and physical examination and
4068 related reports; subsection (8) relates to attorney fees.
4069 Section 111. Subsection (5) of section 877.101, Florida
4070 Statutes, is amended to read:

4071 877.101 Escrow business by unauthorized persons; use of
4072 name.—

4073 (5) Any person who willfully violates this section commits
4074 a misdemeanor of the first degree, punishable as provided in s.
4075 775.082, ~~or s. 775.083, or s. 775.084.~~

4076 Reviser's note.—Amended to delete an erroneous reference.

4077 Section 775.084 does not relate to misdemeanors; it relates
4078 to violent career criminals, habitual felony offenders, and
4079 habitual violent felony offenders.

4080 Section 112. Paragraph (b) of subsection (3) of section
4081 921.0022, Florida Statutes, is amended to read:

4082 921.0022 Criminal Punishment Code; offense severity ranking
4083 chart.—

4084 (3) OFFENSE SEVERITY RANKING CHART

4085 (b) LEVEL 2

4086

Florida Statute	Felony Degree	Description

4087

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	379.2431	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
4088	(1) (e) 3.		
	379.2431	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
4089	(1) (e) 4.		
	<u>403.413(6)(c)</u>	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
4090	<u>403.413(5)(e)</u>		
	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
4091			
	590.28(1)	3rd	Intentional burning of lands.
4092			
	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
4093			
	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
4094			
	806.13(1)(b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
4095			

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4096	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
4097	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
4098	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
4099	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
4100	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
4101	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
4102	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4103	817.52(3)	3rd	Failure to redeliver hired vehicle.
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.

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4104	817.60 (5)	3rd	Dealing in credit cards of another.
4105	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
4106	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4107	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
4108	831.01	3rd	Forgery.
4109	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
4110	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
4111	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
4112	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
4113	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.

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4114

832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.

4115

843.08 3rd Falsely impersonating an officer.

4116

893.13(2)(a)2. 3rd Purchase of any 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 other than cannabis.

4117

893.147(2) 3rd Manufacture or delivery of drug paraphernalia.

4118

4119 Reviser's note.—Amended to correct an apparent error. Section 1,
4120 ch. 90-76, Laws of Florida, redesignated s. 403.413(5)(c),
4121 relating to dumping litter exceeding 500 pounds in weight
4122 or 100 cubic feet in volume or any quantity for commercial
4123 purposes or hazardous waste, as subsection (6)(c); s.
4124 403.413(5) does not contain paragraphs.

4125

Section 113. Subsections (2) and (4) of section 945.355,
4126 Florida Statutes, are amended to read:

4127

945.355 HIV testing of inmates prior to release.—

4128

(2) If an inmate's HIV status is unknown to the department,
4129 the department shall, pursuant to s. 381.004(2) ~~381.004(3)~~,
4130 perform an HIV test on the inmate not less than 60 days prior to
4131 the inmate's presumptive release date from prison by reason of
4132 parole, accumulation of gain-time credits, or expiration of
4133 sentence. An inmate who is known to the department to be HIV

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4134 positive or who has been tested within the previous year and
4135 does not request retesting need not be tested under this section
4136 but is subject to subsections (4) and (5). However, an inmate
4137 who is released due to an emergency is exempt from the
4138 provisions of this section.

4139 (4) Pursuant to ss. 381.004(2) ~~381.004(3)~~ and 945.10, the
4140 department shall notify the Department of Health and the county
4141 health department where the inmate plans to reside regarding an
4142 inmate who is known to be HIV positive or has received an HIV
4143 positive test result under this section prior to the release of
4144 that inmate.

4145 Reviser's note.—Amended to conform to the redesignation of s.

4146 381.004(3) as s. 381.004(2) by s. 21, ch. 2012-184, Laws of
4147 Florida.

4148 Section 114. Paragraph (b) of subsection (7) of section
4149 948.08, Florida Statutes, is amended to read:

4150 948.08 Pretrial intervention program.—

4151 (7)

4152 (b) While enrolled in a pretrial intervention program
4153 authorized by this subsection, the participant shall be subject
4154 to a coordinated strategy developed by a veterans' treatment
4155 intervention team. The coordinated strategy should be modeled
4156 after the therapeutic jurisprudence principles and key
4157 components in s. 397.334(4), with treatment specific to the
4158 needs of servicemembers and veterans. The coordinated strategy
4159 may include a protocol of sanctions that may be imposed upon the
4160 participant for noncompliance with program rules. The protocol
4161 of sanctions may include, but need not be limited to, placement
4162 in a treatment program offered by a licensed service provider or

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4163 in a jail-based treatment program or serving a period of
4164 incarceration within the time limits established for contempt of
4165 court. The coordinated strategy must be provided in writing to
4166 the participant before the participant agrees to enter into a
4167 pretrial veterans' treatment intervention program or other
4168 pretrial intervention program. Any person whose charges are
4169 dismissed after successful completion of the pretrial veterans'
4170 treatment intervention program, if otherwise eligible, may have
4171 his or her arrest record of to the dismissed charges expunged
4172 under s. 943.0585.

4173 Reviser's note.—Amended to confirm substitution of the word "of"
4174 for the word "to" by the editors to conform to context.

4175 Section 115. Paragraph (b) of subsection (2) of section
4176 948.16, Florida Statutes, is amended to read:

4177 948.16 Misdemeanor pretrial substance abuse education and
4178 treatment intervention program; misdemeanor pretrial veterans'
4179 treatment intervention program.—

4180 (2)

4181 (b) While enrolled in a pretrial intervention program
4182 authorized by this section, the participant shall be subject to
4183 a coordinated strategy developed by a veterans' treatment
4184 intervention team. The coordinated strategy should be modeled
4185 after the therapeutic jurisprudence principles and key
4186 components in s. 397.334(4), with treatment specific to the
4187 needs of veterans and servicemembers. The coordinated strategy
4188 may include a protocol of sanctions that may be imposed upon the
4189 participant for noncompliance with program rules. The protocol
4190 of sanctions may include, but need not be limited to, placement
4191 in a treatment program offered by a licensed service provider or

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4192 in a jail-based treatment program or serving a period of
4193 incarceration within the time limits established for contempt of
4194 court. The coordinated strategy must be provided in writing to
4195 the participant before the participant agrees to enter into a
4196 misdemeanor pretrial veterans' treatment intervention program or
4197 other pretrial intervention program. Any person whose charges
4198 are dismissed after successful completion of the misdemeanor
4199 pretrial veterans' treatment intervention program, if otherwise
4200 eligible, may have his or her arrest record of to the dismissed
4201 charges expunged under s. 943.0585.

4202 Reviser's note.—Amended to confirm substitution of the word "of"
4203 for the word "to" by the editors to conform to context.

4204 Section 116. Paragraph (a) of subsection (5) of section
4205 960.003, Florida Statutes, is amended to read:

4206 960.003 Hepatitis and HIV testing for persons charged with
4207 or alleged by petition for delinquency to have committed certain
4208 offenses; disclosure of results to victims.—

4209 (5) EXCEPTIONS.— Subsections (2) and (4) do not apply if:

4210 (a) The person charged with or convicted of or alleged by
4211 petition for delinquency to have committed or been adjudicated
4212 delinquent for an offense described in subsection (2) has
4213 undergone hepatitis and HIV testing voluntarily or pursuant to
4214 procedures established in s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or
4215 s. 951.27, or any other applicable law or rule providing for
4216 hepatitis and HIV testing of criminal defendants, inmates, or
4217 juvenile offenders, subsequent to his or her arrest, conviction,
4218 or delinquency adjudication for the offense for which he or she
4219 was charged or alleged by petition for delinquency to have
4220 committed; and

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4221 Reviser's note.—Amended to conform to the redesignation of s.
4222 381.004(3)(h)6. as s. 381.004(2)(h)6. by s. 21, ch. 2012-
4223 184, Laws of Florida.

4224 Section 117. Subsection (37) of section 985.03, Florida
4225 Statutes, is amended to read:

4226 985.03 Definitions.—As used in this chapter, the term:

4227 (37) "Mother-infant program" means a residential program
4228 designed to serve the needs of juvenile mothers or expectant
4229 juvenile mothers who are committed as delinquents, which is
4230 operated or contracted by the department. A mother-infant
4231 program facility must be licensed as a child care facility under
4232 s. 402.308 and must provide the services and support necessary
4233 to enable each juvenile mother committed to the facility to
4234 provide for the needs of her infants who, upon agreement of the
4235 mother, may accompany her ~~them~~ in the program.

4236 Reviser's note.—Amended to confirm substitution of the word
4237 "her" for the word "them" by the editors to conform to
4238 context.

4239 Section 118. Subsection (1) of section 1003.43, Florida
4240 Statutes, is amended to read:

4241 1003.43 General requirements for high school graduation.—

4242 (1) Graduation requires successful completion of either a
4243 minimum of 24 academic credits in grades 9 through 12 or an
4244 International Baccalaureate curriculum. The 24 credits shall be
4245 distributed as follows:

4246 (a) Four credits in English, with major concentration in
4247 composition and literature.

4248 (b) Three credits in mathematics. Effective for students
4249 entering the 9th grade in the 1997-1998 school year and

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4250 thereafter, one of these credits must be Algebra I, a series of
4251 courses equivalent to Algebra I, or a higher-level mathematics
4252 course.

4253 (c) Three credits in science, two of which must have a
4254 laboratory component. Agriscience Foundations I, the core course
4255 in secondary Agriscience and Natural Resources programs, counts
4256 as one of the science credits.

4257 (d) One credit in American history.

4258 (e) One credit in world history, including a comparative
4259 study of the history, doctrines, and objectives of all major
4260 political systems.

4261 (f) One-half credit in economics, including a comparative
4262 study of the history, doctrines, and objectives of all major
4263 economic systems. The Florida Council on Economic Education
4264 shall provide technical assistance to the department and
4265 district school boards in developing curriculum materials for
4266 the study of economics.

4267 (g) One-half credit in American government, including study
4268 of the Constitution of the United States. For students entering
4269 the 9th grade in the 1997-1998 school year and thereafter, the
4270 study of Florida government, including study of the State
4271 Constitution, the three branches of state government, and
4272 municipal and county government, shall be included as part of
4273 the required study of American government.

4274 (h)1. One credit in practical arts career education or
4275 exploratory career education. Any career education course as
4276 defined in s. 1003.01 may be taken to satisfy the high school
4277 graduation requirement for one credit in practical arts or
4278 exploratory career education provided in this subparagraph;

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4279 2. One credit in performing fine arts to be selected from
4280 music, dance, drama, painting, or sculpture. A course in any art
4281 form, in addition to painting or sculpture, that requires manual
4282 dexterity, or a course in speech and debate, may be taken to
4283 satisfy the high school graduation requirement for one credit in
4284 performing arts pursuant to this subparagraph; or

4285 3. One-half credit each in practical arts career education
4286 or exploratory career education and performing fine arts, as
4287 defined in this paragraph.

4288
4289 Such credit for practical arts career education or exploratory
4290 career education or for performing fine arts shall be made
4291 available in the 9th grade, and students shall be scheduled into
4292 a 9th grade course as a priority.

4293 (i) One-half credit in life management skills to include
4294 consumer education, positive emotional development, marriage and
4295 relationship skill-based education, nutrition, parenting skills,
4296 prevention of human immunodeficiency virus infection and
4297 acquired immune deficiency syndrome and other sexually
4298 transmissible diseases, benefits of sexual abstinence and
4299 consequences of teenage pregnancy, information and instruction
4300 on breast cancer detection and breast self-examination,
4301 cardiopulmonary resuscitation, drug education, and the hazards
4302 of smoking.

4303 (j) One credit in physical education to include assessment,
4304 improvement, and maintenance of personal fitness. Participation
4305 in an interscholastic sport at the junior varsity or varsity
4306 level, for two full seasons, shall satisfy the one-credit
4307 requirement in physical education if the student passes a

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4308 competency test on personal fitness with a score of "C" or
4309 better. The competency test on personal fitness must be
4310 developed by the Department of Education. A district school
4311 board may not require that the one credit in physical education
4312 be taken during the 9th grade year. Completion of one semester
4313 with a grade of "C" or better in a marching band class, in a
4314 physical activity class that requires participation in marching
4315 band activities as an extracurricular activity, or in a Reserve
4316 Officer Training Corps (R.O.T.C.) class a significant component
4317 of which is drills shall satisfy a one-half credit requirement
4318 in physical education. This one-half credit may not be used to
4319 satisfy the personal fitness requirement or the requirement for
4320 adaptive physical education under an individual educational plan
4321 (IEP) or 504 plan.

4322 (k) Eight and one-half elective credits.

4323

4324 District school boards may award a maximum of one-half credit in
4325 social studies and one-half elective credit for student
4326 completion of nonpaid voluntary community or school service
4327 work. Students choosing this option must complete a minimum of
4328 75 hours of service in order to earn the one-half credit in
4329 either category of instruction. Credit may not be earned for
4330 service provided as a result of court action. District school
4331 boards that approve the award of credit for student volunteer
4332 service shall develop guidelines regarding the award of the
4333 credit, and school principals are responsible for approving
4334 specific volunteer activities. A course designated in the Course
4335 Code Directory as grade 9 through grade 12 that is taken below
4336 the 9th grade may be used to satisfy high school graduation

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4337 requirements or Florida Academic Scholars award requirements as
4338 specified in a district school board's student progression plan.
4339 A student shall be granted credit toward meeting the
4340 requirements of this subsection for equivalent courses, as
4341 identified pursuant to s. 1007.271(9) ~~1007.271(6)~~, taken through
4342 dual enrollment.

4343 Reviser's note.—Amended to conform to the redesignation of s.
4344 1007.271(6) as s. 1007.271(9) by s. 20, ch. 2012-191, Laws
4345 of Florida.

4346 Section 119. Paragraph (a) of subsection (12) of section
4347 1003.52, Florida Statutes, is amended to read:

4348 1003.52 Educational services in Department of Juvenile
4349 Justice programs.—

4350 (12) (a) Funding for eligible students enrolled in juvenile
4351 justice education programs shall be provided through the Florida
4352 Education Finance Program as provided in s. 1011.62 and the
4353 General Appropriations Act. Funding shall include, at a minimum:

4354 1. Weighted program funding or the basic amount for current
4355 operation multiplied by the district cost differential as
4356 provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);

4357 2. The supplemental allocation for juvenile justice
4358 education as provided in s. 1011.62(10);

4359 3. A proportionate share of the district's exceptional
4360 student education guaranteed allocation, the supplemental
4361 academic instruction allocation, and the instructional materials
4362 allocation;

4363 4. An amount equivalent to the proportionate share of the
4364 state average potential discretionary local effort for
4365 operations, which shall be determined as follows:

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4366 a. If the district levies the maximum discretionary local
4367 effort and the district's discretionary local effort per FTE is
4368 less than the state average potential discretionary local effort
4369 per FTE, the proportionate share shall include both the
4370 discretionary local effort and the compression supplement per
4371 FTE. If the district's discretionary local effort per FTE is
4372 greater than the state average per FTE, the proportionate share
4373 shall be equal to the state average; or

4374 b. If the district does not levy the maximum discretionary
4375 local effort and the district's actual discretionary local
4376 effort per FTE is less than the state average potential
4377 discretionary local effort per FTE, the proportionate share
4378 shall be equal to the district's actual discretionary local
4379 effort per FTE. If the district's actual discretionary local
4380 effort per FTE is greater than the state average per FTE, the
4381 proportionate share shall be equal to the state average
4382 potential local effort per FTE; and

4383 5. A proportionate share of the district's proration to
4384 funds available, if necessary.

4385 Reviser's note.—Amended to conform to the redesignation of s.
4386 1011.62(1)(r) as s. 1011.62(1)(s) by s. 28, ch. 2012-191,
4387 Laws of Florida.

4388 Section 120. Subsection (6) of section 1006.062, Florida
4389 Statutes, is amended to read:

4390 1006.062 Administration of medication and provision of
4391 medical services by district school board personnel.—

4392 (6) Each district school board shall establish emergency
4393 procedures in accordance with s. 381.0056(4) ~~381.0056(5)~~ for
4394 life-threatening emergencies.

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4395 Reviser's note.—Amended to conform to the redesignation of s.
4396 381.0056(5) as s. 381.0056(4) by s. 27, ch. 2012-184, Laws
4397 of Florida.

4398 Section 121. Paragraphs (j), (k), (l), and (m) of
4399 subsection (2) and subsection (3) of section 1006.20, Florida
4400 Statutes, are amended to read:

4401 1006.20 Athletics in public K-12 schools.—

4402 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4403 (j) The FHSAA organization shall adopt guidelines to
4404 educate athletic coaches, officials, administrators, and student
4405 athletes and their parents of the nature and risk of concussion
4406 and head injury.

4407 (k) The FHSAA organization shall adopt bylaws or policies
4408 that require the parent of a student who is participating in
4409 interscholastic athletic competition or who is a candidate for
4410 an interscholastic athletic team to sign and return an informed
4411 consent that explains the nature and risk of concussion and head
4412 injury, including the risk of continuing to play after
4413 concussion or head injury, each year before participating in
4414 interscholastic athletic competition or engaging in any
4415 practice, tryout, workout, or other physical activity associated
4416 with the student's candidacy for an interscholastic athletic
4417 team.

4418 (l) The FHSAA organization shall adopt bylaws or policies
4419 that require each student athlete who is suspected of sustaining
4420 a concussion or head injury in a practice or competition to be
4421 immediately removed from the activity. A student athlete who has
4422 been removed from an activity may not return to practice or
4423 competition until the student submits to the school a written

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4424 medical clearance to return stating that the student athlete no
4425 longer exhibits signs, symptoms, or behaviors consistent with a
4426 concussion or other head injury. Medical clearance must be
4427 authorized by the appropriate health care practitioner trained
4428 in the diagnosis, evaluation, and management of concussions as
4429 defined by the Sports Medicine Advisory Committee of the Florida
4430 High School Athletic Association.

4431 (m) The FHSAA organization shall adopt bylaws for the
4432 establishment and duties of a sports medicine advisory committee
4433 composed of the following members:

- 4434 1. Eight physicians licensed under chapter 458 or chapter
4435 459 with at least one member licensed under chapter 459.
4436 2. One chiropractor licensed under chapter 460.
4437 3. One podiatrist licensed under chapter 461.
4438 4. One dentist licensed under chapter 466.
4439 5. Three athletic trainers licensed under part XIII of
4440 chapter 468.

4441 6. One member who is a current or retired head coach of a
4442 high school in the state.

4443 (3) GOVERNING STRUCTURE OF THE FHSAA ORGANIZATION.—

4444 (a) The FHSAA shall operate as a representative democracy
4445 in which the sovereign authority is within its member schools.
4446 Except as provided in this section, the FHSAA shall govern its
4447 affairs through its bylaws.

4448 (b) Each member school, on its annual application for
4449 membership, shall name its official representative to the FHSAA.
4450 This representative must be either the school principal or his
4451 or her designee. That designee must either be an assistant
4452 principal or athletic director housed within that same school.

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(c) The FHSAA's membership shall be divided along existing county lines into four contiguous and compact administrative regions, each containing an equal or nearly equal number of member schools to ensure equitable representation on the FHSAA's board of directors, representative assembly, and appeals committees.

Reviser's note.—Amended to conform to s. 2, ch. 2012-188, Laws of Florida, which changed the word "organization" to "FHSAA" and used that terminology in newly added subunits.

Section 1006.20 was also amended by s. 2, ch. 2012-167, Laws of Florida, and that law added four new paragraphs to subsection (2) using the word "organization" that should now be to "FHSAA." The amendment to subsection (3) updates the one instance of the word "organization" in existing text that was missed in the update by s. 2, ch. 2012-188.

Section 122. Paragraph (a) of subsection (3) of section 1006.282, Florida Statutes, is amended to read:

1006.282 Pilot program for the transition to electronic and digital instructional materials.—

(3) A school designated as a pilot program school by the school board is exempt from:

(a) Section 1006.40(2) ~~1006.40(2)(a)~~, if the school provides comprehensive electronic or digital instructional materials to all students; and

Reviser's note.—Amended to conform to s. 31, ch. 2011-55, Laws of Florida, which deleted all of s. 1006.40(2)(b) and a portion of s. 1006(2)(a); the remaining portion of paragraph (a) now constitutes all of s. 1006.40(2).

Section 123. Subsection (3) of section 1009.67, Florida

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4482 Statutes, is amended to read:

4483 1009.67 Nursing scholarship program.—

4484 (3) A scholarship may be awarded for no more than 2 years,
4485 in an amount not to exceed \$8,000 per year. However, registered
4486 nurses pursuing a graduate degree for a faculty position or to
4487 practice as an advanced registered nurse practitioner may
4488 receive up to \$12,000 per year. These amounts shall be adjusted
4489 by the amount of increase or decrease in the Consumer Price
4490 Index for All Urban Consumers published by the United States
4491 Department of Commerce.

4492 Reviser's note.—Amended to confirm insertion of the word "All"
4493 by the editors to conform to the full name of the Consumer
4494 Price Index for All Urban Consumers.

4495 Section 124. Subsection (2) of section 1009.971, Florida
4496 Statutes, is amended to read:

4497 1009.971 Florida Prepaid College Board.—

4498 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board
4499 shall consist of seven members to be composed of the Attorney
4500 General, the Chief Financial Officer, the Chancellor of the
4501 State University System, the Chancellor Deputy Commissioner of
4502 the Division of Florida Community Colleges, and three members
4503 appointed by the Governor and subject to confirmation by the
4504 Senate. Each member appointed by the Governor shall possess
4505 knowledge, skill, and experience in the areas of accounting,
4506 actuary, risk management, or investment management. Each member
4507 of the board not appointed by the Governor may name a designee
4508 to serve on the board on behalf of the member; however, any
4509 designee so named shall meet the qualifications required of
4510 gubernatorial appointees to the board. Members appointed by the

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4511 Governor shall serve terms of 3 years. Any person appointed to
4512 fill a vacancy on the board shall be appointed in a like manner
4513 and shall serve for only the unexpired term. Any member shall be
4514 eligible for reappointment and shall serve until a successor
4515 qualifies. Members of the board shall serve without compensation
4516 but shall be reimbursed for per diem and travel in accordance
4517 with s. 112.061. Each member of the board shall file a full and
4518 public disclosure of his or her financial interests pursuant to
4519 s. 8, Art. II of the State Constitution and corresponding
4520 statute.

4521 Reviser's note.—Amended to substitute a reference to the
4522 Division of Florida Colleges for the Division of Community
4523 Colleges within the Department of Education to conform to
4524 the renaming of the division by s. 1, ch. 2009-228, Laws of
4525 Florida. Section 20.15(4) provides that directors of
4526 divisions within the department may be designated as
4527 "Deputy Commissioner" or "Chancellor." The department uses
4528 the chancellor designation.

4529 Section 125. Subsection (3) of section 1013.231, Florida
4530 Statutes, is amended to read:

4531 1013.231 Florida College System institution and university
4532 energy consumption; 10-percent reduction goal.—

4533 ~~(3) Each Florida College System institution and state~~
4534 ~~university shall submit a report to the Governor, the Speaker of~~
4535 ~~the House of Representatives, and the President of the Senate by~~
4536 ~~January 1, 2011, describing how they have met or plan to meet~~
4537 ~~the 10-percent energy consumption reduction goal.~~

4538 Reviser's note.—Amended to delete an obsolete provision.

4539 Section 126. This act shall take effect on the 60th day

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4540 after adjournment sine die of the session of the Legislature in
4541 which enacted.